

PRESS RELEASE
PRESS FREEDOM AND OPEN GOVERNMENT

Senator Walter F. Mondale (D-Minn) today called for passage of two measures designed to insure "the people's right to know" and insure openness in government.

The Senator noted that many important news stories -- especially those outlining waste, corruption or inefficiency in government -- are revealed through the news reporter receiving information from a confidential source. However, he stated that because of a June 29, 1972 Supreme Court decision limiting reporters' rights not to reveal the sources of their information, "we may be ~~close~~ to losing this valuable source of information...which ensures that the news does not become more propaganda and less information."

Mondale urged passage of legislation which he has introduced to give reporters the right not to reveal confidential sources of information except in cases of overriding national importance. This legislation will continue to allow reporters "to lift the veil of secrecy and bring important news of government corruption and misdealing to the American public," he stated.

The Senator also noted, however, that more than this is needed to restore the confidence of the American people in their government. He stated that there is another aspect to government secrecy -- "the everyday secrecy which makes it difficult for even the best reporters to penetrate the world of big government and find out what's really going on and why."

In particular, the Senator cited difficulties of public citizens in obtaining information from Federal bureaucracies and the fact that the vast majority of important committee meetings in Congress were closed from public view.

To correct this situation, the Senator has co-sponsored and today urged passage of the "Federal Government in the Sunshine Act."

Mondale noted that this act would "assure the openness of our governmental processes and restore public confidence in those processes. " This would be accomplished by making all meetings of Federal legislative and administrative agencies, with limited exceptions to protect national security, open to the public, he stated.

The Senator concluded that "if enacted, the Federal Government in the Sunshine Act will give real meaning to

the First Amendment guarantees on which our freedoms rest."

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Over the past few weeks, the American public has learned some very shocking facts about the extent of political espionage and corruption in the Nixon campaign.

We have learned about wheat deals and milk price deals... about carpet companies getting special favors...and about \$100,000 of campaign money "laundered" through Mexican banks, part of which wound up in the account of one of the Watergate buggers.

We have learned about Alfred Baldwin, lugging around an unregistered gun and listening to illegal wiretaps...but thinking that it was all right because he was employed by the then Attorney General of the United States, John Mitchell.

And we now know about the phony "Canuck letter," so damaging to the candidacy of Senator Ed Muskie, which was produced by Ken W. Clawson in the White House.

Finally, we have learned about Dwight Chapin, the President's appointments secretary; Donald Segretti, a moving saboteur in the President's re-election campaign; and H.R. Haldeman, the President's chief of staff...all involved

in a complex and illegal effort to sow dissension among the Democratic candidates and further the President's reelection effort.

The list of this Administration's corrupt activities lengthens daily. But one element tied together most of these important stories.

We would not know most of what we've learned had it not been for resourceful reporters who dug for the facts...made contacts with a confidential sources...and brought the news to the American people.

Had it not been for stories in the Washington Post, Time Magazine, the New York Times, the Los Angeles Times, and other publications...many Americans would not know today how fragile are the freedoms which we all take for granted.

Yet...sadly...this information on government espionage may be one of the last important news stories to come from a confidential source to an enterprising reporter...and then to the American people.

W We may be close to losing this valuable source of information. ...because of a Supreme Court decision last June 29 which few people noticed and few seemed to care about.

On June 29, the United States Supreme Court, in the case of Branzburg v. Hayes, dealt a potentially lethal blow to aggressive news coverage. The Court ruled that the First Amendment does not afford newsmen the privilege of refusing to answer a grand jury's questions...even though these answers may require disclosure of confidential information and sources.

It has not taken long for newsmen to feel the sting of this ruling. On October 3, Peter Bridge, a reporter for the now-defunct Newark Evening News, went to jail. His only crime was the failure to answer a grand jury's questions and reveal confidential information about a story he had written outlining corruption in the Newark Housing Authority.

A reporter who was doing his job in uncovering corruption... was rewarded for his pains with a term behind bars. Peter Bridge has now been released...but the legacy of his jailing will live on.

Equally dangerous as the prospect of newsmen going to jail...is the real probability of newsmen's sources simply drying up.

The confidential source...who knows that he will lose his job if his identity is revealed...will simply stop talking if confidentiality cannot be honored.

This is not just alarmist thinking.

After the June 29 Supreme Court decision Dan Rather, the CBS correspondent, referred to a long-time friend and confidential news source. He noted that

"This decent, honest citizen, who cares deeply about this country, has now told me that he fears that pressure from the Government, enforced by the Courts, may lead to violations of confidence, and he is therefore unwilling to continue to communicate with me on the basis of trust which existed between us."

Other newsmen -- among them Walter Cronkite and Mike Wallace -- have also repeatedly testified that if confidentiality of sources cannot be protected...some of the most valuable news leads they receive will dry up.

And every one of us knows that if these news stories stop...the most valuable service the American free press performs -- exposing fraud, inefficiency and corruption in government -- will simply end.

We desperately need this information.

How did we find out about the "private war" which General John Lavelle waged last winter...in clear contradiction of earlier claims that these raids were only "protective reaction" strikes?

How did we find out about secret Army tests of deadly nerve gas over the Utah desert?

How did we find out that the Administration's denial that it was shipping arms to Pakistan during the Indian-Pakistan war was false?

In most cases, a tough reporter dug for facts..made the right contacts...and got the truth from a source who wanted the American people to know.

But this type of news -- this truth which the American public vitally needs -- will not come through if newsmen can be forced to reveal their sources.

For these sources know that government can be merciless in its reprisals against those who reveal the truth...if that truth is embarrassing to government.

Take, for example, Ernest Fitzgerald. Mr. Fitzgerald held a \$31,000 a year job as a civilian cost controller employed by the Air Force. His job was to spot instances in which government funds were being wasted.

He thought he was doing his job when he reported a \$2 billion cost overrun on the c-5A airplane...an overrun due largely to incompetent management by the same Lockheed Aircraft Company bailed out last year by \$250 million in Federal loan guarantees.

For openly performing a service of great importance to the American public...Mr. Fitzgerald was fired.

Or take Sergeant Lonnie Franks, who first revealed that General John Lavelle had conducted a "private war" in North Vietnam. For the valuable information he made known...he was relieved of his job as a highly trained intelligence specialist, assigned to an Air Force coffee shop...and then dismissed even from that job for being a "bad influence on other airmen."

We desperately need to protect these courageous Americans...so that the news does not become more propaganda and less information.

To keep confidential information coming through to the press, and counter-act the effects of the Branzburg decision, I have introduced the Free Flow of Information Act. This will assure the media that only under limited conditions of overriding national necessity will they be required to reveal confidential sources of information.

But this legislation alone will not make government as open as it should be. If my bill is passed next year... it will merely preserve what we had before June 29th...the freedom of reporters to lift the veil of secrecy, and bring important news of government corruption and misdealing to the American public.

But there is another type of secrecy which prevents us from knowing what is happening in government.

It is the everyday secrecy which makes it difficult for even the best reporters to penetrate the world of big government and find out what's really going on and why.

Six years ago...the Freedom of Information Act became law. At that time, we took an important step forward to guarantee the free flow of information from the government to the people.

This landmark legislation was designed to take much of the secrecy out of government...by opening government records to the public, unless the government could prove why they should be withheld from public view.

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Yet in the six years since that measure was signed into law, much of its thrust has been blunted by bureaucratic inaction and deception.

Take the case of a Washington attorney who asked the Department of Agriculture for research reports on the safety of handling certain pesticides. His request was refused...because the government records he sought were not clearly identified in his request...and the law requires that only "identifiable" public records be made available.

This seemed reasonable enough. But when the lawyer then asked the Department for its index of reports...so that he could identify the specific files he wanted to see...he was told that the indexes were interagency memoranda and could not be made available.

Later he testified:

So, it was a Catch-22 situation. We were told our request was not specific, and we were not given access to the indexes which would have allowed us to make our request specific.

This is only one of numerous examples of the inability to break through the wall of bureaucratic silence.

This silence has resulted in more and more "government by regulation." As the complexity of government has grown... the ability of administrative agencies to cloud the truth has multiplied.

But it's not just administrative or Executive cunning that restricts access to important information. The Legislative Branch erects some barriers of its own to shield the legislative process from public examination.

The Legislative Reform Act of 1970 was intended to change the pattern...and open up the thousands of secret committee meetings that are held every year in the House and Senate. This law was vitally needed.

But by an extraordinary coincidence, the vital "Mark-up" committee sessions -- where bills are written and shaped into final form -- were exempted from the Act. They are still not required to be open to the public.

Nor surprisingly...the results of the 1970 Reform Act are rather discouraging. In 1971, 36% of all Congressional meetings were closed to the public, the same percentage as in 1969.

Even more disheartening, 97% of those Senate committee meetings specifically designated as "business sessions" -- organizing, marking up, voting and briefing sessions -- were closed to the public.

In 1971, 79% of all Senate Armed Service Committee meeting...92% of all House Appropriations Committee sessions... and 62% of all House Ways and Means Committee meetings were held behind closed doors. Protected by the cloak of secrecy, these sessions determine how your tax dollar will be spent and what spending priorities will guide our country...yet the public now has no right to know how these decisions are made.

When we think about the devices used to protect administrative secrecy...and Congressional secrecy... it's amazing that Americans manage to find out as much as they do.

We need some way of insuring that our Legislative and Executive Branches become more open to public scrutiny.

The more information available to the public...the less dependent we will be on the confidential informant. The more we bring our government into the sunlight of truth...the safer our American freedoms will remain.

I have therefore joined in cosponsoring the "Federal Government in the Sunshine Act," introduced by Senator Lawton Chiles.

This legislation would assure the openness of our governmental processes and restore public confidence in those processes.

It does this ~~th~~rough a simple requirement. All meetings of Federal authorities and congressional committees...subject to certain limited exceptions...would be opened to the public.

This proposed legislation would apply to those Federal administrative agencies and commissions which have acquired much of the real power in government today.

And it would also apply to Congressional committees, so that decisions affecting the priorities of our nation will no longer be made behind closed doors.

By exempting any meeting at which matters relating to national security are considered...this legislation assures protection of vital national interests.

If enacted -- the "Federal Government in the Sunshine Act" will reaffirm a basic truth on which this country is built.

By restoring the right to know to the American people... we will give real meaning to the First Amendment guarantees on which our freedoms rest.

As the great jurist Learned Hand has stated:

"The First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be folly; but we have staked upon it our all."



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