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Congress of the United States
House of Representatives
Washington, D.C. 20515

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FOR RELEASE WEDNESDAY NOON
JANUARY 19, 1966

[The following is a statement made by Congressman Bob Dole, (R-Kans), in support of a bill he introduced Wednesday, January 19. The bill is similar to other measures now pending in the Government Operations Committee. It would prescribe the authority of federal officers and agencies to withhold information and limit the availability of records, commonly referred to as "Freedom of Information" or "Right to Know" legislation.]

FREEDOM OF INFORMATION

MR. SPEAKER: Since the beginnings of our Republic, the people and their elected representatives in Congress have been engaged in a sort of ceremonial contest with the Executive bureaucracy over the Freedom-of-Information issue. The dispute has, to date, failed to produce a practical result.

Government agencies and Federal officials have repeatedly refused to give individuals information to which they were entitled and the documentation of such unauthorized withholding -- from the press, the public, and Congress -- is voluminous. However, the continued recital of cases of secrecy will never determine the basic issue involved, for the point has already been more than proven. Any circumscription of the public's right to know cannot be arrived at by Congressional committee compilations of instances of withholding, nor can it be fixed by Presidential fiat. At some point we must stop restating the problem, authorizing investigations, and holding hearings, and come to grips with the problem.

In a democracy, the public must be well informed if it is to intelligently exercise the franchise. Logically, there is little room for secrecy in a democracy. But, we must be realists as well as rationalists and recognize that certain government information must be protected and that the right of individual privacy must be respected. It is generally agreed that the public's knowledge of its government should be as complete as possible, consonant with the public interest and national security. The President by virtue of his Constitutional powers in the fields of foreign affairs and national defense, without question, has some derived authority to keep secrets. But we cannot leave the determination of the answers to some arrogant or whimsical bureaucrat -- they must be written into law.

To that end, I join other members of this House in introducing and supporting legislation to establish a Federal public records law and to permit court enforcement of the people's right to know.

The bill that I am introducing today would require every agency of the Federal

(more)

January 19, 1966 (cont)

-2-

Government to "make all its records promptly available to any person," and provides for court action to guarantee the right of access. The proposed law does, however, protect eight (8) categories of sensitive government information which would be exempted.

The protected categories are matters:

- "(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;
- (2) related solely to the internal personnel rules and practices of any agency
- (3) specifically exempted from disclosure by statute;
- (4) trade secrets and commercial or financial information obtained from the public and privileged or confidential;
- (5) interagency or intra-agency memoranda or letters dealing solely with matters of law or policy;
- (6) personnel and medical files and similar matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; and
- (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions".

The bill gives full recognition to the fact that the President must at times act in secret in the exercise of his Constitutional duties when it exempts from availability to the public matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy".

Thus, the bill takes into consideration the right to know of every citizen while affording the safeguards necessary to the effective functioning of government. The balances have too long been weighted in the direction of executive discretion, and the need for clear guidelines is manifest. I am convinced that the answer lies in a clearly delineated and justiciable right to know.

A "Freedom of Information" bill passed the Senate in 1965, but the House has failed to act, perhaps because of opposition from the White House and other Administration leaders in the Executive branch. This legislation should be high on the priority list as the Second Session of the 89th Congress gets underway.

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