

We recognize that there are going to be certain needs to keep some of this information locked up. And the Executive order which is applicable in this instance I believe is Executive Order 10501, where the President authorizes the departments and agencies to appropriately classify and lays out the guidelines for classification, which in my judgment are observed far more in the breach than in the performance. But, nevertheless, they are observed, and they are top secret, secret, and confidential.

Now, they are not supposed to be affecting the national security unless they are classified, are they?

Mr. SCHLEI. Well——

Mr. MOSS. The whole objective of the Executive order is to have a category in which you can place and identify this information, so that it is secure.

Now, what hardship is imposed there? What infringement of the Executive right or responsibility is diminished by this provision of the proposed legislation?

Mr. SCHLEI. Mr. Chairman, I may have misunderstood the proposal here. I did not understand that the legislation contemplated the issuance of a broad-gage Executive order which delegated authority and created categories of information.

Mr. MOSS. Mr. Schlei, I thought we had such an Executive order——

Mr. SCHLEI. Well——

Mr. MOSS. Touching upon security.

Mr. SCHLEI. We have as to national defense information, but I take it that we need, with our other problems, besides the national defense security, information which we cannot freely let be made universally available.

Just to give you an idea of some of the categories of documents that occur to us in the Justice Department, you have such documents as prisoners' files. Now, the medical information in those files would be exempt from disclosure under exception G in the statute here, but there would be no assurance that the rest of these files could be withheld from the sensational press or gangsters or invidious in-laws or——

Mr. MOSS. Are you not provided with statutory authority now on those files?

Mr. SCHLEI. No, Mr. Chairman.

Mr. MOSS. Are you sure?

Mr. SCHLEI. You, as a matter of fact, inquired about a year ago, and I worked on the preparation of the response. And we have no authority but the Constitution to withhold that information. And also, for that matter, FBI reports are protected only by an opinion of Attorney General Jackson based on the Constitution.

Mr. MOSS. Let's take the prisoner files. We have had prisoners ever since this Nation first came into being.

Mr. SCHLEI. Of course, sir.

Mr. MOSS. And if there is a need these to be kept from public view, can we not have statutory authority? Can we not sanction the protection, whatever it might be, that is required here?

Mr. SCHLEI. Yes, Mr. Chairman. But the problem is——

Mr. MOSS. Is there a better system than that of law? Is it a better system to leave to the increasing number of Federal employees the sole determination of what will and will not be available?