

4. Give the district courts power to punish agency officials for contempt if they refuse to disclose the records.

In other words, the bill would provide the right of access by the public to all nonsensitive areas of Government information.

A free flow of information from and concerning all branches of Government at all levels is a right of the public and is essential to our democratic society. The freedom of the Nation depends on an electorate well informed by a free press, as guaranteed by the Constitution. It is a responsibility of Government to protect and preserve this constitutional guarantee by a policy of full disclosure of information.

Except for matters clearly affecting national security or otherwise covered by statute, all business of Government should be fully disclosed to the public and the burden of proof must rest with Government in every instance to justify withholding any information.

This is a set of principles adopted by a membership vote at our annual meeting in April 1964, and reaffirmed by the board of directors as recently as February of this year.

The national chamber has not, so far as I know, been wrongfully denied any information it has sought. However, in the interest of assuring the free flow of information so necessary if we are to have a well-informed public, we believe that broad, but effective, guidelines must be laid down. Certainly the examples cited by some witnesses are inexcusable.

The injury that may derive from the denial to the public of legitimate information is of more importance than any purpose that might be served by withholding information for such reasons as concealing embarrassing mistakes or irregularities.

We believe H.R. 5012 will help to make more effective the principles approved by national chamber's members, and we are therefore glad to endorse it and to urge its enactment.

Mr. Chairman, we appreciate this opportunity to express our views on this proposal. If there are any questions, I would be glad to try to answer them for you.

Mr. Moss. Thank you.

Mr. GRIFFIN?

Mr. GRIFFIN. No questions.

Mr. Moss. Mr. Rumsfeld?

Mr. RUMSFELD. I would be curious to know if the chamber has in recent years had occasions when they were unable to get information that they felt they needed to become well informed on a particular problem or activity or subject and then communicate with the chamber members on that?

Mr. HARDIN. There haven't been any that I know of myself. I checked with a few of the people in the national chamber offices. I don't know of any personally.

Mr. RUMSFELD. Thank you.

Mr. Moss. Mr. Kass?

Mr. KASS. Thank you, Mr. Chairman.

Mr. Hardin, the bill specifically exempts from disclosure a number of sensitive items of information, among them trade secrets and commercial or financial information obtained from the public and privileged or confidential information. Do you, as a representative of the