

You may have suits that are not justified. You have suits filed in the Federal courts, State courts, every day that are not justified. But I wouldn't look for this litigation to bring any great harassment of the Great Society.

Mr. KASS. You mentioned——

Mr. MOLLENHOFF. Or other society.

Mr. KASS. You mentioned earlier the problem that is raging now between the free press and the fair trial idea.

Mr. MOLLENHOFF. Yes.

Mr. KASS. Do you think that the bill adequately protects, on the one hand, the investigatory files that properly should be withheld pending the time the case is brought to trial and, on the other hand, the right of a newspaper, or the right of the public, to get information that they need?

Mr. MOLLENHOFF. There are certain types of investigatory files, the raw investigatory files, that really should not be made public. I see that when it serves the purpose of the administration, that some of those files are accumulated and distributed to some columnist and others.

Don Reynolds, is an example, which is the most recent memory. Here is a principle that was absolutely wrong. But because it serves somebody's purpose politically, this material from the Reynolds files was distributed from the Defense Department and the State Department investigatory files. It was not even substantiated information but merely rumor. That shouldn't be distributed by Government under any circumstances and information but should have access to it.

There are certain types of carefully evaluated reports that should be prepared and submitted within the department. They should not contain those things that are pure rumor and hearsay.

If they tend to be sloppy about that and get their rumor mixed up with the fact, that is the fault of the investigative agency.

This will be a matter of careful administration of report preparation. It is going to be a matter that will require close supervision by the proper committee of Congress to see how the agencies are administering this over a period of time.

Mr. KASS. Mr. Mollenhoff, you referred to a lady who came to you after she had been discharged, she and her attorney and the doctor couldn't get the record. What type of records do you feel should not be made available? What type of personnel records should not be made available to individuals, to the press, or to anybody else?

Mr. MOLLENHOFF. For example, I don't believe the loyalty-security thing should be made available to the press. I don't hold the Congress out of that, though, I think the Congress has been lax in letting the executive branch get by with holding that material away from it.

Mr. KASS. Excluding for the time being the right of Congress to get the information. I am talking about the executive——

Mr. MOLLENHOFF. The press shouldn't have the right to get loyalty files or the medical files of the individual. I don't think we should necessarily have the rating files of the individual, unless there is a specific reason.

We should have their salaries and their positions. That is about all we are really entitled to on the individual, unless there is a real reason for yanking someone back, demoting him a couple of grades, or the like. I think we should be given at least a summary of that reason.