

Moreover, the borax combine obtained a monopoly on the deposit and forced competitors out of business. As a result of this granting of patents by the Department of the Interior both the Federal Government and the State of California were cheated out of royalties on the borax production as provided by the leasing law.

How did the Government get away with this costly "mistake"? On each of the 10 pages in the Palmer report there is stamped the following (photocopied from the original) :

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

In 1950, 23 years later, the Department of the Interior put that confidential document in the National Archives. In late 1953 I found the Palmer report. Attorneys for the Burnham Chemical Co. then filed a suit in the Court of Claims early in 1955. After the trial, the court dismissed the case because of the statute of limitations. If the Palmer report had not been suppressed, the Burnham Chemical Co. would not now be trying to secure legislation to have the statute of limitations waived and the case adjudicated on its merits.

SUPPLEMENTARY STATEMENT

On May 6, 1957, the Interior Department gave my attorney a certified photostat copy of a report Leroy A. Palmer, a Government mine inspector, had made on January 7, 1927, to the Commissioner of the General Land Office concerning the discovery of borax deposits in the Kramer District of California. This certified copy shows that each of the 10 pages of the report bore a stamped notation "Confidential. Not for Public Inspection."

On March 29, 1965, I went to the National Archives to get more certified photostat copies of the Palmer report. I applied to Mr. Frank E. Bridgers for a card of admission to the search rooms. Mr. Bridgers asked me for what purpose I wished the admission card and I informed him I wanted to get copies of certain documents to submit to a congressional committee that was about to hold hearings. I saw the report again on that day and on each of the 10 pages was the stamped notation "Confidential. Not for Public Inspection." I ordered from Mr. Foster, four copies of the report. I told him I wanted the copies as soon as possible for congressional hearings which were being held soon.

I received these certified photostat copies of the report on April 7, 1965, from the National Archives. The words "Confidential. Not for Public Inspection" had been covered up when the photostat pictures of the Palmer report were taken. This was true of each of the 10 pages of the report.

**STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION,
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS**

Mr. Chairman, I appreciate this opportunity to present to your subcommittee these remarks on H.R. 5012 and related legislative measures.

In general, we support the principles and purposes of legislation to open up the processes of government to public view. In a democracy such as ours, the people must be fully informed if they are to make intelligent, rational decisions, if they are to govern themselves well and wisely. At the same time we recognize that certain kinds of information obtained by Government agencies must be kept in confidence to avoid defeating the reason for existence of such agencies. In our comments on H.R. 5012 we have tried to keep these two basic principles in mind.

H.R. 5012 would affect the operation of virtually every Federal administrative agency and the administrative procedure of many executive departments, including such agencies as the National Labor Relations Board, the Federal Media-