

35943

PREFACE BY SENATOR THOMAS C. HENNINGS, JR.

The comments presented herein were received from Members of the Senate by the Subcommittee on Constitutional Rights in the course of its current study on "Freedom of Information and Secrecy in Government."

The information presented in these letters brings up to date a similar survey made by this subcommittee in 1956 on the problem of withholding of information from Congress. Replies from that survey, which covered a 2-year period from 1954 through 1956, have already been printed in "Freedom of Information and Secrecy in Government: Part 1" (pp. 287-428). This volume contains the testimony of the Attorney General of the United States on "S. 921 and the Power of the President To Withhold Information From Congress." The results of the 1956 survey have proved informative and useful to both Congress and the public. In addition to clarifying problems faced by Congress and the executive branch in this area, they also illustrated the use of the many statutes and the various constitutional law doctrines, such as executive privilege, on which executive department and agency officials rely when they withhold information.

In an effort to meet the demand for current information on experiences of Congress with these problems, I initiated the present survey.

As chairman of the Constitutional Rights Subcommittee I sent the following letter to every Member of the Senate:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
Washington, D.C.

DEAR SENATOR —: The Senate Judiciary Subcommittee on Constitutional Rights is continuing its 4-year study of withholding of information from the Congress by executive departments and administrative agencies.

As part of this study, the subcommittee in May 1956, made a survey, you may remember, among the chairmen of Senate committees and subcommittees to learn about occasions when information had been refused their committees and the reasons for such refusals. The replies were extremely helpful to this subcommittee and, we are told, to Members of the Senate, in work on freedom of information and secrecy in Government matters. Results of the survey, along with a summary analysis of the replies, were printed in the appendix to the record of a hearing by the Senate Constitutional Rights Subcommittee on March 6, 1958, on "S. 921 and the Power of the President To Withhold Information from the Congress: Part 1," "Freedom of Information and Secrecy in Government," at pages 287-428. Incidentally, our supply of that volume has long since been exhausted.

This inquiry is to bring our study up to date.

From your experience as a U.S. Senator, chairman, or member of committees and subcommittees, can you give instances to this subcommittee of information withheld by executive departments and administrative agencies? If there have been such instances, what have been given as reasons for the refusals?

Your cooperation in this study is appreciated.

With kind regards, I am,

Sincerely yours,

THOMAS C. HENNINGS, Jr., *Chairman.*