

SENATOR JOSEPH C. O'MAHONEY

AUGUST 18, 1960.

DEAR SENATOR: I have the request for information of the committee with respect to its desires to bring up to date its study of the withholding of information by the executive branch of the Government.

The most notable example in which I have been involved myself arose out of the Dixon-Yates matter which the Senate Antitrust and Monopoly Subcommittee investigated in 1955. You will recall that Admiral Lewis Strauss, then Chairman of the Atomic Energy Commission, was identified in the hearings as the prime mover in the formulation of the Dixon-Yates contract.

Despite the President's public announcement calling on all persons connected with the matter to speak freely and candidly, Mr. Strauss did not do so. His argument was that a conversation between himself and the President was privileged and he would not disclose it except with the concurrence of the President. He extended this argument to include advisers to the President—this despite the fact that the public was led to believe by widely published statements made by the President that all connected with the matter were to divulge their knowledge.

The information which Mr. Strauss was attempting to withhold was not unimportant details. It had to do with the attempt by Mr. Strauss and others to repeal, in effect, the Tennessee Valley Authority Act, not by legislation but by means of a Government contract. Mr. Strauss' activities and his refusal to be candid with the Antitrust and Monopoly Subcommittee were the basis for my opposition to the confirmation of Mr. Strauss as Secretary of Commerce. I discussed my opposition at some length in a speech delivered on the floor of the Senate on June 15, 1959. It may be found on pages 9938 through 9952, a copy of which I am glad to enclose.

With every good wish.

Sincerely yours,

JOSEPH C. O'MAHONEY.

(Following is the excerpt from the Congressional Record of June 16, 1959, pp. 9938-9952.)

NOMINATION OF LEWIS L. STRAUSS TO BE SECRETARY OF COMMERCE

THE PRESIDING OFFICER. The question recurs, Will the Senate advise and consent to the nomination of Lewis L. Strauss, of New York, to be Secretary of Commerce?

MR. O'MAHONEY obtained the floor.

MR. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

MR. O'MAHONEY. I yield.

MR. MANSFIELD. I suggest the absence of a quorum. Before the quorum is called, I suggest that the attachés of the Senate notify the offices of Senators that this may be a live quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.