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DEPARTMENT OF STATE

WASHINGTON

JUN 23 1966

Dear Mr. Schultze:

I refer to Mr. Hughes' request for the views of the Department of State on the enrolled bill S. 1160, "To amend section 3 of the Administrative Procedure Act ... to clarify and protect the right of the public to information and for other purposes."

The concern of the Department with regard to the application of this bill to its various operations was recently expressed in a memorandum, dated April 29, 1966, from the Legal Adviser to the Assistant Attorney General, Office of Legal Counsel, Department of Justice. A copy of this memorandum is enclosed.

The Department of State is informed that the possibility of veto of this bill is improbable. For this reason, a preliminary consideration has been given to the sections of S. 1160 as they would affect the Department.

The Department is of the view that through careful amendments to the Presidential Directive of March 13, 1948, Executive Orders 10450 and 10501, by interpreting and applying the "foreign policy" exemption in section 3(e) in a judicious manner, and through a new published rule governing the availability of records to the public, the provisions of S. 1160 can be made somewhat compatible with the functions and activities of the Department. It is hoped the Department of Justice will provide prompt and sympathetic attention to the amendment of the Executive Orders and Directive referred to above, and will vigorously defend these necessary restrictions on availability

The Honorable
Charles L. Schultze, Director,
Bureau of the Budget

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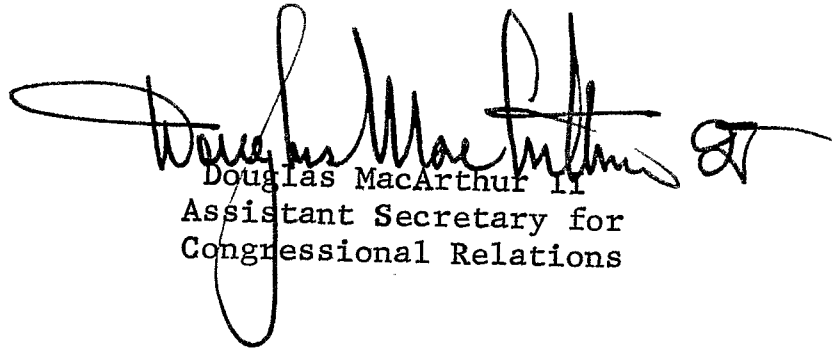
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of information to the public to the extent that foreign affairs activities of this Department are concerned.

The Department of State recommends that after S. 1160 becomes law, an early study be made of desirable modifications based upon actual experience in its implementation.

Sincerely,



Douglas MacArthur II
Assistant Secretary for
Congressional Relations

Enclosure:

From The Legal Adviser to the
Assistant Attorney General,
Office of Legal Counsel,
dated April 29, 1966.

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