

73^d CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
 1st Session } { No 18

PROTECTION OF GOVERNMENT RECORDS

MARCH 29, 1933—Referred to the House Calendar and ordered to be printed

Mr SUMNERS of Texas, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H R. 4220]

The Committee on the Judiciary, to whom was referred the bill (H R 4220) after consideration, reports the same favorably with amendments, and recommends that the bill as amended do pass

The committee amendments are as follows

Page 1, line 8, after the word "destroy" strike out the word "or", and in the same line, after the word "sell", insert the following "furnish to another, publish or offer for sale,"

Page 2, lines 21 and 22, strike out the words "facts or information purporting to be contained in" and insert in lieu thereof the following "any such matter or anything purporting to be"

It is highly essential that leaks from confidential official records and communications not occur and that baseless or damaging reports purporting to be disclosures from such documents not be circulated. It is the purpose of this bill to minimize the possibility of such occurrences, while at the same time safeguarding the rights of individuals and the public interest as they are related to freedom of speech and of the press

The executive branch of the Government has requested the enactment of this legislation at the earliest practicable date, and has satisfactorily demonstrated to the committee the need for it. The legislation is by its nature very properly auxiliary to the emergency legislation enacted and to be enacted by Congress at the present session. It is proper to state that the committee has had the assistance of the Department of Justice in the drafting and preparation of the bill.

This bill, while not repealing existing law, is an extension thereof, and therefore, in compliance with clause 2a of rule XIII there is printed below in parallel columns, existing law and H R 4220

PROTECTION OF GOVERNMENT RECORDS

EXISTING LAW

United States Code, title 18, paragraph 234 (Criminal Code, section 128), destroying public records

"Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000, or imprisoned not more than three years, or both "

United States Code, title 18, paragraph 235 (Criminal Code, section 129), destroying records by officer in charge

"Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in section 234 of this title, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than \$2,000, or imprisoned not more than three years, or both, and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States "

PROPOSED LAW

H R 4220 (including committee amendments)

"That whoever, by virtue of his employment by the United States, having custody of, or access to, any record, proceeding, map, book, document, paper, or other thing shall, for any purpose prejudicial to the safety or interest of the United States willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, destroy, sell, furnish to another, publish, or offer for sale, any such record, proceeding, map, book, document, paper, or thing, or any information contained therein, or a copy or copies thereof, shall be fined not more than \$2,000 or imprisoned not more than three years, or both, and moreover shall forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States

"Sec 2 Whoever shall willfully, without authorization of competent authority, publish or furnish to another any matter prepared in any official code, or whoever shall, for any purpose prejudicial to the safety or interest of the United States, willfully publish or furnish to another any matter obtained without authorization of competent authority, from the custody of any officer or employee of the United States or any matter which was obtained while in process of transmission from one public office, executive department, or independent establishment of the United States or branch thereof to any other such public office, executive department, or independent establishment of the United States or branch thereof or any matter which was in process of transmission between any foreign government and its diplomatic mission in the United States, or whoever shall for any purpose prejudicial to the safety or interest of the United States, willfully, without authorization of competent authority, publish, or furnish to another, any such matter or anything purporting to be any such matter, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both

"Sec 3 In any prosecution hereunder, proof of the commission of any of the acts described herein shall be prima facie evidence of a purpose prejudicial to the safety or interest of the United States "