

I am not here to argue an ancient contract with the Senator from Wyoming. I am here merely to point out that I think a public servant must always be his own judge as to whether he is adhering to his oath of office. That was the point which Secretary Strauss was making, and it seems to have been lost sight of in the constitutional address of the Senator from Wyoming.

I thank the Senator for yielding to me.

Mr. O'MAHONEY. I am always glad to yield to the Senator, but I must say his remarks are, in my judgment, irrelevant. They do not deal with the fundamental facts, first, of course, of the invalidity of the contract; second, that the President had ordered this contract to be canceled; third, that Admiral Strauss is not a lawyer; fourth, that the Attorney General is a lawyer; and finally, that, so far as I know and so far as the record shows, the Attorney General never gave the admiral any advice, or, if he did, the admiral did not choose to take it.

Mr. SCOTT. The very able Senator from Wyoming frequently has cause to disagree with the Attorney General. I would suggest to him that he ought not to deny that privilege to others.

Mr. O'MAHONEY. Mr. President, I was discussing the importance of the issue of Executive privilege. First of all, let me say that we are asked to act upon the confirmation of a nominee to be Secretary of the Department of Commerce.

We must bear in mind that the question of the Executive privilege involves the authority of a person in the executive branch of the Government to refuse to answer questions asked by a committee of Congress. This is a question now pending before the Congress in various committees, both in the Senate and in the House of Representatives.

A document which I am trying to put my hands on does not seem to be readily available, but I have another which is equally important and which bears upon this question.

POWERS OF SECRETARY OF COMMERCE

We are dealing with the head of the Department of Commerce. How important this position is requires, probably, no particular argument. The Secretary of Commerce deals with all the trade and commercial problems of the United States.

On November 25, 1957, President Eisenhower by Executive Order No. 10741 established the Trade Policy Committee. This Committee consisted of the Secretaries of State, Treasury, Defense, Interior, Agriculture, Commerce, and Labor, with the Secretary of Commerce as its Chairman. Prior to this Executive order, recommendations on the administration of the Trade Agreements Act had been made directly to the President by an interagency committee known as the Trade Agreements Committee. This Committee, originally established in 1934, is composed of many representatives of the executive agencies and is responsible for developing detailed information and recommendations concerning the administration of the trade agreements program. The representative of the Department of State serves as Chairman.

But that is not so under the new Executive order.