

We have been working also with the Senate Subcommittee on Administrative Practice and Procedure of their Judiciary Committee, and in that relation I testified on S. 1666 of the 88th Congress in October of 1963 and again on S. 1663 and 1666 in July of 1964, and I would like to refer to some of the comment we made then.

A good deal of what we thought desirable has been done since in the Senate staff bills, the bill introduced recently by Senator Dirksen, and Senator Long, especially in combining in one section all the exemptions which initially had been scattered between the different subsections of S. 1666. I would like now to pass the stand on to Mr. Hanes after simply saying how pleased we are to take part in this effort, your effort to bring something to pass in this extremely important field.

I think it is encouraging that the newspaper people are here on the same afternoon that the bar is, because I think we share strongly the feeling of the importance of getting something done that will really work in this field and of getting rid of the language that so far has been availed of by the agencies more as an excuse for noncompliance than as an exhortation to compliance with the public interest.

Mr. Moss. I would like to express my appreciation to the American Bar Association and to many members of the bar who, during the past 10 years, have contributed a great deal to the work of this committee and made it possible for us to move ahead.

I thank you for your appearance this afternoon. You may proceed.

Mr. HANES. Thank you, Mr. Chairman and members of the committee.

As you are probably aware, Mr. Benjamin's Committee on the Code of Federal Administrative Procedure is the body that is authorized to speak for the bar association on legislation in this area. The administrative law section, of which I am a member, is authorized to work in an advisory capacity with Mr. Benjamin's committee. Mr. Benjamin very kindly asked me to outline a few suggested changes that we have in the bill which we believe will be clarifying and will perhaps help toward the attainment of the purposes of the bill.

We are completely in accord on these changes, and after I am through, Mr. Benjamin may want to add some comments on individual changes himself.

In subsection (a) of the bill as now drawn the first sentence is a repeat of the first sentence in 5 U.S.C. 22. The last sentence of 5 U.S.C. 22, which was added in 1958, has been deleted.

It seemed to us that it might be desirable to restore that sentence which would read:

This subsection does not authorize withholding information from the public or limiting the availability of records to the public.

Just to avoid any implication that this deletion might authorize some withholding, we think it is desirable to put the sentence back in, and it is consistent with subsection (b) and the subsequent provisions of the bill.

Mr. BENJAMIN. May I interpolate briefly as this goes along?

Mr. Moss. Certainly.

Mr. BENJAMIN. Of course we recognize that you have got that language in the beginning of subsection (c), but we have a suggestion for other language there.