

able work in this field in the past, and some other committees have gotten into it. I don't think any of us have done enough in this area. But there have been some committees even in the Defense Establishment that have been set up during the Eisenhower administration, I think it was the Coolidge Committee. This was set up within the Defense agency itself and it was in 1956 or 1957. They made a report relative to the overclassification and the tremendous cost that there was in overclassification because of the difference in storage costs when you overclassify a document, and the type of safes and locks you have to provide and the types of guards and everything. They reported this overclassified paper was piling up not because of real security, but simply because someone wanted to hide something that might be a little embarrassing, or it was found more convenient to just put a security stamp on it than not put a stamp on it.

This Coolidge Committee, which was within the executive branch, was highly critical of what had taken place in this area. This committee also wrote some reports that touched on this.

Mr. GRIFFIN. Would the gentleman yield?

Mr. RUMSFELD. Certainly.

Mr. GRIFFIN. In view of the couple of questions and responses, there may be a question as to where and how we place the burden on the Government to sustain its action in denying information.

The record ought to indicate clearly, I think, that in the bill itself, lines 11 and 12 of page 2, that once the question is brought into court that the agency does clearly have the burden to sustain its denial of information—

Mr. MOLLENKOFF. That is one of the most important things in the bill, I think, from the standpoint of the mechanism we would have here for the first time to get into court on these things. There have been a number of instances where newspapers have tried to get into court and were merely knocked out because there wasn't the mechanism available.

Mr. MOSS. I would like to say that on this matter of the classified nature of testimony of a general officer appearing before a congressional committee, I think that the executive department may advise the committee of its desires in classification. But I think the committee has the right and the responsibility to persist on its own.

In this subcommittee in 1956, we explored rather carefully the questions of whether the executive could require the Congress to have its staff cleared by the executive for access to information. It was my position they could not.

These things the executive may advise the Congress on, but the Congress is also an independent and coequal branch of Government.

We may or may not recognize a clearance by an executive department. But once we give them the authority to clear, and to determine our classification, we have given them the authority to control our staffs, and I don't think we can ever afford to do that.

Mr. RUMSFELD. As a practical matter, from my limited experience it would seem that there has been general acceptance when the agency comes down and says this is classified; there is no question; there is no pursuing of it as to whether or not it should be classified. I think we have developed a bad pattern.

Mr. MOSS. I think it is a major error on the part of Congress.