

the part of any of the executive officers concerned with it to refuse to tell the representatives of the people in Congress what was done.

Mr. CARROLL. Mr. President, at this point will the Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. Curtis in the chair). Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. O'MAHONEY. I yield.

Mr. CARROLL. I know the able Senator from Wyoming will clearly understand the point I have in mind: When the Congress, through its committees, exercises the power of investigation, under the Constitution, the committees have the right to call before them, to testify, members of the executive branch or officers of the independent agencies when there is a finding of special privilege or conflict of interest.

Let me digress here to say that in the very suit in which the Department of Justice is trying to defend the Government against the charge of improper cancellation of the Dixon-Yates contract, the Government's defense is predicated on conflict of interest.

What was the nature of the conflict of interest? It was as follows: A businessman from New York was formulating a gigantic financial transaction. On the one hand, he was working for the Bureau of the Budget—

Mr. O'MAHONEY. And, on the other hand, he was working for the First Boston Corp.

Mr. CARROLL. Yes; and the First Boston Corp. was trying to set up the financial arrangements. This conflict of interest is the basis of the Government's defense in the suit filed against it for canceling the contract.

The able Senator from Wyoming has talked about the Teapot Dome scandal; I am also reminded of the Idaho Power Co.'s fast-tax-writeoff case. In that case, when the congressional committee called before it witnesses from the executive agency, and asked them questions, they refused to answer; they claimed Executive privilege. The congressional committee wanted to know why they opened up that matter at that late date and why they granted the exemption, which the testimony showed might result in a tax loss of \$83 million to the people of the Nation. All the Members of Congress wanted to know what had happened; and as I understand from the senior Senator from Wyoming, that is all the congressional committee requested in this case. It was not trying to probe into the personal papers of the President of the United States; it was not trying to read his private memorandums to members of his Cabinet or other of his officers.

All we are saying here is, first that all the powers of the agencies are based upon statutory grants of power; and, second, that the independent agencies are created by the Congress, and are responsible to it, and are not parts of the executive branch.

Mr. O'MAHONEY. Furthermore, we are saying that the Senate should not advise and consent to the nomination of the man who participated in that program, by means of which the Bureau of the Budget, the Atomic Energy Commission, the Securities and Exchange Commission, and the Federal Power Commission were brought into conference in regard to ways and means to handle that matter.