

representation of the methods used by those who are accustomed to the high finance of Wall Street. I have no hesitation in saying that, in my opinion, the U.S. Senate should not place at the head of the Department of Commerce a man who has had such training and experience.

Mr. MCGEE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am happy to yield to my colleague.

Mr. MCGEE. Do I correctly understand the Senator to say now to any who will listen that the real issue is the issue of the public's right to know?

Mr. O'MAHONEY. Precisely. The issue is the issue of the public's right to know.

Mr. MCGEE. In our system of checks and balances, is there any one man in the system of government who knows it all, and who is above checks and counterchecks?

Mr. O'MAHONEY. The Constitution provides for a separation of powers. The words "separation of powers" have been repeatedly used by Admiral Strauss in his testimony before our committee. The Constitution separates the powers. The executive power is one; the judicial power is another; the legislative power is a third. But in the minds of the framers of the Constitution, the legislative power was first, because the legislative power represented the right of the people to make the laws. That was the first article of the Constitution.

The President was authorized to check the Congress when he was given the veto power, but the Congress was given the right to check the President when the Congress was given the right to pass a bill over a Presidential veto by a two-thirds vote. George Washington, in his Farewell Address, urged all his followers, all those who succeeded him in office, to be sure to maintain these checks and balances.

The Court cannot make the law. The Court may interpret the law, but it cannot legislate. Only the Congress can legislate. The President has the right to nominate certain officers—only the right to nominate.

Presidential nominees, in the cases mentioned in the Constitution, cannot be appointed until the Senate gives its advice and consent. Under the Constitution, Congress may give the President alone the right to appoint inferior officers. We are not dealing with an inferior. We are dealing with an officer of major importance and power, the head of the Department of Commerce. The President may not do more than nominate him under the Constitution. All the talk, in editorial columns and over the radio, to the effect that the President ought to be able to name his own Cabinet, is mere nonsensical chatter by people who have not read the Constitution for years, and who do not know how important it was in the minds of the framers of that document that the people of the country should be protected from any one branch of the Government taking over one of the other branches. An attempt is now being made by some in the executive branch of the Government to take over the legislative power.

Mr. MCGEE. Mr. President, I wish to compliment the senior Senator from Wyoming for showing in such detail and in such a carefully reasoned way how the nominee, Lewis L. Strauss, rejects this whole concept, and did so during the Dixon-Yates controversy.