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First Principles.

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The Freedom of Information Act and National Security Secrecy: How It's Working After Two Years

BY CHRISTINE M. MARWICK

Although we are regularly told that our republican form of government is based on the informed consent of the governed, it was not until the passing of the Freedom of Information Act in 1966 that the public had, for the first time, a legal right to some of the records that federal agencies had on hand. And it was not until November, 1974 that Congress passed — over a presidential veto — amendments to the FOIA which gave the public an affirmative, if also limited, right to information dealing with the national security. Information may now be withheld only if it is properly classified according to the executive's own standards, and judges have the power to decide anew whether information had in fact been properly classified.

It is now two years since Congress established this right of access, and we are now in a position to make some judgments about how the Act is doing as a wedge into what had at one time been the executive branch's exclusive preserve. This article narrows its focus to two areas of the FOIA in operation: It is a progress report first on the successes of the FOIA in releasing information from the government, and second, on how the courts have been dealing with the

It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.
THOMAS PAINE

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