

I make reference to this area, a specific thing with regard to the personnel files. If one can button that down solely for the protection of the governmental employee, even these records made available to the employee himself, his properly authorized lawyer or doctor.

What I am getting at is this—and I have seen a little of this in the executive branch as well as the legislative: The facts of the matter generally are that the public is ahead of government, and properly so. The tendency of government is to withhold, often, rather than to make available.

It seems to me that the burden should be on making it available, and that there ought to be some idea in here, perhaps in the language of the bill, that you can't just withhold it under the general heading of security when what you are really talking about are political or personal or embarrassing situations, not really matters of security.

I think—and I haven't looked at the legislation saying where this should be, but it certainly wouldn't hurt to have in there that the burden of proof shall be upon the government when it withholds. The chamber of commerce said today, and I was delighted to see the chamber of commerce—I think this is the first time that they have been involved here as witnesses on this type of legislation and there has been some reluctance sometimes in the past relative to those business practice areas.

Mr. REID. Thank you.

Thank you, Mr. Chairman.

Mr. MOSS. Mr. Rumsfeld?

Mr. RUMSFELD. Thank you, Mr. Chairman.

I certainly want to thank both of these prominent and very experienced members of the press. I was particularly pleased, Mr. Frandsen and Mr. Mollenhoff, that the comments you have made have been to the point and included some specific instances of withholding which I think is very valuable to have in the record, and also your suggestions as to improvements in the bill.

I quite agree that the public's business should be conducted in public if our system is going to function. I am also disturbed about this particular provision on national defense and national security. This being the era of the consensus, it would seem that that which might disrupt the the consensus conceivably could in some people's minds endanger the solidarity of the U.S. position and, to that extent, conceivably jeopardize our national security.

In previous testimony it was mentioned that some testimony before a congressional committee by, I believe, General LeMay, was classified. The conclusion was that the only conceivable reason for such classification was not that it was secret or classified or it would endanger national interest, but that it was in conflict with the administration's position.

I think that lacking some provision to the effect that the burden of proof would be on the administration, the bill as it stands really wouldn't solve the problem.

Mr. MOLLENKOFF. I think it is going to be very confidential with regard to the national security area to limit it much more than you have in the bill. That is about all you can do with that. From there on out, it is a matter of responsibility of Congress to supervise in those areas where security is stretched. This committee has done consider-