

I take the position that public information belongs to the people. I take the position that the Government established by the Constitution of the United States is a Government which belongs to the people; and what the Government knows the people have a right to know. When any public official claims the right of executive privilege he must be certain that he is claiming that right in the interest of national defense or of high public policy.

I do not contend that the President should be compelled to reveal private conversations with his aids. I do not contend that the Secretary of any department of Government should be compelled to release confidential information which may be gathered. But when any branch of the Government is dealing with subjects having to do with the appropriation of money, the expenditure of money, or the action by executive authority in the field which constitutionally is covered by legislative authority, there is no such thing as executive privilege.

On May 5, 1959, the Subcommittee on Constitutional Rights was hearing Mr. Leonard J. Saccio, Acting Director of the International Cooperation Administration. He was accompanied by his General Counsel, Mr. John G. Burnett, and by his Deputy General Counsel, Mr. Henry T. King. I understand that a new Director has recently been appointed, and that he has recently appeared before the House Committee on Appropriations.

In this transcript I find this statement by Mr. Saccio. He had been interrogated by the chairman of the subcommittee, the distinguished and able Senator from Missouri [Mr. Hennings], about his evaluation of the executive privilege.

I read from page 58 of the transcript. Mr. Saccio, speaking of Mr. Hollister, his predecessor, said: "He came to a very practical view as far as he was concerned; Congress should get everything except what he thought was purely personal to his own guidance and judgment."

That is executive privilege.

"This is what it amounts to as a practical question: There isn't a thing that GAO"—that is, the General Accounting Office—"does not get, except this one evaluation report.

"I am not falling back, now, on legal distinctions or principles here. I am saying, in effect, that if ICA wanted to apply the executive privilege, GAO would not see one thing, because practically every document in our agency has an opinion or a piece of advice, and runs up and back between the missions every day in the week, because you have crises to take care of; you have got problems to take care of. This is not the fact. The fact is that GAO sees practically everything except for this one report."

There is a plain and explicit declaration that the International Cooperation Administration has the right to decline to reveal to the General Accounting Office anything it pleases to decline to reveal. There was some further discussion. Mr. Saccio was interrogated by Mr. Patton, one of the attorneys for the committee. He said, in response to questions, that the auditors of the International Cooperation Administration did not get any more than GAO, and that the evaluation reports were not withheld from him.

He was asked to check that statement, and on May 11 he sent an answer to the Senator from Missouri [Mr. Hennings], from which I read this portion: