

That being a constitutional right of the President's, it is perfectly clear also that nothing in the statute can limit whatever his constitutional powers are in that regard, and any public information bill would necessarily be in recognition of the fact that the final question of whether the President's powers go further must be left to the future. But to try to draft a bill that over the years would always fit all the instances in which an informed President might want to exercise the Executive privilege would be an absolute futility, it seems to me. There would be no chance of drawing such a bill, and I see no reason to take that defeatist attitude and not the best we can in trying to foresee the categories of things to which the exemptions should apply as this bill has done.

Mr. Moss. It seems to me after 10 years of rather careful consideration of this problem that there is never difficulty in finding it in the public interest to withhold for good cause found. There is a tent large enough to contain everything.

I am not too concerned if the President exercises a judgment.

Mr. BENJAMIN. No, and we are of course delighted to see that phrases like "in the public interest" or "for good cause" are not in this bill, nor were they in S. 2335 or the Senate bills.

These get down to deal with particular reasons for allowing non-disclosure in specific kinds of cases where that is justified.

Mr. Moss. It has been suggested we should go back to "public interest" or "for cause." But actually, we could change it and say "for any reason," could we not?

Mr. BENJAMIN. Just about——

Mr. Moss. And achieve the same result?

Mr. BENJAMIN. I once heard a comment by a man named Schumpeter, who was the last Minister of Finance in the Austrian monarchy, and who was a convinced monarchist, the only one I have ever heard carry this out philosophically. But he had a remark which was that every statesman, when he prays at night, say "Pray God save my country and to that end keep me in office."

Well, it is very much the same thing when it comes to deciding what the public interest is when somebody wants to interfere with what you are doing a little bit by asking you to disclose it.

Mr. Moss. Mr. Monagan, do you have some questions?

Mr. MONAGAN. Thank you, Mr. Chairman.

I certainly subscribe to the second portion of Mr. Schumpeter's statement, from a personal point of view.

I do want to compliment the American Bar Association, of which I am a member, on your appearance here today. I think it is a fine, public-spirited function, and I am glad that the public can understand that the association is engaged in activities such as this which are not immediately related to fees or perquisites of the members of the bar. Also, your suggestions I think have been very helpful and will aid us in going over this bill.

There is just one point. On page 3, line 3, Mr. Hanes, you suggested putting in "security" instead of "defense", and also leaving out "or foreign policy".

My question is, Would that not make this somewhat more limited, because "security" does have the connotation of being connected with "defense"? Might there not be matters of foreign policy, such as trade