

Mr. SCHLEI. Yes.

Mr. RUMSFELD. The reasons why it was dropped?

Mr. SCHLEI. I do not know about the reasons why it was dropped, but if we got a lot of half-baked complaints which turned out after investigation not to be true—

Mr. RUMSFELD. Let me narrow it down a little bit more. Say the investigation was conducted by one individual who was prepared to proceed with the suit, and at that point there was a change in Justice Department personnel and the suit was dropped.

Mr. SCHLEI. Well, I think it probably, undoubtedly, should be possible to investigate the performance of duty by the Justice Department man. And I think there would be found to be a way to investigate that without harming the people who are involved in the investigation. But it is obviously a sensitive kind of a thing, and you would not want to knock over all kinds of private citizens and harm their interests if you could possibly help it in the process of looking over the performance of the Justice Department employee, which ought to be subject to review by the legislative branch and by superiors in the executive branch, and so on.

Mr. RUMSFELD. Thank you.

Mr. GRIFFIN. Mr. Chairman, could I ask a further question?

Mr. MOSS. Mr. Griffin.

Mr. GRIFFIN. Mr. Schlei, on page 8 of your statement you say:

President Johnson has made it clear that, like President Kennedy before him, he believes the doctrine of executive privilege should be used as sparingly as possible, in situations where its use is clearly and urgently necessary. He has sought to prevent abuse of the doctrine by directing that it not be asserted except in situations where he has personally reviewed the matter and authorized its use.

It may be that President Johnson has said that, although I am not aware of any public statement or of any statement to the Congress to that effect.

It is true President Kennedy before him made it clear in communications and in other ways that that was his policy.

Can you direct me to times and places and language where President Johnson has asserted that policy in line with the previous policy of President Kennedy?

Mr. SCHLEI. Congressman, I will do that later today, if I may. I checked yesterday as to whether I could say this, and I could. And I am clear that President Johnson has taken this position. But I do not offhand recall in what form or the date that he did, and I will supply that information to the committee.

Mr. MOSS. Thank you.

Mr. GRIFFIN. It may be that I am not fully informed and he has taken a position I am not aware of. I shall appreciate you supplying the subcommittee with a memorandum providing that information.

Mr. SCHLEI. I will be pleased to do that, sir.

Mr. GRIFFIN. Thank you.

Mr. RUMSFELD. Mr. Chairman, could I ask a question?

Mr. MOSS. Certainly.

Mr. RUMSFELD. You made the statement that it was the position of the Justice Department that some provisions which Congress has