

which were taken. Although the committee recognizes the necessity for secrecy in intelligence operations, it is strongly of the opinion that a government based upon a separation of powers cannot exist on faith alone. It is disappointed that the responsible officials of the executive branch did not see fit to confide in it this one piece of information which is crucial to reaching an informed judgment. The committee recognizes that the administration has the legal right to refuse the information under the doctrine of executive privilege."

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SENATOR BARRY GOLDWATER

MAY 11, 1960.

DEAR TOM: In my experience as a Senator, I cannot recall having been refused information by any of the departments of the executive branch, but I must say I have been disappointed at times by the lack of completeness of some of the information. I have always been at a loss to understand, with the vast sums we spend on statistics, why I am unable to find quickly statistics from the various departments. I don't think this is important to your purpose, but I merely mentioned it to acknowledge your letter.

Sincerely,

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BARRY GOLDWATER.

SENATOR ERNEST GRUENING

MAY 31, 1960.

DEAR TOM: Thank you for your letter advising me of your interest in any instances which have come to my attention in which agencies of the executive branch of the Government have withheld information which should have been made available to the public.

There is one example of the restriction of information by the Department of Interior which came to light in the course of hearings I held on the bill, S. 1670, which I introduced for the purpose of establishing rights of certain Alaska homesteaders to subsurface minerals. I would like to bring this to your attention, as I believe it is a matter worth further investigation by the Subcommittee on Constitutional Rights.

As I imagine you know, homestead settlement laws provide that when a final patent is awarded for a homestead on land found valuable for minerals, such patent will issue with a reservation of mineral rights in the land to the Federal Government. In the case of the homesteaders for whose benefit I introduced S. 1670, there was no indication prior to their entry upon their homesteads that the land on which they settled had any mineral value. At the time oil was discovered on the Kenai Peninsula of Alaska in July 1957, these homesteaders had invested large amounts of capital and labor in the development of their homesteads. They had no reason to believe they would receive other than title in fee to their land until, after the oil discoveries, some of them received notices from the Department of Interior that they would be required to waive mineral rights in their land in order to obtain patents from the Government. The significance of this loss of subsurface rights to the homesteaders lies primarily in the fact that the allowance of mineral leasing on their land, with consequent