

Mr. KASS. Mr. Mollenhoff, one further question. In your statement you said—

There is no quarrel with the exemption for investigatory files until they are used in or affect an action or proceeding or a private party's effective participation therein. This exception No. 7 has justification, particularly when there is a limitation in time of application.

Mr. MOLLENHOFF. If the files all become available at a subsequent stage, it lessens the problem of misuse of secrecy. This would apply when it was an investigation where the Government had to bring things up to a certain point, and try the case without laying their whole hand on the table before trial.

Often as soon as that case is over with they can make this public. This is frequently the situation that you as congressional investigators run into. You have a case that you want to put on up here. They say we have that case in process of adjudication at the present time and we can't lay it on the line.

You abide by that. I would, and I think most people would, during that period of time.

But after they get that case settled, then there is no real reason for secrecy unless there continues to be an overriding reason that falls within one or the other exceptions.

Mr. KASS. In this matter there are certain Federal rules which allow for discovery and disclosure to the parties in question, for example, the attorney and his client. Should that information, once available to the attorney and his client, be given also to the general public? Or would there be a further time of application pending, maybe the completion of the lawsuit?

Mr. MOLLENHOFF. I would rather not get into that. I haven't thought that through from the standpoint of the mechanics of how that would operate. I would prefer not to get into that.

Mr. KASS. Thank you, gentlemen. No further questions, Mr. Chairman.

Mr. MOSS. Are there further questions?

If not, I want to thank both of you gentlemen for your appearance here this afternoon.

Mr. MOLLENHOFF. Thank you very much.

Mr. MOSS. The subcommittee will now stand adjourned until 2 p.m. on Monday.

(Whereupon, at 4:10 p.m., the subcommittee was adjourned, to reconvene on Monday, April 5, 1965, at 2 p.m.)