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Government Secrecy

In Britain, Officials Can Never Tell

By WILLIAM TUOHY,
Times Staff Writer

LONDON—If you want to get your hands on information considered secret by the British, you might try prying it out in the United States.

The two countries have radically different attitudes toward official secrecy, and on more than one occasion, research data classified as confidential in Britain has been made public in the United States by means of the Freedom of Information Act.

The U.S. Food and Drug Administration, for example, has been forced to disclose the results of British research that had been classified as secret here, at least temporarily, because it dealt with something Britons wished to sell in the United States.

And plans to put a pressurized water reactor in a British nuclear power plant were frustrated for a time when it was learned, by means of a report obtained in the United States, that safety conditions were not exactly as advertised.

Uncommon Knowledge

These incidents are simply the latest reminders that official secrecy is almost a way of life in Britain. Because of the Official Secrets Act and at least a hundred other statutes that deal with the subject, the British people are often kept in the dark about what is common knowledge around government offices and the clubs of Pall Mall and St. James.

So great is the official penchant for secrecy that a public servant can be sent to prison for disclosing the sort of information that is handed out routinely in Washing-

ton. Not long ago, Clive Ponting, an official in the British Ministry of Defense, was accused of violating the Official Secrets Act, and his case has rekindled an old controversy here over the evils—or merits—of secrecy in government.

Ponting was charged with passing to an opposition member of Parliament classified material dealing with the Falkland Islands War of 1982. A jury acquitted him, finding, in effect, that a civil servant is responsible primarily to Parliament, not the executive branch.

Ruling Party Afraid

This has generated fear in the ruling Conservative Party that other officials may be encouraged to leak sensitive information, to the opposition or to the press. They say this could destroy the relationship of trust between elected officials and the civil service, and without this relationship the process of government would be severely impaired.

The case against Ponting, 38, stemmed from the most disputed act of the Falklands war, the British sinking of the Argentine cruiser Belgrano, with the loss of 368 lives.

To justify the act, the British government said the Belgrano was steaming toward the Royal Navy task force in the South Atlantic and posed a direct threat. Subsequently, it was learned that at the time the cruiser was torpedoed by a

British submarine, it was actually headed away from the British ships and was outside the zone in which Britain had declared all Argentine vessels enemy targets.

Under pressure from the Labor Party, Defense Secretary Michael Heseltine ordered an investigation of the sinking. Ponting, who was put in charge of the inquiry, said he found documents that indicated that "everything the government had said for the past two years was not, in fact, correct."

Later, when a parliamentary committee began its own inquiry, Heseltine and his aides suppressed information and sent a "highly misleading" memorandum to the committee, Ponting said. Ponting, acting anonymously, gave the documents he had uncovered to a Labor Party lawmaker. The docu-

ments were turned over to the committee, and the committee promptly sent them on to Heseltine. Defense Ministry detectives traced the documents to Ponting, who resigned.

Government critics say Ponting trial's points up how a ruling party can use the secrets laws to suppress embarrassing and politically damaging information.

Pro and Con

Secrecy, according to Desmond Wilson, chairman of the Campaign for Freedom of Information, "is the enemy of rational decision-making and the friend of political prejudice. . . . It allows governments to cover up errors, suppress dissenting views and conceal the fact that their politics may not be working or may even be having the opposite effects to those intended."

On the other hand, said Bernard Ingham, Prime Minister Margaret Thatcher's press secretary, "you can't run a government if there's no confidentiality. . . . Completely open government is not good government."

Ponting's acquittal last month was acclaimed in some circles, and it brought renewed demands for scrapping the Official Secrets Act, or at least for revising it to make it more enforceable.

But people have been calling for change almost since the law was enacted—in 1911, at the time of a German spy scare—and down through the years the authorities have been reluctant to do anything about the law. They have found it a useful tool for keeping civil servants in line.

Ancient Oath

All government employees are required to sign the Official Secrets Act, and senior ministers must take the oath of the Privy Councilor as well. The latter dates back to about 1250 A.D., and it binds one to keep "secret all matters committed and revealed to you."

As Wilson, the chairman of the free information campaign, sees it: "If every civil servant took the act literally, the bureaucracy and society would come to a complete halt. It would mean that civil servants could hardly talk or write to each other, let alone anyone else. (Cabi-

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net) ministers . . . would spend their entire lives taking decisions about what documents should or should not be made available and to whom."

Government officials and the press are kept in line not only by the Official Secrets Act and related statutes, but by stiff libel laws and something called the D-Notice ("D" for defense), under which news organizations can be told to not report certain information for security reasons. Moreover, many government documents are protected by the so-called 30-year rule, which keeps them private and which can be extended to 60 years in the case of intelligence documents.

However, incidents that are suppressed in the British media often make their way into the foreign press. The story of the notorious British spy Kim Philby first ap-

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peared in newspapers abroad, as did the truth about King Edward VIII's love affair with the American divorcee Wallis Warfield Simpson, though all Fleet Street editors were aware of it.

In intelligence matters, the cloak of secrecy can be carried to extremes. The government tries to keep secret the names of the heads of the domestic security service (MI5) and the overseas intelligence service (MI6). It even denies, officially, the existence of these services.

Britain's concern for secrecy at the national level has spilled over to the regional and local levels as well, and critics contend that the public is being denied important information that affects their lives, their health and their pocketbooks.

Environmental Protection

For example, they say that if the facts about the development of the Concorde supersonic airliner had been known, the British Treasury could have been saved billions of pounds.

Critics also charge that the failure of the government to publish information has increased the risk of environmental pollution, along with the possibility of having poorly built nuclear power stations.

Prof. Richard Southwood, chairman of the Royal Commission on Environmental Pollution, said in a recent report that government secrecy is the chief obstacle to better environmental protection. He said

research indicates that many government findings on hazardous materials and sites have been suppressed.

Many Britons feel that, at the least, the Official Secrets Act should be rewritten to sharpen the penalties for outright espionage but to reduce those for the leaking of less sensitive material. Some have suggested that minor offenses might be made subject to administrative rather than criminal proceedings.

Study Urged Change

In the early 1970s, a committee was established under Lord Franks, a former ambassador to the United States, to study the law. The committee found that a key section of the law was "a mess," and added that "people are not sure what it means or how it operates in practice, or what kinds of action involve real risk of prosecution under it."

The committee said it was essential that the law be changed, and outlined a relatively narrow range of material it considered sensitive enough to be covered by the secrecy laws.

Since then, various British governments have paid lip service to the Franks report, but the law stands unchanged.

The Labor Party, now the opposition party in Parliament, has called for rewriting the secrets act and also for enacting a freedom of information law.

However, Prime Minister Margaret Thatcher, who as a young member of Parliament supported permitting greater public access to

local government meetings, has not spoken out for any change in the secrecy laws.

Some members of her Conservative Party have expressed the view that the Official Secrets Act is not strong enough. Diluting it, they say, or enacting a freedom of information law, would greatly complicate the business of governing.

Change Unlikely Soon

So long as the Conservatives and Thatcher are in power, it seems unlikely that there will be any substantive change in the secrecy laws, though the pressure for change is increasing.

"We are doing pretty well," Wilson said, "and we're in for the long haul. We've opened up local government to reduce the secrecy there. And I think that the government now accepts our point that secrecy in the environmental field is damaging to the public."

"We're trying to mobilize support and to make freedom versus secrecy an issue at the next general election. I have no doubt that this legislation will one day be introduced. And after these reforms are implemented, men and women will marvel at the way we had allowed information in Britain to be so restricted."