

very important to the mining interests where any kind of fluorspar is developed.

The Department of State does not desire to have imports of fluorspar restrained. That is the policy of the administration. That is the policy which will be handled to some extent by the Trade Policy Committee of which the new Secretary of Commerce will be Chairman, having priority over the Secretary of State.

This fluorspar instance is only one of many instances in which domestic industries suffer by reason of the delegation by the Trade Agreements Act of congressional power to the President and his anonymous assistants. Lest there be any misunderstanding about the matter, I want the record to be clear that from the very outset in 1939, when Cordell Hull was Secretary of State and was urging the adoption of the reciprocal trade policy, I opposed the making of any foreign agreement without the approval of the representatives of the people of the United States in the Congress of the United States.

Knowing that the movement was so strong that these trade agreements could not be regarded as treaties, I offered an amendment to require that they should not become effective until approved by a majority vote of both Houses. My plea was that the representatives of the people ought to be in their constitutional position to defend the trade needs of their own constituents in the lawmaking body of the Congress. But my amendment was defeated, by eight votes, if I correctly recall.

The amendment which was offered by the then Senator from Virginia, Mr. Carter Glass, to make the agreements ineffective unless approved as treaties, was defeated by about six votes. As a matter of interest, I say that if those who supported Senator Glass' treaty amendment had supported my amendment, it probably would not have been defeated; but that is neither here nor there.

The point I wish to make is that the new Secretary of Commerce, who proclaims the right of executive privilege to refuse to talk about the public's business, will be the head of the Trade Policy Committee, which will deal with the business of every State in the Union; and the States of the Union, represented in the Senate by two Senators from each State, will be turning over to a Cabinet officer who claims the right of executive privilege a controlling position in the determination of what happens to every business in America.

#### CLAIM OF EXECUTIVE PRIVILEGE

What does this executive privilege claim mean? I have here the transcript of a hearing before the Judiciary Subcommittee on Constitutional Rights, on the subject of executive privilege and freedom of information. This hearing was held on May 5, 1959. Before I read from the transcript, I wish to say that the press cries out against the limitation of public knowledge with respect to public policy. The press insists that too many items of Government action are improperly classified without the authority of the President. There are complaints throughout the country against the suppression of public information with respect to what goes on in this Government, under the false claim of executive privilege. Those in the executive departments refuse to tell the newspapers and the people what their Government is doing.