

**Mr. RUMSFELD.** The only other point I would like to comment on; it's been suggested that there would be a rash of nuisance suits or nuisance requests or frivolous requests for great volumes of material, and in this connection, it was discussed that some sort of reasonable user's fees would possibly be appropriate and conceivably might reduce the number of frivolous requests for information. Do you have any thoughts on the concept of user's fees?

**Mr. BLACK.** Well, I don't see the possibility of a rash of nuisance suits as a very real threat, and I think before you impose any user's fee, it would be advisable to have some experience. It's possible that it may be a nuisance to some agencies or officials who would rather not divulge this information at all, but looking at it from the standpoint of the public, I don't think that anybody who doesn't have a legitimate interest in these records is going to the trouble or the expense of bringing a suit just to be a nuisance.

The term, I guess, is relative, and it depends on whether you are an official who doesn't want to be bothered or whether you are a representative of the public who has a legitimate interest in some records which are being denied. But I can't see any ordinary citizen or organization spending a lot of time or a lot of money going around prying open records just to be doing it. I think that people would have a legitimate interest before they asked to see it, and certainly, before they go the full route of bringing a suit.

**Mr. RUMSFELD.** Thank you, Mr. Chairman.

**Mr. MOSS.** Mr. Griffin.

**Mr. GRIFFIN.** I want to join, Mr. Black, in welcoming you and those who are accompanying you to our hearing.

**Mr. BLACK.** Thank you.

**Mr. GRIFFIN.** And this, fortunately, is one of those matters where there is bipartisan support of this legislation. I think, following along the question that Mr. Rumsfeld asked, we have, in this bill, the requirement that all records be made promptly available to any person, and we have had criticism from some of the witnesses that maybe this is too broad. There has been a suggestion that it should be limited to any citizen, and, of course, the witnesses from the departments have asked that it be limited to any person who has a proper interest or something of that nature. I take it that you feel that it should be this very broadest language, or do you have any comment on that aspect of the—

**Mr. BLACK.** I think it should be as broad as it can reasonably be made without inviting any particular problems which perhaps have been called attention to here in previous testimony but which doesn't occur to me at the moment. I think that one of the problems of the present legislation, as I said, is this reference to interested persons or the proper persons.

This leaves too much discretion and leeway in the hands of the agencies to decide who has a proper interest. Our position is that a citizen of the United States—and this is his Government—has a proper interest in knowing what is going on.

I might say that this has been one of the experiences that has occurred in States in the adoption of open record legislation. I can recall that I was with a newspaper in Tennessee when legislation of this kind was first proposed there, and there were all sorts of dire warnings