

public would be given no information on troubles being experienced with the TFX ship. You get, in other words, only what the Defense Department wants to show up as favorable news; and nothing that concerns examples of faulty judgment or worse, political influence.

The Defense Department is not the only culprit. Other administrative and regulatory agencies follow similar policies, as the Moss subcommittee has reported in the past. These agencies publicly avow great interest in the public's right to know, but in practice they use every conceivable excuse to deny the public information.

There is an ironic note to this widespread agency policy of restricting the right of the citizen to find out how the public business is conducted. The irony is that while Mr. Citizen finds it more difficult to surmount the walls of bureaucracy, the agents of Government pry more and more into the lives of the private citizen and his business.

Many agencies have adopted a system of "snooping espionage." Some use bugging devices and other esoteric products of our new technology. The operators of these devices have violated the privacy and individual liberties of citizens and Government employees suspected of "leaking" legitimate information to responsible people.

The Department of Justice in the past 10 years has undertaken the responsibility of protecting individual and civil rights in certain areas of our society. However, as the legal representative of Government departments it has consistently ignored the citizen's rights and, in fact, and again this week has continued to oppose efforts by the public to learn more about agency operations.

Congress has consistently sought to broaden access to information, but the Attorney General's office has just as consistently advised Government agencies, in effect, to impose a policy of secrecy. These policy guidelines come from the Attorney General's manual, which advised in part that "the great mass of material relating to the internal operation of an agency is not a matter of official record."

For example, access to budget information on how the taxpayer's money is spent is denied on the grounds of the Attorney General's interpretation that this is merely an internal "budget procedure." The manual advises that each agency can be the sole judge of whether a person has a legitimate interest in inspecting official records. This has led to such ridiculous rulings as that by the Controller of the Currency denying a private citizen the right to examine blank—yes, blank—forms used by his agency.

Now the Department of Justice again contends that the court enforcement provision of the proposed Federal records law is unfair. Why? Because this provision would put on the agency the burden of proof to show why it restricted access to specific items of information.

Under the present arbitrary policy of secrecy it is absolutely necessary that there be some remedy outside the executive branch of Government. Due process of law is the obvious remedy. This proposal that you are considering this afternoon would arm the district court with injunctive and contempt power to make available information that is not specifically restricted by this legislation. This is reasonable and fair for all concerned, as previous witnesses from the bar association pointed out.

Inevitably there will be areas of legitimate doubt and misunderstanding as to whether certain information should be released. But