

VKTC
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Claw

The Contempt of Congress Case

Background

Senator Kendall in his June 4 statement referred to the attempt last fall by the Chairman of the Joint Committee on Future States to have three members of the High Commission^{er}'s staff cited for contempt of Congress (of Micronesia) on grounds that they refused to testify before the Committee. Questions may be raised on the subject.

Proposed
U.S.
Response

The case raised by Senator Kendall has been referred to the court for decision and it would be inappropriate to comment in detail pending the court's decision. However, a few additional facts may be pertinent. The request for a contempt of Congress citation arose out of a demand from a sub-committee of the Joint Committee on Future States for several internal documents belonging to the Administering Authority and having to do with on-going negotiations on which the three members of the High Commissioner's staff had been consulted. On instructions

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from the High Commission, they declined to give the documents to the sub-committee or to testify as to their contents. They ~~did~~ ^{offer} affect, however, to provide the same sort of expert advise to the sub-committee of the Congress as had been provided to the Administrative Authority. The Attorney General of the trust territory declined to prosecute the three on the legal grounds that the sub-committee lacked the power in any event to issue subpoenas on which to ~~have~~ ^{base} a contempt action. Legal Counsel for the Congress has brought court action to force him to do so. Action is still pending.

Additional Information

Legal action thus far, including the opinion of the Attorney General, has been limited purely to procedural matters. The substantive issue of executive privilege has not been raised and will not be unless the court decides against the Attorney General, which appears unlikely.

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