

Mr. MOSS. Thank you very much.

Mr. Griffin?

Mr. GRIFFIN. I am particularly interested in the suggestion about an amendment spelling out the right of Congress to have access even to the information that has exemptions. It certainly is clear that this bill would not, in any way, limit the right of congressional committees to information.

As stated by the chairman, the executive has stated over and over again, as this proceeds through the legislative process, I think we ought to give some consideration to possible amendment of the bill.

Mr. Mollenhoff, there was a witness here the other day for the Mediation and Conciliation Service, pleading for a special exemption for them, saying that they operated in the capacity of something similar to a lawyer and client, and that in order for them to perform their function they had to keep information from the public. They operate, of course, in trying to arbitrate as a conciliation service between labor and management in negotiations and so forth.

I wonder if you have any quarrel with that situation?

Mr. MOLLENHOFF. Where they make decisions, where any agency makes decisions, those matters that affect that decision, unless they involve national security or some of these trade practices and the like, should be on the table. During the process, I don't get into any fuss with any of the agencies on the process during the decision period. This is like when the Defense Department is making a decision on a contract. They can't have someone come in for any agency and examine, even where national security is involved, come in at every point where they are making a determination of the contract, look over their shoulder to see every paper that comes across the desk. That isn't what your legislation is intended to do. Your legislation is intended to make all the pertinent information dealing with any Government decision available at some subsequent stage, as I understand it.

Mr. GRIFFIN. Take the situation of the steel negotiations coming up, or the big automobile companies involved in negotiations, and in the process the mediator tries his best to gain the confidence of both sides, and the only way he can gain that confidence is to assure each side that what he is told will be kept in confidence and any information that they give him, may give him, about their profits and so forth, to assure him that their claim of what they are saying is justified. And he may go back, and without divulging that information, try to convince the other side that the other side is dealing in good faith, and all types of things like this.

The parties would hesitate to divulge this information if they thought it was going to be made public at any time by the mediator.

Mr. MOLLENHOFF. Frankly, I don't really buy that all the way. I think that they are assuming they are getting all kinds of secret information. I don't think that either the union or the management is giving to this mediator some of this supersecret material upon which their future hinges, which must be kept secret. They are both playing a game.

I am just not very sympathetic with it. He is there for a purpose, and there is a period of time when he is negotiating where I don't think he should be forced to come in before a committee of Congress. If he has a quasi-judicial capacity at that stage, when he is negotiating, he