

about opening up all the records to people who were going to be coming in, riffling through them all day just for their gossip value or curiosity. But these predictions never materialized. It just doesn't work that way. People are not going to take the time and the trouble and particularly the expense that we are talking about here in going all the way to the point of bringing a suit in matters they are not interested in, and I think that basically the citizens of the United States have a right to information unless it's something which for very sound reasons should be withheld.

The exemptions which are listed in this present legislation as now proposed cover most of those which could reasonably be justified, and beyond that I think you should make it as broad as possible in letting the people have access to information. After all—as Dr. Cross pointed out in his book—Congress has been able to legislate in the past in pretty clear language on what information it thinks should not be made public, and now a further attempt is being made. With this kind of legislative provisions and judicial review, we are not going to have a lot of abuses or nuisances or any other problems from citizens overrunning the files of the Government.

Mr. GRIFFIN. Both the witness from the Department of the Treasury and the Justice Department, Attorney General's Office argued strongly that this legislation would be unconstitutional. You have very able counsel at your side there to consult with, who is in a somewhat different position than he was a few years ago. I wonder if his advice and counsel that—with his advice and counsel that you are satisfied that this statute now is constitutional.

Mr. BLACK. Yes, I think it's constitutional. I think that the issue raised by the Attorney General's Office in testimony in these hearings was rather extraneous. We are not talking here, really, about executive privilege, as I see it. We are talking rather about the public's right to certain information.

Executive privilege, as President Johnson pointed out in the letter which was read here by Chairman Moss at the start of the hearing, is something that he alone is going to exercise. The thing we are concerned about is having every officeholder and bureaucrat in every agency across the country also exercising his own executive privilege.

I don't see it as a constitutional question. I think, after all, the very existence of the Administrative Procedure Act as it now stands on the books pretty well eliminates that question of whether it's a constitutional issue. In that act there are certain exemptions. The legislation before us at this time is a refinement and modification of the legislation now on the books, but I don't see that it makes changes that would pose a fundamental constitutional question.

Mr. GRIFFIN. Thank you very much, Mr. Black.

Mr. MOSS. Mr. KASS.

Mr. KASS. Mr. Black, there is a current controversy raging between the press and the bar on the right of the Justice Department and other agencies involved in law enforcement to withhold information relative to pretrial publicity.

Exemption No. 7 in the bill would exempt from disclosure investigatory files compiled for law enforcement purposes, except to the extent available by law to a private party. Do you, as spokesman for the ASNE, feel that this is a wise exemption?