

However, I believe that the most important contribution the Senior Senator from Wyoming has made today has been his suggestion that this man, Lewis L. Strauss, still believes his attitude is correct, that he did not learn the true concept during the past years, and that he still believes in his concept, in spite of the fact that it was called into question time and time again before our committee in the hearings on the nominee's philosophy with respect to the executive branch and the executive powers. He still has not changed his concept. He was asked what he thought about the advice from the Attorney General. I should say that the senior Senator from Wyoming first raised that question in 1954 during the Dixon-Yates controversy.

I now read from the record of the hearings on April 30, 1959, at page 338. Mr. Strauss replied that he still felt that he himself should be the judge, above the Attorney General of the United States, on whether it was proper for him to exercise either executive privilege or to operate in a way to protect the division of authority under the separation of powers. When that question was repeated to Mr. Strauss:

"Is it still your position?" Mr. Strauss replied: "That is true. I still believe the things I was taught as a boy and as a young man are fundamental."

May I say, Mr. President, that this is no time for a boy's judgment on executive privilege and the separation of powers in our Government?

The senior Senator from Wyoming today has rightfully alerted us to the seriousness of this charge. Mr. Strauss not only shows his disregard for an opinion of the Attorney General of the United States, but he even disregards the statement made by the President of the United States that all available evidence should be given. The senior Senator from Wyoming has again, very carefully and very astutely, related that the President of the United States had said, in regard to the Dixon-Yates contract, "Tell all; get the complete record from the very day it was proposed down to the present moment," or when it was in controversy. What did Mr. Strauss have to say about that?

At the time he disregarded it; and we could even make allowance for an error of judgment on his part. However, we asked him again in committee, on April 30, 1959, while his nomination was pending for confirmation as Secretary of Commerce, and he said: "I do not personally interpret it as a waiver to me to repeat a conversation with the President."

There he injects a completely extraneous matter. He speaks about a conversation with the President. What we in the committee were worried about was that even after President Eisenhower ordered Government officials to tell all, they still did not tell all.

Mr. O'MAHONEY. The Senator from Pennsylvania [Mr. Scott] raised that question earlier in the day when I alluded to the position that Admiral Strauss has taken as to whether any public officer in the Nation should have the right, regardless of the opinion of the Attorney General or any other lawyer, to use his own interpretation with respect to what executive privilege was. I told the Senator from Pennsylvania, and I now repeat that this is an altogether singular case, because we are dealing here with matters which concern an invalid contract, a contract which was obviously invalid, a contract which was