

STATEMENT OF CREED BLACK, MANAGING EDITOR, CHICAGO DAILY NEWS, AND CHAIRMAN, AMERICAN SOCIETY OF NEWSPAPER EDITORS' FREEDOM OF INFORMATION COMMITTEE; ACCOMPANIED BY WILLIAM P. ROGERS, COUNSEL; AND EUGENE PATTERSON, EDITOR, ATLANTA CONSTITUTION, COMMITTEE MEMBER

Mr. BLACK. Thank you, Mr. Chairman. With me today are our counsel, Mr. William P. Rogers, and Mr. Eugene Patterson, editor of the Atlanta Constitution, who is a member of our Freedom of Information Committee, and who will be the next chairman of this committee.

I appreciate your comments, sir, about the FOI Committee of the ASNE, and I might reciprocate them, for this committee has found very helpful the work of your own group.

I appear here today simply as the latest in a long line of editors representing this organization who have worked with the committee, and who have, throughout this time, been very interested in legislation aimed at the problem we are discussing.

I'm sure you've known and worked with a number of these men. This is still a relatively new committee, as unbelievable as it may sound, in the ASNE. It goes back to the time when Mr. Basil Walters, of the paper I now represent, the Chicago Daily News, became its first chairman.

Since then, I'm sure you've had contact with Mr. James Pope, of Louisville, Mr. Wiggins, whom you've named, Mr. Herbert Brucker, of Hartford, Mr. Eugene Pulliam, of Indianapolis, and Mr. John Colburn, whom I think you heard yesterday, as a representative of the ANPA.

We have expressed our views so many times that I think they are well known to this committee; they are on the record, and rather than burden you today with another statement, I thought it might be more helpful for us simply to restate our views informally, particularly in relation to what has been said here earlier in these hearings.

We are especially interested in the statement made the first day by Mr. Schlei, and I would, just briefly, like to comment on his position in restating the position that the ASNE has strongly taken in respect to legislation of this kind.

Mr. Schlei, in his prepared remarks, confined himself to rather general and broad statements, and so I would like to do the same in responding. He said, early in his statement, that the basic thrust of this bill—

is to eliminate any application of judgment to questions of disclosure or non-disclosure, and to substitute therefor a simple, self-executing legislative rule which would automatically determine the availability to any person of all records in the possession of all agencies, except Congress and the courts.

The position of the ASNE is that the legislation now being considered does nothing of this kind. We feel, rather, that it narrows the discretion, and properly so, which the administrative agencies could exercise.

One of the lessons that has become increasingly apparent to us in experience with the Administrative Procedure Act in particular is that too much discretion was left in the hands of the individual agen-