

"THE ACCESS TO RECORDS PROBLEM IN THE DEPARTMENT OF DEFENSE

"Obtaining access to the information and records of the Department of Defense and the military departments has been a problem which became acute during the fiscal year 1958, particularly as our audit and examination activities have required us to probe further into sensitive and highly costly programs of the major weapons systems and missiles."

Had GAO been permitted to examine the records, other savings would have accrued to the Government. They would have accrued, except that in these instant cases they did not permit a valid congressional inquiry into how much money was being spent.

I am bringing out these facts in order to carry out the point which the able Senator from Wyoming is now presenting. He says:

"Although we have made some progress with the departments in regard to access to information and records generally necessary for us to carry out our statutory responsibilities, there are three areas in which the situation has not been satisfactorily resolved. These involve:

"(1) Information contained in procurement and other operating files concerning observations, opinions, evaluations and recommendations by subordinates and other matters considered in making decisions.

"(2) Information contained in internal reviews, such as staff studies, which are the bases for supply, logistics, and financial management determinations, and

"(3) Information concerning operations and program execution developed through departmental inspections, surveys, and examinations."

I should like to say to the able Senator from Wyoming that this is the crux of the issue.

As the result of the opinion of the Attorney General in 1954, the doctrine of executive privilege is now being applied, not only by the executive branch but also by the regulatory bodies of the Government, which Congress has created. These agencies are not part of the executive department at all. Yet, under the guise of executive privilege, they try to deny certain committees of Congress the right to take a look at their records.

I believe we must meet the challenge head on, and I believe the issue is clarified here because the nominee under consideration, in my opinion, serves as a classic example of a person who stands for executive secrecy against the public interest, in purporting to exercise the doctrine of executive privilege.

Mr. O'MAHONEY. Mr. President, I thank the Senator from Colorado. I do not believe that the issue could have been more clearly stated by anyone. If the Senate should now confirm the nomination of Admiral Strauss, it will be saying to the country: "We believe in his claim of Executive privilege, even though it was made in defense of a contract which the President ordered canceled and which the Department of Justice has declared, in the Court of Claims, was an invalid contract and against the law."

Congress cannot preserve free government unless it preserves it here. If we turn over to the executive branch the right to keep secret