

Mr. President, at this time I wish to quote a declaration made by the nominee before the Senate Subcommittee of the Judiciary Committee which conducted the investigation. The quotation appears on pages 1163 and 1164. Mr. Strauss was answering the able Senator from Tennessee [Mr. Kefauver] who was inquiring about the basis for the claim by Mr. Strauss of executive privilege. Senator Kefauver asked, in substance, on what Admiral Strauss based his claim of executive privilege.

Mr. Strauss replied as follows:

"Yes; on the theory that a conversation between myself and an aide to the President or the President is a privileged conversation as long as I am a member of the Atomic Energy Commission."

I read further from the hearing:

"Senator KEFAUVER. And the Attorney General refused to back up Mr. Armstrong"—he was with the Securities and Exchange Commission—"and suggested that he did not have a privilege and should not claim it.

"Mr. STRAUSS. If I am advised that I have no privilege by the Attorney General, I might still feel that my construction of the Constitution was one by which I should abide; but I have not received any such instruction and I have not asked for it, Senator.

"Senator KEFAUVER. Admiral Strauss, will you ask the Attorney General for his opinion about your testimony?

"Mr. STRAUSS. I will certainly do so, Senator."

Not a single word, so far as I know, has been heard since that time, except that the Department of Justice has filed a defense against the invalid contract by stating that the contract is invalid and never should have been entered into.

Mr. SCOTT. Mr. President, will the distinguished Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. SCOTT. Secretary Strauss took the usual oath of office to support and defend the Constitution of the United States. It is not my understanding that he took an oath of office saying that he would support and defend the Constitution of the United States as interpreted by the Attorney General. Therefore, may I ask the distinguished Senator from Wyoming if a sworn officer of the United States is not justified in stating that if he believes he is being asked to violate the Constitution, he should not violate it because some legal officer of the Government has advised him, for whatever reason, to answer certain questions.

Mr. O'MAHONEY. The Senator from Pennsylvania would not have asked that question if, instead of participating in the luncheon of the minority Members, he had been on the floor to listen to the beginning of this poor discourse. He would have heard the quotation from the Director of the Budget, Mr. Rowland Hughes, since departed from that position—as many of the others who participated in the beginning are no longer in official positions—that the contract came to him as a finished job from Dodge and Strauss; that Strauss initiated it. The Senator also would have heard me ask the question, "Can a valid claim for executive privilege to deny to the representatives of the people information about public affairs be based upon his participation in writing an invalid contract?"