

Mr. HOLLISTER. I only have one copy, I am afraid, of this. This only came about three-quarters of an hour ago.

The CHAIRMAN. Is the letter addressed to me?

Mr. HOLLISTER. It is addressed to you.

The CHAIRMAN. I believe I would like to read it first.

Mr. HOLLISTER. All right, sir. I was asked to deliver it formally to you.

The CHAIRMAN. Thank you very much.

(Document handed to the chairman.)

The CHAIRMAN. Do you have any copies of it?

Mr. HOLLISTER. I have, I think, about two. I am sorry I didn't have more ready. This only reached me after I had come up here.

The CHAIRMAN. The committee will be at ease for a moment.

(Brief recess.)

(Senators present at taking of recess: The chairman and Senators Symington, Mundt, and Bender.)

(At the start of the session again the same members are present.)

The CHAIRMAN. The committee will be in order. The Chair will be glad to read the letter. It is addressed to the Chair, and I will be very glad to read the letter into the record.

Mr. HOLLISTER. I apologize to the Chair for starting to read it for him.

The CHAIRMAN. I did not know I had such a letter. In fact, I did not have it. This letter is on the Department of State stationery, dated February 20, 1956. [Reading:]

DEAR SENATOR McCLELLAN. During the course of the current inquiry by the subcommittee into East-West trade controls, the subcommittee has made a number of requests for information and documents from the executive branch, some to the International Cooperation Administration, and others to the Departments of Defense and Commerce. The specific requests as to documents relate to the international lists, the Battle Act lists, and the working papers and minutes of the Joint Operating Committee which was set up as an advisory group in the executive branch with relation to the negotiations with our allies in 1954 concerning the international lists. In addition, the International Cooperation Administration has been specifically requested to supply information as to the certain recommendations of the Joint Operating Committee.

This letter relates to all such requests.

In relation to these requests, it should be stated what the agencies involved here supplied and have offered to supply to the subcommittee. The International Cooperation Administration has furnished to you the various Battle Act lists from 1952 to 1955 with a notation as to the items decontrolled or downgraded on or about August 25, 1954. As recognized by the subcommittee in its request, these documents and related information were supplied necessarily on a classified basis.

On February 14, I discussed with the subcommittee the overall policy considerations involved in the whole subject of the control of trade in strategic materials, and for the Departments of State, Defense, and Commerce and the International Cooperation Administration requested, in view of considerations given to the subcommittee, first, that hearings on the subject of strategic controls be held in executive session and, second, that the appropriate officials at the policymaking levels be permitted to come before the subcommittee to fully explain our policy and actions in the negotiations with our allies in 1954.

I further referred to the matter of the documents involved: most of these documents are classified and highly sensitive; many of them involve our relations with other governments; and almost all of them are working level papers of the executive branch showing internal advice and recommendations.

In that connection, I stated that if the subcommittee decided to pursue its investigation along the lines suggested, the agencies involved were prepared to review the question of what documents would appropriately be turned over to the

subcommittee in the light of the developing testimony, with proper consideration for the safeguarding of those that are confidential and sensitive.

It is my understanding that the subcommittee has denied these requests, at least insofar as holding the hearings in executive session is concerned, and has renewed its request for the documents involved. However, the executive branch has certain responsibilities and duties under the Constitution and our laws which it is bound to fulfill. These relate to the conduct of our foreign relations and to the effective and efficient administration of the executive branch.

As to East-West trade controls the present international system has existed on a voluntary basis between the United States and the nations friendly to it since 1948. The group of nations participating in this system of controls does not have a formal agreement which subordinates their actions to rule by majority. The system of controls depends for its very existence on the good faith of the participating nations. Any of these nations is free to take unilateral action at any time if for any reason it does not wish to abide by the suggested control list. Cooperation, therefore, is the only way in which the objectives of effective international control of strategic materials can be accomplished. In many instances participation of a particular nation in this program has been obtained only on the specific commitment that the details of such participation would be kept secret.

Thus any revelation on our part of the details of this program would constitute a breach of trust on the part of the United States, and by jeopardizing the voluntary basis upon which the program rests, would endanger our national security.

Because of this, the international lists cannot be revealed by the executive branch. We are, however, prepared through responsible officials to (1) furnish the subcommittee in open session information as to items deleted from the 1952 list in the 1954 revision, and (2) furnish the subcommittee in executive session on a classified basis information as to items downgraded, upgraded, or added to the list in the 1954 revision.

Apart from the Battle Act list, which already has been supplied to the subcommittee on a classified basis, and the international lists referred to above, the remaining documents in the executive branch relating to East-West trade controls consist of discussion and communications of an advisory nature among the officials and employees of the executive branch, highly sensitive intelligence information, and communications with our delegation and other representatives abroad containing recommendations, information regarding the position of other governments, and comments thereon. It is contrary to the public interest that their conversations or communications or any documents or reproductions concerning such advice be disclosed. May we refer you to the position of the President on the subject in his letter of May 17, 1954, to the Secretary of Defense. We are, therefore, required to deny to this subcommittee any documents that would violate this principle.

We recognize the right of the Congress to investigate the operations of the Government and we continue to stand ready to cooperate with this committee by having the officials who were charged with the responsibility for the negotiations with the cooperating nations to appear before you to explain the considerations which guided their actions during these negotiations. We can advise you that Governor Stassen, who was charged with the chief responsibility involving these negotiations, will appear before the committee on a date mutually satisfactory to the committee and him.

We feel sure that your subcommittee in this manner can obtain an accurate picture of Government policy and actions in the area of international strategic controls.

I am authorized to state that this letter has the concurrence of the Secretary of Defense, the Secretary of Commerce, and the Director of International Cooperation Administration.

Sincerely yours,

HERBERT HOOVER, Jr., *Acting.*

I suppose that is for the Secretary.

Now, Mr. Hollister, do you care to make any further statement before we proceed?

Mr. HOLLISTER. I would like to, Senator. I assume you want to ask me whether or not I am going to give you the information you have asked for.