Mr. MOSS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1160) 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.

The Clerk read as follows:

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 agency shall make available to the public the following information:

(a) No agency shall separately state currently published in the Federal Register the guidance of the public (A) description of its central and field organization and (B) established places at which the officers by whom and the methods whereby, the public...

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
may secure information, make submittals or requests; (B) promulgations of the general course and method by which its functions are channelled and determined, including the nature and requirements of all general records; (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and contents of all papers, reports, or examinations; (D) substantive rules of general agency, contained in regulations, orders, and statements of general policy or interpretations of general applicability formulated after the effective date of this Act and not published in the Federal Register, and not available or the places at which forms may be obtained, and contents of all papers, reports, or examinations; (E) decisions, orders made in the adjudication of cases, and the general course and method by which its functions are channelled and determined, including the nature and requirements of all general records; (F) statements of policy and interpretation which have been adopted by the agency and are not published in the Federal Register, and (G) any other records or documents which may be exempted from disclosure by statute; (h) trade secrets and commercial or financial information obtained from any person and which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy; (i) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (j) investigations, litigation, and judicial records made available pursuant to subsections (a) and (b), every agency proceeding and such records may be deleted when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: Provided, That in every case the justification for the deletion must be fully explained in writing. Every agency shall also maintain and make available for public inspection and copying a current index providing identifying information for the public to as any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by subsection to be made available or published: No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any person may be deleted when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: Provided, That in every case the justification for the deletion must be fully explained in writing. Every agency shall also maintain and make available for public inspection and copying a current index providing identifying information for the public to as any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by subsection to be made available or published: No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any person may be deleted when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: Provided, That in every case the justification for the deletion must be fully explained in writing.

The SPEAKER. Is a second demanded? Mr. REID of New York. Mr. Speaker, I demand a second. The SPEAKER. Without objection, a second will be considered as ordered. There was no objection. Mr. MOSS. I yield myself such time as I may consume.

Mr. Speaker, our system of government is based on the participation of the governed, and as our population grows in numbers it is essential that it also grow in knowledge and understanding. We must remove every barrier to information about—and understanding of—Government activities consistent with our security if the American public is to be adequately equipped to perform the ever more demanding role of responsible citizenship.

S. 1160 is a bill which will accomplish that objective by shortening the public right of access to the facts of government and, inherently, providing easier access to the officials clothed with governmental responsibility. S. 1160 will grant any person the right of access to official records of the Federal Government, and, most important, by far the most important, is the fact that this bill provides for judicial review of the refusal to make available or the withholding of information. It is this device which expands the rights of the citizens and which protects them against arbitrary or capricious denials.

Mr. Speaker, let me reassure those few who may have doubt as to the wisdom of this legislation that the committee has, with the utmost sense of responsibility, attempted to achieve a balance between the need for a strong and a necessary restraint upon access to information in specific instances. The bill lists nine categories of Federal documents which may be withheld to protect national security or permit effective operation of the Government but the burden of proof to justify withholding is put upon the Federal agencies. That is a reasonable burden for the Government to bear. It is my hope that this fact, in itself, will be a moderating influence on those officials who, on occasion, have an almost proprietary attitude toward their own niche in Government.

Mr. Speaker, I must confess to disquiet at efforts which have been made to portray the Government into a problem which we hope to correct here today in the gaudy colors of partisan politics. Let me now enter a firm and unequivocal denial that that is the case.Quite the contrary. S. 1160 is a bill to address political problems—bipartisan or non-partisan, public problems, political problems but not partisan problems.

In assuming the chairmanship of the Special Government Information Subcommittee 11 years ago, I strongly emphasized the fact that the problems of concern to us to start with the Eisenhower administration then in power nor would they end with that administration. At a convention of the American Society of Newspaper Editors some 10 years ago, I said:

The problem I have dealt with is one which has been with us since the very first administration. It is not partisan, it is political only in the sense that any activity of government is, of necessity, political. No one party started the trend to secrecy in Government; it is the law, and all political parties are political problems—bipartisan or non-partisan, public problems, political problems but not partisan problems.

Let me emphasize today that the Government information problems did not start with President Lyndon Johnson. I hope, with his cooperation following our action here today, that they will be diminished. I am not so naive as to believe they will cease to exist.

I have read stories that President Johnson is opposed to this legislation. I have not been so informed, and I would like to go on record today in the White House. I am pleased to report the fact of that cooperation to the House today. It is especially important when we recognize how very sensitive to the institution of the press our media is, and how important the questions are. Despite this, I can say to you that no chairman could have received greater cooperation.

We do have pressing and important Government information problems, and I believe their solution is vital to the future of democracy in the United States.
The individual instances of governmental withholding of information are not necessarily clear cut. Good cause statements made early in my chairmanship of the Special Subcommittee on Government Information, I repeatedly cautioned, were but foreshadowing of instances that the problems were really the day-to-day barriers, the day-to-day excesses in restriction, the arrogance on occasion of an official who has a proprietary interest toward Government operations.

In fact, at the subcommittee's very first hearing I said:

"Rather than exploiting the sensational, the subcommittee is trying to develop all the pertinent facts and, in effect, 'lay bare the attitude of the executive agencies on the issue of whether the public is entitled to all possible information about the activities, plans and the policies of the Federal Government."

Now, 11 years later I can, with the assurance of experience, reaffirm the belief that free speech and free press, the records will be available to the public, that the majority of records shall be available to "any person," so that there would be no undue burden on the operations of Government agencies, reasonable access regulations would be established.

Second, the bill would set up workable standards for the categories of records which may be exempt from public disclosure, replacing the vague phrases "good cause found," "in the public interest," with specific definitions of information which may be withheld.

Third, the bill would give an aggrieved citizen a remedy by permitting him to appeal to the courts if his access to official records are improperly withheld. Thus, for the first time in our Government's history there would be proper arbitration of conflict over access to Government documents.

S. 1160 is a moderate bill and carefully worked out. This measure is not intended to impinge upon the appropriate power of the Executive or to harass the agencies of Government. We are simply attempting to enforce a basic public right—the right to access to Government information. We have expressed an interest in the report on this bill which we hope the courts will read with great care.

While the bill establishes a procedure to secure the right to know the facts of Government, it will not force disclosure of specific categories of information such as documents involving true national security or personnel investigative files.

This legislation has twice been passed by the Senate, once near the end of the 88th Congress too late for House action and again last year after extensive hearings. Similar legislation was introduced in the House, at the beginning of the 89th Congress, by myself and 25 other Members, of both political parties, and comprehensive hearings were held on the legislation by the Foreign Operations and Government Information Subcommittee. After the subcommittee selected the Senate version as the best, most workable bill, it was adopted unanimously by the House Government Operations Committee.

S. 1160 has the support of dozens of organizations deeply interested in the workings of the Federal Government—professional groups such as the American Bar Association, business organizations such as the U.S. Chamber of Commerce, committees of newspapermen, editors and broadcasters, and many others. It is being carefully studied with cooperation of White House officials and representatives of the major Government agencies, and with the utmost cooperation of the Republican members of the subcommittee; Congressman Gordon R. Hokin, of New York; Congressman Donnum [sic] of California, the late Senator Robert P. Griffin, of Michigan, now serving in the Senate. It is the fruit of more than 10 years of study and effort to develop the legislation. Before us today are two Senators from the great State of Missouri, the late Senator Thomas Henning and his very distinguished successor, Senator Faulkner, who authored the bill before us today.

And there has been no greater champion of the people's right to know the facts of Government than Congressman George Murphy. As a member of the Foreign Operations Subcommittee of the Senate, he has helped develop the legislation over these 10 years. But I would particularly like to thank those who have served as chairmen of Freedom of Information Committees and the ASNE committee that have supported the legislation.


The closest cooperation has been provided by Stanford Smith, general
Mr. KING of Utah. Mr. Speaker, I commend the distinguished gentlemen now in the well for the work he has done in promoting public access to Government information. The gentleman from California is recognized throughout the Nation as one of the leading authorities on the subject of freedom of information. He has worked for 12 years diligently to bring this event to pass.

Mr. Speaker, I wish to take this opportunity to voice my support of S. 1160, the Federal Public Records Act, now popularly referred to as the freedom of information bill. Let me preface my remarks by expressing to my distinguished colleagues in California [Mr. Moss], chairman of the Government Information Subcommittee of the House of Representatives, and to the distinguished gentleman from Missouri, Senator BOYER, [Mr. Low], chairman of the Administrative Practices and Procedure Subcommittee of the Senate, for their untiring efforts toward the advancement of the principle that the public has not only the right to but the need to know the facts that comprise the business of Government. Under the expert guidance of these gentlemen, an exhaustive study has been conducted and a wealth of information gleaned. Equipped with a strong factual background and an understanding of the complex nature of the myriad of issues raised, we may proceed now to consider appropriate legislative action within a meaningful frame of reference.

S. 1160, the Federal Public Records Act, attempts to establish viable safeguards to protect public access to public information sources relevant to governmental activities. Protection of public access to information sources was the original intent of the House of Commons and the House of Lords in 1763, when they enacted into law the Administrative Procedure Act of 1946. Regrettably, in the light of the experience of the intervening 20 years, we are confronted with an ever-growing accumulation of evidence that clearly substantiates the following conclusion: the overall intent of the Congress, as embodied in the Administrative Procedure Act of 1946, has not been realized and the specific safeguards erected to guarantee the right of public access to the information stores of Government appear woefully inadequate to perform the assigned tasks. The time is ripe for a careful and thoughtful reappraisal of the issues inherent in the right to know concept; the time is at hand for renewal of our dedication to a principle as basic to our democratic society.

It is apparent that if we are to survive as a free nation, we must guard against the potential of our data which could provide invaluable assistance to our enemies.

The demands of a growing urban, industrial society has become greater both in volume and in complexity. The individual looks to his Government more and more for the satisfactory solution of problems that defy his own personal resources. Government commensurate with the demands placed upon it has given rise to confusion, misunderstanding, and a widening gap between the principle and the practice of the popular right to know. Chairman Mose has summarized this dilemma when he said "Government secrecy tends to grow as Government itself grows."

There are additional factors that must be considered. Paradoxically, the broad and somewhat obscure phraseology of section 3 of the public information section of the Administrative Procedure Act has, in effect, narrowed the stream of data and facts that the Federal agencies are and have been willing to release to the public. Many of the personnel charged with the responsibility of interpreting and enforcing the provisions of section 3 have labored under a severe handicap; their working guidelines have not been made clear and some have been interpreted and fostered numerous misinterpretations. Chaos and confusion have nurtured a needless choking off of information disclosure. Without realistic guidelines within which to operate, officials have exercised extreme caution in an effort to avoid the charges of premature, unwarranted or unauthorized disclosure of Government information. Remedial action is called for. The primary purpose underlying S. 1160 is a long overdue and urgently needed clarification of the provisions of section 3 of the Administrative Procedure Act.

Finally, the present condition of nonavailability of public information has perhaps been encouraged by a disregard for the American people of the freedoms that we daily exercise—the freedoms that are the foundation of our democratic society—were not easily obtained nor are they easily retained. Inroads and encroachments—be they overt or covert, be they internal or external—must be effectively guarded against. For freedoms once diminished are rarely restored, and once lost are recovered with difficulty. Thus far I have discussed some of the major forces that are simultaneously working toward increasing the gap that separates the principle and the practice of the people's right to know the affairs of their Government. The overriding importance of the Federal Public Records Act should be underscored by a brief examination of the highwater marks that loom large in the historical background of the present dispute concerning the legitimate bounds of public knowledge and the people's right to know the affairs of Government.

If the people are to be informed, they must be first accorded the opportunity to seek sources of knowledge—and one of the initial queries posed by Americans and their English forebears alike was: What are some of the major factors that have contributed to this widespread backlog of Governmental secrecy?

The free and total flow of information has been stemmed by the very real and very grave cold war crises that threaten our Nation. It is apparent that if we are to survive as a free nation, we must guard against the potential of this dame which could provide invaluable assistance to our enemies.

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demand for the right to know the information; Government had gained a momentum that could not be slowed. In 1789, the public point of view—a point of view that demanded the removal of the shackles of secrecy—to force the legislative and executive departments and agencies to be more open to public scrutiny. For in that year, James Perry, of the Morning Chronicle, succeeded in his efforts to have news reporters admitted to Parliament and was the first to provide his readers with an account of the previous evening's business. The efforts of Parliament to exclude representatives of the news media were channeled in new directions—with members speaking out against printers and editors, who in their opinion, were unfairly misrepresenting individual points of view; objectivity in reporting Parliament's business became their primary concern.

In the Colonies, too, Americans conducted determined campaigns paralleling those waged in England. Colonial governments demonstrated a formidable hostility toward those who earnestly believed that the rank-and-file citizenry was entitled to full and free access to governing bodies. The power that knowledge provides was fully understood; by some it was feared. In 1761, in correspondence to his lords commissioners, Governor Berkeley, of Virginia, wrote: I thank God, there are no free schools nor printing; and I hope we shall not have these hundred years; for learning has brought discomfiture, and heresy, and sects into the world, and printing has divulged them, and liberty of the press is the best Government. God keep us from both.

In 1775, Massachusetts newspaper printers were "ordered upon their peril not to insert in their prints anything of the Public Affairs of this province relating to the war without the order of the Government." Forty-one years were to pass until, in 1776, a motion offered by James Otis was carried and the proceedings that the Governor of Massachusetts were opened to the public on the occasion of the debates surrounding the repeal of the onerous Stamp Act.

The cloud of secrecy that hovered over the papers of the Colonies were not quickly dispelled; vestiges of concealment lingered on until well into the 18th century.

The deliberations that produced the Constitution of the United States were closed. Early meetings of the U.S. Senate were not regularly opened to the public until February of 1794. Some 177 years ago, the House of Representatives debated heatedly and finally tabled a motion that would have excluded members of the press from its sessions. It was the beginning of the 19th century. The justices of the Supreme Court before representatives of the press were formally granted admission to the Chambers of the Senate and the House of Representatives.

While the American people have long fought to expand the scope of their knowledge about Government, their achievements in this direction are being ceaselessly challenged by the trend to delegate considerable legislative power to the executive departments and agencies. Effective protective measures have not always accompanied the exercise of this newly located rulemaking authority. Access to the affairs of legislative bodies has become increasingly difficult thanks to another factor: the business of the legislature has been conducted in the committees of the parent body—committees that may choose to call an executive session and subsequently close their doors to the public.

In short, the trend toward more secrecy in government may be seen in the legislative branch. Can this trend be evidenced in the other two branches? The deliberations of the Executive Departments in Government operations have run the full gamut. The public has persevered in its assertion that there is an unquestionable right to the knowledge of the proceedings that constitute the legislative as well as the judicial and executive functions of the Government.

One of the greatest weapons in the arsenal of tyranny has been the secret arrest, trial, and punishment of those accused of wrongdoing. Individual liberties, regardless of the lip service paid by those in authority, lurch in secret judicial proceedings. The dangers to liberty thus made manifest by Judge Juschenko's statements that lurk in secret judicial deliberations were recognized by the insurgent barbarians for whom King John to grant as one of many demands that "the King's courts of justice shall be kept free and open... and shall no longer follow his person; they shall be open to everyone; and justice shall no longer be sold, refused, or delayed by them. This promise was Remembered by that generation of Americans that devised our scheme of government. To guarantee the optimum exercise and enjoyment by every man of his fundamental and essential liberties, the authors of the Bill of Rights incorporated these guarantees in the Sixth Amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

Contemporary developments lend support to the thesis that the right of the public to be admitted to judicial proceedings is being undermined. More and more often the phrase to the people on the grounds that the thorough and open discussion of a broad category of offenses would be repugnant to society's conscious of good taste. What is more, court powers that were once exercised within the framework of due process guarantees are being transferred to quasi-judicial agencies, before which many of the due process guarantees have been cast by the wayside.

What is the current status of information availability within the executive departments and agencies? Although the public's right to know has not been openly denied, the March of events has worked a serious diminution in the range of offenses that are being freely dispensed to inquiring citizens by their representatives in Congress, and to members of the press. Countering the presumption that in a democracy the public has the right to know the business of the executive, the privilege theory—a theory whose roots run deep in the American political tradition. This concept holds that the President may authorize the withholding of such information as he deems appropriate to the national well-being. The Constitution and the principles upon which this privilege rests in these terms: With respect to papers, there is necessarily a public and a private side to our offices. To the one belong matters of which there is no necessity for inventions, certain commissions, petitions, and other papers patent in their nature. To the other belong matters of which the public interests will not be endangered by publication. Hence, under our Constitution, in requests of papers, from the legislative to the executive branch, an exception is carefully expressed, as to those clearly affecting the public welfare may require not to be disclosed.

While the bounds of the executive privilege claim have, of late, been more carefully spelled out and, in effect, narrowed, widespread withholding of Government records by executive agency officials concerning the public's right to information has continued. In an effort to give a more extensive and uniformity in the administrative regulations that applied to agency disclosures. According to the terms of section 3 of the public information section of this act: Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency, executive agencies shall disclose to the public their rules, statements of policy, policy interpretations and modes of operation as well as other data constituting material for administrative or legislative process, or (3) to the extent that a Federal agency may limit the distribution of their records by executive agency officials to meet the presumption that in a democracy the public has the right to know the business of the executive, the privilege theory—a theory whose roots run deep in the American political tradition. This concept holds that the President may authorize the withholding of such information as he deems appropriate to the national well-being. The Constitution and the principles upon which this privilege rests in these terms: With respect to papers, there is necessarily a public and a private side to our offices. To the one belong matters of which there is no necessity for inventions, certain commissions, petitions, and other papers patent in their nature. To the other belong matters of which the public interests will not be endangered by publication. Hence, under our Constitution, in requests of papers, from the legislative to the executive branch, an exception is carefully expressed, as to those clearly affecting the public welfare may require not to be disclosed.

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that they deem related "solely to the internal management" of the agency. What are the limitations, if any, that are attached to this provision? Federal agencies may withhold information for "good cause found." What constitutes such a "good cause?" Even if information sought does not violate an agency's ad hoc definition of the "public interest," even if information sought does not relate "solely to the internal management" of the agency or if "no good cause" can be found for its retention, agencies may decline to release information to persons other than those "properly and directly concerned." What are the criteria that an individual must present to establish a "proper and direct concern?" We search in vain if we expect to find meaningful and uniform definitions or reasonable limitations of the qualifying clauses contained in the controversial public information section of the Administrative Procedure Act. We search in vain, for what we seek does not presently exist.

To the cherished liberties and fundamental rights are inherent in the relatively unchecked operations of a mushrooming bureaucracy—threats though they be more subtle are no less real than the boondoggling of which our Founding Fathers labored to prevent. The changes that are contained in the Federal Public Records Act before us today offer a means of restoring to the American people their free and legitimate access to the affairs of Government. It seeks to accomplish this important objective in a variety of ways. Subsection (a) of S. 1160 clarifies the types of information which Federal agencies will be required to publish in the Federal Register. By making requisite the publication of descriptions of an agency's 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, the individual may be more readily apprised by responsible officials of those aspects of administrative procedure which are essential to the public interest. Material "readily available" to interested parties may be incorporated "by reference" in the Register. "Incorporation by reference" will provide interested parties with meaningful citations to unabridged sources that contain the desired data. The Director of the Federal Register, rather than individual agencies, will make all records promptly available or published rules, make available for public inspection and copying a current index providing identifying information to the public as to any agency record 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.

Perhaps the most serious defect in the present law rests in the qualification contained in subsection (c) of the public information provisions which limits those to whom Federal agencies may give information to "persons properly and directly concerned." These words have been interpreted to mean only those to whom the information is available or published "as to render this section of the Administrative Procedure Act a vehicle for the withholding from the public eye of information relevant to the conduct of Government," or to "determine the matter de novo and the burden shall be upon the agency to sustain its assertion." We have labored long and hard to establish firmly the premise that the public has not only the right but the need to know. We are also accepted the fact that the individual is entitled to respect for his right of privacy. The question arises as to how far we are able to extend the right to know doctrine before the invasion of personal privacy; seventh, matters related to the internal personnel rules and conditions of employment; eighth, matters that an agency determines to be "solely to the internal management" of the agency or that are "unavailable to the public" and privileged or protected by Executive order to be kept secret in the interest of the national defense or foreign policy; and ninth, the right of petitioners to obtain the production of information Improperly withheld from the public. Section (c) of the proposed Federal Public Records Act legislation would require that:

Every agency in accordance with published rules stating the time, place, and procedure shall make available for public inspection and copying its records promptly available to any person.

Should any person be denied the right to inspect agency records, he could appeal to and seek review by a U.S. district court. Quoting the "agency records" subsection of S. 1160:

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 withholding the agency records and information and to order the production of any agency records or information improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its assertion.

While we recognize the merits of any justifications for argument in support of limited secrecy in a government that must survive in the climate of a cold war, we must also recognize that the gains—however small—made by secrecy effect an overall reduction in freedom. As the forces of secrecy gain, the forces of freedom lose. It is, therefore, incumbent upon us to exercise prudently those sanctions that constitute limitations on the freedoms of our people. Restrictions must be kept to a minimum and must be carefully circumscribed lest they grow and, in so doing, cause irreparable damage to liberties that are the American heritage and the American way of life.

S. 1160 seeks to open to all citizens, so far as consistent with other national goals of equal importance, the broadest possible range of information. I feel that the limitations imposed are clearly justifiable in terms of other objectives that are ranked higher in importance to us as a people. The public, not agencies, have the right to know. The right of access to information is inherent in the American way of life.

By this Act Congress authorizes Federal agencies to delete personally identifiable information from records which are "required by law to be compiled for the purpose of taxation, but which do not relate to the transaction of public business except in official records of the agency having custody of such records." Such a "good cause" finding would be necessary to withhold information from the public. The Act also provides that "the contents of a complaint shall be withheld from the public to the extent necessary to protect the complaining party from harassment, economic injury, or other harm."
Mr. MAILLIARD. Mr. Speaker, I rise in support of the bill and congratulate the gentleman from California for introducing it. I believe that the Public Interest and the existing administrative and substantive rules under which I have operated to date have now been interpreted by judicial decisions and will continue to be interpreted in this case. It is my opinion that that information, unless it is exempted by statute, would be available under the terms of the amendment now before the House.

Mr. MAILLIARD. I appreciate the response of the gentleman very much indeed.

The SPEAKER. The gentleman from California [Mr. Moss] has consumed 20 minutes.

The Chair recognizes the gentleman from New York [Mr. Reid].

Mr. REID of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. MOSS. It is my opinion that that information, unless it is exempted by statute, would be available under the terms of the amendment now before the House.

Mr. MAILLIARD. I appreciate the response of the gentleman very much indeed.

The SPEAKER. The gentleman from California [Mr. Moss] has consumed 20 minutes.

The Chair recognizes the gentleman from New York [Mr. Reid].

Mr. REID of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1160, a bill to clarify and protect the public's right of access to the outstanding leadership he has given the House for the manner in which he has handled places at which, and methods whereby, the public may secure information or the right of the public to information is a fundamental liberty. The right of the public to information is paramount and each generation must uphold anew that which sustains a free press. The right of the public to information is a fundamental liberty. The right of the public to information is paramount and each generation must uphold anew that which sustains a free press.

I believe this legislation is clearly in the public interest and will measurably improve the access of the public and the press to information and uphold the principle that government is not a private concern, but a public concern...
June 20, 1966

Mr. Speaker, this is not a partisan bill—at least not here in the Congress. We have heard that the administration is opposed to it, but I believe it is important to make clear not only that this legislation is needed, not only that it specifies more narrowly the areas where information can be withheld by the Government, but that it is needed because the Freedom of Information Act has been on the statute books since 1966 and, in my judgment, in the interest of the public's right of access to Government facts, it is long overdue, and marks a historic break-through for freedom of information in that it sets the burden of proof on officials of the bureaus and agencies of the Government, not only that it greatly strengthens the right of access, but it also should be stated clearly that it is important—and I have no reason to doubt that the President sign this legislation promptly.

I would call attention to the fact that there are in the hearings some reports of agencies who, while agreeing with the objectives of the legislation, have reservations or outright objections to its particular form. I hope the President will take counsel of the importance of the principle here involved, and of the action of this House today, and that he will sign the bill promptly, because this is clearly in the interest of the public's paramount right to know, of a free press and public education, and of the interest of the Nation.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I compliment my friend from the State of New York on his excellent statement, and also his dedication to duty in studying and contributing so much to working out good rules for freedom of information in Government departments and agencies.

Along with those others who have been interested in this serious problem of the right of access to Government facts, the gentleman from New York (Mr. Rano) should certainly be given the highest credit.

Mr. REID of New York. I thank the gentleman.
here in the House is clear evidence of the very real concern responsible Members feel over what our Ambassador to the United Nations, Arthur Goldberg, has aptly termed the credibility problem. I will not belabor the concern over the credibility gap that is shared by the American public and the press, and it is a great satisfaction to me and those of us working even this first step toward closing it.

Our distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD] at a House Republican policy committee news conference last May 18, challenged the President to sign this bill. I hope the President will sign it, and beyond that, will faithfully execute it so that the people's right to know will be more surely founded in law in the future.

But Mr. Speaker, we cannot legislate candor nor can we compel those who are charged with the life-and-death decisions of this Nation to take the American people into their confidence. We can only plead, as the loyal opposition, that our people are strong, self-reliant, and courageous, and are worthy of such confidence. There have been false promises, lies, and crises in the past and have always responded nobly. It was a great Republican who towered above partisanship who warned that you can fool all of the people all of the time, and it was a great Democrat, Woodrow Wilson, who said:

I am seeking only to face realities and to face them without soft concealments.

Mr. Speaker, I would like to point out that the provisions of this bill do not take effect until 1 year after it becomes law. Thus it will not serve to guarantee any greater freedom of information in the forthcoming political campaign than we have grown accustomed to getting from the executive branch of the Government in recent years. We of the minority would be happy to have it become operative Federal law immediately, but that is not what we are in control of this Congress.

In any event, if implemented by the continuing vigilance of the press, the public, and the Congress, this bill will mark it a significant step toward giving the American people the right to know.

Mr. Speaker, I apprise the full text of the Republican Policy Committee statement on the freedom of information legislation. It was announced on May 18 by my friend, the distinguished chairman of our policy committee, the gentleman from Arizona [Mr. ZEUSKE].

The Republican Policy Committee states on Freedom of Information Legislation, S. 1160

The Republican Policy Committee focuses on the implications of the bill for the freedom of information as well as the protection of national security. The committee notes that the bill would require federal agencies to disclose information in response to requests, except in cases where disclosure would impair national security. The committee also emphasizes the importance of the bill in ensuring the public's right to know about government activities.

Under this legislation, if a request for information is denied, the aggrieved person has the right to file an action in a U.S. District Court, and the court may require the agency to disclose the information. The bill also provides for the establishment of an independent panel to review denials of requests and to report to Congress.

Mr. Speaker, this bill is a small but important step toward closing the credibility gap between the American public and the government. It is a step toward restoring confidence in our government and in the democratic process. I urge my colleagues to support this legislation and to ensure its passage.
June 20, 1966
CONGRESSIONAL RECORD — HOUSE 13649

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Speaker, I add my words of commendation to the gentleman from California, the gentleman from New York, and others who have worked so hard to bring this bill to the House.

Today—June 20—is West Virginia Day. On June 20, 1863, West Virginia was admitted to the Union as the 35th State. The State motto, "Montani Semper Liberi," is particularly appropriate as we consider this freedom of information bill.

I am very proud to support this legislation because there is much information which is now withheld from the public which really should be made available to the public. We are all familiar with the examples of Government agencies which try to tell only the good things and suppress anything which they think might hurt the image of the agency or top officials thereof. There are numerous categories of information which would be sprung loose by this legislation. It seems to me that it would be in the public interest to make public the votes of members of boards, commissions, and also to publicize the views of dissenting members. I understand that six agencies do not presently publicize dissenting views. Also, the Board of Rivers and Harbors, which rules on billions of dollars of Federal construction projects, closes its meetings to the press and declines to divulge the votes of its members on controversial issues.

Therefore, I very much hope that this bill will pass by an overwhelming vote. Under unanimous consent, I include an editorial published in the Huntington, W. Va., Herald-Dispatch, and a communique from the Charleston, W. Va., Gazette:

[From the Huntington (W. Va.) Herald-Dispatch, June 16, 1966]

FOR FREEDOM OF INFORMATION, SENATE BILL S. 1160

If ours is truly a government of, by and for the people, then the people should have free access to information on what the Government is doing and how it is doing it. Exception should only be made in matters involving the national security.

In all matters of law, the Constitution permits the agencies of government which seek to keep a curtain of secrecy over
CONGRESSIONAL RECORD — HOUSE

June 20, 1966

Mr. KUPFERMAN. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman.

Mr. KUPFERMAN. Mr. Speaker, the gentleman from New York [Mr. REID of New York] has stated the matter so well that it does not require more discussion from me at this time. I commend the gentleman from New York and other associates with him for having brought the bill to the House and helping us pass it today.

Mr. REID of New York. I thank the gentleman.

Mr. GRIDER. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Tennessee.

Mr. GRIDER. Mr. Speaker, the bill in support of S. 1160, legislation for clarification and strengthening of the right of the public to information.

This legislation has been pending for more than a decade. Although few people question the people's right to know about what their government does, we have quarried for far too long over the means of making this information available. In the process we may have lost sight of the desired end result—freedom of information.

The need for maintaining security in some of our cold war dealings is not questioned here. As the Commercial Appeal in an excellent editorial about this legislation:

The new law would protect necessary secrecy, but the ways of the transgressor would be much harder.

Our colleagues from California [Mr. Moss] and members of his committee have done a splendid job with this legislation. This bill is clearly in the public interest.

Mr. Speaker, I include at this point in my remarks the editorial “Freedom of Information,” which appeared June 16, 1966, in the Memphis Commercial Appeal:

FREEDOM OF INFORMATION

The House of Representatives is scheduled to act Monday on the Freedom of Information Bill, an event of the first class in the unending struggle to let people know how governments operate. Such knowledge is an essential if there is to be sound government by the people.

This bill has been in preparation 13 years. It is coming up for a vote now because public feeling in Congress indicated that it will win approval this year in contrast to some other years of foot dragging by members of the House for the principle but not the special procedure.

The Senate has passed an identical bill. At the heart of the proposed law is an ending of the necessity for a citizen to have to go into court to establish that he is entitled to get documents, for instance showing one's bank records or who authorized them. The Senate bill provides that documents will be available.

It's been said of the California bill, the 14-year-old version, that it's just a public relations front for the Post Office Department. It's an available document that is compellingly urgent, and it is as urgent for government as it is for the private individual, as for the corporation, as for the business community.

The new law must be a bellwether against the public's right of access. The right of the public has been shielded against unnecessary and unwise disclosures, which will reinvigorate the public; it will result in a much more open government.

Mr. REID of New York. I thank the gentleman.

Mr. GRIDER. Mr. Speaker, the gentleman from Tennessee.
June 20, 1966

Mr. Speaker, will the urge be to use the "classified" stamp to cover blunders, errors and mistakes which the public must know to obtain correction? I believe this new law would protect necessary secrecy but the ways of the transgressor against the public interest would be much harder to prove. This law intended to open more records to the public has been converted gradually into a shield against questions. Technically the 1966 proposal is a series of amendments which will clear away the wording behind the back-door. It results from careful preparation by John Moss (D., Calif.) with the help of many others.

It is most reassuring to have Representative Moss say of a bill which seems to be cleared for adoption that we are about to have for the first time a real guarantee of the right of the people to know the facts of government.

Mr. GRIDER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and include an editorial. The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. VAN DEERLIN, Mr. Speaker, will the gentleman yield?

Mr. GRIDER. Mr. Speaker, I am happy to yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, those of us who have served with John Moss on the California delegation are well aware of the long and considerable effort which he has applied to this subject.

The Associated Press in a study published a few weeks ago, related that 13 of the 14 years this gentleman has served in the House have been devoted to developing the bill before us today. I join my colleagues in recognizing this effort, and I ask unanimous consent to include that Associated Press article in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The article is as follows:

From the Los Angeles (Calif.) Times, June 20, 1966

HOUSE APPROVAL SEEN ON RIGHT-TO-KNOW BILL—BATTLE AGAINST GOVERNMENT SECRECY

L.A. BILL BY REPRESENTATIVE MOSS, OF CALIFORNIA, NEARS END

WASHINGTON—A battle most Americans fought was won when the United States was founded. It is just now moving into its final stage in Congress.

It involves the right of Americans to know what their government is up to. It is a battle against secrecy, locked files and papers stamped "not for public inspection."

It was fought lost last month as a battle against secrecy, locked files and papers stamped "not for public inspection."

It is called the Freedom of Information act. It was intended to open records to the public but was refused to open some records to him.

It was given a unique opportunity to learn the ground rules in his second term in Congress when a special subcommittee of Government Operations Committee was created to investigate how government agencies were blocking the flow of information to the press and public.

Although only a junior member of the committee, Moss was given a unique opportunity to learn the ground rules in his second term in Congress when a special subcommittee of Government Operations Committee was created to investigate how government agencies were blocking the flow of information to the press and public.

The right of a free people to know how their elected representatives are conducting the public business has been taken for granted by the most Americans. But the Constitution contains no requirement that the government keep the people informed.

The seed of the secrecy controversy was sown during the transition to a new Congress when it gave the executive branch, in a "housekeeping" act, authority to prescribe rules and regulations that would govern the execution of its record. They flourished in the climate created by the separation of the executive and legislative functions of government.

Since George Washington, Presidents have relied on a vague concept called "executive privilege" to withhold from Congress information of the highest order and the nation's defense and the lives of some personnel.

SENATE BILL IDENTICAL

House approval is believed certain, and since the Senate has already passed an identical bill, it should wind up on President Johnson's desk in a short time.

How it will be received at the White House is not clear. In 1960, as vice president-elect, Mr. Johnson gave the Associated Press an interview. "The executive branch must see that there is no smoke screen of secrecy."

But the executive branch obviously wouldn't. And Moss represented their views on the bill to Moss' government information subcommittee opposed in his passage.

Norbert A. Schleid, assistant attorney general, who presented the main government case against the bill, said the problem of releasing information to the public was "just too complicated, too ever-changing" to be dealt with in a single piece of legislation.

"If you have enough rules," he said, "you end up with less information getting out because of the complexity of the rule system you establish."

BASIC DIFFICULTY

"I do not think you can take the whole problem, federal governmentwide, and wrap it up in one bill. That is the basic difficulty, that is why the federal agencies are ranged against this proposal."

Another government witness, Fred Burton Smith, acting director of the Treasury Department, said if the bill was enacted "the executive branch will be unable to execute the activities being performed today that protect the public and will be unable to prevent invasions of privacy among individuals involved. The new law would protect necessary acts. decisions and policies that affect the public."

Moss was given a unique opportunity to learn the ground rules in his second term in Congress when a special subcommittee of Government Operations Committee was created to investigate how government agencies were blocking the flow of information to the press and public.

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EXECUTIVE PRIVILEGE

Since George Washington, Presidents have relied on a vague concept called "executive privilege" to withhold from Congress information of the highest order and the nation's defense and the lives of some personnel.

The bill would require—and here is where an added burden would be placed on the departments—that each agency maintain an index of documents that become available for public inspection after the law is enacted. To discourage frivolous requests, fees could be charged by the agency, and the person who wants the document has to prove that it is being improperly withheld.

The bill was enacted "the law Congress passed in 1946 in the belief Congress had to do the job of making more information available to the public because the executive branch obviously wouldn't."

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Moss, acting on the many complaints he receives, has clashed repeatedly with government officials far down the bureaucratic line who have refused to turn over records in refusal to divulge information, and in 1962 he succeeded in getting a letter from President John F. Kennedy stating that only the wittiest would invent it in the future.

President Johnson gave Moss a similar pledge last year.

BORN BY NEWSPAPERS

Until the Moss subcommittee entered the field, the battle against government secrecy had been borne mainly by newspapermen. It is the American Society of Newspaper Editors that published the first comprehensive study of the growing restrictions on public access to government records—a book by Harold L. Cross entitled "The People's Right to Know.

The book provided the basis for the legislative remedy the subcommittee proceeded to seek, and Cross summed up the idea that has driven Moss ever since he said, "the right to speak and the right to print, without the right to know, are pretty empty."

World War II, with its emphasis on security, was a boost to toward secrecy and so did the activities of the late Sen. Joseph McCarthy, Republican, of Wisconsin, as intimidated officials pursued him. It could not be obtained.

In 1952, Moss and the late Sen. Tom Hennings, Democrat, of Missouri, succeeded in amending the old "housekeeping" law to make it clear that the government did not grant any right for agencies to withhold their records. Opponents of the House executive branch blocked any further congressional action. Moss, hoping to win administration support, did not again ask for a bill until he was convinced this year it could not be obtained.

Moss feels S.160 marks a legislative milestone in the United States.

"For the first time in the nation's history," he said recently, "the people's right to know the facts of government will be guaranteed."

There is wide agreement with this view, but warnings against too much optimism are also being expressed.

Noting the exemptions written into the bill, a Capitol Hill veteran observed, "Any bureaucrat worthy of the name should be able to find some place in those exemptions to tuck a document he doesn't want seen."

Mr. SHRIVER. Mr. Speaker, will the gentleman yield? Mr. REID of New York. Mr. Speaker, I rise in support of S. 160 which clarifies and strengthens section 3 of the Administrative Procedure Act relating to the right of the public to information.

Six years ago when President Johnson was Vice President-elect he made a statement before the convention of the Associated Press Managing Editors Association that the time had come to free up hearings on this bill. He declared:

"In the years ahead, those of us in the executive branch must see that there is no assuming that everyone in the great country have a right to know about the conduct of their public affairs."

Mr. Speaker, over the past 30 years more and more power has been concentrated in the Federal Government in Washington. Important decisions are made each day affecting the lives of every individual.

Today we are not debating the merits of the growth of Federal Government. But as the Government grows, it is essential that the public be kept aware of what it is doing. Ours is still a system of checks and balances. Therefore as the balance of government is placed more and more on the shoulders of the agencies and the public, the check of public awareness must be sharpened.

For more than a decade such groups as the American Newspaper Publishers Association, the National Editors Association, and the American Bar Association have urged enactment of this legislation. More than a year ago the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations held extensive hearings on this legislation.

At that time Mr. John H. Colburn, editor and publisher of the Wichita, Kans., Eagle and Beacon, which is one of the outstanding daily newspapers in mid-America, testified in behalf of the American Newspaper Publishers Association.

Mr. Colburn pointed to a screen of secrecy which is a barrier to reporters, as representatives of the public—to citizens in pursuit of information vital to their health and welfare, or withholding anonymity by keeping everything they could from public view. Expansion of federal activities in recent years made the problem even more serious.

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Mr. REID of New York, I yield the remainder of my time to the gentleman from Illinois [Mr. RUMSFELD]. Mr. Speaker, will the gentleman yield? Mr. RUMSFELD. I yield. Mr. Speaker, I rise in support of S. 160. Mr. Speaker, I wish to express my support for this legislation and also to commend the chairman of our committee, Mr. Moss, on the great job he has done in bringing this important legislation to fruition.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Connecticut, who serves on this committee.

Mr. MONAGAN. Mr. Speaker, I wish to express my support for this legislation and also to commend the chairman of our committee, Mr. Moss, on the great job he has done in bringing this important legislation to fruition.

Mr. Speaker, I am happy to support S. 160. Mr. Speaker, I wish to express my support for this legislation and also to commend the chairman of our committee, Mr. Moss, on the great job he has done in bringing this important legislation to fruition.
American daily bating, is being responsible, who are in recent years official or political, is necessary to keep people informed. It is the responsibility of government to provide information which should be available to the people. The reporting and passage of this bill have come only after many years of constant work by the gentleman from Illinois, Mr. Moss, who has led this bill to the President for signature. Our chairmen should feel proud of the significant role that he has played in raising public standards regarding the availability of public information. This is a noteworthy accomplishment and will do much to maintain popular control of our growing bureaucracy.

I am happy to have worked with the subcommittee on Foreign Operations and Government Information and with the House Committee on Government Operations on this bill and to have shared to some degree in the process which has refined this legislation, obtained concurrence of the executive branch and reaches its culmination now, Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I am happy to yield to the distinguished gentleman from Virginia, who also served on the subcommittee on Government Information.

Mr. HARDY. I thank my good friend for yielding and commend him for his work on this bill.

Mr. Speaker, I wish to express my support of S. 1160, the bill before us. I have been a part of the Members of the House to know that I wholeheartedly support it, and that I am particularly happy the chairman of our subcommittee, the gentleman from California (Mr. Moss) is back with us today. I know he has not been in good health recently, and I am happy to see him looking so well. I congratulate him for the fine job he has done on this most important subject and I am glad to have been privileged to work with him on the subcommittee.

Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am glad to join my friend, the gentleman from Illinois, in support of this legislation, but I want to add that it will be up to the Congress, and particularly to the committee which has brought the legislation before the House, to see that it is clearly that the agencies of Government conform to this mandate of Congress. It will be meaningless unless Congress does do a thorough oversight job, and I want to have the opportunity of being clear that the efforts of the Defense Department to highlight the facts.

Mr. RUMSFELD. The gentleman's comments are most pertinent. Certainly it is the nature of Government to play even oversight and to promote such facts. This has been the case in the past administrations. Very likely this will be true in the future.

The legislation that but that S. 1160 will not change this phenomenon. Rather, the bill will make it considerably more difficult for secretive-minded bureaucrats to decide arbitrarily that the people should be denied access to information on the conduct of Government or on how an individual Government official is handling his responsibilities.

Mr. Speaker, the problem of excessive restrictions on access to Government information is a nonpartisan problem, as the gentleman from Illinois, Mr. Moss has said. No matter what party has held the political power of Government, there have been attempts to cover up mistakes and errors.

Significantly, S. 1160 provides for an appeal against arbitrary decisions by spelling out the ground rules for access to Government information, and, by providing for a court review of agency decisions under these ground rules, S. 1160 assures public access to information which is basic to the effective operation of a democratic society.

The legislation was initially opposed by a number of agencies and departments, but following the hearings and issuance of the carefully prepared report—which clarifies legislative intent—much of the opposition seems to have subsided. There still remains some opposition on the part of a few Government administrators who resist any change in the routine of government. They are familiar with the inadequacies of the present law, and over the years have learned how to take advantage of its vague phrases. Some possibly believe they hold a vested interest in the machinery of their agencies and bureaus, and may be attempting to oversee their activities either by the public, the Congress or appointed Department heads.

But our democratic society is not based upon the vested interests of Government employees. It is based upon the participation of the public who must have full access to the facts of Government to select intelligently their representatives to serve in Congress and in the White House. This legislation provides the machinery for access to government information necessary for an informed electorate.

Mr. Speaker, it is a great privilege for me to be able to speak on behalf of Senator bill 1160, the freedom-of-information bill, to which I was a sponsor, on behalf of a Federal public records law.

I believe that the strong bipartisan support enjoyed by S. 1160 is indicative of its merit and of its value to the Nation. Before, in 1964 and 1965, the U.S. Senate expressed its approval of this bill. On March 30, 1966, the House Subcommittee on Foreign Operations reported the bill favorably. On April 27, 1966, the House Committee on Government Operations reported the bill out with a do-pass recommendation. It remains for the House of Representatives to record its approval and for the President to sign the bill into law.

I consider this bill to be one of the most important measures to be considered by Congress in the past 20 years. The bill is based on three principles:

First, that public records, which are evidence of official government action, are public property, and that there should be a positive obligation to disclose this information upon request.

Second, this bill would establish a procedure to guarantee individuals access to specific public records, through the courts if necessary.

Finally, the bill would designate certain categories of official records exempt from disclosure.
have been unnecessary had this bill been the law. Certainly there is no provision in the Constitution of any nation for the withholding of information in government. The gentleman referred to that I know of. Mr. QUIETE. I thank the gentleman and want to commend him on the work he has done in bringing out this legislation. I believe it is an excellent bill.

Mr. Reid of New York. Mr. Speaker, will the gentleman yield to me for 1 second?

Mr. URMSTED. I am happy to yield to the gentleman from New York, who serves as the ranking minority member of the subcommittee.

Mr. Reid of New York. Mr. Speaker, in order that the gentleman may complete his statement, may I ask unanimous consent that any Member of the House may have 5 legislative days in which to include his thoughts and remarks in the Record on this bill?

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. Rim STEFF. Mr. Speaker, in the seconds remaining, I do want to commend my colleague and good friend, the gentleman from California. As the able chairman of this subcommittee, he has worked diligently and effectively these past 11 years to secure a very important right for the people of this country. Bringing this legislation to the floor today is a tribute to his efforts. Certainly his work and the work of others whose names have been mentioned, the gentleman from Michigan, now a Member of the other body, Mr. Griffin, who served so effectively as ranking minority member of our subcommittee and the ranking minority member of our full committee the gentleman from New Jersey [Mr. Dwyer], all shared in the effort and work that resulted in this most important and thoroughful piece of legislation.

Save the century with a free government—as free as any ever devised and operated by man. The more that government becomes secret, the less it remains free. To diminish the people's participation in government is to diminish the people's participation in government. The consequences of government secrecy are not less because the reasons for secrecy are more. The ill effects are the same regardless whether the reasons for secrecy are good or bad. The arguments for more secrecy may be good arguments which, in a world that is menacing by Communist imperialism, we cannot altogether reject. They are nevertheless arguments for less freedom.

In August of 1822, President James Madison said:

"Knowledge will forever govern ignorance. Ignorance will never be, and ought not to be, a subject of support or protection to a free or a free government. It is only sufficient to make one other point about the bill. This bill is not to be considered, I think it is safe to say on behalf of the members of the committee, a withholding statute in any sense of the term. Rather, it is a disclosure statute. This legislation is intended to mark the end of the use of such phrases as "for good cause found," phrases which have been used in the past by individual officials of the executive branch in order to justify, or at least to seem to justify, the withholding of information that properly belongs in the hands of the public. It is our intent that the courts interpret this legislation broadly as a disclosure statute and not as an excuse to withhold information from the public.

I must add, that disclosure of Government information is particularly important today because Government is becoming involved in more and more aspects of every citizen's personal and business life, and so the access to information about how Government is exercising its trust becomes increasingly important.

Also, people are so busy today bringing up families, making a living, that it is increasingly difficult for a person to keep informed. The growing complexity of Government itself makes it extremely difficult for an intelligent citizen and remain knowledgeable enough to exercise his responsibilities as a citizen; without Government secrecy it is impossible.

The closure statute is an attempt to prevent access to information by Government is not new. The Federal Government was not a year old when Senator Maclay of Pennsylvania asked the Treasury Department for the receipts. Baron von Steuben had given for funds advanced to him. Alexander Hamilton refused the request.

In the United States, three centuries of progress can be seen in the area of access to Government information. Based on the experience of England, the Founders of our Nation established—by law and by tradition—a framework of freedom—public access to government. As James Madison said:

"Knowledge gives. A popular governmentdemands that knowledge. The people of this country are to the people's information about government has become the ever more necessary to an informed electorate. Our system of government is a testimony to the ability of government information and knowledge. A popular government without popular information or the means of acquiring it resembles a horse to a farce or a tragedy, or perhaps both.

Thomas Jefferson, in discussing the obligation of the press to criticize and to conduct of Government in the interest of keeping the public informed, said:

"We were not left to decide whether we should have a government without newspapers or a newspaper without government. I should not hesitate for a moment to prefer the latter. No government ought to be without censors; and where the press is free, none ever will be.

President Woodrow Wilson said in 1913:

"Wherever any public business is transacted, wherever plans affecting the public are laid, or enterprises in which the public welfare, comfort or convenience go forward, wherever political programs are formulated, or candidates for office are selected, the public has a right to speak, with the divine prerogative of a people's will, the words: \"Let there be light.\"

House Report No. 1497, submitted to the House by the Committee on Government Operations to accompany S. 1160, concludes:

\"The development of a democratic society requires an informed, intelligent electorate, and the intelligence of the electorate varies as the quantity and quality of information for which there is a demand. A danger signal to our democratic society is the fact that such a political nuisance is recurring. And repeated it, in textbooks and classrooms, in newspapers, and broadcasts.\"

The repetition is necessary because the idea of open government is popular, the public understands the laws which guarantee public access to the facts in government. In the time it takes for one generation to grow up and prepare to join the councils of government—from 1946 to 1966—the law which was designed to provide public information about government has become the major shield of secrecy.

S. 1160 will correct this situation. It provides the necessary machinery to assure the availability of government information necessary to an informed electorate.

Mr. Speaker, I was interested to learn that Leonard H. Marks, Director of the U.S. Information Agency—USA—recently suggested before the Overseas Press Club in New York City the development of a treaty "guaranteeing international freedom of information."

"To be sure, this is a commendable suggestion and one which I would be delighted to hear more about. For the time being, however, I am concerned with the freedom-of-information question here in the United States. It is a basic problem. And it is one which we have a responsibility to accept."

Mr. Speaker, I was interested to learn that Leonard H. Marks, Director of the U.S. Information Agency—USA—recently suggested before the Overseas Press Club in New York City the development of a treaty "guaranteeing international freedom of information."

The political organization that goes by the name of the United States of America consists of thousands of governing units. It is operated by millions of elected and appointed officials. Our Government is so large and so complicated that few understand it at all. Yet, we must understand it to make it function better.

In this country we have placed all our faith in the intelligence and interest of the people. We have said that ours is a Government guided by citizens. From this it follows that Government will serve us well only if the citizens are well informed.

Our system of government is a testimony to the ability of people to find their way to right solutions given sufficient information. This has been a magnificent gamble, but it has worked.

The passage by the House of S. 1160 is an important step toward insuring an informed citizenry which can support or oppose public policy from a position of understanding and knowledge.

The passage of S. 1160 will be an important step toward insuring that our citizenry will be able to understand and support the legislation of each Member of the House of Representatives.

Mr. HALL. Mr. Speaker, will the gentleman yield to me for 1 second?

Mr. URMSTED. I will be happy to yield to the distinguished gentleman from Missouri.
Mr. HALL. Mr. Speaker, I appreciate the gentleman’s comments. I hardly see how it can help but improve the practice of separation of the powers as it is conducted in the executive branch of the Government. I think the right to lie rather than no comment and in the days when reportorial services are being asked to be the handmaiden of government rather than give them full disclosure, I think it is important to have this legislation.

Mr. Speaker, I want to express my strong support, and to urge the support of my colleagues for the freedom of information bill, designed to protect the right of the public to information relating to the actions and policies of Federal agencies. This bill has been a long time in coming, too long in my judgment, and I suggest that the withholding of information, it is designed to prevent, has been a fact of life under the present administration.

I believe this bill is one of the most important pieces of legislation to be considered by Congress, and I support its enactment one hundred percent. However, the mere passage of legislation will not insure the freedom of information which we hope to achieve. There are many ways by which executive agencies, determined to conceal public information, can do so if and when they desire. Where there is a will, there is a way, and while this bill will make that way more difficult, it will take agreement, legislative review and oversight to insure the public’s right to know.

To indicate the challenge that lies ahead, I need only refer again to an article from the Overseas Press Club publication Dateline 66, which I inserted in the CONGRESSIONAL Record on May 12. Assistant Secretary of Defense for Public Affairs Arthur Sylvester was quoted by CBS Correspondent Moresly Safer as saying at a background meeting that—anyone who expects a public official to tell the truth is stupid—And as if to emphasize his point, Sylvester was quoted as saying, again: Did you hear that stupid?

Subsequently, at Mr. Sylvester’s request, I inserted in this bill in reply to the charge, but, since that occasion, at least four other correspondents have confirmed the substance of Moresly Safer’s charges, and to this date to my knowledge, not a single correspondent present at that meeting in July of 1965, has backed up the Sylvester so-called denial.

I repeat that the passage of this legislation will not, in itself, insure the public’s right to know, but it is an important first step in that direction. As long as there are people in the administration, however, in the days of continuing efforts to mislead the public, it will take vigorous action by the Congress and the Nation’s press to make our objectives a reality. Passage of this bill is a great step, on the part of the legislative branch of the U.S. Government, toward proper restoration of the tried and true principle of separation of powers.

Mr. DOLE. Mr. Speaker, will the gentleman yield to me?

Mr. RUMSFIELD. I will be happy to yield to the distinguished gentleman from Kansas, who also serves on the Special Committee on Government Information.

Mr. DOLE. Mr. Speaker, I rise in support of S. 1160, which would clarify and protect the right of the public to information.

Since the beginnings of our Republic, the people and their elected Representatives have been engaged in a sort of ceremonial contest with the executive bureaucracy over the freedom-of-information issue. The dispute has, to date, failed to produce a practical result.

Government agencies and Federal officials have repeatedly refused to give individuals information to which they were entitled and the documentation of such unauthorized withholding—from the press, the public, and Congress—is voluminous. However, the continued recital of cases of secrecy will never determine the basic issue involved in the point that has already been more than proven. Any circumvention of the public’s right to know cannot be arrived at by Congressional legislation. In instances of withholding, nor can it be fixed by presidential fiat. At some point we must stop restating the problem, authorizing investigations, and holding hearings, and come to grips with the problem.

In a democracy, the public must be well informed if it is to intelligently exercise the franchise. Logically, there is little room for secrecy in a democracy. But, we must be realists as well as rationalists and recognize that certain privacy must be respected. It is generally agreed that the public’s knowledge of its Government should be as complete as possible, consonant with the public interest and national security. The President by virtue of his constitutional powers in the fields of foreign affairs and national defense, without question, has some derived authority to keep secrets. But, we cannot leave the determination of the answers to some arrogant or whimsical bureaucrat—they must be written into law.

To that end, I joined other members of this House in introducing and supporting legislation to establish a Federal public records law and to permit court enforcement of the people’s right to know.

This bill would require every agency of the Federal Government to "make all its records promptly available to any person," and provides for court action to guarantee the right of access. The proposed law is intended to cover the nine categories of sensitive Government information which would be exempted.

The protected categories are matters—(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; (2) related solely to the internal personnel rules and practices of any agency; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) agency information which is privileged or confidential, and protected, 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 in litigation with the agency; (8) contained in or related to examinations, 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.

The bill gives full recognition to the fact that the President must at times act in secret in the exercise of his constitutional duties when it is contrary to the public’s right of access to Government information.

However, the President must at times act in secret in the exercise of his constitutional duties when it is contrary to the public’s right of access to Government information.

The balances have long been weighted in the direction of executive discretion, and the need for clear guidelines is manifest. I am convinced that the answer lies in a clearly delineated, and justifiable right of access.

This bill is not perfect, and some critics predict it will create more confusion without really enhancing the public’s right to know. In my opinion, it is at least a step in the right direction and, as was stated in an editorial in the Monday, June 13, issue of the Wichita Eagle—It’s high time this bill became law. It is imperative that it is passed, for anyone who is interested in good government and his own rights must hope that its passage and the President’s approval will be swift.

Mr. JOELSON. Mr. Speaker, I am pleased to support this legislation which protects the right of the public to information. I believe that in a democracy, it is vital that public records and proceedings must be made available to the public in order that we have a fully informed citizenry. I think that the only time that information should be withheld is where there are overriding considerations of national security which require secrecy, where disclosure might result in an unwarranted invasion of personal privacy, impede the effective functioning of Government, expose a secret which has been kept too long, be weighted in the direction of executive discretion, and the need for clear guidelines is manifest. I am convinced that the answer lies in a clearly delineated, and justifiable right of access.

Mr. ROSENTHAL. Mr. Speaker, as a member of the House Committee on Government Operations, I am particularly anxious to offer my strongest support for this measure. S. 1160, and praise for its cosponsor, the gentleman from California [Mr. Moss].

I offer my thanks to our distinguished chairman, the gentleman from Illinois [Mr. Dawson] for his firm leadership in bringing this measure before the House.
Mr. POFF. Mr. Speaker, it was my privilege to support S. 1160 today designed to protect the right of the American public to receive full and complete disclosures from the agencies of their Government.

Today, as never before, the Federal Government is a complex entity which touches almost every fiber of the fabric of human life. Too often, the overzealous bureaucrat uses his discretionary power to blot out a bit of intelligence which he thinks the public should not know. This is true not only with respect to military activities for which there may, on occasion, be a valid reason for withholding full disclosure until after the execution of a particular military maneuver, but also in the case of strictly political decisions in both foreign and domestic fields.

Thomas Jefferson once said that if he could choose between government without newspapers or newspapers without government, he would unhesitatingly choose the latter. The press, in performing its responsibility of digging out facts, has acted as a check upon the giants of the Federal Government should not be restricted and hampered. Yet there are some 24 classifications used by Federal agencies to withhold information from the American people. When Government officials make such statements as "a government has the right to lie to protect itself" and "the only thing I fear is publicity," it is obvious that the need for collective congressional action in the field of public information is acute. In the unique American system, the people need to know all the facts in order that their judgments may be based upon those facts. Anything less is a dilution of the republican form of government.

Mr. BENNETT. Mr. Speaker, legislation of this type has been long needed. It is difficult, however, to understand because it is a difficult subject in which to draw the precise lines needed without overstepping into areas that might be dangerous to our country. It is my opinion that before being fully effective, the bill does handle the matter in a proper and helpful manner and I am glad to support it.

Mr. CLANCY. Mr. Speaker, a number of important duties and engagements in Cincinnati prevent me from being on the House floor today. However, if it were possible for me to be present today, I would vote for the Freedom of Information Act, S. 1160.

The problem of Government secrecy and news manipulation has reached appalling proportions under the current administration. The nation is entitled to have the fact that the people have the right to know.

Not only has the truth frequently been compromised, but in some instances Government officials, instead of disavowing the facts, they have denied their existence. This shroud of secrecy and deception is deplorable. The man in the street has a right to know about his government, and this includes its mistakes.

The Cincinnati Enquirer has, in two editorials on the subject of the public's right to know the truth about the activities of its Government, called for passage of the legislation we are considering today. I include these editorials with this message because I believe they will be of interest to my colleagues:

[From the Cincinnati (Ohio) Enquirer, June 15, 1966]

**LET'S OPEN GOVERNMENT RECORDS**

Next Monday the House of Representatives is scheduled to come finally to grips with an issue that has been kicked around official Washington for so long that Congress thought it was solved long ago. The issue, in blunt form, is the public's right to know.

Most Americans probably imagine that their right to be informed about what their government is doing is unchallenged. They may wonder about the need for any legislation aimed at reaffirming it. But the fact is that the cloak of secrecy has led to conceal errors and to deny the public governmental activities and procedures from public view. Many of these activities and procedures are matters of the nation's security or to individual Americans' legitimate right to privacy. They are matters clearly in the public realm.

A simple consideration next Monday is Senate Bill 1160, the product of a 13-year study of the entire problem and proposed by Representative John E. Moss (R., Calif.). The bill has already won Senate approval, and an affirmative House vote next Monday is necessary to send it to President Johnson's desk.

All of the 27 Federal departments and agencies that have sent representatives to testify before the House Government Operations Committee that conducted hearings on the bill have opposed it. The opposition is so complex it would be dealt with in a single piece of legislation. But Representative Moss feels—and a Senate majority obviously agrees with him—that the right of Federal officials to classify government documents has been grossly misused to conceal errors and to deny the public information it is entitled to have.

The bill makes clear and necessary exceptions—national security, foreign policy secrets, trade secrets, investigatory files, material collected in the course of labor disputes, medical records, mental institutions, medical files and papers designed solely for the internal use of a governmental agency.

Most important, however, the bill would put on the governmental agency the burden of proving that a particular document should be withheld from public view. As matters stand today, the person who seeks a particular document must prove that it is being improperly withheld; the Moss bill would require that the Federal agency involved prove that its release would be detrimental.

It may be easy for rank and file Americans to imagine that the battle Representative Moss has been leading for more than a decade is a battle in the interests of the Nation's Information media. But the right of the American people to know is a legitimate right to privacy. They are matters clearly in the public realm.

The House should give prompt approval to Senate Bill 1160, and President Johnson should sign it when it reaches his desk.

[From the Cincinnati (Ohio) Enquirer, May 29, 1966]

**THE RIGHT TO KNOW**

It is easy for many Americans to fall into the habit of imagining that the constitutional guarantees of a free press are a matter
June 24, 1966

CONGRESSIONAL RECORD — HOUSE 13657

Mr. SKINNER of Pennsylvania, I rise in support of today's proposal to refuse to yield information—whether classified or not—that belongs to the public. I am the man in the street's right to know—right that he views as his own. It is the people's right to know—right that the newspapers and broadcasting industry, as well as the public, are trying to protect.

The Legion of Information is now being threatened. The press is no longer free to do its job. The public is now being denied access to information vital to the workings of the government.

We need a new, comprehensive, federal law that will protect the public's right to know. We need a law that will protect the public's right to know information that is vital to the public's welfare.

The Republican Policy Committee, the House Republican policy committee, has approved a comprehensive freedom of information bill (S. 1160). The bill is an attempt to ensure freedom of information without jeopardizing the individual's right of privacy. It is a bill that sets forth the right of access to all government records. It is a bill that guarantees the public's right to know.
CONGRESSIONAL RECORD — HOUSE
June 20, 1966

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of this freedom of information bill. It felt at the time it was acted upon by the Government Operations Committee, of which I am a member, that it was one of the most significant pieces of legislation we had ever acted upon. In a democracy the government's business is the people's business. When we deprive the people of knowledge of what their government is doing then we are indeed treading on dangerous ground. We are trespassing on their right to know. We are depriving them of the opportunity to examine critically the efforts to those who are chosen to labor on their behalf. The strength of our system lies in the fact that we strive for an enlightened and knowledgeable electorate. We defeat this goal when we hide information behind a cloak of secrecy. We realize our goal when we make available to those who exercise their right to choose and information which leads them to enlightened decisions.

Mr. ROUSH. Mr. Speaker, I rise in support of S. 1160. I believe approval of S. 1160 is absolutely necessary to maintain the strength of our democratic system of government because as the Federal Government has extended its activities to help solve the Nation's problems, the bureaucracy has developed its own form of procedures and case law, which is not always in the best interests of the public. Under the provisions of this measure, all the information which the agency's use only or Government security filers claimed, the contractor or newsman will be denied information simply by having the agency classify him as a person not "properly and directly concerned." This is precisely this tyranny over the "mind of man" which is aimed at and abetted by a lack of freedom of information within government.

Mr. SCHMIDHAUSER. Mr. Speaker, I believe approval of S. 1160 is absolutely necessary to maintain the strength of our democratic system of government because as the Federal Government has extended its activities to help solve the Nation's problems, the bureaucracy has developed its own form of procedures and case law, which is not always in the best interests of the public. Under the provisions of this measure, all the information which the agency's use only or Government security filers claimed, the contractor or newsman will be denied information simply by having the agency classify him as a person not "properly and directly concerned." This is precisely this tyranny over the "mind of man" which is aimed at and abetted by a lack of freedom of information within government.

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Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of S. 1160. The purpose of this bill is to amend section 3 of the Administrative Procedures Act and thereby to lift the veil of secrecy that makes many of the information "Government security" or "agency's use only" records available to the public. The basic consideration involved in passage of this bill, which will clarify and protect the right of the public to information, is that in a democracy like ours the people have an inherent right to know, and government does not have an inherent right to conceal.

Mr. ROUSH. Mr. Speaker, I rise in support of this freedom of information bill. It felt at the time it was acted upon by the Government Operations Committee, of which I am a member, that it was one of the most significant pieces of legislation we had ever acted upon. In a democracy the government's business is the people's business. When we deprive the people of knowledge of what their government is doing then we are indeed treading on dangerous ground. We are trespassing on their right to know. We are depriving them of the opportunity to examine critically the efforts to those who are chosen to labor on their behalf. The strength of our system lies in the fact that we strive for an enlightened and knowledgeable electorate. We defeat this goal when we hide information behind a cloak of secrecy. We realize our goal when we make available to those who exercise their right to choose and information which leads them to enlightened decisions.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of S. 1160. Mr. Speaker, I rise in support of S. 1160. In recent years we have seen both the legislative and executive branches of our Government demonstrate a mutual concern over the increase of instances within the Federal Government in which information was arbitrarily withheld. In 1958, the House and Senate struck down the practice under which department heads used a Federal statute, permitting them to regulate the dissemination of official records, to withhold these records from the public.
Four years later, President Kennedy elaborated the concept of "Executive privilege," which gives the President the power to withhold information from Congress, to keep the President, and not to his officers. Kennedy last year affirmed this limitation.

But one loophole remains: Section 3 of the Administrative Procedure Act of 1946, the basic law relating to release of information concerning agency decisions and dealings between the Government and individuals. The bill would amend this section.

Congress enacted this legislation with the intent that the public's right to information would be respected. Unfortunately, some Government officials have used this law for the diametrically opposed use of withholding information from Congress, the press, and the public.

Under how much of such generalized provisions in section 3 as "in the public interest," or "for good cause found," virtually any information, whether actually confidential or not, can be withheld by the member of the Federal Government, could be withheld. As Eugene Pizer, editor of the Atlantic Constitution and Chairman of the Freedom of Information Committee of the American Society of Newspapers said, such justifications for secrecy "could clasp a lid on just about anybody's out-tray."

But in contemporary needs, this bill relates to a pillar of our democracy, the freedom expressed in the first amendment guaranteeing the right of speech.

Inherent in the right to speak and the right to print was the right to know—

States Dr. Harold L. Cross, of the ASNE's Freedom of Information Committee. He pointed out:

The right to speak and the right to print, without the right to know, are pretty empty.

James Madison, who was chairman of the committee that drafted the first Constitution, has this to say:

Knowledge will forever govern ignorance, and a people who mean to be their own governors, must arm themselves with the power knowledge gives. Without the right to know, are pretty empty...
It goes to the heart of our representative and democratic form of government. If enacted, and I feel certain it will be, it will be good for the people and good for the Federal Government.

This bill is the product of 10 years of effort to strengthen the people’s right to know what their Government is doing, to guarantee the people’s access to Government records, and to prevent Government officials from hiding their mistakes behind a wall of official secrecy.

During these 10 years, we have conducted endless hearings, held lengthy and repeated hearings, and compiled hundreds of cases of the improper withholding of information by Government agencies. Congress is ready, I am confident, to reject administration claims that it alone has the right to decide what the public can know.

As the ranking minority member of the Committee on Government Operations, and as a sponsor of legislation similar to the pending bill, I am proud to pay tribute to the chairman and members of the Subcommittee on Foreign Operations for the long and careful and effective work they have done in alerting the country to the problem and in winning acceptance of the need to make public the public records and public information for the simple reason that they need it in order to behave as intelligent, informed and responsible citizens. Congress has a moral obligation, which the present bill makes clear and concrete, to make this information fully available without unnecessary exceptions or delay—however embarrassing such information may be to individual officials or agencies or the administration which happens to be in office.

By improving citizens’ access to Government information, this legislation will do two things of major importance: it will strengthen citizen control of their Government and it will force the Government to be more responsive to the people’s increasing demand for public policy decisions.

What more can we ask of any legislation?

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 1160, a bill to clarify and protect the right of the public to information, and to amend the gentleman from California [Mr. Moss] and his subcommittee to which this bill was referred. As chairman of the subcommittee, the gentleman from California [Mr. Moss] has devoted 10 years to a fight for acceptance by the Congress of freedom-of-information law. As far as I know, until 1964 that such a bill was passed by the Senate.

Last year the Senate again acted favorably on such a bill and now in this House, the Subcommittee on Government Operations has finally reported the bill to the floor principally through the effort of the gentleman from California [Mr. Moss].

The passage of this bill is in culmination of his long and determined effort to protect the American public from the evils of secret government. Although there has been some talk that the Government agencies are against this measure, the President will certainly not veto it. When signed into law, this bill will serve as a lasting monument to the distinguished and dedicated public servant from California, Mr. John E. Moss.

As it has been analytically observed by the editor of the Honolulu Star-Bulletin:

What is demanded is not the right to know; what is demanded is the people’s right to know what goes on in the government that rules them with their consent.

Representative government—government by the freely elected representatives of the people—succeeds only when the people are fully informed.

All acts of evil can hide in the shadows of governmental secrecy. History has confirmed time and again that when the spotlight is placed on subject matter of public life, the people are quick to react.

Freedom of information—the people’s right to know—is the best assurance we have that our government will operate as it should in the public interest.

Mr. Speaker, I congratulate the gentleman from California [Mr. Moss] upon his final success in his unrelenting efforts, for the results obtained both in this Congress and last session give us hope that this bill will pass without any dissenting vote, but I nevertheless urge unanimous vote.

Mr. HUNGATE. Mr. Speaker, democratic forms of government, in order to be truly representative of popular will, need to be readily accessible and responsive to the demands of the people. Our system of government has characteristics which make access open to the people. It is equally true that, down through the years, our governmental machinery has grown increasingly complex, not only in regard to size but in the performance of its activities as well. This growing complexity has, quite justifiably, brought to ultimate fruition a revitalized awareness of the need for the people to have made available to them information about the affairs of their Government.

S. 1160, the Federal Public Records Act, achieves by my distinguished and capable colleague from Missouri, Senator Edward V. Long, captures the imagination of countless millions of responsible Americans, who know only too well the frustration of being rejected in all their efforts to be well informed. Our bill will give citizens a remedy for improper withholding, since Federal dissemination of official information-the people’s right to know what goes on in the government that rules them with their consent—has been an invasion of privacy.

As you might properly assume from the reason for my absence, I am particularly interested in and pleased with the passage of the freedom of information bill, which originated in the Government Operations Committee on which I serve.

I am also pleased at the passage of H.R. 13196, the Allied Health Professions Training Act; and H.R. 15119, the Unemployment Insurance Amendments of 1966. All of these measures passed the House last week, and at times when no vote was recorded due to my absence from the House when the bills were actuated.

During this period I was in Georgia, where I had the pleasure of addressing the Georgia Press Association, to meet a commitment made several months ago when I was named judge of the Georgia Press Association’s annual Better-Newspapers Contest.

My absence from the House came at a time when it was apparent that no very controversial legislation would be forthcoming for consideration in this Congress. The three bills passed either unanimously or with a very small negative vote.

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June 20, 1966

CONGRESSIONAL RECORD — HOUSE

13661

These bills have long been needed, and I am proud to be a Member of the House in the 89th Congress at the time of their passage.

As a newspaper publisher and radio station manager, I have been interested in public access to public records and public business since my journalistic career began. As a member of Sigma Delta Chi, and a past president of the Central Ohio Professional Chapter of Sigma Delta Chi, I am dedicated to the proposition held by the authors of this bill that the "truth shall make men free." I am also a supporter of Jefferson's view suggesting that, given a choice between government without newspapers and newspapers without government, I would prefer the latter.

If one cannot support the principle of the availability to the public of its governmental records, as covered in this bill, one cannot support the principle of freedom and democracy upon which our Nation is built.

While I feel the freedom of information bill could still be strengthened in some respects, I am delighted with it as a tremendous step in reaffirming the people's right to know. Every good journalist also rejoices, because the bill will make life a little easier for all of us who just want to get the facts, Mr. Speaker.

The question was taken; and the Roll was closed.

Mr. Resnick with Mr. Donnally; Mr. Annunzio with Mr. Watson; Mr. Celler with Mr. Ashmore; Mr. Ashley with Mr. Roybal; Mr. Diggs with Mr. Wright; Mr. Wright with Mr. Martin of Massachusetts; Mr. Herlong with Mr. Harsha; Mr. Duncan of Oregon with Mr. Minshall; Mr. Jones of North Carolina with Mr. Cranmer; Mr. Steed with Mr. Brown of Ohio; Mr. Blatnik with Mr. Collier; Mr. Mackie with Mr. Machias; Mr. Addabbo with Mr. Kent; Mr. Williams with Mr. Walker of Mississippi; Mr. Davis of Georgia with Mr. Berry; Mr. Trimble with Mr. Haleck; Mr. Flood with Mr. Andrews of North Dakota; Mr. Shipley with Mr. Adair; Mr. Dingell with Mr. Stafford; Mr. Wright with Mr. Roush; Mr. Everett with Mr. Clayce; Mr. Willis with Mr. Goodell; Mr. Fraser with Mr. Ellsworth; Mr. Morrison with Mr. Curtin; Mr. Resnick with Mr. Don B. Clausen; Mr. Brooks with Mr. Cunningham; Mr. Stephens with Mr. Bray; Mr. Annunzio with Mr. Watson; Mr. Collier with Mr. Ashmore; Mr. Ashley with Mr. Hoyt; Mr. Diggs with Mr. Scheuer; Mr. Jennings with Mr. Purcell; Mr. Fallon with Mr. McNamara; Mr. Daddario with Mr. McDowell; Mr. McGovern with Mr. Mitchell; Mr. V. Thomas with Mr. Tollie; Mr. Wyant with Mr. Palm. Mr. Johnson of Maryland; Mr. Dent with Mr. Lannon; Mr. Floyd with Mr. Passman; Mr. Corman with Mr. Olson of Minnesota.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hamilton with Mr. King of New York; Mr. Scott with Mr. Callaway; Mr. Cooley with Mr. Jonas; Mr. Multer with Mr. Pino; Mr. Evins with Mr. Mathias; Mr. Howard with Mrs. Dwyer; Mr. Culver with Mr. Reifel; Mr. McMillan with Mr. Ford; Mr. Yost with Mr. Wood; Mr. Halleck with Mr. Williams; Mr. Roberta with Mr. Whalley; Mr. Long of Louisiana with Mr. Quillee; Mr. Cohelan with Mr. Horton; Mr. Koegh with Mr. Cullin; Mr. Thomas with Mr. Magee; Mr. Wolf with Mr. Pirnie; Mr. Pepper with Mr. Martin of Massachusetts; Mr. Herlong with Mr. Harsha; Mr. Duncan of Oregon with Mr. Minshall; Mr. Jones of North Carolina with Mr. Cranmer; Mr. Steed with Mr. Brown of Ohio; Mr. Blatnik with Mr. Collier; Mr. Mackie with Mr. Machias; Mr. Addabbo with Mr. Kent; Mr. Williams with Mr. Walker of Mississippi; Mr. Davis of Georgia with Mr. Berry; Mr. Trimble with Mr. Haleck; Mr. Flood with Mr. Andrews of North Dakota; Mr. Shipley with Mr. Adair; Mr. Dingell with Mr. Stafford; Mr. Wright with Mr. Roush; Mr. Everett with Mr. Clayce; Mr. Willis with Mr. Goodell; Mr. Fraser with Mr. Ellsworth; Mr. Morrison with Mr. Curtin; Mr. Resnick with Mr. Don B. Clausen; Mr. Brooks with Mr. Cunningham; Mr. Stephens with Mr. Bray; Mr. Annunzio with Mr. Watson; Mr. Collier with Mr. Ashmore; Mr. Ashley with Mr. Hoyt; Mr. Diggs with Mr. Scheuer; Mr. Jennings with Mr. Purcell; Mr. Fallon with Mr. McNamara; Mr. Daddario with Mr. McDowell; Mr. McGovern with Mr. Mitchell; Mr. V. Thomas with Mr. Tollie; Mr. Wyant with Mr. Palm. Mr. Johnson of Maryland; Mr. Dent with Mr. Lannon; Mr. Floyd with Mr. Passman; Mr. Corman with Mr. Olson of Minnesota.
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Mr. CRALEY with Mr. O'NEILL of Massachusetts. Mr. Delaney with Mr. Macdonald. Mr. Farber with Mr. Toll. Mr. Fogarty with Mr. Rooney of Pennsylvania. Mr. Gilbert with Mr. Price. Mr. Gray with Mr. Landrum. Mr. Hansen of Wisconsin with Mrs. Bolton.

The result of the vote was announced as above recorded.

The doors were opened.

The motion to reconsider was laid on the table.

GUADALUPE MOUNTAINS NATIONAL PARK, TEX.

Mr. RIVERS of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership an area in the State of Texas possessing outstanding geological values together with scenic and other values of great scenic and aesthetic value, the Secretary of the interior shall establish the Guadalupe Mountains National Park, consisting of the land and interests therein described, on the drawing entitled "Proposed Guadalupe Mountains National Park, Texas," numbered SA-GM-7100C and dated February 1966, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior.

Notwithstanding the foregoing, however, the Secretary shall omit from the park sections 7 and 17, T.61S., R.212W., B.121, in Hudspeth County, and revise the boundaries of the park accordingly if the owner of said sections is unwilling to make such a donation, or if such sections are not acquired for funds, exchange, or in other such manner as he deems to be in the public interest. Any property, or interest therein, owned by the State of Texas, or any political subdivision thereof, may be acquired only with the concurrence of such owner.

(a) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary, in his discretion, may acquire, by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as may be agreed upon, all or any part of lands outside the park boundary which are adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary with the landowner for other property in the boundary of the park. The Secretary may accept cash or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged.

(b) When title to all privately owned land within the boundary of the park, subject to such outstanding interests, rights, and reservations as the Secretary determines, are not objectionable, with the exception of approximately 4,676 acres which are planned to be acquired in the United States and after the State of Texas has donated or agreed to donate to the United States all these lands and interests therein. In minerals underlying the boundaries of the park it may have and other ownership interests therein, which have donated or agreed to donate or sell the same to the United States, notice thereof and application for the issuance of the Guadalupe Mountains National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire such lands and interests in land within the boundaries of the park. The Secretary is authorized, pending establishment of the park, to negotiate and secure options for the purchase of lands and interests in land within the boundaries of the park. He is further authorized to execute contracts for the purchase of such lands and interests, but the liability of the United States under any such contract shall be contingent on the availability of appropriated or donated funds to fulfill the same.

The vote was taken by entry of any party thereof are abandoned and/or cease to be used for National Park purposes by the United States on or before the expiration of twenty years following acquisition of the land and interests therein described, the person or persons owning the respective rights and interests in minerals underlying the land and interests therein described, the person or persons from whom title to such rights and interests were acquired by the United States shall be indemnified against any personal loss to which such person or persons is/are subject by reason thereof, and such person or persons is/are entitled to the full and undiminished compensation to which he/she is entitled by reason of such personal loss.

The result of the vote was announced as above recorded. The doors were opened. A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The result was no objection.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. RIVAS) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

Mr. ASPINALL. Mr. Speaker, the bill which the Committee on Interior and Insular Affairs is recommending to you this week would authorize the establishment of the Guadalupe Mountains National Park in the State of Texas.

As many of you will recall, during the 84th Congress, we authorized the establishment of the Guadalupe Mountains National Park. It was the first completely new national park created by Congress in almost 10 years. If H.R. 698 is enacted, it will be the second wholly new national park since 1956.

The rugged, scenic Guadalupe Mountain area which is proposed in the bill makes a significant addition to the national park system. Scientifically, this area features the world's best known fossil reefs. In effect, what we have is an area which some 200 million years ago was far below the surface of a large inland ocean. Students of the earth sciences can benefit from this unique outdoor laboratory and understand better the processes which are taking place beneath the surface of the oceans of the earth today.

In addition, this legislation offers us an opportunity to preserve and protect an area of historic and archeological significance. The Spanish conquistadors noted that the Indians living on this pr.

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