

But it is not easy to guarantee access to all Government information; the protection of some types of information is as important as the dissemination of others. As the Government grows, as more and more Government services are provided, more and more information from the private sectors of our lives is gathered by the Government. In considering what information held by the Government shall be available to all of the people, we must consider not only the need for a well-informed public but also the need to protect the right of individual privacy.

Many States of our Nation have solved this problem. Many State legislatures have enacted public records laws, but the Federal Government lags far behind. Many civic and professional organizations have recognized this shortcoming, and we will hear their testimony during these hearings. Many Government officials and organizations of Government employees have recognized the need for clear guidelines to point the way to solutions of Government information problems. We will hear their testimony.

The legislation before this subcommittee has been proposed to fill a legal void—a void into which executive agencies have moved because of the ambiguities of the only general information laws which Congress has passed. I know that no one supporting the legislation would want to throw open Government files which would expose national defense plans to hostile eyes. I do not believe, on the other hand, that Government employees have any desire to impose the iron hand of censorship on routine Government information. These two extremes are obvious. Our task will be to work out an in-between solution which will guarantee the right of every citizen to know the facts of his Government while protecting that information which is necessary to the functioning of government.

(H.R. 5012 introduced by Hon. John E. Moss, of California, follows:)

[H.R. 5012, 89th Cong., 1st sess.]

A BILL To amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 161 of the Revised Statutes of the United States (5 U.S.C. 22) is amended to read as follows:

"Sec. 161. (a) The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

"(b) Every agency shall, in accordance with published rules stating the time, place, and procedure to be followed, make all its records promptly available to any person. 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 that the complainant seeks are situated, shall have jurisdiction to enjoin the agency from the withholding of 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 action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way. As used in this subsection,