

and these are always going to tell the most favorable side of the story.

But where there is a will to seek, then I think there must be availability. That is all we are trying to do here—insure that availability.

Now, if I knew that the President of the United States or even the Attorney General was going to look at each instance where refusal was the final result, I would not be as worried as I am when I know that rarely is it ever going to get up to the President or the Attorney General or to you. Many times information is controlled rigidly at very low echelons in Government, and the only way we can change that is to impose some requirement under the law.

Obviously the Executive is not going to do this. They have not done it. And I think something must be done. We cannot just continue to drift and rely on the good faith of people or the good judgment of people who inherently, when they are in a safe spot in Government, do not want to start any controversy, and the easiest thing in the world is to sit on that information.

And you never have difficulty—and that is why I did not put it in this bill—in finding that it is “in the public interest” to withhold. Because each person who has the first chance to withhold is part of that public, and he knows darn well it is in his interest to withhold.

And so we have a real problem and one where we should apply our best intelligence, both of the Executive and of the Congress, in an effort to resolve it in a fashion which guarantees a right of access under reasonable rules.

On this right of appeal against the rigidity of bureaucracy, it exists in Government as it would exist in business. You have got businesses today that hold on to every bit of information. Unless their corporate image is improved, it does not go out. And much of that has transferred to Government. But here the proprietorship is much more broadly dispersed, and we are all part of it.

Mr. SCHLEI. We are all stockholders, Mr. Chairman.

Mr. MOSS. We are all stockholders. And we all have a need to know, whether or not we exercise it.

Mr. KASS. Mr. Schlei, you referred earlier to prisoners' records. In looking over this bill, H.R. 5012, would not exemption from disclosure No. 6, dealing with personnel and medical files and similar matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, cover that?

Mr. SCHLEI. Well, query about what “similar matters” means. We were dubious about that.

Mr. KASS. Why do you want to withhold the prisoners' records?

Mr. SCHLEI. Well, because there are many possibilities of harm to the man's rehabilitation. For example, there might be interviews with his family members and they have said, “Well, he never was any good, and we hope you keep him there a long time.”

Now, if a man comes out of prison and goes back to live in that family situation, maybe not immediately in it but touched by it, his rehabilitation would be badly affected if he knew that those people had said that in an unguarded moment about him.

Mr. KASS. Does not release of that information clearly invade the person's personal privacy?