

who are arguing for one policy as against another, and think their side is not getting any public attention because the boss is on the other side, and the information that has leaked out is all on one side—of course, very frequently, those people are going to provide some information to the reporter that they perhaps know, and I think it would be dreadful if any effort were made to overcome that by this bill. I hope that nothing in this bill would ever be construed as meaning that only the records will be available after they are approved.

Mr. RUMSFELD. My point was that when someone sets a speed limit too low, it is frequently broken, or as in prohibition, it simply turns out to be unenforcible; it is very frequently violated.

I was wondering if by providing a bill such as this there would be less of the type of thing going on.

Mr. FRANDSEN. I wouldn't think so.

Mr. MOLLENHOFF. I don't think it would make any difference. I might say, this is thoroughly proper in my view. I have a constant flow of information coming to me from people in the executive branch of the Government who call me and say they have information, and it will be their job if they oppose the position of the people on top. They don't give it to me to use for a story immediately. I don't take it and write it just because they tell me this. But I use it as a tip, and sometimes I use it myself; sometimes I investigate up to a committee of Congress. I am doing this almost every day, and I am going to keep on.

At any time where they get to the point where they put the lid on, so these people are afraid to talk, I am going to be concerned. And that is the very thing that I am concerned about in this directive of Sylvester's over at the Pentagon. This is a directive that is intended to make sure that they know every person who talks to a reporter. And I have heard a lot of reporters over there who complained a great deal about this to start with, who haven't complained too much recently. They say: "Well, it is there, but they are not enforcing it very much; or a lot of people are talking to me anyway and they just don't report to Sylvester."

This is fine. But the rule is merely being violated. This doesn't mean that Sylvester can't impose that rule, because that rule still stands as an order by an Assistant Secretary of Defense that can be used as grounds for disciplining any person in that Department who is caught not reporting that he talked to a reporter.

I say I want to get around that type of thing and I am going to do it every day of the week.

Mr. RUMSFELD. Certainly the passage of a bill along the lines we are considering here today would put the employee in a position, and the agency in a position, and you in a position—

Mr. MOLLENHOFF. Have you read the Otepka case? You ought to read it.

Mr. RUMSFELD. I know about it.

Mr. MOLLENHOFF. Here is an effort by an executive agency to bar the Congress from testimony that was pertinent. This man delivered three documents to a Senate committee that were highly pertinent, and he is being fired for it, and this is, again, one of those cases of stretching an order.