

(9-H)

SURVEY FORM 1: REFUSALS TO PROVIDE EXHIBITS, DOCUMENTS, CHARTS OR WRITTEN INFORMATION OF ANY KIND

Date of Request (1)	To whom addressed, and agency represented (2)	Nature of information requested, and nature of hearings or other reason for which requested. (3)	Date of Refusal (4)	Person authorizing refusal (5)	Reason given for refusal, and documentation of refusal as available, and other remarks. (6)
3/1/72	Frank Shakespeare Director, U. S. Information Agency	USIA Country Program Memoranda	3/16/72	Shakespeare	President Nixon's directive of Mar. 15, 1972 and Aug. 30, 1971 invoking Executive Privilege. (Correspondence attached.)

Separation of Powers Subcommittee SURVEY.
U.S. SENATE, March 5, 1973
Contact: Joe L. Pecore, Asst. Counsel, 225 8422, 8421
FILE 9

Submitted by: (Comm/Subcomm) Committee
on Foreign Relations
By: Carl Marcy
Title: Chief of Staff 54615
Extension

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
March 1, 1972.

Mr. FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

Dear Mr. SHAKESPEARE: I am enclosing a copy of Mr. Ablard's letter of February 28 to Mr. Robert Dockery of the Committee staff concerning the status of the Country Program Memoranda prepared by the United States Information Agency. I understand from Mr. Ablard's letter that the Memoranda are regarded as "internal planning or working documents" and as such, the Agency believes that "it would not be appropriate to provide these documents to the Committee."

As you know, the "Agency in Brief 1972" publication describes this material in the following way:

"These CPM's (Country Program Memoranda) are designed to integrate USIS planning and resource allocation

with overall U.S. objectives in the country. The CPM's encompass total Agency resources devoted to the country, including media products and materials supplied from Washington." (p.19)

I believe this information would be of interest to all Members of the Committee and of particular assistance to them in connection with the Agency's authorization hearings, beginning March 20.

In view of this, I am requesting that the Agency reconsider its decision and agree to make this information available to the Committee. I should appreciate hearing from you on this matter at your earliest convenience and, hopefully, no later than March 10. If the original decision is maintained, I should like to know what the Agency's legal authority is for withholding this type of information from the Congress.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

U. S. INFORMATION AGENCY,
Washington, D.C., March 16, 1972.

HON. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

FRANK SHAKESPEARE.

THE WHITE HOUSE,
Washington, D.C., March 15, 1972.

MEMORANDUM FOR: THE SECRETARY OF STATE, THE DIRECTOR, U.S. INFORMATION AGENCY

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have re-

quested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive,

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

RICHARD NIXON.