

[Military Cold War Education and Speech Review Policies: Hearings before the Special Preparedness Subcomm. of the S. Comm. on Armed Services (Part 1), 87th Cong. 337-339 (1962).]

[TESTIMONY OF WILLIS D. LAWRENCE, ASSISTANT DIRECTOR FOR POLICY AND
PROCEDURE, DIRECTORATE FOR SECURITY REVIEW, OFFICE, ASSISTANT
SECRETARY OF DEFENSE (PUBLIC AFFAIRS)]

[January 31, 1962]

REFUSAL TO IDENTIFY REVIEWER

Senator THURMOND. You might turn to speech No. 19, Mr. Lawrence.

Mr. Lawrence, the 8th day of February 1961, the Department of Defense Security Review completed its review of testimony of Lt. Gen. Arthur G. Trudeau for delivery before the House Science and Astronautics Committee. The first question is: Was it the policy to screen speeches of officers even before congressional committees?

Mr. LAWRENCE. To screen their prepared statements; yes, sir.

Senator THURMOND. You did do that?

Mr. LAWRENCE. Yes, sir.

Senator THURMOND. All right, now, Mr. Lawrence, speaking about the speech I referred to there, which was the speech of General Trudeau, and this speech was to be delivered before the House Science and [*338] Astronautics Committee, who within the Army section of the Directorate for Security Review handled this proposed testimony?

Mr. LAWRENCE. Sir, I will have to respectfully decline to answer that question. I have been instructed by the Secretary of Defense that all personnel of the Department of Defense are hereby instructed to refuse to answer any question in a manner which associates a particular reviewer with a particular speech or article.

Senator THURMOND. Mr. Chairman, in my opinion, it is essential for this committee to have identified the individuals who participated in the review of particular speeches, if this committee is to perform its functions.

Some of the witnesses who have testified before us have stated that they thought the changes in their speeches and the speeches of others were the result of poor or uninformed interpretation of policy by individual censors. Other witnesses have stated that they were given cause to wonder by some of the changes.

It is my personal belief that many of the changes in the speeches were dictated by existing policies known to the censors but not to the speakers or to the general public.

**Excerpt of Lawrence D. Willis Testimony Before A Subcommittee of the Senate Armed
Services Committee (Jan. 31, 1962)**

Only if we examine the individuals with reference to specific speeches, which they reviewed and changed, can we determine whether the changes were the result of individual opinion or were the result of correctly applied existing policies.

The witness has not claimed the privilege of the fifth amendment, and, indeed, I cannot see how such a question could arise with reference to the Director of Security Review, and the witness has not invoked Executive privilege. Nor do I believe that Executive privilege would apply in this instance, were it to be invoked.

Therefore, I request that the chairman require the witness to answer the question.

ISSUE OF EXECUTIVE PRIVILEGE POSTPONED

Senator STENNIS. Mr. Lawrence, do you understand and do you intend to raise the question of Executive privilege and invoke Executive privilege in declining to answer?

Mr. LAWRENCE. Sir, may I consult with my counsel, please?

Senator STENNIS. Certainly.

Mr. LAWRENCE. Senator Stennis, I am carrying out the instructions of the Secretary of Defense at this particular time.

Senator STENNIS. Well, the Chair is of the opinion that you are, in effect, invoking Executive privilege, or that the Secretary is, through you. That raises a very important question. The Chair thinks that in the course of these hearings similar questions of this kind will be asked of other witnesses.

The Chair is of the opinion that perhaps these same questions, or substantially the same questions, will be asked of other witnesses, and those from the Department of Defense will be acting under the same directives to which Mr. Lawrence has referred.

Now, as I say, this is a highly importance matter, of course. It always is. I remember being on another committee hearing when privilege was invoked and there was a ruling of the Chair, after discussion by the members of the committee. Then a vote was taken on whether or not the Chair's ruling would be sustained by the committee.

[*339] I have already done some reading on this very subject, in anticipation that this probably would come up. This witness will be available in future days, I am sure. The Chair would like to inform himself further with reference to the applicable rules, just who can invoke the privilege, how it must be invoked, if at all, and what facts will bring the privilege to bear, or what facts will cause the privilege to arise.

I would be glad to hear the Senator from South Carolina further, or to hear any other member of the committee on this point before we rule on it.

**Excerpt of Lawrence D. Willis Testimony Before A Subcommittee of the Senate Armed
Services Committee (Jan. 31, 1962)**

I think each member of the subcommittee, too, would want to be fully informed before they pass on it. So if arrangements can be made, if we could pass that question for the time being, just as soon as the Chair can look into the matter further, the Chair will be ready to rule.

If there is an appeal from the Chair, members of the subcommittee will have to satisfy their own minds about what should be done.

So, under those circumstances, for the time being, and until such time as the Chair has a chance to get all the facts on this matter, which may require a few days, under the pressure of Senate matters as they are running here now, particularly this investigation. Until that can be done, perhaps the Senator from South Carolina can leave this question and invoking of privilege as it is now, without prejudice.

We could proceed, then, to further examination of this witness, or others, on other matters. As soon as it is in order, we can come back to this point.

Otherwise, the Chair sees no alternative except to recess the hearings until the subcommittee can be informed more fully on this subject.

The Senator from South Carolina and I have not had a chance to talk about this very much. We can consider it further now, or—

Senator THURMOND. Mr. Chairman, I have no further questions of this witness at this time, then, until that issue is settled.

Senator STENNIS. All right.

We can proceed, then, with any other examination that any senator or counsel may have on this subject.

Senator THURMOND. Well, I have no other questions from this witness, Mr. Chairman, until that question is settled.

Senator STENNIS. All right.