

Federal level. No segment of the working press, more than news photographers, has been taught by bitter firsthand experience, the extent to which the so-called public information section of the Administrative Procedure Act of 1946, during its 18-year history, has been turned into a vehicle to withhold information from the public.

It is my understanding that the pressing need for a Federal public records statute has been documented by this subcommittee during the decade of its existence. Hopefully, the word-and-picture testimony presented here today will add effectively to that documentation.

With your permission, I should like to establish a broad base for the advocacy of a bill that will forever eliminate language that permits the enforcement of "ridiculous requirements" or that becomes a "shield of secrecy" or encourages abuses in the name of "good cause."

Chief Justice Earl Warren of the U.S. Supreme Court was quoted in an interview as stating:

The complexities of life today demand a free and objective press if the people are to be informed and make responsible decisions regarding Government. I have great faith in the American people that if they have the facts they will make the right decision.¹

In Pope John XXIII's encyclical, *Pacem in Terris*, he wrote and I quote again:

* * * Peace on earth can only come * * * from observance of the "universal, inviolable and inalienable" natural law rights which include: "The right to freedom in searching for the truth and in expressing and communicating one's opinions * * * The right to be informed truthfully about public events."

We, of communications media, hold the conviction that those rights need to be respected and exercised by inquisitive newsmen, interested taxpayers, persons properly and directly concerned—all those persons having legitimate and valid reasons for seeking information from the Government.

To be more precise, in our advocacy of the bill H.R. 5012, and related bills, the profession I represent is urgently concerned with that part of section 161(b), which would make all the records of every agency, other than Congress or the courts, promptly available to any person.

Our concern is intensified by the repetitious and arbitrary raising of the "shield of secrecy" by the Interstate Commerce Commission, by its enforcement of a ban on all forms of visual reporting from proceedings which are nonjudicial in character. Yet it has invoked the American Bar Association's Canon 35, Judicial Code of Ethics, as its justification for giving "stronger roots to the weed of secrecy." Your committee's staff has been apprised of this situation. By the way, if I may interject and read to you an interoffice memorandum written by a cameraman to the news director of WBZ-TV in Boston about a decision of the ICC to ban news cameramen, and he wrote this:

To: Ed Fouhy.

From: Jack Chase.

Just a note to let you know that in our attempt to cover the ICC hearings at the Hotel Bradford in Boston, we were not allowed to take our camera into the hearing room. Lester Conley, the hearing examiner, said no to my request for live camera coverage stating it was ICC policy, raised on a previous experience when sound film excerpts which he said were used out of context had been misleading and had caused some embarrassment.

¹ Editor & Publisher, Jan. 9, 1965.