

Congressmen Catching On That They Can't Make HST Give Up Confidential Data

WASHINGTON — Congressmen have been slow to catch on that they can't make the president or his lieutenants give them information he doesn't think should be made public.

One of the most familiar headlines of recent years reads: "Congress Committee Demands Confidential Data." Usually it involves material investigation was that of the FBI letter to the secretary of commerce regarding a loyalty check on Dr. Edward U. Condon, director of the bureau of standards.

A few weeks ago the senate subcommittee on immigration demanded that the justice department produce its files on 168 persons, most of whom were connected with the United Nations and foreign governments. The attorney general declined to deliver the files. He agreed, however, to reply to certain questions about the 168 persons and the committee accepted the compromise.

The argument started when George Washington was president. Seventeen presidents have had to threaten out the matter with their congresses. Every one of them won. Congress has never forced the issue once a president has taken a determined stand.

At the heart of the question is the doctrine of the supremacy of the three branches of the federal government in their own fields. None can give orders to the others in matters which the constitution, the laws or legal precedent leave to the others' discretion. The long established principle is that the president can withhold from congress any information if publication, in his opinion, would be contrary to the public interest.

Congressmen rebelling the issue have often asked: "Why should the president be the sole judge of what should or should not be made public?" Senator McKellar (D-Tenn.) violently objected when in 1930 President Hoover refused to furnish the senate with various data concerning the drafting of the London Naval Treaty in 1930. His point was that the senate and president were partners in the treaty-making process, and pertinent documents were the joint property of the two partners. The argument on the other side has been that the president is the only feasible person to make the decision. If congress were to insist on reading the material and then learned that its release had damaged the public interest, the harm would have been done.

What can compel a president to produce documents he thinks ought to be kept secret? Political scientists see no practicable way of doing it. The courts can't force the president to exercise his judgment one way or another. The only thing congress could do would be to impeach him and to the experts that idea is politically inconceivable. Strong public opinion would be aroused on behalf of a chief executive pilloried in his fight to prevent the release of information he believed would injure the nation.

Suppose congress should manage to impeach and have imprisoned for contempt a department head who had refused its demands? The president could immediately pardon him, for the pardoning power is unrestricted. Nevertheless, the issue has been raised ever more frequently in recent years. The nation has never before had so many secrets it wished to guard, such as the atomic energy program and the far-reaching FBI investigations of communist spy activities.

President Franklin D. Roosevelt repeatedly came to grips with congress on the issue between 1941 and 1944. The battles were mostly over FBI reports and the records of the federal communications commis-

sion. Mr. Roosevelt finally had the controversial FOC records transferred to the White House files so that congress would have to call on him personally to produce them. This was a device that President Theodore Roosevelt used. The senate in 1909 tried to force the head of the bureau of corporations to hand over certain documents relating to an anti-trust case. The long struggle over the matter ended when TR ordered the bureau chief to hand the documents to him for safe keeping. President Truman took the same action in the Condon case, directing the secretary of commerce to send the disputed FBI letter to the White House files.

In many of the disputes presidents were seeking to preserve the secrecy of foreign relations. It was such an issue that George Washington faced in 1796 when the house requested him to give certain inside information concerning the negotiation of the Jay Treaty, establishing peace with England.

Arms Aid Bill Said 'Too Big'

WASHINGTON, July 9 (AP)—Senator Dulles (R-N.Y.) today called the administration's proposed \$112,000,000 program to re-arm western Europe "too big."

Sworn in yesterday as a successor to Democratic Senator Robert F. Wagner, Dulles told reporters he intends to speak next week in behalf of the North Atlantic security treaty, which he helped draft.

He said he also will support the proposal—expected to be sent to congress as soon as the senate completes action on the treaty next week—to help pact signers rebuild military defenses.

But the new senator said he doesn't now believe that any \$1,120,000,000 outlay, proposed for the first year, ought to be involved. "The effect of the program is largely psychological," he said. "We cannot build up armies in Europe in less than five years that would stop a determined aggressor. But we need to help strengthen some defenses in strategic places."

Dulles said that Secretary of State Acheson had agreed to furnish a breakdown on the proposed operations of the arms program. He added that he would reserve his final decision on the amount involved until after he has studied this report.

The New York senator also disputed the contention of Senator Tamm (R-Ohio) that the pact and the arms program are so linked that a vote for ratification of the treaty commits a senator to support the military proposal.

Tamm told reporters he may vote against the pact for that reason, although he said he had not finally made up his mind.

COOLED OFF
SAN ANTONIO, Tex., July 9 (AP)—Lewis Harris of the San Antonio Express dashed into a burning building last night—and turned on the light. He wanted to see the fire better.

He saw it.
He didn't see the stream of water from a fireman's hose. It smacked him from behind and cooled his enthusiasm for his hot story.

Oregon Cities Get Magazine Write-Ups

Two Oregon localities have received nationwide publicity recently in two of the leading magazines of the United States.

The Saturday Evening Post published an article in the latest issue by Paul Homer describing the ascent of Mount Washington by

the author and a party of climbers. Included in the group was Robert Sawyer of the Bend Bulletin Enterprise also got its share of publicity in a story by Richard L. Neuberger titled "My Favorite Town . . ." This was published by the Fort Times, house organ for the Ford Motor company.

Want Ads phoned on 811 before 11:30 a. m. appear the same day!

WAR CRIMES

MANILA, July 9 (AP)—The U.S. navy's first postwar combat exercises in the Philippines will be staged July 18-26 by a squadron of destroyers and the submarine Quenfish, the navy announced today.

The destroyers are the Rupertus, Mason, Iseult, Tucker, Perkins, Duncan and Bluebird.

Last Day!—"Prince of the Plains" and "Duke of Chicago"

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IT'S THE FUNNIEST, CORNIEST, SCREEN SHOW IN YEARS!

110 GIDDY-GLOWING GOLDEN MINUTES OF ENTERTAINING MOVING PICTURES OF THE LUSH OLD GAS-LIGHT DAYS!

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