

Let me emphasize and reiterate the point made by others in the past: Reporters and editors seek no special privileges. Our concern is the concern of any responsible citizen. We recognize that certain areas of information must be protected and withheld in order not to jeopardize the security of this Nation. We recognize legitimate reasons for restricting access to certain other categories of information, which have been spelled out clearly in the proposed legislation.

What disappoints us keenly—what we fail to comprehend is the continued opposition of Government agencies to a simple concept. That is the concept to share the legitimate business of the public with the people. It is not a new concept. It was the basis for enactment of the Administrative Procedure Act in 1946. Senator McCarran, chairman of the Committee on Judiciary, in reporting the measure to the Senate, put the concept in these words:

The section (sec. 3) has been drawn upon the theory that administrative operations and procedures are public property which the general public, rather than a few specialists or lobbyists, is entitled to know or have ready means of knowing with definiteness and assurance.

This simple concept would take much of the mystery and the secrecy out of Government operations. It was needed in 1946 because Federal regulatory agencies had abused their power through arbitrary, capricious, and oppressive action, action that was protected then by a policy of secrecy and still is protected today.

But what happened?

The results under section 3 were far different from that conceived by its framers. Instead of opening channels of information, section 3, as interpreted in practice, did precisely the opposite. The Senate Committee on the Judiciary, in its 1964 report recommending passage of S. 1666, noted that section 3, now "is cited as statutory authority for withholding of virtually any piece of information that an official or an agency does not wish disclosed."

Please note that this is not a complaint of some newspaper organization or public group. This is the conclusion of a responsible and respected committee of Congress. It is concerned with the need for a better informed public.

It is significant that the committee indictment went on to say:

Under the present section 3, any Government official can, under cover of law, withhold almost anything from any citizen under vague standards—or, more precisely, lack of standards—in section 3. It would require almost no ingenuity for any official to think up a reason why a piece of information should not be withheld (1) as a matter of "public interest", (2) "for good cause found", or (3) that the person making the request is not "properly and directly concerned". And even if his reason has not a scintilla of validity, there is absolutely nothing that a citizen seeking information can do because there is no remedy available.

Here is ample reason, based on careful evaluation of testimony and research, why amendments are needed. Our citizens are being deprived of fundamental rights. As Government has grown bigger and more complex, information manipulation and control has become more sophisticated. Access to news sources, reports, findings, department rulings and opinions, comes under tighter restrictions.

A gigantic information screen, that can be penetrated only by time-consuming diligence or connivance, shields Government departments and agencies.