

Mr. KASS. But the court access provision, is that not satisfactory to the news photographers?

Mr. COSTA. I do not see how that concerns itself with pictures at all, and we are fully aware of the problem here with the Canon 35 business and the Federal Judicial Council policy.

Incidentally, I must say that there is a certain degree of inconsistency even though I quoted Mr. Justice Warren. He says, on the one hand, give the people the information and they will make the right decision. But as Chairman of the Federal Judicial Council he then endorses Canon 35, and all the restrictions there are on photography thus restricting public information, so it is not quite consistent.

Mr. KASS. I have no further questions, Mr. Chairman.

Mr. MOSS. Again I want to thank you, Mr. Costa, for the pleasure of having you appear this afternoon.

Mr. COSTA. Thank you.

Mr. MOSS. Mr. Larry Speiser. Do you have a statement?

STATEMENT OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Mr. SPEISER. I do not have a prepared statement, Mr. Chairman.

Mr. MOSS. Mr. Kass.

Mr. SPEISER. I have a few preliminary remarks, if I may.

Mr. MOSS. All right, if you would.

Mr. SPEISER. I am Lawrence Speiser, the director of the Washington office of the American Civil Liberties Union, a member of the Bars of the U.S. Supreme Court, the State of California, and the District of Columbia.

I am here today to offer the support of the American Civil Liberties Union to H.R. 5012, a bill which would establish a Federal public records law by amending section 3 of the Administrative Procedure Act of 1946.

The aim of this legislation is to provide freedom of information, and it is designed to regulate the information policies of the various administrative agencies, departments and bureaus of the Federal Government.

We support the general aim and purpose of this bill. Our organization is of the opinion that access to the records of Government agencies by the public and the press is vital to the continued functioning of the democratic process. A free society can only exist so long as the public business can be conducted openly via continuing debate and consideration of national policies.

In the past, we have had some difficulties arising from the section 3 of the Administrative Procedure Act as it presently exists, notably the section relating, which permits the withholding of any matter relating, solely to the internal management of an agency.

The most continuing problem we have had in this area relates to the rules that guide investigators, principally security investigators, of the various departments of the Department of Defense.

In November 1962 a memorandum was sent to the Under Secretaries of the three services signed by Walter T. Skallerup, Jr., the Deputy Assistant Secretary of Defense for security policy. In it he—the subject of his memorandum was civil and private rights—and in it he set forth a very commendable policy to insure that during the course of