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Forming FOIA: The Influence of Editors and Publishers
On the Freedom of Information Act

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The United States government limited public access to information in the early years of the Cold War, citing the need to protect national security. Members of the press fought these constraints by establishing “freedom of information” committees to report on government’s stifling efforts. These news professionals—leaders and writers—became central figures in advising Congress on the details of emerging legislation intended to protect the people’s right to know what government was doing.

This study traces the thoughts and ideas of those influential editors and publishers, revealed in their personal correspondences, that eventually became the underlying principles, and in some cases the specific language, of the 1966 Freedom of Information Act.

Forming FOIA: The Influence of Editors and Publishers On the Freedom of Information Act

INTRODUCTION¹

Nearly forty-five years ago, the federal Freedom of Information Act was signed into law by President Lyndon B. Johnson after ten years of legislative efforts and much attention from the news industry.² Since World War II Congress had been particularly frustrated by the executive branch's practice of withholding military information surrounding both the testing of nuclear weapons and launching of the Korean War.³ Smarting from President Harry Truman's refusals to share information, even in the face of budgetary necessity, Congress set out to reshape government responsibilities.⁴ This was not a new reaction to a long-festering situation,⁵ but by now other groups of Americans were outraged and set about to take some action as well.⁶

Historical reports sometimes overlook the extent of the groundwork for FOIA legislation that began decades earlier than the law's passage. The leadership of the American Society of Newspapers Editors (ASNE), the Society of Professional Journalists (SPJ) and the Associated Press Managing Editors (APME) brought the issue of government controlled information to public and government attention. Each of these news professionals' organizations near the end of World War II established a Freedom of Information committee that collected reports of stymied newsgathering efforts at both the state and federal levels. Each of these committees shared members, and by the end of the 1940s the leadership of each of these committees overlapped to such an extent that they willingly shared resources and ideas with each other.⁷

RESEARCH STATEMENT

While Congressman John Moss and his aides deserve much credit for their perseverance in the matter of freedom of information, they relied heavily on the expertise of long-time activists who fought for access to government documents

by all Americans.⁸ Legislative committee work followed at least a decade of public advocacy. Books and news articles published early in the 1950s detailed the variance among state laws and the principles that some thought should support a freer access to government information.⁹ The authors of these works became central figures in advising the committee staff members on the details of the needed legislation, and their ideas are evident in the resulting bills offered during the ensuing decade of trial and error before legislative approval.

RESEARCH RESOURCE

What follows are excerpts from the series of letters that traces the development of the elements and structure of the 1966 law during the ten years before its drafting in the late 1950s. The correspondence was held by James Russell Wiggins and donated to the University of Maine Special Collections Library upon his death a decade ago. Wiggins, a highly organized letter writer, kept extensive files on each of his projects and this was among his most important. As managing editor and then executive editor of the *Washington Post* from 1947 to 1968, he had many opportunities to talk with all levels of government and had a wide range of correspondents. He shared his concerns and observations openly and was said by his peers to be thoughtful and well-spoken.

The cited letters below come from a time when carbon copies on onion skin paper were the way of sharing with multiple recipients, when secretaries spent all day on correspondence alone, and letter corrections were made with pencil in the margins. Signatures were not "files" automatically attached at the end of a note, but inscribed with ink, messengers were busy all day long between offices or regular correspondents, and telephones were thought to be used best for emergencies or very short and direct relay of

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information.

The letters are presented here in chronological order and all were either addressed to Wiggins, were from him, or were sent to him as copies of significant correspondence. Heading dates refer to the date on the letter, not the date of receipt.

The subjects of their correspondence included Truman's Executive Order and the journalists' concerns about limiting access to information if they cooperated with the Executive Branch of the federal government; whether to join forces with each other among the professional organizations; issues of state-level freedom of information; peace-time censorship, and initiation of Congressional interest in freedom of information.

The collection makes it clear that journalists were well-aware of the problems that freedom of information created for government officials, and were often worried by their need to provide complete coverage of bureaucratic activity in the face of public protests by administrators that journalists were just out to sell newspapers.

IMMEDIATE PROBLEMS WITH ACCESS TO GOVERNMENT INFORMATION

March 3, 1948

A statement from Secretary of Defense James Forrestal was made to all news professionals that included the following:

I am confronted with a serious problem and I need your advice and help. That problem is to prevent information which might endanger the United States from being given to any potential enemy....

The answer to this serious problem as I see it has two major aspects:

1. Remedial action within the military establishment in regard to the prevention of "leaks"...and the establishment of a unified policy among the various armed services for the prompt release of technical information which does not endanger national security.
2. An assumption by the information media of their responsibility in voluntarily refraining from publishing information detrimental to our national security.

What Forrestal went on to suggest was a security advisory council that would respond to questions about information access and that this council would be advised by members of the media. It was several years in the making, and both advocates and opposition were strong willed.

What some media professionals heard, however, was a request by government to self-censorship with members of the news organizations acting as minders. What irked the news professionals was that during the war they had policed themselves, they thought, rather well with the expectation that after the war information access would return to pre-war levels. With the Hutchins Commission now fully adopted by the news organizations, and the scare of both nuclear war and communist baiting, news professionals said they thought their duties were with the public interest, not the government's.

When James Russell Wiggins was asked to be a member of what came to be called the U.S. Advisory Commission on Information, he declined on the grounds that he did not want there to be even the appearance of his having a formal relationship with government.¹⁰

July 9, 1951

My reluctance to accept a regular membership on a newspaper advisory committee was not due to any unwillingness to work. [But] to undertake any such connection only exposes us to the charge of partiality to the administration by some of our amiable Washington contemporaries. I renew my offer to do anything I can in an unofficial and informal way, but beyond that I cannot go.

TRUMAN'S EXECUTIVE ORDER

September 29, 1951

An Executive Order on September 25, 1951, establishing classification for all military information was met with a firestorm of resolutions. One such was adopted unanimously by the Associated Press Managing Editors Association during its annual meeting in San Francisco on September 29. The resolution, titled "Censorship at the Source," said in part:

Free people have the right to the fullest information about conduct of their own government. They can safely consent to its abridgement only on the plainest demonstration of national period.

Among deficiencies instantly apparent [in the order] are these:

- 1...It fails to define closely the classification terms that it employs and it furnishes to untrained government personnel, to which it entrusts the largest respon-

sibility, no clear guide by which they may govern their official acts.

2. Agencies ... must show affirmatively that disclosure of the information would harm national security, but no authority to which this showing must be made, in advance of classification, is prescribed.

3. ...[T]he machinery and method by which this review is to be accomplished is not prescribed and by no means is set forth by which an immediate review of classification decisions can be obtained.

4. Citizens are enjoined to support the classifications.... At no stage in the operation of the classification system is there provision by which a hearing may be given to those who desire to have the interests of information weighed against the interests of security.

October 17, 1951

This resolution was personally presented to President Truman on October 17, by Herb Corn, president of APME. Response was chilly, and Truman invited APME members to submit suggested changes.¹¹ The APME members were unwilling to take the bait, and would not draft the design of their own noose. Instead, the entourage of news professionals the next day wrote a new resolution on behalf of the APME members that began:

Whereas, the people's right to know about their own government is a right indispensable to the maintenance of all other rights of a free people, therefore it is resolved that ... The Executive Order of September 2, 1951, should be revoked; ...

That all acts placing documents or material in classified categories ought to be subject to continuous, concurrent review by authority other than the classifying authority to prevent the abuse of the military classifications for the purpose of cloaking in secrecy matter having nothing to do with military security;

That there ought to be agreement on uniform definitions of various secret categories, uniformly adhered to by classifying agencies.

Letters of support came from across the country to committee members. Harold Cross, attorney representing the *New York Times* and long-time advocate of open records with American Society of Newspaper Editors (ASNE) wrote

to Wiggins, "I am indebted to you for this."¹² Warden Woolard, managing editor of the *Los Angeles Examiner*, wrote to Herb Corn, managing editor of the *Washington Star*, Wiggins and others, "I feel that suppression of the news by any and every individual on government payroll is an unsavory and unpalatable mess no matter how my try to power-sugar it with more pleasing phraseology. I trust your committee has not been coaxed into helping fashion the size and shape of a proposed shroud for the free press...."¹³ And W. Mclean Patterson at the *Baltimore Sun* wrote, "I don't think there should be any order at all unless it be to declassify 'unsecret' material?"¹⁴

November 30, 1951

Within a month Wiggins was having second thoughts about closing the door on Truman's offer to consider alternatives to the September executive order. In a letter to Herb Corn, then president of APME, and to some extent Wiggins' competitor as they were both managing editors of a Washington D.C. newspaper, he suggested the following:

There ought to be some agency other than the classifying authority with power to overrule classifications and to declassify matter.

Our strongest position, it seems to me, is on the ground that we have hitherto taken. I think we should –

1. Acknowledge there is a problem.
2. Insist that it solely concerns "military security."
3. Urge that it be confined to military agencies or those handling military secrets.
4. Propose acceptable definitions of the classification terms.
5. Insist that the classifying agent should not have the last word in deciding the matter.
6. Concede that matter properly classified should be given uniform handling in all agencies of government.¹⁵

By December, there were many news professionals weighing in on the suggestions APME should or should not make to President Truman about the September Executive Order. V.M. Newton, Jr., managing editor of the *Tampa Tribune*, in a lengthy letter to Herb Corn and others on the executive committee made a declaration and a suggestion:

I hereby most sincerely urge that the APME stand steadfast in its resolve to oppose censorship in all levels of American government. . . . It strikes me that our (APME) Freedom of Information Committee should devote a year's study...and then at Boston [where the next year's national meetings would be held] lay before the editors some plan through which they can begin the job of educating the people in the vital need of guarding the people's right to know the facts about their government. It may be that such a plan would entail urging certain legislative measures both at the state and federal levels. The APME might not, as an organization, wish to participate in such a sponsorship, but certainly it could support individual editors and newspapers. . . .¹⁶

Individual editors were often in conversation with government staff members about the issue of classification and security breaches. On December 17, 1951, James Russell Wiggins received the following letter from Bruce Quisenberry, chief of the Office of Technical Information for the Department of the Army.

December 17, 1951

You did us a valuable service the other evening at our roundtable on public relations.... If you have any additional information or comments on government information that you would feel free to send me, I would appreciate it. . . . The snafus in connection with the war crimes release and the cease fire reports in Korea also seem to support the need for some kind of system..."¹⁷

Wiggins responded briefly on December 21, 1951, "As you surmised, I do not favor the creation of an over-all information office. This has been the prelude to propaganda efforts and a mark of opinion control in most of totalitarian regimes. Perhaps it might not necessarily degenerate into this. The risk, in my opinion is there."

**AMERICAN SOCIETY OF NEWSPAPER
EDITORS AND THE ASSOCIATED PRESS
MANAGING EDITORS**

January 7, 1952

Correspondence was relentless among the leadership of these news organizations. In one day, for example, Wiggins received two letters

from James "Jimmy" Pope of the *Louisville Courier-Journal* and *Indiana Times*, which each carried the notation the letters had also been sent to a handful of others. In a single-spaced, two-page letter Pope told Wiggins how he believed the ASNE program ought to be organized for the next meeting. He wrote, "I find myself very dubious about having the classification order made the subject of a panel debate. Here are some reasons:..."¹⁸ and he details them for the next page-and-a-half.

In a second letter that day Pope wrote to Wiggins about APME business and said:

I do not think it would be wise for me to serve on both the ASNE and APME [FOI] committees. I'm sure both you and Red [Newton of the *Tampa Tribune*] know that this does not mean any lack of interest on my part in APME activities; nor does it mean I am making a choice between the two.

It just happens that I have had to take the lead for ASNE and am rather conspicuously representing that group when I spout off. I have learned the line of demarcation between issues I can expect the Society (ASNE) to follow me and those which might bring a disastrous split. I am accountable only to individual newspapers and their editors. Though it does not represent the Associated Press, everything your committee will do will imply to most people A.P. (Associated Press) approval, which is no part of the ASNE concern.

As for liaison, I think you and I can operate a very close one informally; better than if my name appeared on your committee. The more editors involved the better, and this is another reason your committee should pull in fresh names.

You have a strong committee anyway—one that quite likely will be more active than mine, because of APME training in action. I am delighted to see this project grow up, and I hope you will understand and approve my reasons for maintaining a dividing line. For example, I think it much better our group does not get involved in the row with Truman over the abrupt note sent to him by the Executive Committee. ASNE protested the order and would have nothing to do with it, but under entirely different circumstances. We were asked in for advice before the order was issued (Pope's emphasis). Therefore we

could take and maintain the position that it was dangerous and unnecessary. But APME came into the picture after the fact; and it is questionable for that reason whether the flat rejection of the invitation to help improve it was sagacious.

Incidentally, that was a marvelous editorial in the *Post* on the subject. I imagine you wrote it. I hope you'll send [Truman staffers] a copy, and please let me know what the reaction is. Our committee may want to endorse your ideas in our report."¹⁹

January 9, 1952

Wiggins replied to each letter, separately:

I think you are quite right about the panel on the classification order. It would give me a great deal of personal pleasure to see [Truman staffers] trying to justify this thing to a group of ASNE editors, but I guess we have more important things at hand than a circus.²⁰

And in a second letter that day Wiggins wrote:

I understand perfectly your view on the serving of the APME committee. I agree with you. I will explain it to Red Newton.

The editorial to which you refer included some of the things that I had hoped the APME executive committee would say to the President, instead of the rather curt note they sent. Ed Folliard told me that the [Truman staffers] liked the editorial, but I haven't noticed any changes in the order flowing from it.²¹

As members of each group gathered their resources for a more organized effort, the letters became more detailed in the planning for 1952's activities. V.M. Newton wrote to Wiggins a long letter suggesting projects for the year.

January 11, 1952

This is a belated letter of comment on yours of December 26. The reason I delayed in answering it is that I wanted to think about this subject at length.

I agree wholeheartedly with most of your thoughts. I particularly think that APME should devote every effort to get information about covering and to keep the channels of information open, even if it does put us in a position to suggesting alteration of the statutes or rules or regulations we dislike. I agree also that we must sell the people on the

idea that we are fighting for our right to know and not for selfish aims in the newspaper business.

With that in mind, I think your letter definitely suggests two courses for the 1952 Freedom of Information Committee. They are:

1. A program for the convention designed to bring to APME members' attention and, thereby, to the public's attention, the weaknesses and defects in our present governmental structure wherein the people's right to know and the access to truth are denied.

2. An extensive check of every case wherein President Truman's executive censorship order has deprived the people of the right to know about their government without endangering national security.

I think in the latter case, our committee should contact, through the APME managing editors of the papers who have Washington bureaus, the Washington representatives and ask them to keep an accurate account of wherein they have been barred from non-security news because of President Truman's order. I think we should document this case so thoroughly and so factually that we can sell the public without any question on all the dangers in such an executive censorship order. I do not think we should be content with four or five cases. We should develop 100. This, of course, will require a good deal of work by some of us. I, for one, am willing to pitch in right this minute and help dig up these cases. We could start, for instance with the silly O.P.S. order a couple of days after President Truman issued his executive order. These of course are only suggestions. We do not have to follow them unless you wish, but they are predicated on your letter. I always believe that an APME committee should have full autonomy and full responsibility to exercise its own initiative and enterprise.

I read with deep interest Jimmie Pope's letter and I believe he has a point [about serving on both APME and ASNE committees]. . . .

Let me tell you again how deeply interested I am in the general question of Freedom of Information and how thoroughly thankful I am that you, whom I

regard as the most competent man to hand this problem, is head of our 1952 committee. Let me tell you also that I stand ready at all times, to devote any amount of energy and time to this question. . . . [This year's] convention program could consist, in part, of a documented answer, based on fact, to President Truman's executive order rather than the high sounding words which all of our press associations thus far have exchanged with him. The people rarely understand the principles back of these words, but they will understand concrete cases which we can present showing where the President's order has robbed them of their rightful information about their government."²²

Federal cases were not the only center of attention for the news organizations. In a short letter, copied to Red Newton, Vincent Jones, director of the news division of Gannett Newspapers, made the following suggestion to Wiggins.

STATE-LEVEL FREEDOM OF INFORMATION

January 28, 1952

One of the Gannett editors, Martin J. Gagie of the Danville (Ill.) Commercial-News, has passed on a suggestion...that the Illinois member papers cooperate in working up a series of their own cases along the line of the Milwaukee Journal's "The People's Right to Know" project.

I think this makes a lot of sense. It reduces a big national problem to terms of town boards and city halls and makes people appreciate their stake in the fight. Each paper would take a case from its own files and show what it did (we hope they won).

A copy of this letter goes to Abe Glassberg, because I thought the State Studies Committee would be interested in any such state project.²³

Just a few days later Newton wrote to Wiggins applauding this suggestion.

February 4, 1952

I want to commend particularly the suggestion of Martin J. Gagie, of the Danville, Illinois Commercial-News, that AP member papers instigate a series in their stats along the lines of the *Milwaukee Journal's* "The People's Right to Know" series.

It is only through such a series, carried

directly to the American readers, that we will bring to an apathetic public the real meaning of government censorship. I wish we could get this started in every state.

At a meeting last Friday in Sarasota, Florida, of the Florida West Coast Press Club, which is to be installed this spring as a professional chapter of Sigma Delta Chi,²⁴ and of which I have the honor to be the president, we voted unanimously for a project to make a year's study of the Florida state statutes with the idea in mind of clearing them of all censorship. . . . It is our plan to weed these out, publish them widely in Florida newspapers and then meet with a representative group of legislators with a request that something be done about them.

Later, we plan to employ a lawyer to assist us. It is only through such projects that we in the press can maintain that free press.²⁵

During an APME meeting in mid-February, the FOI committee from the previous year offered a report of that year's activities. The eight-page report detailed two problems the committee thought needed attention among its members. These two problems include the release time of official information—the specifics had to do with a military jet that crashed on publicly accessible land and seen by many though initially denied as having occurred. The second problem was about what specifically should be released as public information—the specifics had to do again with servicemen involved in an accident on public highways. The authorities in this case wanted to withhold the names of the accident victims indefinitely.²⁶ The report was signed by Edwin Young as chairman, and apparently was the sort of year-end catalogue of concerns that had been brought to APME members for at least a decade.

When Wiggins became chairman he clearly had a different agenda for committee activities that year. Wiggins' files begin to overflow with examples of what he thought was needless government censorship of news. An example is the following exchange in mid-April between the *Spokane Daily Chronicle's* managing editor Howard Cleavinger and Wiggins at the *Washington Post*.

The letters are long, and detailed. These abbreviated versions, here, are a glimpse of the efforts that news organizations across the country provided each other in working on the problems of developing guidelines for information access.

April 18, 1952

This week a B-36 bomber crashed when taking off from a runway at Fairchild Air Force base just west of Spokane. Fifteen men were killed, two survived. The plane was demolished.

Our men who covered the crash encountered considerable difficulty when they sought to gain access to the crash scene which was outside the military reservation. . . . This barrier was encountered despite the new Air force regulation issued in February which say that the Air Force will not “prohibit” the taking of pictures of crashes outside the military reservations. None of the procedures outlined in that regulation – notifying photographers that “consent” was being withheld—was followed in this case. . . . “Security is a major problem for those in the Strategic Air Command, particularly those who are directing the B-36 program. We have noticed that there has been difficulty in covering B-36 crashes in various parts of the country. We feel the difficulty undoubtedly resulted from what might have been overzealous enforcement of the tight security program under which the Strategic Air Command must operate.”²⁷

Wiggins replied immediately, thanking Cleavinger for his detailed report, and sharing some news of his own.

April 22, 1952

I think your experience gives us the clue for future action in connection with the Defense Establishment people. . . . It is up to the newspapers to do as you did, to see to it that the people in the field stick to the principles.

We have had here today our first example of a non-defense agency hiding behind the Top Secret classifications authorized by the President. Interior labeled as top secret a plan to vacate five houses for use as a radar set-up. Defense promptly released the information on application.²⁸

Wiggins was not just taking names and counting numbers. He spoke often about the subject in a number of venues. One such a series of ABC broadcasts called “Town Meetings” held in Corning, New York. During an April 8, 1952, discussion on the topic “Does the President’s

Security Order Threaten the People’s Right to Information?” Wiggins faced off with Edward Trapnell, executive secretary to the Interdepartmental Committee on Internal Security.

Trapnell had been associate director of the Information Service of the Atomic Energy Commission. He also was a graduate of Virginia Military Institute and had worked for a short time as a newspaper reporter before working as a public information officer for a number of government agencies.

Wiggins and Trapnell sparred over the range of secrecy needs a government should have. At one point Wiggins took the floor and wouldn’t let go. He said:

The question is how much secrecy can we have without greatly injuring ourselves, and how much information can we disseminate without seriously helping our enemies.

Now these things are not altogether simple. Almost any conceivable sort of information about this country is of some utility and use to a foreign power. For example, the most useful kind of information has to do with a country’s food supply, and under the theory that this is useful to Soviet Russia, we might suppress the crop report. But we know that the knowledge that’s in the crop report is essential to the operation of American agriculture.

Now the most vital kind of information to an enemy is information about the extent of our industrial production, and if we could obscure that information and prevent the enemy from getting it, it would be of some utility to do so, but to do so would be to deprive American industry of the knowledge and information that’s essential to the continuation of our high rate of production and we can’t hurt them a little without hurting ourselves more.

And what we want to be sure of is that whenever a decision is made on information, somebody looks at it and says, “This information, although it is of some utility to this country, is of such vital use to the enemy that probably it ought to be suppressed.” Or we want them to look at it and say, “This information, although it is of some little use to the enemy, of such great use to our own citizens that it cannot be suppressed.” We wish to be sure both sides are always considered.²⁹

At this point in the broadcast, the floor was open for questions from the audience.

PEACE-TIME CENSORSHIP

By mid-year the Defense Department was circulating a revision of its provisions on limiting news gathering in peace time. Herb Corn of the *Washington Star* and president of APME, asked James Russell “Russ” Wiggins to review the proposal and make suggestions.

June 5, 1952

In the three principles set down for field censorship is this sentence: “News material will be released unless it will have an adverse effect on the combat efficiency of our forces or those of our allies.”

This seems to leave open a rather wide exercise of judgment on the part of the censor. . . .

Please note that all of this is designated “Advanced Copy” for our information and not to be released until word come from the Defense Department.³⁰

In an unusually long delay Wiggins details his concerns in a letter nearly two weeks later.

June 18, 1952

I am ... puzzled and worried about paragraph 8 which says that a field press censorship may be established in time of peace when directed by the President or the Secretary of Defense. I do not understand this provision. I take it means in case of martial law in the country.

I am not altogether clear on paragraph B under paragraph 8 providing for a field press censorship within the continental United States. I would not willingly consent to a Defense Department censorship of all news relating to military installations in time of peace, nor to such a censorship in the zone of the interior even in time of war. It has hitherto been thought adequate to have a field censorship apply in the combat zones. We have never had a military censorship of all news originating on military bases in the zone of the interior.

Do you know what steps are going to be made to discuss this, or when it is going to be released?³¹

Later in the month Wiggins participated in a panel discussion held at the University of Virginia,

along with staff members of *Newsweek*, ABC, *Fortune*, and several university faculty. Wiggins’ remarks, however, made the opening paragraph of news stories. He was reported as saying, “We are not achieving national security by buttoning up everything.” On many occasions he said he was opposed to a review board, or some group that acted as a panel to recommend when information be withheld. It was a point of difference he has with some members of APME and ASNE. But here Wiggins voiced the opinion of these colleagues and suggested, instead, that there be some agency to oversee all withheld information to determine if it was in the public interest to classify each instance. He went on to say, “We must make certain that the reasons for keeping military information secret are not made the excuses for keeping other information secret.”³²

The concern was beginning to show political traction. In July a candidate for the Democrat presidential nomination, Averell Harriman, said he thought there should be a civilian group to constantly review what news was withheld by the government. He was quoted as saying, “Freed and open access to news is one of the essentials of democracy. If anyone has any doubt about that, I suggest he take a trip behind the Iron Curtain (referring to the Soviet states). I saw at first-hand during my service at Moscow how government press censorship is one of the means of reducing people to slavery.”³³

Some members of the media thought that additional regulations and guidelines were unnecessary. In one of the *Louisville Courier-Journal* editor Jimmie Pope’s shorter letters he essentially asked Major General Parks, Chief of Information for the Army, to take a breathe and lighten up.

September 9, 1952

Let me make a suggestion. I may sound trivial, but I am quite serious. Please suggest that those who review the matter [of information security] relax a little. Something in your letter [of September 4] made me see grim-faced men marching into a secret room to deal with a crisis. There ain’t no such thing...

If responsible officers find security items, and cannot hide them, they inform the newsmen that security [issues] exist and that they may violate the espionage act if they print [for example] photographs. That simple

system results in responsibilities being properly placed: (1) the military must immediately decide whether security is involved; (2) the editors must decide what is to be printed.³⁴

All news professionals were not uniform in their views on the subject. Philip Pearl, editor of the *AFL News-Reporter* in Washington D.C., published in early December the following note under the heading “Editors and Secrecy”:

In the same week that the Associated Press Managing Editors Association lambasted the Federal government for attempting to put a “cloak of secrecy” around government news, various newspapers around the country printed letters from blabbermouths who told of witnessing the explosion of the first hydrogen bomb and of how it affected them...

Publication of letters is the prime example of why the government feels it cannot always trust editors to censor their papers in the interest of national defense.”³⁵

Wiggins took time at the end of the year to respond to an editorial he thought showed a gross misunderstanding of the issues at hand.

December 12, 1952

If there was a breach of security in the release of the recent bomb experiments, it results from the inadequacy of the security precautions of the military establishments. The failure to provide any censorship of the mail of hundreds of individuals who witnessed the blast, and the absence of any admonition to them as to accuracy, meant that inevitably the mails would be filled with reports of the incident. By the time the interested recipients of these letters began to talk to the newspaper people in widely disseminated parts of the country, security had been completely destroyed and newspaper publication did not alter the situation in any respect. If the newspapers at this point had joined together in a conspiracy to conceal the fact that the explosion had taken place, all that they would have accomplished would have been to withhold from the general public knowledge that certainly was already in the hands of the enemy, and to deprive the people of the information following the inadequacy of the security precautions by the military establishment.³⁶

Wiggins received a reply from Pearl citing other recent examples of what he took to be breaches in security in which he thought news organizations were culpable.³⁷ Wiggins replied to Pearl with a clarification of his views, as follows:

December 19, 1952

You call this an example of the failure of newspaper “self censorship.” Actually, I have never argued for “self censorship.” As a newspaper editor and as an intelligence officer [during World War II] I have been made aware that security begins at the source of the information. Once a piece of intelligence is in the hand of 1700 editors, or 1700 bricklayers, or 1700 editors of labor papers, or 1700 anybody else, you may count up—it is in the hands of the enemy.³⁸

HAROLD CROSS AND COMPANY

By the close of 1952 the news organizations had come to the conclusion that there was already quite a large body of law that inhibited news gathering in one way or another and there wasn’t a good collection of where all those laws were. In 1951 Harold Cross, a New York attorney employed by the *New York Times* and liberally borrowed by both ASNE and APME for his expertise in news gathering issues, was one of a small number of colleagues who asked the law division of the Library of Congress to provide a list of all the federal laws that limited information access.³⁹ The six page list of statutes was accompanied by an additional 12 pages of agency regulations and executive order directives that comprised the beginning of what would eventually be a book written by Harold Cross detailing both federal and state access laws. The book project would begin at the start of 1953 as the inquiries began to come more constantly from members of the legislature for guidance about the problems of government secrecy.

An example of this is the following letter to Cross referencing ASNE’s Freedom of Information committee, from Charles White who was serving as a researcher for Charles Brownson, House of Representatives 11th District, Indianapolis, Indiana.

January 9, 1953

Have you any ideas as to what might be done—or should not be done—in the 83rd Congress on the subject of secrecy in govern-

ment, classification of records, censorship, and the like?...

[Brownson] intends to defer any action in the House until the Administration has expressed itself—but it might be possible, after that, to draft a resolution or even bills in support of freedom of information. Thus, we are in the study stage and anything you might have to say on the subject would be helpful.⁴⁰

Cross responded almost immediately with a lengthy, information filled letter that noted the imminent publication of his “report” of several hundred pages on behalf of ASNE.

January 12, 1953

I do recall very well indeed our correspondence in January, 1951, in the early stages of my survey for the American Society of Newspaper Editors. I wonder whether you knew that an indirect result thereof, or perhaps a direct result, was a remarkably helpful article in the 27 Indiana Law Journal (Winter, 1952) 209 captioned ‘Access to Official Information: A Neglected Constitutional Right.’

Since that time I have submitted a Report to the ASNE which is to be published shortly by Columbia University Press under the title: “The People’s Right to Know: A Study of Legal Access to Public Records and Proceedings.”

Cross enclosed a copy of important letters on the subject and the Library of Congress document listing statutes, directive and rules. He goes on to write:

These . . . pretty well cover the general aspects of the law. My book has five chapters on the federal scene backed by the detailed citations. My conclusions are stated in my letter for Mr. Albrook. I think that ASNE has not reach a decision as to a course of action.⁴¹

Cross as ASNE representative and Wiggins as APME representative began working very closely on the particulars of the problems that seemed to be looming as new laws were being crafted to prevent information access denials. In one of his many detailed letters Cross alerted Wiggins to a warning that Cross had issued during the ASNE state meetings.

April 24, 1953

The warning was to the effect that such statutes may be ineffective if they merely state that such matters will be “open” without provisions for penalties, specific enforcement, etc. in event of violation (Cross’ emphasis). It was based on two court decisions—that of the New York Supreme Court, Appellate Division, First Department, in the Jelke case and that of the Court of Common Pleas, Erie County, Pennsylvania, in the case of the Times Publishing Company vs. Flately, Mayor of the City of Erie, et al.

Cross went on to quote extensively from these two opinions, and then wrote a brief summary.

While my professional duty to direct attention to these adverse decisions and their possible consequences is clear, I disagree with them on the ground, among others, that the news function creates the necessary special interest and right

Alabama and Florida statutes carry penalties. A specific provision negating the rule of the two adverse decisions deserves consideration.⁴²

The same day, and much closer to home, Wiggins received a note from his executive editor, Philip Graham, that asked him to supply as much information as the news staff had about the “oil cartel case.” Graham was to meet with Attorney General Brownell about Graham’s general complaint of stonewalling by the Justice Department, and wanted to use the cartel situation as an example.

Particularly, I would appreciate it if [you] would give me Mr. Marden’s (reporter) version of how adequately he was given material about the Oil Cartel case.

“My reason for writing Brownell [on April 16th] is that in general it has seemed to me that the Department of Justice has been almost impenetrable from a news and editorial point of view, and I was anxious to acquaint him with this opinion.⁴³

Wiggins replied to both of these letters immediately and in his usual to-the-point way. To Harold Cross he wrote the following:

April 27, 1953

Complications of modern government have pushed more and more of the real legislative process back into the committees. We need a greater access to these pro-

ceedings than we have heretofore had.⁴⁴ On the same day he replied to Graham.

Acting on the instructions of the Board of Directors of the ASNE, I have been trying to make an appointment with Brownell to discuss the classification order with him, and hope to see him within a week or ten days on this subject.

If you have lunch with him first there is another matter that I think should be brought up with him, and that is the information to be made available on deportation cases. . . . While the confidentiality of their sources must be protected, it seems to me that both in the interests of justice and the public's protection against arbitrary government they ought to be required to say at least whether the accused person was involved in a conspiracy against the government, espionage, sabotage, violation of official secrets, guilty of immorality, perjury, or what. The plight of aliens is indeed precarious when a government may seize them and bundle them off to Ellis Island without disclosing any cause whatever and when there is no more information than this available, the press is certainly helpless to proceed against arbitrary acts of the government, if indeed they are arbitrary.⁴⁵

Throughout 1953 FOI committees collected case studies at both state and federal levels. Cross' book was revised and prepared for publication by the end of the year. And Wiggins began drafting his own version of the FOI principles. In August he provided a summary of conflicts between press and legislative branches of government which he distributed to ASNE members.⁴⁶

Wiggins outlined his most current concerns about the President's classification order in a letter to Basil "Stuffey" Walters, president of ASNE and at the *Chicago Daily News* on October 23.

October 23, 1953

The most significant [revision] is the elimination of combat areas from the effects of the order on restricted documents. A proposition that I think is completely reasonable.

The revised draft included a section intrusting enforcement to the National Security Council. I objected to this on the ground that the National Security Council is the logical agency to enforce secrecy, but has

never exhibited any enthusiasm for preventing too much secrecy.

It is my present information that all references to an enforcement agency have now been taken out of the order. I have been told that a special directive will entrust enforcement so far as it relates to secrecy to the National Security Council, and enforcement so far as it relates to the people's right to information to an Information Counsel who, for the present, will be James Hagerty. This device I understand as a principle for which we have been contending—that someone ought to be looking after over-classification, as well as attending to under-classification and breaches of security.

It is not a wholly satisfactory solution for the reasons that we pointed out to President Truman, when he first promulgated his order, i.e., that the President's secretary is a man far too burdened with other duties to have the time and energy that ought to be devoted to this responsibility.

All we can say is that it is certainly better than having no enforcement other than by an agency concerned solely with security. Moreover, it may be regarded as a tentative approach to the kind of Information Advisor spoken of by Mr. Pope, by Editor & Publisher, by Senator Benton, by the CED, and others.⁴⁷

With the implementation of the new classification order, newspaper organizations still found themselves frustrated by government withholding. In a letter at the end of the year Howard Cleavinger, managing editor of the *Spokane Daily Chronicle*, alerted Wiggins to Department of Agriculture practices.

December 29, 1953

A USDA general circular dated November 4, 1953 forbids release of information on agricultural stabilization and conservation service loans to farmers until the information is made available on the national level. No reason for the ban on local releases was given in the circular.

Agricultural news in this area is of great importance. We are anxious to publish this news when it is current.

Previously county production and marketing administrative offices compiled data on loans including the size of crops and the

wheat loan rating and reported to the state office in Spokane by the fifteenth of each month. The office here released its figures by the twentieth of each month. Under the new setup whereby local releases cannot be made until the national figures have been compiled and released, the local information will not be available until about the tenth of the second month following the reporting date. For example, the November report would be available January 10th instead of December 20th.

We have had excellent cooperation with the local office and are at a loss to understand the reason for the new program.⁴⁸

Wiggins responded with a detailed letter but also by telegram to get the news to Cleavinger even more quickly. The telegram read as follows:

January 8, 1954

United States Department of Agriculture Today Issuing New Order Superceding Order of November Fifth. Hope It Will Be Satisfactory. Letter Follows.

Wiggins' letter provided more detail.

Following receipt of your letter I called the Department. I was told that the policy of releasing these figures in the field had been discontinued because the percentage of some commodities under Government control had gotten so large that speculative interests were able to use field storage figures for speculative purposes.

I argued that the improper use of this information would be minimized if it were made available to everyone. I contended that the effort to withhold it would result in limiting the information to a few persons who would then be in a position to take advantage of the market by means of figures covertly and secretly acquired. This danger, I asserted, would be minimized by the general release of the information.

The [new] order points out that "by making this information freely available to all who inquire, including press associations and reporters, everyone will have equal opportunity to get the data."⁴⁹

CONGRESS AND FOI

During 1954 Wiggins completed a manuscript for his book titled *Freedom or Secrecy* and Cross' *The People's Right to Know*, published by

Columbia University Press were both met with enthusiasm. A new presidential administration changed the relationship of news organizations with the executive branch, but some problems continued. A letter in September from Paul Leach with Knight Newspapers to Stuffy Walters summarized the concerns still at work.

September 15, 1954

"I believe that there has been considerable improvement in the executive branch situation in Washington since the Eisenhower administration came in. In my own experience I have found that when I go after something it is usually produced in some form, not always acceptable but an improvement over the Roosevelt and Truman years. Also government information men have gone through a considerable turnover since January, 1953.

[Red] Newton has done a good job of groundwork. . . . He devoted considerable space, rightly so, to secret, closed or executive sessions of congressional committees....

Why not your ASNE people, SDX too, starting editorial campaigns about time for congress to convene in January, for change of House and Senate rules prohibiting closed sessions? ...It might not be a bad idea for editors in their respective congressional campaigns to ask candidates to express themselves on the subject.

I had some correspondence three or so years ago with Newton when he asked me for government press agents handouts which were straight propaganda. . . . Government information men then were more adroit than to put their propaganda in handouts. They did it in person when they had a story to plant. There's less of that now but it's too much to expect an information man answerable to a bureau head or a cabinet member in any administration not to try to put his boss' best foot forward.

Newton said in his speech that he ventured the opinion that Washington correspondents are "part and parcel of our system of secret executive government in Washington, playing to the limit the ancient political game of back scratching and footsie."

Red isn't wholly right in his speech but he isn't far from it and he's doing a necessary job in talking publically that way.⁵⁰

Wiggins took up the chairmanship of ASNE's FOI committee in 1954 and continued to push in every direction for open meetings and open records. His files of case conflicts burgeoned by the end of the year and he, along with the American Newspaper Publishers Association (ANPA), looked for a permanent solution rather than attacking one situation at a time.

A service that ANPA had been providing to member newspapers was a periodic bulletin that reported summaries of bills in Congress that affected the news industry. In March 1955 ASNE and ANPA formed a coalition to review every piece of legislation offered that year for the need to urge inclusion of provisions for open meetings and open records. Wiggins agreed to take the lead on this project.

The reports ... indicate clearly enough that there is a need for a continuous effort to persuade members of Congress to include in all proposed legislation adequate clauses requiring access to hearings, proceedings, reports, etc. If this effort is pursued intelligently over the years we are confident that their whole climate which now envelops the people's access to proceedings of executive departments can be altered for the better.⁵¹

HUMPHREY AND THE SENATE

The effort began having immediate effects. Soon after the ASNE/ANPA announcement, members of Congress took up the issue. Hubert Humphrey, a young senator who already met regularly with Wiggins as fellow Minnesotans, wrote to Wiggins asking him to testify:

It has occurred to me that it would be very useful for the Subcommittee [on Reorganization under the Senate Committee on Government Operations] to receive testimony as to the impact of the security mechanism and security and secrecy considerations upon public understanding of current issues; specifically the extent to which our information media are encountering difficulties because of these considerations in forming the public about what is going on in the world today. . . . James Pope (president of the ASNE) suggested that you would be the logical representative of the Society.⁵²

Wiggins had a conflict with the date originally proposed and had to postpone his appearance to Friday, March 18, at 10 a.m. He received both wishes of good luck and congratulations

from a wide range of supporters. Arthur F. Lederle, a judge and chairman of the America Bar Association, offered to help "in any way," and added, "We have made some progress in our efforts to secure information the S.E.C., but I'm still of the opinion that we have not secured all the information that we are entitled to."⁵³ Of course, Pope telegraphed his support and thanks.⁵⁴

Wiggins' sixteen pages of typed notes for the committee began with the observation that "The need for secrecy is greater than it ever has been. The power that is presently opposed to us is possessed of means of destruction more formidable than those ever held by an enemy. . . . The dangers of secrecy, at the same time, have become more serious than ever before, and the need for knowledge is greater than ever before. . . . This realization ought to compel us to examine with the utmost care any proposal for the imposition of secrecy."⁵⁵ Wiggins went on to report the recent history of national censorship through executive orders and noted the changes from Truman's Order 10-290 to Eisenhower's substitution Order 10-501. He reminded the senators, "The new order deprived 28 federal agencies of classifying authority; limited its use in 17 other agencies; more clearly defined the security classifications; eliminated the 'restricted' category altogether; made more definite provisions for review and appeal."⁵⁶

Wiggins also recounted the brief history of the Office of Strategic Information housed in the Department of Commerce, which was described as a "small fact finding policy recommending group . . . set up to cooperate with the publishing world, industrial community and Federal agencies."⁵⁷ He then detailed for the senators what the government structure now looked like that restricted the flow of military information, particularly, as the following:

1. General power of the executive departments to withhold at the source information about any restricted data;
2. The express authorization of secrecy for specified categories of information under the Classification Act;
3. The frequent secret conduct of congressional committees dealing with military authorizations and appropriations;
4. The Commerce Department control of the export of technical data;
5. The office of Strategic Information;

6. The Atomic Energy Act;
7. The Espionage Act.

These constitute, all together, a formidable array of governmental power, the effects of which upon the information of the American people ought to be under constant and anxious scrutiny. Involved here is the right of the people to know about those operations of their own government on which three-fourths of all their taxes are spent, in which three-fourths of all persons engaged by government are employed, in which the very lives of citizens may be engaged, and upon which the survival of our government—and even the survival of the free world may depend.”⁵⁸

In the next half-dozen pages, Wiggins enumerated the problems he saw with each of the elements outlined for secrecy enforcement. Near the end of his testimony, he outlined the general problems of secrecy.

1. Secrecy is seldom as effective as its exponents imagine in withholding information from an enemy. As Dr. Lloyd Berkner has pointed out, in a democracy it is like trying to hide an elephant under a paper cup. . . .
2. In order to handicap an enemy by secrecy, we have to handicap ourselves. Our own effective use of technical information depends upon its widest dissemination in this country. . . .
1. The whole climate of secrecy and security is alien to the instincts of the scientist and may discourage the enlistment in the national defense of men capable of making enormous contribution to our science and security. . . .
2. Secrecy is alien to freedom and incompatible with freedom. We have progressed by giving information to the people and receiving back from them improvements and modifications of that information, in new and varied forms which their ingenuity has given it.
3. Secrecy may withhold from the public an appreciation, and understanding and an acceptance of a situation. Ignorant of what is involved they may refuse to support expenditures or to undertake difficult tasks required for national safety. It permits the citizen to dismiss, forget and shrug off the responsibilities of citizen-

ship and to escape the hard choice of onerous alternative courses.

4. Secrecy may deny an enemy of knowledge of our defense potential that, if known to him, would restrain his own aggression. . . .

Secrecy, in itself, has no virtue except as it contributes to our security. Like every other device available for our protection, it has its price and at the risk of our free institutions, that price is too high.”⁵⁹

Later that month Humphrey again wrote to Wiggins with a proposed resolution and asked for his comments.

March 24, 1955

I know you are familiar with my effort to safeguard the public’s right to know what is going on in our government, as evident in our recent hearings in which you cooperated by testifying as a spokesman for the American press. I assure you I appreciate that cooperation.

For some time I have been in correspondence with Mr. V.M. Newton of Tampa on this subject. He is chairman of the Sigma Delta Chi Committee for Advancement of Freedom of Access to Information. He has sent us a proposed draft of a resolution to be introduced in the Senate, which I have refined a bit by our legislative counsel’s office up here in the Senate. I understand my administrative assistant, Herbert J. Waters, has discussed this with you by telephone and asked for your opinion in advance of any further action we may take. As a result, I am sending you the copy of the original resolution proposed by Mr. Newton, and the legislative counsel’s draft with a view to getting your comments.⁶⁰

Wiggins promptly sought Jimmy Pope’s advice.

March 29, 1955

I enclose a resolution and letter from Hubert Humphrey and would like to have your judgment on it. The language in this resolution originated in the Freedom of Information resolution passed by the APME convention in Boston. It was picked up by the Texas legislature under the impetus of Phil North, and enacted there almost intact.

If adopted I cannot see that it could pos-

sible do any harm. Failure to get it adopted, however, might do some harm. Even if adopted, of course, it is nothing more than a declaration of principle and would have no binding legal effect.

Should I tell Humphrey we are for it?⁶¹

Pope, now president of ASNE, responded in his usual straightforward manner.

March 31, 1955

As you say, if passed it would do no harm. Neither, in my opinion, would it do any more good than the ASNE resolution.

And if not passed, definite harm would be done to the concept.

I don't think we should put ourselves behind this sort of dubious project. Seems to me its much better to work for the access provision in specific laws.⁶²

"Red" Newton apparently was waiting anxiously for word of his resolution. He wrote to Wiggins asking about progress.

May 25, 1955

I'm told that Senator Humphrey has submitted to you his proposed resolution on freedom of information.

Since he promised me to introduce the resolution, I have had no definite word from him.⁶³

Wiggins responded quickly with somewhat deflating news.

May 31, 1955

I discussed this resolution with Jimmy Pope and with others. I wish I could sit down and talk about it with you for a few minutes. Frankly, Jimmy and I both fear that we might accomplish more harm than good by pushing the resolution. What we are afraid of is that the resolution, once put forward, will have the opposition of both those who do not like it at all and those who say that it is meaningless, and together they will defeat it, leaving our cause with a black eye. Even if we win, as you point out, the resolution is only a statement of principle and is not a binding statute. In other words, this looks perilously like a scrap in which you lose quite a bit if you lose, and you don't win very much if you win.

As you know, we have heavily embarked on the alternative approach of trying to

improve this statutes bill by bill while they are still before Congress and have got the ANPA very active on this front. Actually I think there is practical hope in this approach, although I concede it will be a task occupying years before the effects will really be felt.⁶⁴

Though there were mixed reviews about the resolution being prepared by Humphrey, he did go on the record supporting freedom of the press and opposing secrecy in government.⁶⁵

JOHN MOSS AND THE HOUSE OF REPRESENTATIVES

While the Senate resolution efforts seemed to falter, the House of Representatives set up the Government Information Subcommittee chaired by John E. Moss, Jr., Democrat of California. In the letter of appointment Representative William L. Dawson, chairman of the Committee on Government Operations, wrote the following:

June 9, 1955

Charges have been made that Government agencies have denied or withheld pertinent and timely information from those who are entitled to receive it. These charges include the denial of such information to the newspapers, to radio and to television broadcasters, magazines, and other communication media, to trained and qualified research experts and to the Congress. . . . It has also been charged that pressures of various sorts have been applied by Government officials to restrict the flow of information and the exchange of opinion outside the Government.

An informed public makes the difference between mob rule and democratic government. If the pertinent and necessary information of governmental activities is denied the public, the result is a weakening of the democratic process and the ultimate atrophy of our form of government.

Accordingly I am asking you, Subcommittee, to make such an investigation as will verify or refute these charges. In making such an investigation you are requested to study the operation of the agencies and officials in the executive branch of the government at all levels with a view to determining the efficiency and economy of such operation in the field of information both intragovernmental and extra governmental. With this guiding

purpose you, subcommittee, will ascertain the trend in the availability of government information and will scrutinize the information practices of executive agencies and officials in the light of their propriety, fitness and legality.

I am sure that the report of your Subcommittee will fully and frankly disclose any evidence of unjustifiable suppression of information or distortion or slanting of facts.

You will seek practicable solutions for such shortcomings, and remedies for such derelictions, as you may find and report your findings to the full committee with recommendations for action.”⁶⁶

Moss provided Wiggins a copy of Moss’ appointment letter and began a conversation with him about the issue.⁶⁷

INITIAL RESEARCH BY CONGRESS

Among the initial activities of Moss’ subcommittee was to generate and distribute a six page questionnaire to each federal executive and independent agency asking about their practices and policies of information access.⁶⁸

The deadline for response was September 15, 1955, and the subcommittee members were reported as saying they “realize answering the questionnaire may require some effort and expense by the government agencies, but the expense need not be exorbitant nor the time consumed extraordinary. Through a cooperative effort we can determine the basic information policies of the federal agencies and find out, once and for all, whether the guide lines for the release of information are clearly drawn or whether there is arbitrary and capricious action because of a lack of definite, consistent policies.”⁶⁹

Many news organizations were pleased with the Moss committee effort and said so in both personal letters and on editorial pages. An example of this is the editorial appearing in the *Louisville Courier-Journal* August 13, 1955, which begins, “It is good news that Congress is investigating the information policies of the departments and agencies of the Federal Government.”⁷⁰

Pope also sent a personal letter to Congressman Moss offering his suggestions:

I think your idea of getting a statement of policy on the release of information from each group is excellent, but there is more to it than that. If the people of the country are

to be fully informed, they should not depend on voluntary releases. The press (which has no rights in this field beyond the basic rights of every citizen to inquire into the actions of his servants and the use of his money) is merely an agency; but it happens to be the only agency whose daily job it is to bore in and get the facts. . . .

We think the public should be the only judge of public interest on all non-security information. If an official of Government has hypnotized himself into thinking he can decide what the people he represents should know, then his arrogance unconsciously or intentionally will shape every item of information he releases to the public. But it would not necessarily show up in his statement of policy. . . .⁷¹

Pope went on to include ASNE committee reports and mention Wiggins as a contact person. He also included a note about Harold Cross and says he will provide a copy of Cross’ book on freedom of information. At the end of his letter he reported Cross’ discovery that 5 U.S.C.A. 22 is often used for broad-scale suppression of government-held information: “It was only a house-keeping measure,” Pope wrote, “warning officials to maintain and take care of their records; but many of them gradually have assumed under this regulation that the records belong to them, [Pope’s emphasis] and not the people. I think you’ll find this bit of history interesting.”⁷²

Wiggins replied to Pope with comments about Pope’s letter to Moss.

September 8, 1955

I must say so many of these Congressional projects are now afoot that it is almost impossible to keep up with them. Moss sent his man Parks to see me before they proposed the inquiry. I gave him much of our material, access to many of our files and referred him to many other people in the field. As a result of these conversations they decided to go ahead with the inquiry.

I then had a meeting with two or three members of the Committee and with Parks and discussed the organization of the investigation. I obtained for them a copy of the report of the California Committee on the practices of the state officers in California. Moss was, of course, impressed with this since he comes from that state.

Dr. Cross, Cranston Williams (ANPA) and I frequently discussed the fact that no one really knows what the withholding policies of the various agencies are, so it seemed to me this would be a useful point of departure. The very launching of the inquiry, I felt, would put some agencies to the task of examining themselves. Our reporters believe this has been an immediate result of the inquiry.

It is going to take the Committee a couple of months to compile the results of this questionnaire. . . .

I have been much impressed with Congressman Moss and the serious purpose with which he has launched the inquiry. I believe he is sincerely interested in getting some constructive results.”⁷³

Moss was quick to enlist Harold Cross in committee work.

September 16, 1955

I know of your long interest in this general subject and the Subcommittee would appreciate it a great deal if you would read the questionnaire carefully and make any comments. We appreciate that this is a very complicated and delicate field and we invite your general suggestions, advice and assistance.

More particularly, I hope you will be able to spare some time during the next month as Subcommittee Consultant to prepare a memorandum or brief on the whole question of constitutional rights of the public and the press to government information at the national level.⁷⁴

While Moss and his committee members reviewed the results of the questionnaire, Cross, Williams and Wiggins were engaged in a conversation of their own about developing a general bill for legislative review that enumerated secrecy provisions. On September 21 Williams, executive director of the ANPA, wrote to Cross and copied Wiggins the following: “I think we might well have a general bill introduced . . . and I think ANPA ought to continue to point out what various bills lack by communicating with the author of each in the Senate and the House.”⁷⁵

The next day Wiggins replied to Williams and copied Cross.

September 22, 1955

As you know, I certainly think we are on the right track in pressing for specific access provisions in every bill. I say this on general principles that incline me to oppose a broad all-purpose statute. But in addition, I am for it for a device to keep the issue constantly before Congressmen. . . .

The trouble with introducing a general bill is that the alternative outcomes are not just the passage of the bill or its failure to pass. You may get a bill that includes a general declaration of right to access, followed by a long list of exceptions in which secrecy is specifically authorized. Such a measure would leave us in worse shape than we are in now. Bad as is Section 5 U.S.C.A. 22, we can always claim that it is stretched to cover the withholding and that it does not specifically authorize it. In other words, we could wind up with a specific and unequivocal authorization of secrecy that would not only authorize secrecy but that might even deprive administrators of the effective discretion to give up information—which at least they have under 5 U.S.C.A. 22.

This is my present view of the matter and I do not urge it too strongly only because I suspect Dr. Cross does not entirely agree with me.⁷⁶

The House committee was not the only legislative group at work on information rights. In September the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary hosted hearings at which Wiggins also gave testimony.⁷⁷ His remarks were similar to those he provided to the House Committee earlier in the summer but impressed Thomas Hennings, chairman of the Senate Subcommittee, nonetheless.⁷⁸

The Moss committee seemed to work at a faster pace and in October invited members of the media, including Wiggins and Pope, to provide formal and informal remarks for committee consideration.

October 13, 1955

Since you are one of the leaders of the drive to make more information available to the public from their federal government, I know you are extremely interested in the program of the House Government Information Subcommittee. I hope you will be able to participate directly in that program. . . .

While questioning executive agency witnesses on the instances of refusal of public information, we will consider both the particular information policy of each agency and the general question of what authority the executive agencies have to refuse information to the public and to Congress.

We hope to accomplish these objectives by questioning the department spokesmen on their answers to the questionnaire we sent them, and by comparing their answers to the statutory and constitutional analysis which the Subcommittee staff is completing.

The concrete examples of refusal of information—examples given us by reporters and editors in Washington and other parts of the nation—will be compared to both the departmental information policy outlined in the questionnaire and to the Subcommittee’s legal analysis. In this way, we hope we can lay a firm groundwork for future intensive studies by the Subcommittee.⁷⁹

Wiggins’ participation included informal discussion on November 7, 1955, as a representative of ASNE. His notes for that discussion include the following:

November 7, 1955

The general views of [ASNE] on the right of the people to the facts about government was stated quite adequately by Lord Acton when he said “everything secret degenerates, even the administration of Justice; nothing is safe that does not show how it can bear discussion.” For generations no public figure in American would have dared dissent from this view openly. Now, a great many persons in government do not seem to agree with it. . . .

We find an example of this in the directive of March 29, 1955 instructing information officers to put out only information that would “constitute a constructive contribution to the primary mission of the Department of Defense.” What does “constructive” mean? From the standpoint of an official in government we fear it might mean only information that would not embarrass officials, disclose official mistakes, reveal wrong doing in a department. We have tried, unsuccessfully, to get a definition of that word “constructive.” It is our own view that the facts are always constructive.

Another example of this is the directive of September 16, 1955 advising defense contractors to release no information that might be ‘of possible value to a potential enemy.’ This is an effort to withhold not only public, but also private information, from the people under a standard that is so vague as to be no standard whatever. All information is ‘possible value to a potential enemy’ – the amount of rainfall, the state of crops, the condition of highways, the location of harbor channels – and a million other facts of daily life. They are of some use to some enemy. They are also, at the same time, of even greater use to our own citizens who could not carry on their normal work without this information. This is standard of secrecy to which no democratic people ought to consent....

These are a few examples – we think ominous examples – of a philosophy of secrecy that seems to pervade the Defense, Establishment, and the National Security Council from which some of these idea are said to originate.

We hope this philosophy will change. We hope these policies will be altered. We think they can be altered without prejudicing our national security.⁸⁰

Wiggins reported on his impressions of the hearings in a letter to James Young, a newspaper publisher in Anderson, South Carolina.

November 11, 1955

I may say that the official arrogance encountered in these hearings generally indicates that the problem is even more serious than we have hitherto believed.⁸¹

Harold Cross, never as succinct as Wiggins, sent a lengthy assessment of the hearings and some suggestions in a letter to Pope, Wiggins, and Kenneth MacDonald who was now serving as president of ASNE. The references in parentheses are Cross’ notes to his correspondents, citing his book, *The People’s Right to Know*.

I do not believe that there is a constitutional right, or that Congress of courts would declare a right, or that the people of whom we are a part would demand a right, to inspect records of the names of informants of crimes (book, p. 78-79); records of proceedings of the Department of Justice in investigatory stages (book, p. 206);

records of private persons in Government files under compulsion of law (income tax returns, health records of selective service, veterans, etc. book, p 232). . . .

I think we must accept a distinction between records of a private nature that happen for one reason or another to be in public files and those which are evidence of governmental action. Therefore I think we should hold out for records of action on income tax settlement and controversies, of action on bank applications, etc. though not of records of names of mere borrowers or depositors. There are others—dealt with in my book—in a similar situation.

Sorry, Russ, but old “Cave of the Winds Cross” would not go to Washington just as a citizen but only as representing ASNE (if it wishes) and ASNE, like any other client, will have to indicate in at least a definitively disclosing way what it wants and what it will yield.⁸²

In an immediately reply, copied to Pope and MacDonald, Wiggins briefly suggests ASNE’s wish list.

MOSS AND ASNE GATHERING MOMENTUM

November 22, 1955

It seems to me that we are not in fundamental disagreement about what you should do.... If we are in any disagreement at all, it is only on which end of the problem we should commence. I think you are concerned about defining legislation for which we should not ask; I am more concerned with defining the legislation for which we should ask....

I suggest that you prepare an outline of the legislation that we ought to seek...and present it to Ken MacDonald. This outline, I assume, would state that you propose to recommend, in our behalf, legislation that would include the following.

1. Amendment of 5 U.S.C.A. 22 to make it clear that it is just a housekeeping statute and not an authorization for withholding information.
2. Amendment of 5 U.S.C.A. 100 [sic] to 1011 to make it clear that the right of access is of that of the public as well as that of litigants.

3. Repeal of the statutes that restrict access (page 231 of your book) in accordance with your recommendations.
4. Such additions to the open records statutes as you list on page 235 [of Cross’ book] as you think appropriate.
5. A recommendation by the committee of a standard access clause to be included in subsequent legislation creating new boards, bureaus, and commissions or enlarging those of existing agencies.

With your advise in hand, Ken and Jimmy and I then ought to agree on what part of this the three of us endorse—which will probably be all of it. The proposal should then be circulated to the board for their general approval. As president, Kenneth MacDonald then should write you directly to seek these ends at the Moss committee hearings.

This is just my own view of the matter, of course. And President MacDonald is the doctor who will have to decide this, but this seems to me to be right and proper procedurally.⁸³

In a statement to Moss’ committee four days later, Cross offered the following recommendation:

November 26, 1955

Avenues of approach by remedial legislation are both numerous and open to long distance travel before meetings constitutional roadblocks. The United States Supreme Court has pointed out: ‘The founders of this nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of powers and the hopes for freedom that lay behind their choice.’

The avenues of approach include these:

Amendment of existing statutes including especially 5 U.S.C.A. 22, 5 U.S.C.A. 1001-1011, and the departmental legislation referred to.

Repeal of some of the existing statutes attaching secrecy to, or otherwise restricting freedom of information concerning particularly designated records.

New legislation opening to Congress, public and press existing records to be particularly designated—this by way of en-

largement of the types of existing [Cross' emphasis] records now in that status.

New legislation opening to Congress, public and press records which will come into existence under legislation now pending or hereafter proposed.

Amendment of such existing statutes, repeal of others and new legislation so as to provide for Congressional, public and press access to public proceedings [Cross' emphasis].

And, in addition, of transient importance, new legislation concerning Congressional power to extract from executive departments and administrative agencies information pertinent to its lawmaking power.⁸⁴

At the end of the year Senator Hubert Humphrey was apparently still interested in access issues and contacted Wiggins to inquire about ASNE progress on a resolution.

December 6, 1955

I wonder what the situation is with respect to the resolution on Access to Information which we have talked about introducing in the next session? If you have had a chance to take it up with ASNE and have ironed out the wrinkles, I would appreciate having a copy as soon as possible so I can have it prepared in proper bill form.

It would seem from the attention this subject is being give in the Moss committee hearings, as well as increased comment in the press, that the chance of obtaining favorable action in the Congress should be good. I hope your response from the newspaper editors has been encouraging.⁸⁵

Wiggins replied within days.

December 9, 1955

"The next time you are in town I wish you would give me a ring. If we cannot fix up a date to sit down and talk about your Resolution, we might be able to do some business over the telephone. I have not neglected the problem and have been in consultation with any number of people about it and would like to have another talk with you."⁸⁶

On December 16, 1955 Ken MacDonald sent a memo to the directors of ASNE asking for their confirmation of legislative recommen-

dations. He included a proposal and the testimony already provided by Cross that had been supplied to the Moss committee.

December 16, 1955

"As you know, several members of the [ASNE] have appeared before the Moss House Subcommittee on Government Information. Russ Wiggins, Jimmy Pope and Harold Cross made statements at the opening sessions in November and Harold Cross later submitted an additional comprehensive statement at the request of the subcommittee. The three men made an excellent presentation of the need for wider access to government information, and I hope it will be possible soon to distribute texts of their statements to all members....

"Harold now feels that if he appears before the subcommittee again in January he will be asked for specific recommendations on legislation. Understandably, I think, he does not want to put himself in the position of being a spokesman for [ASNE] without some authority to speak and without some directive as to what he should say. 'I have gone as far as I intend to go in my individual capacity as a citizen,' he wrote. He said he was willing to return to the hearings 'as representing ASNE, if it wishes.' But 'ASNE will have to indicate in a definitely disclosing way what it wants' done at the hearings.

"We are here confronted with the necessity for making a major decision. On the one hand, the Society historically has avoided advocating legislation, on the theory it is the provenance of individual editors to advocate whatever they choose in their own newspapers. On the other hand, there is now the possibility that legislation can be introduced supporting the goals which we have long advocated, and we have the opportunity to recommend what form such legislation should take."⁸⁷

SETBACKS

While discussion among the directors continued for several weeks, Wiggins became concerned about Cross' attention to the shape of the recommendations. Wiggins wrote to Cross reassuring him that Cross should not feel

burdened to do the committee's work of drafting language all by himself.

December 23, 1955

"I will be very unhappy if you desist from your analysis of the departmental regulations that need revising – or the laws on which they rest. It seems to me that you can put your finger on the particular statutes without precisely recommending the language that ought to be used in amending them. I do not hesitate to say that if you armed me with such an appraisal I am perfectly willing to recommend the changes that are indicated.

"If someone on the ASNE doesn't want me to speak for them they can rise and say so. I do not construe the Board's approval expressly, and particularly of amendments for its statutes, to preclude continuing efforts to gain access to news all along the line. Until somebody directs me to desist from this effort as the Chairman of the Freedom of Information Committee, this is what I propose to do.

"What the present opportunity requires is very clearly something we do not have – a group that can fight for access to information without any inhibitions. I wish we could have some kind of committee created for this sole purpose so that no one would have any doubt about its authority or any apprehension about disintegration in the group. I thought such a committee might be set up with such a Fund for the Republic money, but the limitations of their charter and the tax laws preclude that possibility at this time, in my opinion, and I have abandoned any effort to push this project.

"I confess that I am somewhat discouraged about our inability to proceed energetically at a time when it looks that we might get something if we had the machinery to make our case."⁸⁸

Ever the editor, Wiggins in a separate letter noted for Cross a correction to Cross' November statement to the Moss committee.

December 27, 1955

"In glancing through your comments for the Moss committee, I noticed your footnote no. 5 referred to James Madison and attributed the quote to Laswell's book on page 23. Actually this quote is on page 63. In addition,

the quote has an error in it. It should read, 'A people who mean' [Wiggins' emphasis] instead of 'a people who were.'

"Otherwise, it is certainly a magnificent statement and it looks better to me now than it did when I saw the first draft of it. I am glad to know that the Committee is going to print it as a part of the hearing document which will probably be ready by January 15. It is my own view that the hearing document ought to be circulated to the entire ASNE membership, at the very least. I think it really should go to the publishers, to the members of the Editorial Writers Association, the APME, and any other interested groups."⁸⁹

By the start of 1956 it must have seemed to the news organizations that the drafting of successful legislation was well underway. Historians know, however, that it would be another ten years and several presidents before a FOIA bill reached President Lyndon Johnson's desk for signature.

In early January Harold Cross was busy outlining for the Moss committee the sorts of information that should be allowed to be withheld by federal agencies. The work was tedious and worrisome to both Cross, Wiggins, Pope and MacDonald as is evident in the following letter to Wiggins, copied to the others. All of the underlined words are Cross' emphasis.

January 9, 1956

"Here follows a reasonably complete list of the classes of information which (as shown in their Replied to the Moss Subcommittee Questionnaire) executive branch departments and agencies are withholding from public and press or controlling as to dissemination and are involved in or would be affected by legislation amending 5 USCA 22 and 5 USCA 100-1011....

"Most of these classes of information are available to Congress, though with some important and provocative exception and some discriminations as between committees of Congress and individual Congressmen and some limitations based on functions and purpose. It follows that the direct interests of Congressmen as such are not identical with those of public and press."⁹⁰

His notes then detailed twenty-two classes of information that would need to be addressed in proscriptive legislation, and this was the very kind

of thing that Wiggins had written so adamantly against. Cross tried to mollify Wiggins with the following letter written just a few days later.

January 13, 1956

"I am sure this is the right strategy. It is in time for what Chairman Moss has in mind; it gives us time enough to get straightened out on language of the proposed bill and our own tactics and will keep me in touch with attitudes of the regulatory agencies. . . .

"In line with requests by Ken and yourself in earlier letters, I am going ahead with the project to analyze the 'departmental legislation.' This will indicate the classes of records which will come under the bill's first exception – the records withheld from inspection as specifically authorized by law. It may not be of much use at this stage, but it should be a convenience to those who carry on from here on out. . . .

"On further reflection I am more tolerant of the bill than I was at first. I confess it is short of the ideal, is less effective than state and local laws on the philosophy whereof it is modeled. . . .

"I am toying with the idea of trying to get in a declaration of Congressional policy of the type that has become fairly common. And in order to try to limit the authority to classify, or add after the words 'national military security' something like the words 'and is classified by the terms or pursuant to the authority of an applicable Executive Order of the President of the United States.' I am puzzled as to what to do about the 'public interest' and 'substantial wrong to individuals' exceptions. I guess it is largely a matter of what we'll have to settle for."⁹¹

Cross' letter again to Wiggins, and copied to MacDonald and Pope, within another few days continued to question and develop language for security exceptions.⁹² He included a copy of a proposed "Declaration of Intent" that he wished would be included with the bill. The heading for the single page reads "Confidential: Top Secret in Fact" and at the bottom of the page a parenthetical note reports "The sources of the foregoing include James Madison, Hubert H. Humphrey, J.R. Wiggins, with old man Cross serving as editor." It reads as follows.

"Draft: 'Declaration of Intent' by HLC-
January 19, 1956

"In enacting the following sections, the Congress declares its intention to recognize the principle that the inherent rights of the people freely to examine public characters and measures, to have factual information of the operation and conduct of their government and to have free communication thereon are indispensable to the maintenance of the other rights of the people and, therefore, that the application of such principle transcends in importance the considerations which might otherwise be urged to sanction the withholding of the means of acquiring such examination, information and communication except in instances where the facts establish a clear and urgent public necessity for such denial."⁹³

When the Moss committee resumed its work near the end of January, Moss seemed to be in full agreement with the points made by news organizations and others in the years before – that government should prove the need for non-disclosure and that the public should not have to prove the need for information about what government was doing. Though he overstated some claims that Cross and others had clearly not endorsed, Moss opened the hearings session with a statement that included the following.

January 26, 1956

"The American people have a constitutional right to know what their governmental trustees are doing with the powers delegated to them. The withholding of governmental information must be the exception rather than the rule and the burden is on the government to defend and support restrictions on information, not upon the public to prove its right to the information."⁹⁴

As the committee work continued Cross became wary and weary of the result. By March he was looking for ways to minimize not only his influence but the detailed analysis that the Moss committee seemed to want from him at every turn. Cross wrote a letter to Wiggins, copied as usual to MacDonald, Pope and Newton, early that month while he was on vacation in Florida explaining his creeping abdication. The emphasis is Cross' when words are underlined, and the letter included a half dozen pages of attachments.

March 6, 1956

"Like Etna, this volcano is erupting again.

Yesterday Staff Director Samuel J. Archibald called me here long distance to inquire (1) whether I am coming to Washington for the hearings (March 7-9)... and (2) when I am coming there to confer with Subcommittee members and Staff (including a new counsel whom I do not know) on proposed legislation—specifically the current ‘Tentative Drafts.’

“It was clear that he was hoping I was coming now in each connection but, fortunately, he did not make a direct request; so I have declined nothing....

“I do not intend to build up anymore expense for ASNE for disbursements or compensation except as expressly directed.... “To meet (in part) the purpose of his second inquiry, I did tell him I will now reduce to writing my comments on the ‘Tentative Draft’ bill; and with that he was pleased; I think content. This does not enlarge my obligations, for I had promised Chairman Moss, members of the Staff and Orville Poland (counsel to the parent House Committee on Government Operations) to do this.

“Frankly, I have been shrinking from doing it because it is a dread responsibility to take alone, especially as ASNE is not an organization for action, as each edition of the [ASNE] Bulletin provides additional evidence. Moreover, I had kept hoping that the matter would languish until [ASNE] convention time when communications, so to speak, are better.

“But it has not cooled; the lava is at my heels; and I think more hard to our cause would flow from refusal than from anything I say....God help me.”⁹⁵

Wiggins’ reply was only two paragraphs.

March 14, 1956

“Thank you for your letter of March 6th together with a copy of your statement to Archibald, which certainly should be helpful to them.

“...I took Moss out to dinner the other night and I think he is very relieved [to have someone] in addition to Parks.”⁹⁶

Wiggins, Pope, Williams, and others continued the daily fight with administrators, one at a time. An example of this is a series of letters and memos during the month of March between

the Department of Agriculture and the Lexington, Kentucky, *Herald*. The Herald sought the names of 20 farmers who had been fined by the Department for tobacco regulation violations. Wiggins was able by the end of the month to send a short letter to Pope advising him that the Department had decided to relent, and the names would be available.⁹⁷

Another example is a fight that had begun in the autumn of the previous year when the *Saturday Evening Post* sought approval of an article about Spain’s military situation. Both the Departments of Defense and State took exception to the “tone” of the author, rather than any specific content. Wiggins’ letter to Lee Hargus, acting director of the Office of Security Review for Department of Defense, responded to the charges of “sensitive spots.”⁹⁸

In defending Hugh Morrow, editor of the *Saturday Evening Post*, Wiggins’ letter to Hargus is brief but pointed.

November 30, 1956

“The authors of the Bill of Rights mistrusted prior restraints upon publication and they intended to provide the citizens (through the First Amendment) with an access to independent criticism of government. It is therefore peculiarly and particularly menacing when agencies of the government having to do with security, whose advice on that narrow ground is solicited, leave these premises and intrude into policy areas.”⁹⁹

This particular exchange continued into 1957 with a letter to Wiggins that Hargus wrote in January of that year. Hargus noted that this four-page, single spaced letter is personal, not official, and that he preferred not to use the telephone for the discussion. Most of the letter intends to explain the difficulties of his work and the misunderstandings that seemed to have been generated by comments made to the Moss committee. Near the end of his letter Hargus reported the following:

January 15, 1957

“In 1956, the Office of Security Review received more than 14,000 submissions. Less than 1½ per cent were stopped for security reasons – not one from news media – and about 2 to 3 per cent were amended for security reasons. In many cases these ‘amendments’ may have been the deletion of

but one word or phrase. In some instances, the percentage of turndowns was raised by repeated submission of the same article; one company submitted the same item seven times....

“That is not to say mistakes are not made. The human factor, as everywhere, insures [sic] that we make our share of errors. In no case to my knowledge can these be laid to a deliberate arbitrary withholding of information by the Office of Security Review....

“I hope you will pardon this long letter, which is a purely personal effort. It is not intended to deal with material or decisions not made by the OSR or the undersigned.”¹⁰⁰

During the many exchanges of this sort ASNE members were busy preparing for their 1956 annual conference. The topic on many members’ minds was freedom of information act issues and legislative activity. In an April letter Eugene Pulliam of the *Indianapolis News* wrote suggestions to Wiggins, copied to Pope, Herb Brucker of the *Hartford Courant*, and others, for conference consideration.

April 3, 1956

“I propose that ASNE Freedom of Information committee recommend to this year’s convention:

1. A request that Executive Order 10501 be revoked on the grounds that there is already sufficient legislation to accomplish the proposed purpose of the order.

2. A request to the Moss subcommittee that the Administrative Procedure Act be amended to forbid withholding of public information.

3. A request to the Moss subcommittee that a general freedom of information law, similar to those passed in several states be enacted by the Congress.

4. That the scrutiny of new legislation to insure [sic] freedom of information clauses be continued.

I see no point in going into an exhaustive (and exhausting) argument in this letter about each of these proposals. And I am not finding fault with the accomplishments of the committee or others concerned with the problem in the past.

“It does seem to me that we as a profession are the only group seriously concerned with the problem and the only group likely to be aware of the continuing encroachment by government. If we do not speak up, who will?”¹⁰¹

Pope was quick to respond with a letter to Pulliam the next day suggesting reasons against asking the full membership for endorsement.

April 4, 1956

“I was delighted to read your letter to Russ Wiggins suggesting steps to accelerate the drive for access to information. I’d vote for every one.

“But I have to raise the question of strategy, or tactics. ...

“If your resolution were offered, we’d have to read and hear a lot of loosely informed arguments about 10501. Personally, though I don’t like it, I think its doing too little harm at the moment to justify the risk of reviving it as an issue.

“Then we’d have to read and explain the Administrative Procedure Act, which to most of them is a vague name. They probably would debate whether all the commas of this Act were in place....

“Actually, Gene, to debate those four points properly and intelligently would take considerable advance briefing and a day’s time. And then suppose in the confusion they’re all tabled, as is quite likely?”¹⁰²

Wiggins replied to Pulliam’s letter with thanks and took up one of the suggestions. In a memo to the freedom of information committee he asked the members to gather for an 8 p.m. meeting, April 18, 1956.

April 5, 1956

“...I would like to discuss some of the suggestions made by Mr. Pulliam of the *Indianapolis News* and consider suggestions that other members may have to make.

“It is my thought that at this time we might perfect the recommendations of the whole committee to be laid before the Convention Saturday morning, when we have been given some time on the program....

“At the Saturday morning program Harold Cross will discuss the legislative outlook....

“Congressman Moss will take up the work of his Subcommittee, and I will wind up with an oral report in which I can incorporate the proposals which the committee wishes to recommend to the Society.”¹⁰³

Pulliam replied directly to Pope with copies to Wiggins, MacDonald, Brucker and others with his agreement to what might happen at the convention.

April 6, 1956

“Your prediction of what would happen if we get into a FOI argument on the floor of the convention probably is accurate. And I agree that the editorial parliamentary mind at work seldom accomplishes much.

“However, I think that ASNE, or the FOI committee, or the board of directors, should go on record once again. I hope the committee agrees with this and I hope we can meet and settle it briefly sometimes while we’re in Washington.

“I certainly don’t expect that any resolution—no matter who adopts it—is going to solve our problems. And Harold Cross’ advice should guide our action. But I do hope that some ASNE group will go on record publicly as not only deploring the state of affairs but demanding that something specific be done about it.

“One other point about 10501. It probably is doing ‘little harm at the moment’ as you say. Actually I doubt that any one person knows or could know whether it is being used as a coverup. But that phrase ‘at the moment’ concerns me. Let’s not wait until the horses are stolen and then try to get some locks for the barn.”¹⁰⁴

Herb Brucker weighed in with a letter to Wiggins copied to Pope and Pulliam complementing Pope on his assessment of the convention.

April 10, 1956

“Never in the field of human controversy have so many owed so much to Jimmy Pope for his prophesy as to what would happen if Gene Pulliam’s ideas go onto the convention floor.

“I would like to urge that we present nothing whatever to the ASNE as a whole for action. It does seem to me possible that at your 8 o’clock meeting Wednesday night

we might agree on a few things that are desirable. But if so you can simply put them in your report, without any call for or even suggestion of formal action.

“By this means you can tell the brethren everything that needs to be said. It will be on the record, maybe even on the news if newsworthy. Then anybody including our committee can, if they choose, do something to plug the ideas. But if you limit yourself to a report rather than a recommendation there will not be that God-awful mob-talking scene that is inevitable if these questions get to the floor.

“It seems to me that all kinds of committees make all kinds of reports, that they are listened to or not as the members may choose, without any call to arms. I do hope we can handle this one the same way.”¹⁰⁵

The convention held mid-month unfolded just as Brucker had hoped. Wiggins made a report that called for no floor vote. There was an announcement that the Moss committee testimony was to be printed and available for distribution at the end of the month, and a round of applause was offered to all the members who had served as witnesses.¹⁰⁶

During the summer Wiggins was consumed with edits for his soon-to-be published book *Freedom or Secrecy*, but the fight in the legislature slogged on more slowly. Throughout the year Harold Cross labored with committees in both the House and the Senate drafting the specifics of bill language. Pope asked Cross about progress in a letter copied to Wiggins and Brucker.

October 19, 1956

“I suppose you have received the tentative amendments sent out by John Mitchell of the Moss committee.

“Both the suggested amendments to 5 U.S.C.A. 22 and 5 U.S.C.A. 1002 seem to me excellent and I want to write Mr. Mitchell and tell him so. However, I thought I’d better check with you first and be sure we are in agreement. Unless there is some bug here I have missed, I think the amendments mean a revolutionary improvement in our position.”¹⁰⁷

Wiggins was a bit slower in responding in a letter to Cross.

October 24, 1956

“I am still studying the Mitchell proposals. On the surface they look pretty good to me and wonder what you think of them and hope you will cut me in on your reply to Jimmie Pope’s letter of the 19th.”¹⁰⁸

This brief note from Wiggins was evidence of just how crowded his calendar had become. His book published by Oxford University Press at the end of the year received praise and kept him in high demand for speaking engagements and guest appearances. He had already received in 1954 the Lovejoy Award from Colby College in Waterville, Maine, for his work on information access. With the publication of his book, he received the Zenger Award from the University of Arizona’s School of Journalism.

Meanwhile the day to day fight for information access continued at the same slow pace. In a lengthy July letter Cross reported to Senator Thomas Hennings his assessment of two bills offered in June that provided for amendments of 5 U.S.C.A. 22 and 5 U.S.C.A. 1002. He enclosed a copy of his statement in November to the House committee and copied Wiggins on the correspondence.

July 20, 1957

“As to both bills, so far as their overall purpose and intended effect is concerned (according to my understanding thereof) I agree with and endorse the views of Mr. J.S. Pope stated in his letter to you of June 21. With him I say: ‘They (the Bills) are so much better than the statutes they replace I can only pray for passage.’

“As to S.921, while this is not exactly the amendment I have advocated, I favor its enactment. I have no doubt that it is constitutional, that it accords with and would carry into effect that which must have been the intent of Congress now, that in wide areas of government action it would substitute due process of law and objective judicial discretion for the unbounded, subjective official discretion that now prevails and that its enactment is in the public interest.

“As to S.2148, in so far as this Bill defines the term ‘public records’ and provides for making them available for public inspection except ‘specifically exempt from disclosure from statute,’ I favor its enactment for the

same reasons stated in the preceding paragraph.

“However, it is still my view that the only exceptions to the right of the people to know of the actions of their government should be those sanctioned by law – the Constitution, acts of Congress, and court decisions – and that in the particular instances as they arise the question whether there is or is not a right to inspect should be the subject of judicial rather than official determination.”¹⁰⁹

Wiggins and Cross were in constant contact, but their correspondence became more fractured as the details of House and Senate committees dragged on for years. Cross’ health began to deteriorate, and Wiggins’ responsibilities increased at the *Washington Post*. In a letter to Wiggins in September, 1957 Cross acknowledged these difficulties.

September 20, 1957

“I have your letter of September 18th.

“I can see that you are pretty crowded. Let’s not go into the ASNE-Moss Subcommittee thing now. It can wait. I have made up my mind what to do about advocacy of amendment of 5 U.S.C.A. 22 regardless of ASNE and I think I can make up my mind as to what I must not do having regard for ASNE.

“Knowing that your presidency of the Society is coming up, what I really want to take up one of these days – no hurry – is what you think the Society should do from here on out as to legal matters re FOI in general and in particular as to the bills in Congress.”¹¹⁰

Wiggins and others continued to testify before Congressional committees whenever called, but the arguments and facts remained largely the same during the next half-dozen years.¹¹¹ The extensive amendments in 1957 to Section 3 of the Administrative Procedure Act, and to the Housekeeping Statute,¹¹² offered in both the House and the Senate to override the discretionary language used to withhold information were successful. The amendment to the Housekeeping Act simply said that the statute “does not authorize the withholding of information from the public or limiting the availability of records to the public.”¹¹³ The bill passed the House and Senate unanimously in

1958¹¹⁴ and was signed into law August 15 of that year by President Dwight D. Eisenhower.¹¹⁵ In 1959 a House subcommittee investigated the effectiveness of the Housekeeping Statute amendment and found that there were no changes in the executive agencies' procedures.¹¹⁶ Instead of trying another revision to the Housekeeping Act more effort was put into the Section 3 of the Administrative Procedure Act. Senator Hennings had offered such an amendment in 1958, but it stalled while the Housekeeping Act revisions were successful that year. When the Senate came back to Hennings' bill it was favorably reported to the Subcommittee on Constitutional Rights.

The proposed amendments included public disclosure of all "records, files, papers and documents submitted to and received by the agency"¹¹⁷ with three exceptions. Those were materials exempt by statute, requiring secrecy for national security, or unwarranted invasion of privacy, much as Cross and others had recommended in 1957. There was vigorous lobbying, but before the bill reached the Senate floor Hennings died, and with him went the attention to the Section 3 amendment.

When Congress convened in 1963 there was new interest in freedom of information legislation. Cold War rhetoric was stepping up and Congress was concerned about how the executive branch was managing the enforcement and defense agencies. Senator Edward V. Long, a democrat from Missouri, took up leadership of the Judiciary Committee's Subcommittee on Administrative Practice and Procedure. The Section 3 revisions were contained in S. 1666 and the witnesses to committee hearings strongly favored the bill.¹¹⁸ And additions to this version of the bill included a right to seek a court order that would compel an agency to produce any record improperly withheld. Though it passed the Senate, the House adjourned without action on the bill, and it was reintroduced in the 89th Congressional session as S.1160.

Senator Long again sought witnesses and suggestions for any improvements on the bill's language before sending it to the floor for a vote. Witnesses included media group representatives, American Civil Liberties Union, the Chamber of Commerce for the United States and American Bar Association members, as well as a few representatives from government agencies. Senator Long said as part of the record for new hearings

that he was disappointed in the executive branch's response to his questions. He said agencies were "remiss and derelict in offering any constructive suggestions as to how Congress can strike a balance of the right to know and the necessity to withhold certain information."¹¹⁹

The bill was passed by the Senate in October, 1965, and referred to the House. Again the House members were uninterested in the bill, but Rep. John E. Moss was determined to move the issue forward. He had, earlier in the year, submitted an identical bill in the House but identified it as an amendment to the Housekeeping Statute in order to have it reported to a somewhat more enthusiastic subcommittee. Moss' bill, H.R. 5012, was introduced in February, 1965, with hearings held in March and April.¹²⁰ When the executive branch would not budge on redrafts of the bill to meet its objections to details of the draft language, the work got bogged down and as result no bill was reported out of the committee.

In October, however, when the Senate bill was sent to the House it was referred to Moss' subcommittee and they decided to hold no hearings, thereby squelching administrative efforts to slow progress, or make any changes to it. It was passed by the House in June, 1966,¹²¹ and was signed on July 4.¹²²

The two-page bill not only included the nine exemptions to information availability, but also said that agencies must provide notice of public information availability in the Federal Register. The required information in the Federal Register must also contain descriptions of central and field offices, officers, and methods for securing information made available. It also required agency opinions and orders be published, as well as agency records, proceedings and the limitations on exemptions. The codification of the amendment to the Administrative Procedure Act, known as the Freedom of Information Act, went into effect July 4, 1967.

There have been nearly a dozen major amendments to the bill during the past 45 years. Below is the original text of the bill, with the addition of footnotes to indicate those sections that directly reflect the concerns and ideas expressed by newspaper editors quoted in the letters above. Though not conclusive, the suggestion is clear that the members of ASNE, APME and professional partners, and in particular James Russell Wiggins, played a significant

role in the general outline and concepts of the bill.

**The Freedom of Information Act,
5 U.S.C. § 552, Public Law No. 89-487,
80 Stat. 250**

To amend section 3 of the Administrative Procedure Act, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), is amended to read as follows:

“Sec. 3. Every agency¹²³ shall make available to the public the following information:

“(a) PUBLICATION IN THE FEDERAL REGISTER – Every agency shall separately state and currently publish in the Federal Register¹²⁴ for the guidance of the public (A) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;¹²⁵ (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations; (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency;¹²⁶ and (E) every amendment, revision, or repeal of the foregoing. Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the Federal Register and not so published. For purposes of this subsection, matter which is reasonably available to the class of persons affected thereby shall be deemed published

in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

“(b) AGENCY OPINIONS AND ORDERS – Every agency shall, in accordance with published rules, make available for public inspection and copying (A) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and (C) administrative staff manuals and instructions to staff that affect any member of the public, unless such materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction.¹²⁷ *Provided*, That in every case the justification for the deletion must be fully explained in writing.¹²⁸ Every agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by this subsection to be made available or published. No final order, opinion, statement of policy interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by an agency against any private party unless it has been indexed and either made available or published as provided by this subsection or unless that private party shall have actual and timely notice of the terms thereof.

“(c) AGENCY RECORDS – Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person.¹²⁹ Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in

which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant.¹³⁰ In such cases the court shall determine the matter *de novo* and the burden shall be upon the agency to sustain its action.¹³¹ In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.¹³²

“(d) AGENCY PROCEEDINGS—Every agency having more than one member shall keep a record of the final votes of each member in every agency proceeding and such record shall be available for public inspection.

“(e) EXEMPTIONS¹³³ – The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive order to be kept secret in the interest of national defense or foreign policy;¹³⁴ (2) related solely to the internal personnel rules and practices of any agency; (3) specifically exempt from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential;¹³⁵ (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party;¹³⁶ (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and (9) geological and geophysical information and data (including maps) concerning wells.

“(f) LIMITATIONS OF EXEMPTIONS – Nothing in this section authorizes

withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress.¹³⁷

“(g) PRIVATE PARTY – As used in this section, ‘private party’ means any party other than an agency.¹³⁸

“(h) EFFECTIVE DATE – This amendment shall become effective one year following the date of the enactment of this Act.

Approved July 4, 1966.

NOTES

¹ Special thanks to Tara M. Bender, graduate student at Indiana University, for editorial suggestions, and to Edwin A. Martin, independent scholar, for his continuous help in locating materials, correcting draft versions and general patience through the long process of research for this work.

² Public Law No. 89-487, 80 Stat. 250, and Office of the President Signing Statement, July 4, 1966.

³ Statement by Senator Hubert Humphrey, Congressional Record, Senate, August 3, 1955, pp 11319-11329; Opening Statement of Congressman John E. Moss, Chairman of the House Government Information Subcommittee, January 26, 1956, 84th Congress, 2d Sess. (1956).

⁴ The Right of Congress to Obtain Information from the Executive and from Other Agencies of the Federal Government,” Committee on Government Operations, House of Representatives, 84th Congress, 2d Sess., April 27, 1956; Availability of Information From Federal Departments and Agencies: Progress of Study, August 1958-July 1959, H.R. Rep. No. 1137, 86th Congress, 1st Sess. 367-370 (1959).

⁵ Martin, S. and Lanosga, G., *The Historical and Legal Underpinnings of Access to Public Documents*, 102 Law Lib. J. 613-634 (2010).

⁶Freedom of Information Committee Report, Feb. 15, 1952, APME, Edwin Young; “Editor Raps Government Censorship,” *News Tribune*, Duluth, Minn. June 29, 1952; “Information Withheld,” *Sioux City Journal*, Iowa, June 29, 1952; Report by James R. Wiggins, chairman of the Special Committee of ASNE, August 13, 1953.

⁷ For example, Herb Corn, *Washington Star*, V.M. Newton, *Tampa Morning Tribune*, James Pope, *Louisville Courier-Journal*, Basil Walters, *Chicago Daily News*, and James Russell Wiggins, *Washington Post*, all served as members or chairs of the Freedom of Information committees for SPJ, ASNE and APME during overlapping years.

- ⁸ For example, James Russell Wiggins, typescript, March 16, 1955, for Hearings of the Subcommittee on Reorganization of the Senate Committee on Government Operations; James Russell Wiggins, testimony before the Subcommittee on Constitutional Rights, September 17, 1955; Harold L. Cross, statement November 26, 1955, to the Government Information Subcommittee of the Committee on Government Operations.
- ⁹ For example, Harold L. Cross, *The People's Right to Know*, Columbia University Press (1953); James Russell Wiggins, *Freedom or Secrecy*, Oxford University Press (1956).
- ¹⁰ July 7, 1951, July 9, 1951 and July 11, 1951 with Erwin D. Canham.
- ¹¹ "May Relax Gag on News, Says Truman,: Los Angeles Times, October 18, 1951, p. 30, 2* edition.
- ¹² October 23, 1951 letter to James Russell Wiggins.
- ¹³ October 23, 1951 to Herbert Corn.
- ¹⁴ October 25, 1951 to James Russell Wiggins.
- ¹⁵ Letter to Herbert Corn, *The Washington Star*, November 30, 1951
- ¹⁶ Letter December 19, 1951 to Herbert Corn, *Washington Star*, from V.W. "Red" Newton, Tampa Tribune.
- ¹⁷ Letter December 17, 1951, to James Russell Wiggins, from Bruce Quisenberry, U.S. Army, Washington D.C.
- ¹⁸ Letter January 7, 1952, to James Russell Wiggins from James "Jimmie" S. Pope.
- ¹⁹ Letter January 7, 1952, to James Russell Wiggins from James "Jimmie" S. Pope.
- ²⁰ Letter January 9, 1952, to James S. Pope from James Russell Wiggins
- ²¹ Letter January 9, 1952, to James S. Pope from James Russell Wiggins
- ²² January 11, 1952 letter to James Russell Wiggins from V.M. "Red" Newton, Tampa Morning Tribune.
- ²³ Letter January 28, 1952 to James Russell Wiggins from Vincent S. Jones
- ²⁴ Journalism professionals' organization.
- ²⁵ Letter February 4, 1952, to James Russell Wiggins from V.M. "Red" Newton, Jr.
- ²⁶ Freedom of Information Committee Report, February 15, 1952, APME, Edwin Young, chairman.
- ²⁷ Letter April 18, 1952, to James Russell Wiggins from Howard C. Cleavinger.
- ²⁸ Letter April 22, 1952 to Howard C. Cleavinger from James Russell Wiggins.
- ²⁹ Town Meeting transcript, April 8, 1952, 711th broadcast to 278 station of the ABC network.
- Published by the Town Hall, Inc., New York, Vol. 17, No. 50.
- ³⁰ Letter June 5, 1952 to James Russell Wiggins from Herbert Corn.
- ³¹ Letter June 18, 1952, to Herbert Corn from James Russell Wiggins.
- ³² "Editor Raps Government Censorship," Duluth, Minn., News Tribune, June 29, 1952; "Information Withheld," Sioux City, Iowa, Journal, June 29, 1952.
- ³³ "Averell Harriman... Views on a Free Press," Harriman for President, 810-18th St. NW, Washington, D.C. July 1, 1952.
- ³⁴ Letter, September 9, 1952, to Major General F.L. Parks from James S. "Jimmie" Pope.
- ³⁵ AFL News-Reporter, December 5, 1952, Vol. 1, No. 53, page 8.
- ³⁶ Letter December 12, 1952, to Philip Pearl from James Russell Wiggins.
- ³⁷ Letter December 18, 1952, to James Russell Wiggins from Philip Pearl.
- ³⁸ Letter December 19, 1952, to Philip Pearl from James Russell Wiggins.
- ³⁹ Letter November 8, 1951, to Francis Case and Robert Albrook from Mary Louis Ramsey, citing Harold Cross' forwarded letter of October 29, 1951, and responding to the request made October 17, 1951.
- ⁴⁰ Letter January 9, 1953, from Charles White to Harold Cross.
- ⁴¹ Letter January 12, 1953, to Charles White from Harold Cross.
- ⁴² Letter April 24, 1953, to James Russell Wiggins from Harold Cross.
- ⁴³ Memo April 24, 1953, to James Russell Wiggins from Philip L. Graham
- ⁴⁴ Letter April 27, 1953, to Harold Cross from James Russell Wiggins.
- ⁴⁵ Memo April 27, 1953 to Philip Graham from James Russell Wiggins.
- ⁴⁶ Report by J.R. Wiggins, chairman of the Special Committee of the ASNE, August 13, 1953.
- ⁴⁷ Letter October 23, 1953 to Basil Walters from James Russell Wiggins.
- ⁴⁸ Letter December 29, 1953 to James Russell Wiggins from Howard C. Cleavinger.
- ⁴⁹ Letter January 8, 1954 to Howard Cleavinger from James Russell Wiggins.
- ⁵⁰ Letter September 15, 1954 to Basil Walters from Paul Leach.
- ⁵¹ James Russell Wiggins, "APNA To Check Bills in Congress," Memo, ASNE Bulletin, March 1, 1955
- ⁵² Letter March 11, 1955, to James Russell Wiggins from Hubert H. Humphrey.

- 53 Letter March 14, 1955, to James Russell Wiggins from Arthur F. Lederle.
- 54 Telegram March 18, 1955 to James Russell Wiggins from James S. Pope.
- 55 James Russell Wiggins, typescript, March 16, 1955, for Hearings of the Subcommittee on Reorganization of the Senate Committee on Government Operations, pp 1-2.
- 56 Ibid, pp.6-7.
- 57 Ibid, p. 7.
- 58 Ibid, pp. 7-8.
- 59 Ibid, pp. 14-16.
- 60 Letter March 24, 1955 to James Russell Wiggins from Hubert H. Humphrey.
- 61 Letter March 29, 1955 to James S. Pope from James Russell Wiggins.
- 62 Letter March 31, 1955 to James Russell Wiggins from James S. Pope.
- 63 Letter May 25, 1955 to James Russell Wiggins from V.M. "Red" Newton.
- 64 Letter May 31, 1955 to V.M. Newton from James Russell Wiggins.
- 65 Congressional Record, Senate, August 3, 1955, pp. 11319-11329.
- 66 Letter June 9, 1955 to John E. Moss from William L. Dawson.
- 67 Letter July 19, 1955 to James Russell Wiggins from John E. Moss.
- 68 "Questionnaire" House Government Information Subcommittee, August 10, 1955.
- 69 News release from the House Government Information Subcommittee, August 8, 1955, for use by afternoon papers August 10, 1955.
- 70 "The Right to Know is a Freedom, Too" The Courier-Journal, August 13, 1955, editorial page.
- 71 Letter August 12, 1955 to John E. Moss from James S. Pope.
- 72 Ibid, p. 2.
- 73 Letter September 8, 1955 to James S. Pope from James Russell Wiggins.
- 74 Letter September 16, 1955 to Harold L. Cross from John E. Moss.
- 75 Letter September 21, 1955 to Harold L. Cross from Cranston Williams.
- 76 Letter September 22, 1955 to Cranston Williams from James Russell Wiggins.
- 77 Hearing before the Subcommittee on Constitutional Rights, September 17, 1955, p. 39.
- 78 Letter September 22, 1955 to James Russell Wiggins from Thomas C. Hennings.
- 79 Letter October 13, 1955 to James Russell Wiggins from John E. Moss.
- 80 Statement memo November 7, 1955 to Special Subcommittee on Government Information meeting from James Russell Wiggins.
- 81 Letter November 11, 1955 to James R. Young from James Russell Wiggins.
- 82 Letter November 21, 1955 to James Russell Wiggins from Harold L. Cross.
- 83 Letter November 22, 1955 to Harold L. Cross from James Russell Wiggins.
- 84 Statement November 26, 1955 by Harold L. Cross to the Government Information Subcommittee of the Committee on Government Operations., pp. 4-5. Cross cites pp. 231-234, 235-236, 247 of his book *The People's Right to Know*.
- 85 Letter December 6, 1955 to James Russell Wiggins from Hubert H. Humphrey.
- 86 Letter December 9, 1955 to Hubert H. Humphrey from James Russell Wiggins.
- 87 Memo December 16, 1955 to directors of ASNE from Kenneth MacDonald.
- 88 Letter December 23, 1955 to Harold L. Cross from James Russell Wiggins.
- 89 Letter December 27, 1955 to Harold L. Cross from James Russell Wiggins.
- 90 Letter January 9, 1956 to James Russell Wiggins from Harold L. Cross.
- 91 Letter January 13, 1956 to James Russell Wiggins from Harold L. Cross.
- 92 Letter January 19, 1956 to James Russell Wiggins from Harold L. Cross.
- 93 Note attached to letter January 19, 1956 to James Russell Wiggins from Harold L. Cross.
- 94 Opening Statement of Congressman John E. Moss, Chairman of the House Government Information Subcommittee, January 26, 1956.
- 95 Letter March 6, 1956 to James Russell Wiggins from Harold L. Cross.
- 96 Letter March 14, 1956 to Harold L. Cross from James Russell Wiggins.
- 97 Letters and telegrams in Wiggins files dated March 15, 16, 21 and 22, 1956 to R. Lyle Webster, director of the Office of Information, Department of Agriculture; James Pope; Ezra Benson, Secretary of Agriculture; William Cranston; Richard Slocum, William Dwight and Elisha Hanson, all news organization members.
- 98 Letter December 16, 1955 to Hugh Morrow from Lee Hargus.
- 99 Letter November 30, 1956 to Lee Hargus from James Russell Wiggins.
- 100 Letter January 15, 1957 to James Russell Wiggins from Lee Hargus, pp. 4-5.
- 101 Letter April 3, 1956 to James Russell Wiggins from E.S. Pulliam.

¹⁰² Letter April 4, 1956 to E.S. Pulliam from James Pope.

¹⁰³ Memo April 5, 1956 to members of the Freedom of Information Committee from James Russell Wiggins.

¹⁰⁴ Letter April 6, 1956 to James S. Pope from E.S. Pulliam.

¹⁰⁵ Letter April 10, 1956 to James Russell Wiggins from Herbert Brucker.

¹⁰⁶ "The Right of Congress to Obtain Information from the Executive and from Other Agencies of the Federal Government," Committee on Government Operations, House of Representatives, 84th Congress, 2^d Session, April 27, 1956.

¹⁰⁷ Letter October 19, 1956 to Harold Cross from James S. Pope.

¹⁰⁸ Letter October 24, 1956 to Harold Cross from James Russell Wiggins.

¹⁰⁹ Letter July 20, 1957 to Thomas C. Hennings from Harold L. Cross.

¹¹⁰ Letter September 20, 1957 to James Russell Wiggins from Harold L. Cross.

¹¹¹ See for example Wiggins' notes, "Testimony of J.R. Wiggins representing ASNE before the House Government Information Subcommittee February 7 relative to amendment of 5 U.S.C.A. 22." February 7, 1958.

¹¹² 5 U.S.C. §22.

¹¹³ 5 U.S.C. §22, later to be §301.

¹¹⁴ H.R. 2767 and S. 91(1957).

¹¹⁵ Pub.L.No. 85-619, 2 Stat. 547 (1958).

¹¹⁶ Availability of Information From Federal Departments and Agencies: Progress of Study, August 1958-July 1959, H.R. Rep.No.1137, 86th Congress, 1st Sess. 367-370 (1959).

¹¹⁷ S.2148, 85th Cong., 1st Sess (1957).

¹¹⁸ Hearings on the Administrative Procedure Act Before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, 88th Cong. 2d Sess. (1964).

¹¹⁹ Hearings on S.1160, S.1336, S.1758 and S.1879 Before the Senate Committee on Judiciary, Subcommittee on Administrative Practice and Procedure, 89th Cong., 1stSess.1 (1965).

¹²⁰ Hearings on H.R.5012 and Other Bills to Amend the Federal Public Records Law, Hearings Before the House Comm. On Gov't Operations, Subcomm. On Foreign and Government Information, 89th Cong., 1st Sess. (1965).

¹²¹ 112 Cong.Rec. 13,661 (1966).

¹²² Pub.L.No.89-487, 80 Stat.250 (1966).

¹²³ See Letters January 8, 1954; January 9, 1956.

¹²⁴ See Letter September 15, 1954.

¹²⁵ See Letters January 9, 1952; October 13, 1955; January 15, 1957.

¹²⁶ See Letter September 15, 1954; November 3, 1956.

¹²⁷ See Letter April 27, 1954.

¹²⁸ See Letter January 9, 1952.

¹²⁹ See Letter September 15, 1954.

¹³⁰ See Letter November 3, 1951.

¹³¹ See Letters September 29, 1951; January 26, 1956.

¹³² See Letter July 20, 1957.

¹³³ See Letters April 8, 1952; January 9, 1956.

¹³⁴ See Letters January 11, 1952; November 7, 1955; January 13, 1956.

¹³⁵ See Letters December 29, 1953; September 15, 1954.

¹³⁶ See Letter November 11, 1955.

¹³⁷ See Letters June 5, 1952; June 18, 1952; June 9, 1955; October 13, 1955; November 26, 1955; January 9, 1956.

¹³⁸ See Letter January 8, 1954.