

I quite agree with one of your opening comments, with regard to the highly repugnant and continuing Defense Department directive. It would be my hope that this subcommittee would take a clear, forthright, unequivocal position again, and more firmly, directing and requesting the Department of Defense to rescind that directive which I think does affect access to the news and indeed can be a censorship of news at the source.

With regard to the several points you raised, I would like to ask you quickly three questions, if I may.

In exception No. 2, related solely to internal personnel rules and practices of any agency, do you have any suggestions for different language there?

Mr. MOLLENHOFF. The only thing that I would suggest there is this: That there might be some language which would say this is solely for the protection of the Government employee. This isn't for the protection of the bureaucracy. I have never heard anyone make the argument—well, once in a while—I will take that back. But I have never heard it argued in any spoken form that this was for the protection of the bureaucracy so they wouldn't have to divulge what they were doing with their employees.

It has always been put forward on the other side. The Truman directive relative to personnel files in 1948 was all with the premise that you were protecting the individual Government employee. Certainly, when it is taken in turn clear around the other way, it is wrong. I think something could be put in this provision to make it clear that it is for that purpose.

Mr. REID. I take it the point you are making, which is a good one, would apply with equal force to exemption 6?

Mr. MOLLENHOFF. Yes. In the medical files. In fact, one might even write in a specific provision that these files should be made available to the individual employee and his properly designated lawyer and doctor, because these are people who have a right to examine these files.

Mr. REID. The other question you raised, I think, of particular pertinency, was No. 5. The question, of course, is "solely with matters of law or policy," that they could be a bushel basket to cover quite a few signs.

Do you have a suggestion as to how that could be redrafted?

Mr. MOLLENHOFF. Probably more limited. Of course, this will run into a real fuss within the agency, because they want it as broad as possible. They will kick up a real fuss over this.

I would limit that, really, to those matters where the Government is a party to a suit from the outside.

Mr. REID. Also, it seems to me, if it is a matter affecting national defense or something, that is one thing. If it is just bureaucratic bungling, that shouldn't be shielded.

Mr. MOLLENHOFF. Yes. Even if you would get only a couple of little changes in here, the one thing that really will be the saving thing in this whole matter will be spelling out the right of Congress. The Congress has that right as I view it now. I am sure it has that right as the chairman of this committee and most members of this committee view it.