

General Assembly into the realm which the Constitution has reserved to the Executive Branch alone.

In addressing this aspect of the separation of powers question, the Court of Claims summarized the attack as follows:

"The principal objections on this score are rooted in plaintiffs' analysis that: (a) legislative power 'to adjust salaries' once delegated by Congress becomes an executive power, and Congress can then no longer meddle in the execution of that power; if Congress is displeased with the results of the administration of the power, it must act through a new statute; (b) legislative veto in the Act abrogates the President's constitutional duty to faithfully execute the laws; (c) Congress can delegate power, and can even delegate power with conditions, but it cannot affix an unconstitutional condition upon the delegation, i.e., review or veto by one House; and (d) the legislative veto involves Congress in day-to-day administration and hence expands the role of legislators into administrators in violation of article I, section 6, clause 2.

Atkins v. United States supra, 556 F.2d at 1066. See also, Ginnane, supra; Watson, supra. Thereupon, observing that the three branches of government necessarily share constitutional powers because such powers cannot be neatly ascribed for all time to one or another, the majority held:

"The nub of [plaintiff's] ... argument stems from a rigid segregation of powers into executive and legislative, a categorization we deem unilluminating in determining whether the exercise of power by a given branch is constitutional or not. If plaintiffs' contention is that the only role of Congress is to legislate and set policy, and having done so, necessarily cedes all further review of the execution of that policy, the position is untenable. We assume that plaintiffs do not question the long-established principle that Congress may seek assistance from another branch of the Government by delegating authority to the executive branch or to administrative agencies under proper standards, and thereby to direct the details of the execution of the authority granted. Hampton & Co. v. United States, 276 U.S. 394, 406, 48 S.Ct. 348, 72 L.Ed. 624 (1928). Unless Congress invades a power specifically granted to the President in the Constitution, such as the power of appointment, or fails to provide guidelines,