

I think that there could be some improvements made in that section. I am confident that there could be. But the basic approach taken by that statute of leaving a discretionary standard as the ultimate standard is one which I think cannot be altogether dispensed with. I think that is an essential feature—that retaining that is an essential feature of any improved statute.

Mr. MOSS. Who exercises the discretion?

Mr. SCHLEI. Well, Mr. Chairman—

Mr. MOSS. We are talking about the whole Government, and in the absence of more definitive guidelines than exist at the moment, who exercises the discretion?

Mr. SCHLEI. Well, I am afraid that all too often it is a fellow at a very low level, Mr. Chairman. I have given a considerable amount of thought, as I mentioned earlier, to an improved statute, and I personally see a lot of merit in giving the citizen who is denied information the right to a decision at a high level in the executive branch—perhaps restrict the authority to finally deny information to the heads of departments and agencies or give a right of prompt appeal upon the denial of information to the head of a department or agency.

I have no authority to advance that as a proposal of the executive branch, but it has seemed to me to offer possibilities for improvement, and we will be checking that out with departments and agencies in the Government to see whether we think it is feasible and can sponsor it.

Mr. MOSS. You know, just in the 12 years that I have been here in Washington, Government has grown quite a bit.

Mr. SCHLEI. Yes indeed, sir.

Mr. MOSS. And in the Congress this year, the committees of Congress or on the floor of the House or the Senate, we have acted to further expand Government. And I think this places upon both the Executive and the Congress a very serious responsibility to insure that the public is going to be kept informed, not exposed to propaganda.

Now, you in your statement recited the facts of the great communications systems of this Nation, broadcasting and the press. But you know the press is not as large as it used to be, and broadcasting tends in the major areas to be concentrated in fewer and fewer hands.

Mr. SCHLEI. That is true, sir.

Mr. MOSS. And the opportunity for propagandizing rather than informing is, therefore, enhanced.

And we know that Government—and these problems are completely nonpartisan; they are political but they are not partisan—we know that Government as it acts and achieves is going to boast of its achievements. We are not going to be concerned about the Government failing to have its light shine. But the things it does not talk about, where reluctance might exist, are where my curiosity becomes stimulated.

And it is in these areas where fewer and fewer people really today have the responsibility of keeping the American people informed. And by that I mean that, in relation to the size of Government, there are far fewer people today covering the activities of Government than there were 20 or 30 years ago.

Now, it is an almost impossible assignment, and there are far too many who go down to the Press Club and pick up the handouts,