

from Government to the American people. As responsible journalists, broadcasters are closely identified with the interest of the public in gaining access to information that is, or of right ought to be, public.

While it is recognized that one of the basic purposes of the Administrative Procedure Act was to require agencies to keep the public informed about the proceedings of the several agencies, there has been legitimate concern over the years that the exceptions and qualifications in the public information section of the act have served in some cases to suppress information in which the public has a legitimate interest, rather than to make it available as the Congress intended.

The problems of the handling and dissemination of news by the Government have been before the Congress for several years. In the 85th Congress an amendment to the "housekeeping" statute (5 U.S.C. 22) was enacted to prevent agencies from using this statute as a basis for withholding information. NAB endorsed and actively supported that measure, but efforts to enact legislation defining in adequate terms a general public information policy for Government agencies have not been successful.

An informed people, capable of self-government, is the cornerstone of American democracy. Not only must voters have information upon which to judge the qualifications of their elected representatives, they must also know about the affairs of government in order to render other vital judgments. Under our constitutional system not all powers are granted to government. Many are retained by the people. Supergovernment, the star chamber, and bureaucratic intrigue are foreign to the genius of America.

We recognize the need for carefully designed exceptions which H.R. 5012 includes. The NAB does not propose, and no responsible journalist proposes, that our Government lay the national security bare to potential enemies. Neither do we seek to disrupt the orderly procedures of government to expose information which is private in nature. Thus we view section 161(c)(4) as an essential part of the bill.

In the broadcasting industry, there are increasing demands from the licensing agency for information of a confidential business nature. This information concerns financial activities and business operations. At present under section 0.417 of the rules of the Federal Communications Commission such information is not open to public inspection. This policy has the same logical basis as that expressed in section 6103 of the Internal Revenue Code which provides that, for reasons of public policy, tax returns are not open to examination and inspection. The subcommittee should make clear its intent in approving this legislation that section 161(c)(4) excepts from operation of the act all information submitted in confidence pursuant to statute or administrative rules or regulations, the disclosure of which would be a violation of personal privacy.

Over the years there have been numerous instances of unjustifiable withholding of information by governmental offices. Some cases are very serious—others simply ludicrous. The natural enemies of an informed public are secrecy without legitimate reason, automatic overclassification, "leaks," anonymous spokesman, "handouts" that do not tell the whole story, and old-fashioned laziness. Some officials find it easier to draw the blinds than to keep the house in order, and complaisant newsmen find it easier to rely on handouts and leaks than to seek the whole truth.

The spirit of the proposed law, we believe, is far more important than its letter. In some way there must be infused into all branches of government a dedication to disclosure of the truth to the American people. Every officer of government should know that it is his duty to conceal only that which the law requires be concealed. All else belongs to the people. The doctrine of freedom of information ought to be confirmed in law.

LETTER FROM GREEN BAY PRESS-GAZETTE, GREEN BAY, WIS.

March 2, 1965.

Hon. JOHN E. MOSS,
Old House Office Building,
Washington, D.C.

DEAR MR. MOSS: The Green Bay Press-Gazette, for many years, has insisted that public agencies should have no secrets from citizens except under very limited circumstances spelled out as specifically as possible.