

LETTER FROM HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
April 1, 1965.

Hon. JOHN E. MOSS,

*Chairman, Subcommittee on Government Information and Foreign Operations,
House of Representatives, Washington, D.C.*

DEAR MR. MOSS: Let me congratulate you and your subcommittee for carrying on the struggle for an adequate Federal statute to insure freedom of information for all citizens in their dealings with the Government. This is a struggle which has gone on for long and in recent years leadership has been given by you, Senators Tom Hennings and John Carroll and for this we are in your debt.

You are now holding hearings on H.R. 5012, a bill whose companion measure is S. 1666 in the Senate. It is similar to S. 1160 of the last session of the Congress. I was a cosponsor of this bill in the 88th Congress and I am again a cosponsor in the 89th Congress. I should like to give the subcommittee some comments on the proposal which is now before it.

The Government is a servant of the people. It was designed as such by our Founding Fathers and every generation of Americans has treasured this principle. We do not serve the Government, the Government serves us. It is important that the people know what their Government is doing and in a free country such as ours the people should have this information available to them as a matter of right, not as a matter of privilege.

The struggle of the Congress to see that the public and its elected representatives have free and full access to the actions of their Government is as old as the republic itself. All too often this intent has been evaded by bureaucracy anxious to hide its errors or to avoid awkward inquiries. Whatever laws the Congress has passed to insure free access have been given such limited interpretation by Government agencies so as to often render these laws almost useless.

It is this history which emphasizes the importance of seeing to it that whatever law you recommend to insure freedom of information, it should be as clear, as direct, as forceful, as simple and as understandable as possible. It is, of course, easy to say this and difficult to write such a law. I commend your subcommittee, however, for making the effort.

Let the subcommittee make it clear that access to information is the ordinary; that denial is the extraordinary.

Let the subcommittee make clear that it is not for the citizens to explain his interest in having the information; it is instead for the Federal agency to explain its denial of the citizen's request.

Let us put the onus of proof on the agency, not on the citizen.

My best wishes to the subcommittee and its important work.

Sincerely yours,

E. L. BARTLETT.

STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

It is a pleasure to support H.R. 5012 and related bills which are similar to a bill which I sponsored to establish a Federal public records law.

The Federal Government has much to learn from the State governments about access to public information. Let me illustrate with some of the access-to-information statutes in the State of Montana, where the entire spectrum of public decisionmaking—from agency files to legislative proceedings—is as open as Montana's wide-open spaces.

One of our statutes (sec. 93-1001-4), Revised Codes of Montana, 1947, Annotated) states that "every citizen has a right to inspect and take a copy of any public writing of this State except as otherwise expressly provided by statute." This is not an empty statute, for the next paragraph (93-1001-4) spells out how the public official must produce certified copies of public records demanded by any citizen.

Another section (59-512) states that "public records and other matters in the office of any officer are at all times during office hours, open to the inspection of any person." Only two exceptions to this statute are given—cases of attachment in possession of the clerk of court before filing of a return of service, and child adoption files. In each of these exceptions, access to the records still is possible under certain conditions.