

The other committees were unable to get access to the information. The only committee that was able to get the access was the Joint Committee on Atomic Energy.

One can't overlook the fact that specific statutory authority can be mighty helpful. If you have it spelled out, and in the executive branch, I know some of the lawyers never look at the legislative history. They look around and find one little phrase that indicates that they might be able "in the public interest" to hide public business than they figure that their own political interests are the public interest and proceed from there.

I think there would be a great deal gained by putting something in your reports, making it absolutely clear that you believe that the Congress has a right to everything.

Mr. Moss. I wouldn't want to base a congressional right on statute. I think it is inherent. We can continue, in the gray areas, to try our strength with the executive.

Mr. MOLLENHOFF. The Court has been actually pretty clear on this subject over a long period of time. Somehow the word doesn't get around in the executive branch. *McGrain* versus *Dougherty*, coming out of the Teapot Dome scandals are absolutely clear. It had been a little hazy. And a number of cases in recent years, have supported the right of Congress to full access, even where the basic decision of the Court raised some question about the jurisdiction of the House Un-American Activities Committee. The Court raised some questions, but this was not where it involved inquiries into Government. This is where it involved inquiries into people outside of Government, and it raised questions there as to whether the committee was operating within its jurisdiction, whether it had been made absolutely clear to the witness that that witness was answering the question that was pertinent to the inquiry.

Within the same decisions they said "But, of course, if these questions were being asked of a governmental official on governmental operations, they should be answered."

I say I still think the Court stands above the Justice Department legal opinions, whether written in the Truman administration or the Eisenhower administration, Kennedy administration or Johnson administration.

Mr. REID. Mr. Chairman?

Mr. Moss. Mr. Reid.

Mr. REID. I have one final question. The language in the bill, the top of page 2, makes pretty clear the proposition that every agency shall, in accordance with public rules, et cetera, "make all its records promptly available to any person."

And subsequently, paragraph (c): "This section does not authorize withholding information from the public."

Do you think it would be helpful in the general language of the bill to put in—and this is an idea, not the language—something dealing with the public's affirmative right to know, and try to make clear the idea that politics and bureaucracy should not be confused with security?

Mr. MOLLENHOFF. I think that is the only problem. Some of that language in the bill is excellent. You should, if anything, merely reiterate and make stronger the language in the report that goes along with it as part of the legislative history.