(Slip Opinion)

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DEPARTMENT OF THE AIR FORCE ET AL. *v.* ROSE ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 74–489. Argued October 8, 1975—Decided April 21, 1976

Under the United States Air Force Academy's Honor Code, which is administered by a cadet committee, cadets pledge that they will not lie, steal, or cheat, or tolerate among their number anyone who does. If a cadet investigatory team finds that a hearing concerning a suspected violation is warranted, the accused may call witnesses, and cadet observers attend. An eight-man Honor Board may adjudge guilt only by unanimous vote but may if at least six members concur grant the guilty cadet "discretion," which returns him to his squadron in good standing. A cadet found guilty without discretion may resign, or request a hearing by officers or trial by court-martial. The hearing is confidential but the committee prepares a summary, which is posted on 40 squadron bulletin boards and distributed among Academy faculty and officials. In not-guilty and discretion cases, names are deleted. In guilty cases names are not deleted but posting is deferred until the cadet has left the Academy. Ethics Code violations, for less serious breaches, are handled more informally, though on a similarly confidential basis. Respondents, present or former student law review editors researching for an article, having been denied access to case summaries of honors and ethics hearings (with identifying data deleted), brought this suit to compel disclosure under the Freedom of Information Act (FOIA) against the Department of the Air Force and certain Academy officers (hereinafter collectively the "Agency"). The District Court without *in camera* inspection granted the Agency's motion for summary judgment on the ground that the summaries were "matters . . . related solely to the internal personnel rules and practices of an agency," and thus exempted from mandatory disclosure under Exemption 2 of

Syllabus

the FOIA. The Court of Appeals reversed, holding that exemption inapplicable. The Agency had made the contention, which the District Court rejected, that the case summaries fell within Exemption 6 as constituting "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." The Court of Appeals, while disagreeing with the District Court's approach, did not hold that the Agency without any prior court inspection had to turn over the summaries to respondents with only the proper names removed or that Exemption 6 covered all or any part of the summaries, but held that because the Agency had not maintained its statutory burden in the District Court of sustaining its action by means of affidavits or testimony further inquiry was required and that the Agency had to produce the summaries for an *in camera* inspection, cooperating with the District Court in redacting the records so as to delete personal references and all other identifying information. *Held:*

1. The limited statutory exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant legislative objective of the FOIA. Pp. 7–8.

2. Exemption 2 does not generally apply to matters, such as the summaries here involved, in which there is a genuine and important public interest. Pp. 8–16.

(a) The phrasing of that exemption reflected congressional dissatisfaction with the "internal management" exemption of former § 3 of the Administrative Procedure Act and was generally designed, as the Senate Report made clear, to delineate between, on the one hand, trivial matters and, on the other, more substantial matters in which the public might have a legitimate interest. Pp. 8–13.

(b) The public has a substantial concern with the Academy's administration of discipline and procedures that affect the training of Air Force officers and their military careers. Pp. 14–16.

3. Exemption 6 does not create a blanket exemption for personnel files. With respect to such files and "similar files" Congress enunciated a policy, to be judicially enforced, involving a balancing of public and private interests. Regardless of whether the documents whose disclosure is sought are in "personnel" or "similar" files, nondisclosure is not sanctioned unless there is a showing of a clearly unwarranted invasion of personal privacy, and redaction of documents to permit disclosure of nonexempt portions is appropriate under Exemption 6. Pp. 17–22.

Syllabus

4. Even if "personnel files" were to be considered as wholly exempt from disclosure under Exemption 6 without regard to whether disclosure would constitute a clearly unwarranted invasion of personal privacy, the case summaries here were not in that category although they constituted "similar files" relating as they do to the discipline of cadets, and their disclosure implicating similar privacy values. Pp. 22–24.

5. The Court of Appeals did not err in ordering the Agency to produce the case summaries for the District Court's *in camera* examination, a procedure that represents "a workable compromise between individual rights 'and the preservation of public rights to [G]overnment information,'" which is the statutory goal of Exemption 6. Pp. 24–28.

(a) The limitation in Exemption 6 to cases of "clearly unwarranted" invasions of privacy indicates that Congress did not intend a matter to be exempted from disclosure merely because it could not be guaranteed that disclosure would not trigger recollection of identity in any person whatever, and Congress vested the courts with the responsibility of determining *de novo* whether the exemption was properly invoked. Pp. 25–26.

(b) Respondents' request for access to summaries "with personal references or other identifying information deleted" respected the confidentiality interests embodied in Exemption 6 and comported with the Academy's tradition of confidentiality. Pp. 26–27.

495 F. 2d 261, affirmed.

BRENNAN, J., delivered the opinion of the Court, in which STEWART, WHITE, MARSHALL, and POWELL, JJ., joined. BURGER, C. J., and BLACKMUN and REHNQUIST, JJ., filed dissenting opinions. STEVENS, J., took no part in the consideration or decision of the case.

SUPREME COURT OF THE UNITED STATES

No. 74–489

Department of the Air Force et al., Petitioners, *v.* Michael T. Rose et al. | On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

[April 21, 1976]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Respondents, student editors or former student editors of the New York University Law Review researching disciplinary systems and procedures at the military service academies for an article for the Law Review,[1] were denied access by petitioners to case summaries of honor and ethics hearings, with personal references or other identifying information deleted, maintained in the United States Air Force Academy's Honor and Ethics Code Reading Files, although Academy practice is to post copies of such summaries on 40 squadron bulletin boards throughout the Academy and to distribute copies to Academy faculty and administration officials.[2] There-

[1] Respondent Michael T. Rose, a graduate of the United States Air Force Academy and at that time a First Lieutenant in the Air Force, was the student editor charged with preparing the study. It finally appeared as a book, Rose, "A Prayer for Relief: The Constitutional Infirmities of the Military Academies' Conduct, Honor and Ethics Systems" (NYU 1973). Respondents Lawrence P. Pedowitz and Charles P. Diamond were, at the time this suit was filed, respectively the former and current Editor-in-Chief of the Review.

[2] Upon respondent Rose's request for documents, Academy officials gave him copies of the Honor Code, the Honor Reference Manual, Lesson Plans, Honor Hearing Procedures, and various other ma-

upon respondents brought this action under the Freedom of Information Act, as amended, 5 U. S. C. § 552, in the District Court for the Southern District of New York against petitioners, the Department of the Air Force and Air Force officers who supervise cadets at the United States Air Force Academy (hereinafter collectively the "Agency").[3] The District Court granted petitioner

terials explaining the Honor and Ethics Codes. They denied him access to the case summaries, however, on the grounds that even with the names deleted "[s]ome cases may be recognized by the reader by the circumstances alone without the identity of the cadet given" and "[t]here is no way of determining just how these facts will or could be used." App. 21, 155, 157, 184, 186. On appeal to the Secretary of the Air Force, the Secretary, by letter from his Administrative Assistant, refused disclosure of the case summaries on the ground that they were exempt from disclosure by Exemption 6, 5 U. S. C. § 522 (b)(6), of the Freedom of Information Act and by Air Force Regulations 12–30 ¶¶ 4 (f) and 4 (g)(1)(b), 32 CFR §§ 806.5 (f), (g)(1)(ii), App. 21, 121–122.

[3] The Freedom of Information Act, 5 U. S. C. § 552, as amended, Pub. L. 93–502, 88 Stat. 1561, provides in pertinent part:

"(a) Each agency shall make available to the public information as follows:

. . . . . .

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

"(4)(A) . . . .

"(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under

Agency's motion for summary judgment—without first requiring production of the case summaries for inspection—holding in an unreported opinion that case summaries even with deletions of personal references or other identifying information were "matters . . . related solely to the internal personnel rules and practices of an agency," exempted from mandatory disclosure by § 552 (b)(2) of the statute.[4] The Court of Appeals for the Second Circuit reversed, holding that § 552 (b)(2) did not exempt

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any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

. . . . . .

"(b) This section does not apply to matters that are—

. . . . . .

"(2) related solely to the internal personnel rules and practices of an agency;

. . . . . .

"(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

. . . . . .

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

"(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. . . ."

[4] Respondents also sought access to a complete study of resignations of Academy graduates from the Air Force. Petitioners claimed that the study was exempted from disclosure by § 522 (b)(2)(5) of the Freedom of Information Act, 5 U. S. C. § 552 (b)(5), concerning "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The District Court held that since the study had already been offered for dissemination to the public the Agency had waived its rights under the exemption, and accordingly it granted respondents partial summary judgment, requiring petitioners to disclose the complete study to respondents. Petition for Certiorari, at 35A–38A. Petitioners complied with this order.

the case summaries from mandatory disclosure. 495 F. 2d 261 (1974). The Agency argued alternatively, however, that the case summaries constituted "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," exempted from mandatory disclosure by § 552 (b)(6). The District Court held this exemption inapplicable to the case summaries, because it concluded that disclosure of the summaries without names or other identifying information would not subject any former cadet to public identification and stigma, and the possibility of identification by another former cadet could not, in the context of the Academy's practice of distribution and official posting of the summaries, constitute an invasion of personal privacy proscribed by § 552 (b)(6). Petition for Certiorari, at 32A. The Court of Appeals disagreed with this approach, stating that it "ignores certain practical realities" which militated against the conclusion "that the Agency's internal dissemination of the summaries lessens the concerned cadets' right to privacy, as embodied in Exemption 6." 495 F. 2d, at 267. But the Court refused to hold, on the one hand, either "that [the Agency] must now, without any prior inspection by a court, turn over the summaries to [respondents] with only the proper names removed . . ." or, on the other hand, "that Exemption Six covers all, or any part of, the summaries in issue." *Id.*, at 268. Rather, the Court of Appeals held that because the Agency had not carried its burden in the District Court, imposed by the Act, of "sustain[ing] its action" by means of affidavits or testimony, further inquiry was required, and "the Agency must produce the summaries themselves in court" for an *in camera* inspection

> "and cooperate with the judge in redacting the records so as to delete personal references and all

> other identifying information . . . . We think it highly likely that the combined skills of court and Agency, applied to the summaries, will yield edited documents sufficient for the purpose sought and sufficient as well to safeguard affected persons in their legitimate claims of privacy." *Ibid.*

We granted certiorari, 420 U. S. 923 (1975). We affirm.

I

The District Court made factual findings respecting the administration of the Honor and Ethics Codes at the Academy. See Petition for Certiorari, at 28A–29A nn. 5, 6. Under the Honor Code enrolled cadets pledge that "We will not lie, steal, or cheat, nor tolerate among us anyone who does." The Honor Code is administered by an Honor Committee composed of Academy cadets. Suspected violations of the Code are referred to the Chairman of the Honor Committee, who appoints a three-cadet investigatory team which, with advice from the legal advisor, evaluates the facts and determines whether a hearing, before a Board of eight cadets, is warranted. If the team finds no hearing warranted, the case is closed. If it finds there should be a hearing, the accused cadet may call witnesses to testify in his behalf, and each cadet squadron may ordinarily send two cadets to observe.

The Honor Board may return a guilty finding only upon unanimous vote. If the verdict is guilty, under certain circumstances the Board may grant the guilty cadet "discretion," for which a vote of 6 of the 8 members is required. A verdict of guilty with discretion is equivalent to a not guilty finding in that the cadet is returned to his cadet squadron in good standing. A verdict of guilty without discretion results in one of three alternative dispositions: the cadet may resign from

the Academy, request a hearing before a Board of Officers, or request a trial by court-martial.

At the announcement of the verdict, the Honor Committee Chairman reminds all cadets present at the hearing that all matters discussed at the hearing are confidential and should not be discussed outside the room with anyone other than an Honor Representative. A case summary consisting of a brief statement, usually only one page, of the significant facts is prepared by the Committee. As we have said, copies of the summaries are posted on 40 squadron bulletin boards throughout the Academy, and distributed among Academy faculty and administration officials. Cadets are instructed not to read the summaries, unless they have a need, beyond mere curiosity, to know their contents, and the Reading Files are covered with a notice that they are "for official use only." Case summaries for not guilty and discretion cases are circulated with names deleted; in guilty cases, the guilty cadet's name is not deleted from the summary, but posting on the bulletin boards is deferred until after the guilty cadet has left the Academy.

Ethics Code violations are breaches of conduct less serious than Honor Code violations, and administration of Ethics Code cases is generally less structured, though similar. In many instances, Ethics cases are handled informally by the Cadet Squadron Commander, the Squadron Ethics Representative, and the individual concerned. These cases are not necessarily written up and no complete file is maintained; a case is written up and the summary placed in back of the Honor Code Reading Files only if it is determined to be of value for the Cadet population. Distribution of Ethics Code sumaries is substantially the same as that of Honor Code summaries, and their confidentiality, too, is maintained by Academy custom and practice.

II

Our discussion may conveniently begin by again emphasizing the basic thrust of the Freedom of Information Act. We canvassed the subject at some length three years ago in *Environmental Protection Agency* v. *Mink*, 410 U. S. 73, 79–80 (1973), and need only briefly review that history here. The Act revises § 3, the public disclosure section, of the Administrative Procedure Act, 5 U. S. C. § 1002 (1964). The revision was deemed necessary because "Section 3 was generally recognized as falling far short of its disclosure goals and came to be looked upon more as a withholding statute than a disclosure statute." *Mink, supra,* at 79. Congress therefore structured a revision whose basic purpose reflected "a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language." S. Rep. No. 813, 89th Cong., 1st Sess., at 3 (1965) (hereinafter S. Rep. No. 813). To make crystal clear the congressional objective—in the words of the Court of Appeals, "to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny," 495 F. 2d, at 263—Congress provided in § 552 (c) that nothing in the Act should be read to "authorize withholding of information or limit the availability of records to the public, except as specifically stated. . . ." Consistently with that objective, the Act repeatedly states "that official information shall be made available 'to the public,' 'for public inspection.'" *Mink, supra,* at 79. There are, however, exemptions from compelled disclosure. They are nine in number and are set forth in § 552 (b). But these limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act. "These exemptions are specifically made exclusive, 5 U. S. C. § 522 (c) . . . ." *Mink, supra,* at 79, and must be narrowly

construed. *Vaughn* v. *Rosen,* 157 U. S. App. D. C. 340, 343, 484 F. 2d 820, 823 (1973), —— U. S. App. D. C. ——, ——, —— F. 2d —— (1975), No. 75–1031, Nov. 21, 1975, slip op., at 422; *Soucie* v. *David,* 145 U. S. App. D. C. 144, 157, 448 F. 2d 1067, 1080 (1971). In sum, as said in *Mink, supra,* at 80:

> "Without question, the Act is broadly conceived. It seeks to permit access to official information long shielded unnecessarily from public view and attempts to create a judicially enforceable public right to secure such information from possibly unwilling official hands. Subsection (b) is part of this scheme and represents the congressional determination of the types of information that the Executive Branch must have the option to keep confidential, if it so chooses. As the Senate Committee explained, it was not 'an easy task to balance the opposing interests, but it is not an impossible one either. . . . Success lies in providing a workable formula which encompasses, balances, and protects all interests, yet places emphasis on the fullest responsible disclosure.' S. Rep. No. 813, p. 3."

Mindful of the congressional purpose, we then turn to consider whether mandatory disclosure of the case summaries is exempted by either of the exemptions involved here, discussing *first* Exemption 2, and *second* Exemption 6.

III

The phrasing of Exemption 2 is traceable to congressional dissatisfaction with the exemption from disclosure under former § 3 of the Administrative Procedure Act of "any matter relating solely to the internal management of an agency." 5 U. S. C. § 1002 (1964). The sweep of that wording led to withholding by agencies from disclosure of matter "rang[ing] from the important to the

insignificant." H. H. Rep. No. 1497, 89th Cong., 2d Sess., at 5 (1966) (hereinafter H. R. Rep. No. 1497). An earlier effort at minimizing this sweep, S. 1666 introduced in the 88th Congress in 1963, applied the "internal management" exemption only to matters required to be published in the Federal Register; agency orders and records were exempted from other public disclosure only when the information related "solely to the internal personnel rules and practices of any agency." The distinction was highlighted in the Senate Report on S. 1666 by reference to the latter as the "more tightly drawn" exempting language. S. Rep. No. 1219, 88th Cong., 2d Sess., 12.

No final action was taken on S. 1666 in the 88th Congress; the Senate passed the Bill, but it reached the House too late for action. *Renegotiation Board* v. *Bannercraft Clothing Co.*, 415 U. S. 1, 18 n. 18 (1974). But the Bill introduced in the Senate in 1965 that became law in 1966 dropped the "internal management" exemption for matters required to be published in the Federal Register and consolidated all exmeptions into a single subsection. Thus, legislative history plainly evidences the congressional conclusion that the wording of Exemption 2, "internal personnel rules and practices," was to have a narrower reach than the Administrative Procedure Act's exemption for "internal management."

But that is not the end of the inquiry. The House and Senate Reports on the Bill finally enacted differ upon the scope of the narrowed exemption. The Senate Report stated:

> "Exemption 2 relates only to the internal personnel rules and practices of an agency. Examples of these may be rules as to personnel's use of parking facilities or regulations of lunch hours, statements of policy as to sick leave, and the like." S. Rep. No. 813, at 8.

The House Report, on the other hand, declared

> "2. Matters related solely to the internal personnel rules and practices of any agency. Operating rules, guidelines and manuals of procedure for Government investigators or examiners would be exempt from disclosure but this exemption would not cover all 'matters of internal management' such as employee relations and working conditions and routine administrative procedures which are withheld under the present law." H. R. Rep. No. 1497, at 10.

Almost all courts that have considered the difference between the Reports have concluded that the Senate Report more accurately reflects the congressional purpose.[5] Those cases relying on the House, rather than the Senate, interpretation of Exemption 2, and permitting Agency withholding of matters of some public interest, have done so only where necessary to prevent the circumvention of agency regulations that might result from disclosure to the subjects of regulation of the procedural manuals and guidelines used by the agency in discharging its regulatory function. See, *e. g., Tietze* v. *Richardson,* 342 F. Supp. 610 (SD Tex. 1972); *Cuneo* v. *Laird,* 338 F. Supp. 504 (DC 1972); rev'd on other grounds, *sub nom. Cuneo* v. *Schlesinger,* 157 U. S. App. D. C. 368, 484 F. 2d 1086; *City of Concord* v. *Ambrose,* 333 F. Supp. 958 (ND Cal. 1971) (dictum). Moreover, the legislative history indicates that this was the primary concern of the

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[5] *E. g., Stokes* v. *Brennan,* 476 F. 2d 699, 703 (CA5 1973); *Hawkes* v. *IRS,* 467 F. 2d 787, 796 (CA6 1972); *Stern* v. *Richardson,* 367 F. Supp. 1316, 1320 (DC 1973); *Consumers Union of United States, Inc.* v. *Veterans Administration,* 301 F. Supp. 796, 801 (SDNY 1969), appeal dismissed as moot, 436 F. 2d 1363 (CA2 1971); *Benson* v. *GSA,* 289 F. Supp. 590, 595 (WD Wash. 1968), aff'd, 415 F. 2d 878 (CA9 1969) (Exemption 2 apparently not raised on appeal).

committee drafting the House Report. See Hearings on H. R. 5012 before a Subcomm. of the House Comm. on Government Operations, 89th Cong., 1st Sess., 29–30 (1965), cited in H. R. Rep. No. 1497, at 10 n. 14. We need not consider in this case the applicability of Exemption 2 in such circumstances, however, because, as the Court of Appeals recognized, this is not a case "where knowledge of administrative procedures might help outsiders to circumvent regulations or standards. Release of the [sanitized] summaries, which constitute quasi-legal records, poses no such danger to the effective operation of the Codes at the Academy." 495 F. 2d, at 265 (footnote omitted). Indeed, the materials sought in this case are distributed to the subjects of regulation, the cadets, precisely in order to assure their compliance with the known content of the Codes.

It might appear, nonetheless, that the House Report's reference to "[o]perating rules, guidelines, and manuals of procedure" supports a much broader interpretation of the exemption than the Senate Report's circumscribed examples. This argument was recently considered and rejected by Judge Wilkey speaking for the Court of Appeals of the District of Columbia Circuit in *Vaughn* v. *Rosen*, — U. S. App. D. C. —, —, 523 F. 2d 1136, 1142 (1975):

> "Congress intended that Exemption 2 be interpreted narrowly and specifically. In our view, the House Report carries the potential of exempting a wide swath of information under the category of 'operating rules, guidelines, and manuals of procedure. . . .' The House Report states that the exemption 'would not cover all "matters of internal management" such as employee relations and working conditions and routine administrative procedures. . . .' and yet it gives precious little guidance as to which matters are

covered by the exemption and which are not. Although it is equally terse, the Senate Report indicates that the line sought to be drawn is one between minor or trivial matters and those more substantial matters which might be the subject of legitimate public interest.

"This is a standard, a guide, which an agency and then a court, if need be, can apply with some certainty, consistency and clarity. . . .

"Reinforcing this interpretation is 'the clear legislative intent [of FOIA] to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests.' [*Soucie* v. *David,* 145 U. S. App. D. C. 144, 157, 448 F. 2d 1067, 1080 (1971)]. As a result, we have repeatedly stated that '[t]he policy of the Act requires that the disclosure requirements be construed broadly, the exemptions narrowly.' [*Ibid.; Vaughn* v. *Rosen,* 157 U. S. App. D. C. 340, 343, 484 F. 2d 820, 823.] Thus, faced with a conflict in the legislative history, the recognized principal purpose of the FOIA requires us to choose that interpretation most favoring disclosure.

"The second major consideration favoring reliance upon the Senate Report is the fact that it was the only committee report that was before both houses of Congress. The House unanimously passed the Senate Bill without amendment, therefore no conference committee was necessary to reconcile conflicting provisions. . . .

". . . [W]e as a court viewing the legislative history must be wary of relying upon the House Report, or even the statements of House sponsors, where their views differ from those expressed in the Senate. As Professor Davis said: 'The basic prin-

> ciple is quite elementary: The content of the law must depend upon the intent of both Houses, not of just one.' [*See generally,* K. Davis, *Administrative Law Treatise,* § 3A.31 (1970 Supp.) at 175.] By unanimously passing the Senate Bill without amendment, the House denied both the Senate Committee and the entire Senate an opportunity to object (or concur) to the interpretation written into the House Report (or voiced in floor coloquy). This being the case, we choose to rely upon the Senate Report."

For the reasons stated by Judge Wilkey, and because we think the primary focus of the House Report was on exemption of disclosures that might enable the regulated to circumvent agency regulation, we too "choose to rely upon the Senate report" in this regard.

The District Court had also concluded in this case that the Senate Report was "the surer indication of congressional intent." Petition for Certiorari, at 34A n. 21. The Court of Appeals found it unnecessary to take "a firm stand on the issue," concluding that "the difference of approach between the House and Senate Reports would not affect the result here." 495 F. 2d, at 265. The different conclusions of the two courts in applying the Senate Report's interpretation centered upon a disagreement as to the materiality of the public significance of the operation of the Honor and Ethics Codes. The District Court based its conclusion on a determination that the Honor and Ethics Codes "[b]y definition . . . are meant to control only those people in the agency. . . . The operation of the Honor Code cannot possibly affect anyone outside its sphere of voluntary participation which is limited by its function and its publication to the Academy." Petition for Certiorari, at 34A. The Court of Appeals on the other hand concluded that under "the Senate construction of Exemption Two, [the] case

summaries . . . clearly fall outside its ambit" because "[s]uch summaries have substantial potential for public interest outside the Government." 495 F. 2d, at 265.

We agree with the approach and conclusion of the Court of Appeals. The implication for the general public of the Academy's administration of discipline is obvious, particularly so in light of the unique role of the military. What we have said of the military in other contexts has equal application here: it "constitutes a specialized community governed by a separate discipline from that of the civilian," *Orloff* v. *Willoughby*, 345 U. S. 83, 94 (1953), in which the internal law of command and obedience invests the military officer with "a particular position of responsibility." *Parker* v. *Levy*, 417 U. S. 733, 744 (1974). Within this discipline, the accuracy and effect of a superior's command depends critically upon the specific and customary reliability of subordinates, just as the instinctive obedience of subordinates depends upon the unquestioned specific and customary reliability of the superior.[6] The importance of these considerations to the maintenance of a force able and ready to fight effectively renders them undeniably significant to the public role of the military. Moreover, the same essential integrity is critical to the military's relationship with its civilian direction. Since the purpose of the Honor and Ethics Codes administered and enforced at the Air Force Academy is to ingrain the

[6] The Honor Reference Handbook of the Air Force Cadet Wing at 1, App., at 47, recites:

"Former Secretary of War, Newton Baker, said, '. . . the inexact or untruthful soldier trifles with the lives of his fellow men and with the honor of his government. . . .' The young officer needs to be able to trust his men as does any commander. In these times of expensive and increasingly complex weapons systems, the officer must rely on fellow officers and airmen for his own safety and the safety of his men."

ethical reflexes basic to these responsibilities in future Air Force officers, and to select out those candidates apparently unlikely to serve these standards, it follows that the nature of this instruction—and its adequacy or inadequacy—is significantly related to the substantive public role of the Air Force and its Academy. Indeed, the public's stake in the operation of the Codes as they affect the training of future Air Force officers and their military careers is underscored by the Agency's own proclamations of the importance of cadet-administered Codes to the Academy's educational and training program. Thus, the Court of Appeals said, and we agree,

> "[Respondents] have drawn our attention to various items such as newspaper excerpts, a press conference by an Academy officer and a White House Press Release, which illustrate the extent of general concern with the working of the Cadet Honor Code. As the press conference and the Press Release show, some of the interest has been generated—or at least enhanced—by acts of the Government itself. Of course, even without such official encouragement, there would be interest in the treatment of cadets, whose education is publicly financed and who furnish a good portion of the country's future military leadership. Indeed, all sectors of our society, including the cadets themselves, have a stake in the fairness of any system that leads, in many instances, to the forced resignation of some cadets. The very study involved in this case bears additional witness to the degree of professional and academic interest in the Academy's student-run system of discipline. . . . [This factor] differentiate[s] the summaries from matters of daily routine like working hours, which, in the words of Exemption Two, do relate '*solely* to the internal personnel rules and

practices of an agency.'" 495 F. 2d, at 265 (emphasis in Court of Appeals opinion).

In sum, we think that, at least where the situation is not one where disclosure may risk circumvention of agency regulation, Exemption 2 is not applicable to matters subject to such a genuine and significant public interest. The exemption was not designed to authorize withholding of all matters except otherwise secret law bearing directly on the propriety of actions of members of the public. Rather, the general thrust of the exemption is simply to relieve agencies of the burden of assembling and maintaining for public inspection matter in which the public could not reasonably be expected to have an interest.[7] The case summaries plainly do not fit that description. They are not matter with merely internal significance. They do not concern only routine matters. Their disclosure entails no particular administrative burden. We therefore agree with the Court of Appeals that, given the Senate interpretation, "the Agency's withholding of the case summaries (as edited to preserve anonymity) cannot be upheld by reliance on the second exemption." *Id.*, at 26.[8]

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[7] See, *e. g.*, Note, the Freedom of Information Act: A Seven-Year Assessment, 74 Colum. L. Rev. 895, 956 (1974); Note, Comments on Proposed Amendments to Section 3 of the Administrative Procedure Act: The Freedom of Information Bill, 40 Notre Dame Law. 417, 445 (1965). See also *Vaughn* v. *Rosen*, —— U. S. App. D. C. ——, ——, 523 F. 2d 1136, 1150 (1975) (Leventhal, J., concurring).

[8] The Agency suggests that the disclosure of the identities of disciplined cadets through release of the case summaries will weaken the Honor and Ethics Codes, principally because other cadets will be less likely to report misconduct if they cannot be assured of the absolute confidentiality of their reports. But even assuming that this speculation raises an argument under Exemption 2—rather than Exemption 6 alone—it is unpersuasive in light of the deletion process ordered by the Court of Appeals to be conducted on remand.

IV

Additional questions are involved in the determination whether Exemption 6 exempts the case summaries from mandatory disclosure as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The first question is whether the clause "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" modifies "personnel and medical files" or only "similar files." The Agency argues that Exemption 6 distinguishes "personnel" from "similar" files, exempting all "personnel files" but only those "similar files" whose disclosure constitutes "a clearly unwarranted invasion of personal privacy," and that the case summaries sought here are "personnel files." On this reading, if it is determined that the case summaries are "personnel files," the Agency argues that judicial inquiry is at an end, and that the Court of Appeals therefore erred in remanding for determination whether disclosure after redaction would constitute "a clearly unwarranted invasion of personal privacy."

The Agency did not argue its suggested distinction between "personnel" and "similar" files to either the District Court or the Court of Appeals, and the opinions of both courts treat Exemption 6 as making no distinction between "personnel" and "similar" files in the application of the "clearly unwarranted invasion of personal privacy" requirement. The District Court held that "[i]t is only the identifying connection to the individual that casts the personnel, medical, and similar files within the protection of [the] sixth exemption." Petition for Certiorari, at 31A. The Court of Appeals stated, "[W]e are dealing here with 'personnel' or 'similar' files. But the key words, of course, are 'a clearly unwarranted invasion of personal privacy' . . . ." 495 F. 2d, at 266.