

301 of title 3 of the United States Code and section 232 of the Trade Expansion Act of 1962, as amended, it is hereby ordered as follows:

SECTION 1. The Oil Policy Committee, as reconstituted by this order is hereby continued.

SEC. 2. Sec. 8 of Proclamation No. 3279, as amended, is hereby amended to read as follows:

"SEC. 8. The Oil Policy Committee shall consist of the Director of the Energy Policy Office as Chairman, and the Secretaries of State, the Treasury, Defense, the Interior, Agriculture, Commerce, and Transportation, the Attorney General, the Chairman of the Council of Economic Advisers, and the Administrator of the Environmental Protection Agency. The President may, from time to time, designate other officials to serve as members of the Committee."

SEC. 3. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by section 2 of this order from the Deputy Secretary of the Treasury, to the Director of the Energy Policy Office, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Accounting Act of 1950 (31 U.S.C. 581c (b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

SEC. 4. Executive Order No. 11703 of February 7, 1973, is hereby superseded.

RICHARD NIXON

The White House,
October 23, 1973.

[Filed with the Office of the Federal Register, 4:19 p.m.,
October 23, 1973]

Veto of United States Information Agency Authorization Bill

The President's Message to the Senate Returning S. 1317 Without His Approval. October 23, 1973

To the Senate of the United States:

I am returning today without my approval S. 1317, the United States Information Agency Appropriations Authorization Act of 1973.

The major purpose of this bill is to authorize appropriations for operation of the USIA during fiscal year 1974. Unfortunately however, the Congress has injected a separate issue which, in good conscience, I must oppose.

Traditionally, when it is deemed necessary for a Department or Agency to withhold certain confidential informa-

tion that has been requested by the Congress, the President issues a directive or statement prohibiting the disclosure of such information and explaining the reasons for his action. The two branches then explore means of compromise by which data can be supplied in a way that is consistent with the constitutional obligations of each branch.

Section 4 of S. 1317 ignores this precedent. Instead, it would penalize the USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs—however unreasonable that demand might be.

The Justice Department has advised me that section 4 is an unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest. From George Washington on, my predecessors have defended this Presidential responsibility, recognizing that the traditional division of powers and comity between the executive and legislative branches must be maintained. I intend to do no less.

A practical effect of section 4 would be to restrict the USIA access to sensitive foreign policy information essential to carrying out its mission. The Agency could also be forced to disclose internal documents and working papers which do not represent approved policy. Failure of the Congress to respect the confidentiality of such papers would prevent a free and frank exchange of views within the USIA and between it and other parts of the executive branch—an exchange that is vital if the USIA is to function as an effective arm of American foreign policy.

This Administration has invoked Executive privilege to withhold information only in the most compelling circumstances and only after thorough, thoughtful evaluation of the facts. As evidence of our good faith, the USIA has complied as fully as possible with every Congressional request for information during the authorization and appropriations hearings this year, and will continue to do so. For example, it provided the Senate Foreign Relations Committee alone with detailed answers to more than one hundred substantive questions prior to this year's authorization hearings.

If a President failed to take a stand in this instance to protect the division of powers and uphold the doctrine of Executive privilege, the door would be opened to even more serious encroachments on the constitutional system. Already, provisions similar to those in section 4 are contained in two vital bills at very advanced stages in the legislative process—S. 2335, the economic foreign assistance authorization bill, and S. 1443, the security assistance authorization bill.

The issue at stake is simple. It involves far more than the confidential documents of the USIA or our other for-

eign affairs and national security agencies. Rather, it involves the preservation of the basic ability of the executive branch to continue to function and perform the responsibilities assigned to it by the Constitution. Unless privacy in the preliminary exchange of views between personnel of the Executive agencies can be maintained, the healthy expression of opinion and the frank, forthright interplay of ideas that are essential to sound policy and effective administration cannot survive.

RICHARD NIXON

The White House,
October 23, 1973.

Presidential Tapes

*News Conference of Alexander M. Haig, Jr.,
Assistant to the President, and Charles Alan Wright,
Consultant to the Counsel to the President, on the
President's Decision To Comply With Court
Order Requiring Production of the Tapes.
October 23, 1973*

MR. ZIEGLER. Ladies and gentlemen, in light of today's events, I thought it would be worthwhile to have Professor Charles Wright, who has been consulting with the White House Counsel's office, to come before you today to make some remarks and take some of your questions, and also the Assistant to the President, Al Haig, who has participated in the events of the past week, together with other members of the White House staff.

But first, before we go to their remarks and give them an opportunity to answer some of your questions, I would like to announce that tomorrow night at 9 p.m., eastern time, President Nixon will address the Nation on the recent events, including today's decision. The President's address will be carried on live television and radio.¹

I think we will begin with General Haig, who can outline for you, first of all, some of the events of the past week that led to this decision, and then Professor Wright can discuss some of the matters relating to the court procedures, and then we can go to questions for a while. General Haig.

GENERAL HAIG. Ladies and gentlemen, what I thought I would try to do this afternoon is try to put some perspective on what one journalist has referred to as the firestorm, and try, to the degree I can, to present to you and the American people some of the considerations that led up to the events of this past weekend and culminated in today's Presidential decision, and in doing that I think it is quite important that we go back in time a bit to a period of the weekend before last.

¹ On Wednesday, October 24, the White House announced that, because of his concentration on developments in the Middle East, the President would not address the Nation that evening but would later hold a televised news conference. For the President's news conference of October 26, see page 1287 of this issue.

And it was at this juncture that the President, after very careful consideration and full consultation with his advisers, especially those on his legal staff, determined that he would make a herculean effort to resolve what had become a highly profiled and extremely controversial issue; that is, the issue surrounding the data and the information contained on the Presidential tapes of conversations which took place with various individuals in the President's office here in the White House and in the Executive Office Building.

Now, there were two factors that led the President to conclude that the time had come to resolve this very, very controversial issue. One of them involved the domestic scene itself, and the storm of controversy that raged around this issue.

I don't think it requires a blueprint for this group here to emphasize that the issue itself had progressively begun to polarize our body politic. Lines were clearly being drawn both within the Congress, within the media, and I think to a large extent within the viewpoint of the American people themselves.

There were such tales being bandied about that the recent nomination of a new Vice President would be held in hostage to a Supreme Court decision on the tapes issue, and the President to defy the court, then we would move with an impeachment against the President, and with no Vice President there would be a turnover of the Government to a party which did not win November's election.

Now these kinds of considerations, and the realization on our part here that the period of time between the decision of the appellate court and the adjudication of this issue by the Supreme Court would result in even more intense political line-drawing, more intense disunity, and more intense doubt and conflict here at home, and that was certainly a major consideration in the President's determination to try to find a solution in the interest of the overall good of the American people.

Now, there were also international implications of some gravity which led to this Presidential decision. I want to say this very carefully and very precisely, but certainly, certainly any foreign leader, whether he be friend or potential foe, must in a period of turmoil here at home make his calculations about the unity, the permanency, the strength and resilience of this Government in a way that had to take consideration of this tape issue into mind.

Now, what I am not saying, gentlemen and ladies, is that the tape issue brought about international crisis of any kind or was, perhaps, the cause for the Middle East tension which was resolved so happily in recent hours. But what I am saying is that any foreign leader who assesses this Government and its relationships with this Government, whether it be in negotiations or long-term assessments, has got to perceive that the degree of unity and effectiveness of this Government is a key factor in those calculations, and indeed it is; it always is.