Bible Class, Pocomoke City, Md., urging agricultural rehabilitation of residents of the island of Vieques, P. R.; to the Committee on Armed Services.

1537. By Mr. HART: Petition of Workmen's Benefit Fund, district of Hudson County, N. J., Union City, N. J., urging Congress either to lower the retirement age in the social-security law or to act to protect older workers against unfair and unjust discrimination because of age; to the Committee on Ways and Means.

SENATE

FRIDAY, OCTOBER 14, 1949

(Legislative day of Thursday, October 13, 1949)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou God of our salvation, to Thee we lift our hearts in prayer, bringing nothing but our need and the adoration of our contrite spirits. From Thy hands we have received the gift of life, the blessings of home and of friendship, and the sacrament of beauty. In the fullness of Thy mercy Thou hast given us work to do and the strength wherewith to do it.

Cleanse our hearts that Thou mayest work in us and through us the coming of Thy kingdom. In the vast difficulties confronting the makers of peace in these days so full of tension, restore and strengthen and sustain our souls and lead us in the paths of righteousness: For Thy name's sake. Amen.

THE JOURNAL

On request of Mr. MYERS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 13, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 11, 1949:

S. 934. An act to provide for the detention, care, and treatment of persons of unsound mind in certain Federal reservations in Virginia and Maryland;

S. 2372. An act to amend the Atomic Energy Act of 1946; and

S. J. Res. 53. Joint resolution to provide for the reforestation and revegetation of the forest and range lands of the national forests, and for other purposes.

On October 13, 1949:

S. 1834. An act for the relief of the widow of Robert V. Holland; and

S. 2116. An act to provide for the advance planning of non-Federal public works.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had insisted upon its amendments to the bill (S. 1267) to promote the national defense by authorizing a unitary plan for construction of transsonic and supersonic wind-tunnel facilities and the establishment of an air engineering development center, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DURHAM, Mr. SASSCER, Mr. FISHER, Mr. SHORT, and Mr. ARENDS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1370. An act to authorize the appointment of three additional judges of the municipal court for the District of Columbia and to prescribe the qualifications of appointees to the municipal court and the municipal court of appeals, and for other purposes;

H. R. 3571. An act concerning common-trust funds and to make uniform the law with reference thereto;

H. R. 5912. An act to amend the District of Columbia Alcoholic Beverage Control Act to restrict the sale on credit of beverages, except beer and light wines, not consumed on the premises where sold;

H. R. 6185. An act to amend the Federal Credit Union Act;

H. R. 6305. An act to give effect to the International Wheat Agreement signed by the United States and other countries relating to the stabilization of supplies and prices in the international wheat market; and

H. R. 6316. An act to amend the National Housing Act, as amended.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 128) authorizing the Committee on the Judiciary of the House of Representatives to have printed additional copies of the hearings held before said committee on the bills entitled "Amend the Constitution with respect to election of President and Vice President," in which it requested the concurrence of the Senate.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. NEELY, and by unanimous consent, the Committee on the District of Columbia was authorized to meet this afternoon during the session of the Senate.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. MYERS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that the call be dispensed with for the time being. I have a speech prepared by the Senator from Nevada [Mr. MCCARRAN], which I wish to read into the RECORD. I should like to do so now, without going ahead with the roll call at the present time, and let the quorum call come afterward if a quorum call is desired.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Colorado. I thank the Chair. I have to go downtown at 12:30, and this will be very helpful to me.

The VICE PRESIDENT. The Senator may proceed.

Mr. JOHNSON of Colorado. Mr. President, the Senator from Nevada asked me to read this speech into the RECORD. I do not know what the speech contains. I have never read it. I have always had a great affection for the Senator from Nevada. He is unavoidably absent in Europe investigating matters with which his speech deals, and the question which is before the Senate at the present time. Entirely because of my affection for the Senator from Nevada I am reading this speech into the RECORD. I want it understood that I may disagree with the points which the Senator from Nevada makes. As a matter of fact, I may vote opposite to the recommendations which he makes. I do not feel that I am bound in any way by any position which the Senator from Nevada takes in this speech.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. EASTLAND. Would not the Senator let us have a quorum call, for the reason that the Senator from Nevada is very anxious to get all the facts before as many Senators as possible?

Mr. JOHNSON of Colorado. I must attend a conference with the Secretary of Defense at 12:30. It is very important to me that I finish reading this speech by 12:30. There are 26 pages, and I do not know that I can finish reading the entire speech before 12:30, but I shall try.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. FERGUSON. Would the Senator agree to place the remainder of the speech in the RECORD, so that the Senate may have the benefit of the entire speech?

Mr. JOHNSON of Colorado. I may ask for an opportunity later to take the floor, when I return, and finish reading the speech to the Senate. The Senator from Nevada asked that I read the speech into the RECORD, and I promised to do so. I do not think I would be fulfilling my promise if I merely asked to have it placed in the RECORD.

This is an address prepared by the Senator from Nevada:

ADDRESS BY SENATOR M'CARRAN

There are pending before the immigration subcommittee of the Senate Committee on the Judiciary some 16 bills to amend the Displaced Persons Act of 1948. These bills present numerous complicated and controversial issues which have a direct effect not only on the problem of refugees and displaced persons but upon the domestic situation in the United States. The subcommittee has since the early part of this year held 19 different sessions. Some of these sessions were executive, in which the various issues on the many bills were considered. Most of these sessions were public hearings in which testimony was received on the various issues. The subcommittee has taken hundreds of pages of testimony. It has heard dozens of witnesses, and it has a number of hearings scheduled on important issues in the future.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I do not, of course, question in the slightest the sincerity or integrity of the distinguished Senators who seek to secure Senate approval of the so-called Celler bill to amend the Displaced Persons Act. If the facts were as they have been portrayed by certain pressure groups to which I shall subsequently allude, I could understand the basis for their action, but, Mr. President, I am confident that this action is prompted, not by the facts, but by fiction and propaganda. I am confident that if the sponsors of this bill knew the facts and were guided by the facts rather than by the fiction and propaganda which has been disseminated over the length and breadth of this land, they would not lend themselves to this action. I propose today to recite the unvarnished facts, and I shall document them with unassailable authoritative sources. In a word, Mr. President, these facts which I shall recite point to the inescapable conclusion that the relatively few remaining war displaced persons, virtually all of whom are being resettled or repatriated, are being used for the perpetration of a gigantic fraud for the purpose of effecting mass migration into the United States of certain select groups who would discriminate against others. The facts also compel the inescapable conclusion that aside from the relatively simply problem of the displaced persons in the occupied areas of Central Europe who were displaced as a direct result of the war, the entire problem of displaced persons is of staggering propositions and involves tens of millions of persons all over the world whose ranks are constantly being swelled. The ultimate objective is to tear down our immigration barriers to the end that this country will be inundated with a flood of aliens.

Mr. President, this action definitely presents a delicate situation when it is recalled that the present Displaced Persons Act was prepared only after months of intensive investigation and study including an on-the-ground investigation of the situation in Europe as it then existed. This action is especially delicate when it is recalled that a subcommittee of the Senate Committee on the Judiciary, together with a staff of experts, has over the course of the last 2 years been engaged in an intensive and comprehensive study and investigation of our entire immigration and naturalization system, and is now in the process of preparing a complete revision of our immigration and naturalization laws for submission during the early part of the next session of the Congress.

How curious it is, Mr. President, that within a few days after the House passed the bill (H. R. 4567), the House of Representatives also passed House Resolution 238, which provides for studies and investigations of the problem of displaced persons by the Committee of the House which reported out H. R. 4567. And at this very moment a committee of the House of Representatives is in Europe investigating the displaced persons problem. Let me read to you a few excerpts from House Resolution 238 which the House of Representatives passed a few days after it had passed the Celler bill (H. R. 4567).

"Whereas in the course of activities conducted in pursuance of section 136 of the Legislative Reorganization Act of 1946, and in the course of hearings held on legislation amending the Displaced Persons Act of 1948, it had been ascertained by the committee that the slowness of repatriation and resettlement of displaced persons, combined with the continuing influx of new refugees, tends to perpetuate this problem; and

"Whereas the presence of over 10,000,000 refugees and expellees in the western zones of occupation in Germany and Austria, and in Italy, in addition to the problem of displaced persons and the surplus of population in Italy, is resulting in continuous pressure upon the very foundations of the United States immigration system; and

"Whereas there is a considerable number of public and private legislation pending before the committee which tends to place upon the United States almost the entire burden of resettlement of this surplus population while the American taxpayer is already being called upon to bear the burden of the expenditures involved in the care, the maintenance, and the resettlement of these masses of migrant population."

I invite your attention especially, Mr. President, to the language of the House resolution regarding the continuous pressure upon the very foundations of the United States immigration system. I shall have more to say on this subsequently in my remarks, but permit me to comment in passing that there are today literally millions of people storming our portals for admission, and that the influx of aliens who are coming to the United States both legally and illegally is increasing at an alarming rate.

Let me here quote from an Associated Press dispatch on September 1 of this year which reports statements made to the press in England by my good friend Congressman FRANCIS WALTER, of Pennsylvania, who is chairman of the Immigration Subcommittee of the House of Representatives.

"Chairman WALTER (Democrat, Pennsylvania) told newsmen 'We feel we have only been guessing at numbers when debating the displaced persons laws. We felt our guesses might be wrong, so we're on our way to get more information. We want to be able to say with a greater degree on accuracy the number of displaced persons we should admit to the United States.'"

I heartily agree with this statement of Mr. WALTER, and I believe that every Senator who has been studying the facts as distinguished from the misleading propaganda will agree with this statement.

I want to point out here that the present displaced persons law does not expire until July 1, 1950. In conjunction with that fact, it is of utmost importance to bear in mind that the International Refugee Organization estimates that the total displaced persons camp population in the occupied areas of Europe on June 30, 1950, will be 172,000 and that about 160,000 of these persons will constitute a so-called hard core who will be denied resettlement opportunities because of physical, social, or economic handicaps.

It is to be noted in passing that these estimates will include not only displaced persons who were displaced during the war or shortly thereafter, but also a substantial number of persons who have been admitted into camps in the course of the several years since the war. It is further important to note that the International Refugee Organization is terminating its program on June 30, 1950, the date on which the present displaced persons law expires.

In view of other factual material which I shall subsequently present in my remarks today, I want to again emphasize that on June 30, 1950, the expiration date of the International Refugee Organization, it is estimated by the International Refugee Organization that there will only be approximately 11,000 persons in displaced persons camps in the occupied areas of Europe other than the so-called hard core of about 160,000 persons who will be denied resettlement opportunities because of physical, social, or economic handicaps, and the International Refugee Organization is even now arranging for the permanent care and maintenance of this so-called hard core.

If there is any doubt in the mind of any Senator concerning the authenticity of this statement, may I refer him to the International Refugee Organization news report No. 11, dated July 1949. I ask unanimous consent to have inserted at this point in my remarks a newspaper clipping of an Associated Press dispatch dated July 12, 1949, entitled "Germans To Care for Displaced Persons Remaining After July 1, 1950."

The VICE PRESIDENT. Is there objection?

There being no objection, the newspaper clipping was ordered to be printed in the RECORD, as follows:

GERMANS TO CARE FOR DP'S REMAINING AFTER JULY 1, 1950—ABOUT 129,000 WILL BE LEFT IN GERMAN CAMPS WHEN IRO IS DUE TO WIND UP ITS WORK

GENEVA, July 12.—All displaced persons remaining in Germany on July 1, 1950, are to be maintained by the German economy, William H. Tuck, retiring Director General of the International Refugee Organization, announced.

On that date some 172,000 refugees will still be in IRO-operated camps in Germany, Austria, and Italy, according to official estimates by the Organization.

Some three-quarters of this hard core of refugees will be left in German camps, Mr. Tuck disclosed. He said that under a recent agreement between the IRO and the occupation authorities in Germany, the German economy would be called on to maintain the hard core of refugees remaining after IRO operations cease on June 30, 1950.

Mr. Tuck said: "In Germany, where more than three-fourths of the refugees now live, we have begun discussions with the occupation authorities on plans for transferring permanent responsibility for the hard-core group to the local administration.

"Within the last few weeks, a conference between representatives of the occupying powers and the IRO at Baden-Baden achieved agreement on the division of responsibilities for this program.

"The occupation powers, as the sovereign authorities in their respective zones, acknowledged final responsibility for disposition of this group. IRO acknowledges responsibility for aiding them during the life of its mandate and to the extent permitted by its resources. Thereafter, provision of care would be the obligation of the local economy."

The hard-core group is composed of refugees who, "for physical, social, or economic reasons, will not be accepted for immigration by any government," Mr. Tuck said. They include chronically sick, aged, and handicapped persons, widows with minor children, extremely large families, many categories of professional and specialist workers, and persons of poor physique, poor repute, and even poor personal appearance.

Mr. Tuck declared: "A decision on the ultimate disposition of this group can no longer be delayed. Experience over the past 2 years has demonstrated that appeals for the purely humanitarian resolution—the absorption of this group through some sort of fair-share plan—are unlikely to obtain an effective response."

The Organization has been forced to face realistically the probability that most of the hard-core refugees must remain where they are, Mr. Tuck declared. Since the Organization is to be discontinued after June 30, 1950, plans are being made for placing the remaining refugees in local public-assistance programs.

"A word of caution was sounded at the Baden-Baden conference," Mr. Tuck said, "that German local officials may practice discrimination against refugees once they assume full authority.

"This consideration strengthens the general feeling that handing over the problem to German authorities is a solution which can only be accepted in the absence of a settlement of the problem through acceptance of a fair share of the hard-core group by countries of good will."

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

Although I shall subsequently in my remarks discuss the significance of this situation in conjunction with various related issues, may I say in passing that the so-called Celler bill, H. R. 4567, which I shall later discuss in detail, extends the operative effect of our present displaced persons law a year beyond the terminal date of the International Refugee Organization. This bill also would start us on the road of embracing tens of millions of displaced persons all over the world. At the same time, curiously enough, this bill would discriminate not only against the displaced persons, who were displaced as a direct result of World War II, but against other equally deserving groups.

Before undertaking to discuss the various issues which are under consideration, and which I shall deal with as objectively as possible, let us clear the air which has been surcharged by the terrific pressure of certain lobby groups that have recklessly and ruthlessly fought to impose their will not only on the committee but upon the Senate. These pressure groups with seemingly unlimited funds have perverted a great humanitarian issue to serve their own ends. It is to be regretted that many well-meaning persons and organizations have fallen for their catch phrases, the portrayals of barbed wire concentration camps and similar misrepresentations. I speak from personal experience because I have been portrayed as a hideous monster who is determined to starve the innocent and suffering. Typical of the misrepresentation are the portrayals of myself in various cartoons which show me brutalizing the war orphans. Of course, the fact is that under our present displaced-persons law, every single orphan in the war displaced persons category is embraced on a nonquota basis.

It is not merely coincidence that among those who are behind this drive to destroy our immigration barriers are persons who vigorously opposed our basic immigration act of 1924, which provided for numerical restrictions at a time when the flow of immigrants into the United States was running over a million a year. Indeed, Representative EMANUEL CELLER, the sponsor of H. R. 4567, was in the forefront of the fight against the Immigration Act of 1924, and then as now, he apparently saw racial and religious prejudice in the act of 1924, for he said, and I quote him from page 1329, of the CONGRESSIONAL RECORD for the Sixty-eighth Congress, as follows:

"It has occurred to many, other than myself, that barriers are thus lowered for Protestant Europe and set up against Catholic and Jewish Europe."

Just one of the lobby groups, the so-called citizens committee on displaced persons has registered with the Clerk of the House of Representatives under the Lobby Act, contributions received in excess of $875,000 and expenditures of more than $874,000, during the last 2¾ years. Let it be clearly understood that this money has not been spent for the relief of displaced persons, but solely for the purpose of influencing this legislation. Of this amount more than $326,000 was paid to salaried employees and an amount in excess of $154,000 was paid to such employees as expenses. Telephone, telegrams, and cablegrams amounted to more than $39,000; stationery, supplies, mimeograph service, and printing amounted to more than $109,000; furniture, fixtures, and equipment amounted to more than $5,000. Listed in these reports are items totaling more than $18,000 which were expended for literary services. More than $5,500 was paid out as traveling expenses to persons who were not regularly employed by the committee; more than $76,000 was spent for publicity; more than $32,000 was paid to attorneys as fees and expenses; postage amounted to nearly $6,700; insurance and rent amounted to more than $22,000, and more than $75,000 was paid for various other miscellaneous expenses.

In the report filed with the Clerk of the House of Representatives for the quarter ending June 30, 1947, there were listed the names of 70 persons who were employed on a salary basis.

The chairman of this organization is Earl G. Harrison, former Commissioner of Immigration and Naturalization, whose administration was notorious in laxity of the enforcement of the immigration laws. On April 17, 1943, the American Committee for the Protection of the Foreign-Born awarded Harrison their annual medal which was presented to him by Representative MARCANTONIO, who is generally recognized as being at least "very liberal." It is to be noted that since 1942, the House Un-American Activities Committee has repeatedly cited the American Committe for the Protection of the Foreign-Born as a Communist-front organization. The American Committee for the Protection of the Foreign-Born is now cited as a subversive organization by the Attorney General.

It is interesting to note, too, the pressure which has come even from the officials of the international-refugee organization itself, and may I observe that a high percentage of the officers and employees of the International Refugee Organization are former UNRRA employees, whose record need not again be aired in this Chamber. I have recently had sent to me a letter which was written to my correspondent on the letterhead of the International Refugee Organization, dated July 15, 1949, by an official of the organization, in which the following appears:

"If you wish to place any pressure anywhere which might facilitate the immigration of persons in whom you are interested, I would suggest that you and your friends put the pressure on Senator MCCARRAN whose committee is now holding up the act by refusing to bring it on the floor of the Senate."

Although like all the other Senators, I have received a number of form letters and resolutions, many of which have been inspired by these lobby groups, I am gratified to report that I have also received literally hundreds of letters from all over the United States—letters which to my way of thinking express the true sentiments of the American people on this issue. I have brought with me to the floor of the Senate a typical cross section of a few of these letters which I now ask unanimous consent to be inserted at this point in my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FIRST NATIONAL BANK OF NEVADA,
Reno, Nev., July 14, 1949.

Hon. P. A. MCCARRAN,
United States Senate Chambers,
Washington, D. C.

DEAR SENATOR: I cannot subscribe to the idea that our United States should be a dumping ground for the hundreds of thousands of people in Europe who would like to obtain refuge. Their position, of course, is unfortunate, but to open our doors only means the possibility for further increased unemployment of our own citizens, to say nothing of the possibility of the tinge of communism with which some of them may be infected.

I have been importuned to become a signer of the enclosed statement on displaced persons. I only hope that we do not foolishly throw down our bars beyond what may be reasonable immigration quotas.

We are certainly a nation of easy marks—we send billions to foreign nations for every conceivable reason. This in itself is not enough—we would bring people from Europe by the millions if there is not some proper reasoning and control on the part of our Congress. Let's keep America for Americans. We are a prolific nation, and can populate it as far as may be necessary.

Kind regards.

Sincerely yours,

BILL.

CHICAGO, *August 25, 1949.*

Hon. PAT MCCARRAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MCCARRAN: The morning paper states that a bipartisan group is going to take the DP bill out of your hands and bring it to the floor. The enclosed clipping from a Chicago paper last week is typical of many letters which have been published in the last year. However, the opposition to the bill is not organized while the pressure group in favor of the bill is not only well organized but very vocal. I recall on the farm that you could not tell, however, how many frogs there were in a pond by the amount of noise they made.

If the bill does come before the Senate, I trust you present your side of it through figures from the Immigration Bureau which will show the number and type of immigrants that have entered this country in the last 20 years. Personally, I am sure (as a Catholic) that my religion has not been discriminated against.

I am sure you will ably (and I hope successfully) defend your position. The best of luck to you.

Sincerely yours,

BUREN BOUNELL.

GLENDALE, BROOKLYN, N. Y., *July 22, 1949.*

Hon. PAT MCCARRAN,
Chairman, Senate Judiciary Committee,
United States Senate,
Washington, D. C.

DEAR MR. CHAIRMAN: I am opposed to increasing the number of displaced persons to be permitted to enter our country, or to increasing the immigration quotas.

We are now in a recession and a depression, mild or severe, is going to strike us sooner or later. High school graduates are roaming the streets and loafing about, unable to get jobs. These youngsters want jobs, they want spending money, they don't like this additional competition from the displaced persons and other immigrants who are entering our country. Little wonder juvenile delinquency has become a national problem.

Young veterans getting married, unable to find suitable living quarters are compelled to live in cellar rooms or to double up with relatives—not a very encouraging way to start life. Displaced persons and other immigrants compete with our veterans for housing accommodations.

Let's stop this additional competition that is facing our young generation and our young veterans. Let us begin to do a little thinking for Americans first, not in the old isolationist sense, but with a thought to preserving our institutions. Our disgruntled and disappointed younger generation could turn into ripe material for extreme radical or Communist propaganda.

May I request your consideration of my views in dealing with legislation pertaining to displaced persons and relaxation of immigration quotas.

Respectfully yours,

LEO S. LAWSON.

WOMEN'S COMMUNITY GUILD,
CONGREGATIONAL CHURCH,
Mattapoisett, Mass., April 12, 1949.

Senr or MCCARRAN,
Washington, D. C.

DEAR SIR: At the last meeting of the above club it was voted to write to you, recommending a favorable report by your committee on the McGrath-Neely and Celler bills. I do not believe that a woman there has ever read those bills. The motion was not unanimous, and many did not vote at all.

We are all naturally distressed at the sad plight of the DP's, but at the present moment there are more people unemployed in our business center of New Bedford than at the height of the depression.

Ironically, our speaker of the afternoon was the woman in charge of Indian missions for the Congregational Church, and it seems to me that our own people need our help.

Yours truly,
(Mrs. Raymond M. Stowell)
LOUISE C. STOWELL,
Secretary.

NEW YORK, N. Y., *July 29, 1949.*

Hon. PAT MCCARRAN,
Senator from Nevada.

MY DEAR SENATOR: Just a line to let you know that your great fight against more displaced persons admittance to this country is greatly appreciated by thousands of Americans in this city of New York. We all thank God that we have a man in Washington to help American interests. In a downtown garment factory here in New York, one owner advises his employees to write to every Congressman and Senator in Washington that opposed the bill admitting 200,000 more displaced persons into the country, and condemn them for their stand and attitude.

Please stick by your guns and believe me you will have the everlasting gratitude of millions (not hundreds) of Americans that depend upon you and other real American-thinking Senators to fight for them.

Thanks again.

Respectfully yours,
JOSEPH A. YANKAY.

DISTRICT COURT,
Minneapolis, Minn., July 18, 1949.

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR: I have before me a newspaper item stating that a number of Minnesotans urge the passage of the displaced persons bill, and that the bill is in a subcommittee of the Senate Judiciary Committee headed by Senator MCCARRAN.

I hope that your subcommittee will hold the bill indefinitely. I can see no reason why with the present growth of unemployment in the United States we should let in 400,000 displaced persons from Europe to put other Americans out of work.

The petition has a number of prominent names on it who, I presume, have signed it without due consideration or knowledge of the facts.

There are other reasons apart from that of unemployment why the bill should not pass. The present trouble, not only in Europe but the entire world, is due to excessive population. The United States will possibly reach that situation in due time, but why accelerate the increase?

I think the Senate ought to know, and the public generally, why so much money is being spent to get this bill through. It is quite apparent that there is an active propaganda going on for the bill, and that considerable money is being spent. Will it do this country any good to have a large number of people from eastern Europe, with no knowledge of American institutions, and mostly imbued with socialistic ideas, brought into this country?

Very truly yours,
P. W. GUILFORD.

DIEDRICH ADVERTISING SERVICE,
Newark, N. J., July 12, 1949.

Hon. PAT MCCARRAN,
Chairman, Senate Judiciary Committee,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MCCARRAN: I have just finished reading a rather lengthy document written by Representative EMANUEL CELLER, chairman of the Committee on the Judiciary, House of Representatives, which appeared in the New York Herald Tribune, Monday, July 11, which attempts to condemn your statements concerning the admission of displaced persons as United States citizens and also attempts to set forth certain arguments in favor of letting them in.

Representative CELLER's arguments, if they ever were definite and verified, certainly are not in the material submitted to the Tribune. He takes the liberty of objecting to your comments individually by arguments that are neither substantiated in this article nor specific in character.

I want to go on record as being one of the New Jersey constitutents who will look with a good deal of apprehension on the promiscuous admission of displaced persons to United States citizenship. It is all very well for a nation to be hospitable, but it is quite another matter when that nation is being called upon to admit anybody and everybody merely on the assumption that they have been unable to find their native countries congenial and probably unwilling to exercise their efforts toward remedying conditions existing in those countries.

Mr. CELLER says, "The people of the United States want these displaced persons in their midst and have been asking for them at a rate which will very shortly exhaust the 205,000 now authorized for admission. The interesting fact is that the greatest demand for displaced persons comes from the areas in the country where some have already gone." That remark is written to imply that a preponderance of American people have expressed themselves in such a manner but it can also apply to requests made by no more than a dozen or a hundred active, agitating, biased, and personally interested friends, relatives, or naturalized aliens from the same districts.

In view of the fact that it is difficult to distinguish an acceptable citizen from a Communist, I certainly think that the governing body of the United States should see to it that the lid is clamped upon admission of any further people to American citizenship until the present conditions abroad are ameliorated.

It is alarmingly evident that the dictators in foreign countries achieved their prominences and their successes by calculated gestures toward militant, racial, or nationalistic groups. We already have more than enough of this class of citizenry in the United States, and each of these groups is perfectly eager to support any ambitious politician who will foster their own interests or alien contacts. Please do everything possible to kill this bill that Representative CELLER is attempting to put forth.

Yours very truly,
M. C. DIEDRICH.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

I am also gratified, Mr. President, by the resolution which was recently passed by the American Legion at the Philadelphia national convention on this subject, and I ask unanimous consent to insert at this point in my remarks a copy of Resolution No. 554, which was adopted at the recent Philadelphia convention of the American Legion.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 554 ADHERES TO EXISTING LAWS AND QUOTAS FOR IMMIGRATION AND DISPLACED PERSONS

Now, therefore, be it

Resolved, That the American Legion in national convention assembled in Philadelphia, Pa., August 29, 30, 31, and September 1, 1949, demand of our Government heads that they strictly adhere to the existing laws and quotas allowing immigration to the United States and particularly adhere to the laws now in force applying to displaced persons and rather than place any additional burden on the people of America by increasing the quotas of immigration; and be it further

Resolved, That we take steps to curtail as far as possible any further immigration to this country at the present time.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

The American Legion has through the years maintained legislative committees that have kept abreast of the immigration situation and the resolution of this great body has come unsolicited and only after a careful study of all the facts and a consideration of the best interests of the United States of America.

I also ask unanimous consent to have inserted at this point in my remarks a resolution approved at the meeting of the Grand Council of Virginia, Order Fraternal Americans affiliated with the Junior Order United American Mechanics of the United States of North America, at its annual meeting in Old Point Comfort, May 17, 1949, and a copy of a resolution which was unanimously adopted August 24, 1949, by the State council of Kentucky, Junior Order, United American Mechanics.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution opposing the admission of additional "displaced persons" into the United States

(Approved at the meeting of the Grand Council of Virginia, Order Fraternal Americans affiliated with the Junior Order United American Mechanics of the United States of North America, at its annual meeting in Old Point Comfort, May 17, 1949)

Whereas the House Judiciary Committee on April 13, 1949, approved revised displaced persons legislation permitting immigration of displaced persons and refugees from Soviet dominated countries; and

Whereas this bill extends the Displaced Persons Act until July 1953; and

Whereas the said bill increases from 205,000 to 300,000 the number of refugees who may enter this country; and

Whereas in addition, the bill carries with it authorization for the President to admit an extra 100,000 if he finds other countries are not absorbing their share of displaced persons: Therefore be it

Resolved by the Grand Council, Order Fraternal Americans of Virginia, in annual session assembled, in Old Point Comfort, Va., on this 17th day of May 1949, That we are opposed to the admission of this large number

of displaced persons and particularly Russian refugees under any conditions; and be it further

Resolved, That the officers, members, and representatives of the Grand Council, Order Fraternal Americans, are of the firm opinion that the admission of 205,000 displaced persons is the full and fair share of the United States, as contained in the Disposed Persons Act of June 1948, and that we are opposed to any more being admitted as carried by the terms of this bill; and be it further

Resolved, That we are opposed to authorizing the President to admit an extra 100,000 displaced persons and refugees; and be it further

Resolved, That we insist upon the limitations as prescribed in the Displaced Persons Act of 1948 being not repealed. There should be a place of employment for each displaced person before they are admitted, a house for them to live in, and assurance that they are not displacing any American citizen in his employment, more particularly an American veteran who is entitled to first place. Another reason why we are opposed is because unemployment is growing and we do not need the services of these people; and be it further

Resolved, That the state secretary of this order in Virginia send a copy of these resolutions to the Senators and Congressmen elected from Virginia.

Approved by the Grand Council at Old Point Comfort, Va., May 17, 1949.

Attest:

CHARLES E. BABCOCK,
State Secretary.

Resolution on displaced persons bill

Be it resolved by the State Council of Kentucky, Junior Order United American Mechanics, That—

Whereas our country now has a large number of unemployed among its own citizens, with the prospect that such number may become still larger in the future; and

Whereas America was hewed out of the primeval forests for the sons and daughters of those who gave their blood for its survival;

Now, therefore, we go on record in opposition to the proposed increase from 205,000 to 339,000 of displaced persons to be admitted to our shores, where serious problems constantly face us among our own population; and we now commend Senator PAT MCCARRAN for his action in delaying this bill in the Judiciary Committee of the United States Senate and express the hope that final action may be unfavorable to passage of the bill either now or hereafter; and we further declare that copies of this resolution shall be forwarded to Senator MCCARRAN and to both Senators from Kentucky and to the Vice President of the United States of America.

Signed by the committee:

EUGENE SILER,
Williamsburg.
GEO. T. BECK,
Louisville.
J. HOWARD VOIGE,
Fort Thomas.
(And others).

Attest:
[SEAL] JULE APPEL,
State Secretary.

Adopted unanimously August 24, 1949.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

And now, Mr. President, may I indicate something of the scope of the problem of displaced persons? As late as 1939, 20 years after the conclusion of World War I, Judge Hansson, retiring president of the Nansen office for refugees, which was at that time combined with the office of the High Commissioner for Refugees of the League of Nations, stated that over 600,000 refugees were still under the care of his office.

Beginning at about that period, the ranks of refugees and displaced persons who were uprooted in the war chaos increased to staggering proportions. At the end of the war the Allied armies in central Europe became the guardians of approximately 8,000,000 persons who had been displaced during the war. Approximately 7,000,000 of these persons were repatriated to their native countries within a period of some few months after the cessation of hostilities, leaving about 1,000,000 persons who refused to return to their homelands. But this is only the beginning. This group constituted only one relatively small segment of the displaced persons group. In August 1945, in the Potsdam agreement to which our Government was a party, there was provided in article 12:

"The three Governments having considered the question in all its aspects, recognize that the transfer to Germany of the German populations or elements thereof remaining in Poland, Czechoslovakia, and Hungary will have to be undertaken."

Pursuant to this agreement, approximately 20,000,000 persons—men, women, and children—were forcibly expelled from the countries of eastern Europe where they had stood as a road block to the designs of the Soviets. Testimony before the subcommittee is to the effect that approximately 8,000,000 of these persons perished in the process of expulsion or died from starvation and exposure. With reference to this almost fantastic international outrage, Pope Pius XII pointed out that history's judgment on this unparalleled measure will be a harsh one. As of April of this year, there were, according to the testimony before the subcommittee, 8,000,000 of these persons in the three western zones of Germany and 4,000,000 in the Russian zone. I shall later discuss the problem of this group in further detail, but I am only at this point mentioning the existence of the problem.

Beginning some year or two after the cessation of hostilities, there was, and continues until the present day, Mr. President, a general migration from eastern Europe into the countries of the west of hundreds of thousands of persons who, because of various political, economic, and social reasons, have been, and are, leaving their homes. Embraced in this group have been hundreds of thousands of Jews who have joined in the mass migration from the eastern countries on a trek with Palestine as the ultimate destination. Until just recently these Jewish people could not reach their ultimate destination except by running the hazardous British blockade. Estimates of the relief agencies that have been operating in Europe are to the effect that there is a potential in this movement of persons from eastern Europe of several million.

There are today approximately 500,000 persons in Greece, of whom approximately 100,000 were displaced during the war by the Nazi military operations in 1940 and 1941, and about 400,000 have been displaced by Communist guerrilla warfare. Approximately 100,000 of the Greek displaced persons are in displaced-persons camps. There are 30,000 Greek orphans and approximately 270,000 children who are accompanied by only one parent.

Testimony before the subcommittee in the course of the last few days is to the effect that there are more than 1,000,000 Palestinian Arab refugees who have been uprooted from their homes as a result of the recent conflict in Palestine. Although the subcommittee has not yet begun its study of the displaced-persons situation in China, it is a certainty that there are at least hundreds of thousands, if not millions, of displaced persons in that area.

In addition, Mr. President, information which has come to the subcommittee is to the effect that there are approximately 10,000,000 displaced persons who were displaced in the course of the partition of India, and who, incidentally, are eligible under the provisions of the constitution of the International Refugee Organization. Indeed, Mr. President, the Chairman of the Displaced Persons Commission, in testifying before the subcommittee recently, stated that the aggregate number of displaced persons throughout the world would run up into 20,000,000.

Who is a displaced person within the purview of the constitution of the International Refugee Organization. The constitution of the International Refugee Organization embraces all persons in the world, (1) who are, or who may hereafter be, out of their country of nationality or former residence and who are unwilling to return because of fear of persecution, and (2) persons who fled from Germany or Austria because of Nazi persecution and have, under certain circumstances, returned, but have not been resettled. Notwithstanding this broad definition, there are several groups of persons who are displaced, but who are not embraced within the constitution of the International Refugee Organization. For example, the constitution expressly excludes all persons of German ethnic origin. The constitution of the International Refugee Organization also makes ineligible anyone who took up arms against any of the Allies, including communistic Russia, during the war, and under this provision, persons who fought the Soviet invasion of their homelands during the war are ineligible for care, maintenance, and immigration opportunities.

The approximately half million displaced persons in Greece are not eligible under the constitution of the International Refugee Organization because most of these persons are presently in their native land of Greece. Likewise, the one million Palestinian Arab refugees are ineligible under the constitution of the International Refugee Organization under recent administrative interpretations of the constitution.

And now, Mr. President, may we consider the statistics on the actual numbers of International Refugee Organization eligible displaced persons in central Europe. As of June 30, 1949, there were 626,700 displaced persons in Germany, Austria, and Italy who are International Refugee Organization eligibles. Of those, 383,100 are in camp and 243,600 are out of camp. It is important to note, because of subsequent remarks which I shall make, that less than 5,000 of the central European displaced persons who are outside of camp are dependent on the International Refugee Organization for care and maintenance.

Approximately 20,000 persons a month are registering for International Refugee Organization status, and approximately 8,000 a month are being accepted for care and maintenance. From April 1, 1948, through May 31, 1949, according to a press release of the International Refugee Organization dated July 23, 1949, 286,552 new applications were received by the International Refugee Organization.

Now, Mr. President, I invite the attention of the Senate to the first major issue which has been under consideration by the subcommittee: Namely, the number of displaced persons whom the United States has thus far received or whom we have thus far provided for by law. In undertaking to appraise this issue, it is necessary to bear in mind that, unlike most countries of the world, the United States operates under a quota system whereby approximately 154,000 quota immigrants may be received annually, for permanent residence into the United States, chiefly from European countries. In addition, immigrants are also received for permanent residence on a nonquota basis without numerical restriction. This group consists largely of immigrants from the Western Hemisphere and of relatives of citizens of the United States. In addition our laws provide for the

admission without numerical limitation of persons on a temporary basis.

During the war years, our Government established special administrative agencies which were charged with the responsibility of rescuing victims of enemy operation and special administrative processes were established to expedite their admission into the United States. Two such agencies were the President's Advisory Committee on Political Refugees which was created in July 1940, and the War Refugee Board which was established by Executive order of the President on January 22, 1944. Although our general immigration laws do not provide specific categories for refugees and displaced persons, reliable official and semiofficial estimates are available respecting the numbers of displaced persons who were admitted immediately prior to and during the war years.

Now with reference to the authenticity of the statistics which I shall submit with reference to the number of displaced persons who have been received into the United States, may I first quote from a publication entitled "Refugees in America," which was published in 1947, by Maurice Davie. Congressman CELLER testified before our subcommittee that he considered Mr. Davie to be a competent, capable, and eminent author. Beginning on page 26 of Mr. Davie's publication appears the following language with reference to the displaced persons who were admitted into the United States during the war years:

"If we now combine the estimates of both immigrant and nonimmigrant refugees, we may conclude that the United States has offered permanent refuge since 1933 to between 240,000 and 320,000 individuals and temporary refuge to between 200,000 and 300,000. The weight of evidence inclines toward the smaller and more refined of these estimates. It therefore seems reasonable to conclude: (1) That approximately 250,000 refugees had been admitted up to June 30, 1944, for permanent residence; (2) that approximately 200,000 refugees were admitted for temporary stay; and (3) that of the latter approximately 15,000 were still here at the close of the fiscal year 1944."

Even Earl G. Harrison, whom I have previously identified as the chairman of the Citizens' Committee on Displaced Persons, in an address on February 18, 1944, estimated the number of refugees actually admitted to the United States during the 10 years of the Nazi regime, 1934–43, to be somewhere between 200,000 and 300,000. Assistant Secretary of State Breckenridge Long estimated that we had authorized and issued some 580,000 visas for victims of persecution by the Hitler regime.

The Common Council for American Unity estimated that we received 279,649 refugee immigrants for the period 1934–43. The national refugee service estimated there had been, from January 1, 1933, to June 30, 1943, 270,919 refugee arrivals, including immigrants and nonimmigrants. Mr. Davie, whom I have previously quoted, further states that the Immigration and Naturalization Service has estimated the number of refugees admitted during the fiscal years ending June 30, 1934–43, to be 279,091 immigrants and 228,068 nonimmigrants.

And now let us consider the statistics of admissions into the United States of displaced persons during the period since the cessation of hostilities. A President's directive of December 22, 1945, set aside 90 percent of the nonpreference portion of the quotas of certain European countries for exclusive use of displaced persons then in Germany, Austria, and Italy. Pursuant to the Presidential directive, approximately 44,000 displaced persons were admitted into the United States for permanent residence for a period ending June 30, 1948.

The present Displaced Persons Act provides for the admission into the United States for permanent residence of 205,000 displaced persons over a 2-year period, beginning July 1, 1948, and ending June 30, 1950. The act also provides for the adjustment of status of a number, not to exceed 15,000 displaced persons, who have already been admitted into the United States on a temporary basis. Although the administrative procedures under the present law did not get set up until October 1948, approximately 90,000 displaced persons have thus far been admitted into the United States pursuant to the Displaced Persons Act. The rate of flow of displaced persons into the United States is now approximately 17,000 per month, or over 500 a day. The Displaced Persons Commission estimated recently that there were on file assurances, prescribed by the law as a prerequisite to admission, for 272,000 individuals. Right there, I may say that the Displaced Persons Commission has even validated assurances for displaced persons who were sponsored by other displaced persons who themselves had but recently been admitted into the United States. On July 29, 1949, Mr. Rosenfield, who is a member of the Displaced Persons Commission, testified before the subcommittee that there were at that time 7,096 displaced persons who had been processed abroad who were waiting at the port of embarkation for shipping space.

It is appropriate to observe at this point that after the displaced persons who have been admitted gain citizenship, certain of their relatives, under our general immigration law, are entitled to be admitted into the United States on a nonquota basis.

Now, Mr. President, in conjunction with the issue as to the numbers that this country can and should receive, it is important that we consider the over-all immigration problems of this Nation.

At the present time the total registered demand under our present quota law shows a backlog of over a million. The statistics reveal a tremendous increase in the influx both legally and illegally of people from all over the world. During the fiscal year 1948, over 170,000 aliens were admitted into the United States for permanent residence. In addition, approximately one-half million persons were admitted into the United States from overseas, presumably on a temporary basis; but we know that many of these persons will do everything possible to remain in the United States. Evidence of this is the ever-increasing number of private immigration bills which provide for the adjustment of status of illegal aliens and the rising tide of cases of suspension of deportation. Under the law in certain types of cases, the Attorney General is empowered to suspend deportation and recommend the adjustment of status of the aliens involved to that of permanent residence. Already during this session of the Congress the Senate has approved by concurrent resolution the adjustment of status of over 3,000 cases.

During the period from 1938 to 1948 the number of arrivals of United States citizens from abroad, who, of course, are admitted without numerical limit, exceeded the number of United States citizens departing by over 330,000. This net gain is exclusive of the net gain of citizens from Territories and possessions.

During the course of the period from 1938 through 1948 the statistics show a net gain into the United States of citizens from the Territories and possessions of approximately 237,000. It is reported that the arrivals from Puerto Rico alone are running at a rate of over a thousand a week, and that the net gain of Puerto Rican citizens who have been migrating to the United States in the last 8 years is approximately 116,000.

And now a word about illegal entries. On the Mexican border alone apprehensions during the past 6 months of the 1949 fiscal year were at a rate of 25,000 a month and 193,852 illegal entrants were apprehended on the Mexican border in 1948. On the Canadian border no record of entries is even made at the check points of the identity of persons who allege that they are Canadian citizens and who are admitted for periods presumably of less than 30 days. Reliable estimates by our immigration officials and consul officers indicate that substantial numbers of persons are getting through illegally on the Canadian border. Since the war approximately 175,000 to 200,000 European aliens have migrated to Canada. The opinion of experienced immigration officials is that many of these aliens are using Canada as a stepping-stone for ultimate admission into the United States.

During the fiscal year 1948, 4,353 seamen who had jumped ship were apprehended in the United States and it is estimated by the immigration officials that stowaways are arriving at a rate of approximately 100 a month. During the fiscal year 1948, 412 smugglers of aliens were apprehended but, of course, the number who were actually smuggled is unknown.

And now a word about the number of illegal aliens in the United States. The scope of the problem of illegal aliens is indicated by the fact that the number of forced departures from the United States for the last 5 years has exceeded the number of immigrants entering the country legally during that period.

Officials of the Immigration and Naturalization Service testified in the course of our investigation of the immigration and naturalization system that if the manpower were available there would be over 500,000 investigations of potential illegal aliens in the United States in the present fiscal year.

Typical of the comments of the Immigration and Naturalization Service officers respecting investigations of illegal aliens is the following:

"We have little or no what we might call free-lance investigations: That is, to go out and try to find aliens who are illegally in the country."

A former American consul of the Canadian border estimated the number of illegal aliens in the United States from three to five million. The Immigration and Naturalization Service officials estimate that there are approximately 50,000 Cubans illegally in the United States in the Miami, Fla., immigration district. The immigration and naturalization officials in the Los Angeles area estimate that there are approximately 50,000 illegal aliens in the general vicinity of Los Angeles and that they are unable to keep control of them due to the lack of manpower.

And now, Mr. President, I shall discuss another issue which is being studied by the subcommittee, namely, the administration and operation of the present displaced-persons program. As a prelude to the consideration of this issue, may I say that the present law contains provisions which were prompted by a situation which was found to exist with reference to false and fraudulent documents in our previous program of admission of displaced persons. May I quote the testimony of an American consular officer which was taken in Europe by the Senate Immigration Subcommittee which was investigating problems of displaced persons in 1947:

"We now have a newly formed investigation section which we have had to set up and set up during my absence, but we saw it coming before I went on leave, because of the great number of false documents which are being presented in connection with applying for visas.

"I asked a man in my section yesterday about what percentage of applications for visas presented false documents and I was greatly alarmed to hear about 40 percent, which necessitated checking all of these documents to the best of our ability.

"Question. Has any evidence been developed which would cause you to believe that these relief agencies have been participating directly or indirectly in this false-document procedure?

"Answer. We are very suspicious.

"Question. What is the basis of your suspicions as against which agencies?

"Answer. The basis of suspicion of one of them I have noted here is that some of the agents have brought in the documents themselves, and even when pointed out to them that these documents were fraudulent, they say, 'Don't blame the man. He is so anxious to get into the United States.'

"Question. I understand from what the consul general said this morning, approximately 40 percent of the applications are fraudulent.

"Answer. We are detecting 40 percent now.

"Question. Now detecting 40 percent?

"Answer. Yes, sir.

"Question. In other words you are finding 40 percent to be fraudulent?

"Answer. Yes, sir.

"Question. How would that run in the other areas of Germany?

"Answer. About the same.

"Question. Are they aware of this situation?

"Answer. Yes, sir; the other consulates are aware of the situation.

"Question. Is there any organized program under the auspices of the State Department to combat this?

"Answer. It is being requested.

"Question. Forty-percent detection. Is this detection which is manifest on the face of the document?

"Answer. No, sir. Forty percent is based upon checking the official records behind it which the certificate is made upon. It breaks down into the fraudulent on the face of it and the ones that are O. K. on the face but the background is fraudulent."

Has this situation improved? On the basis of fragmentary information which the subcommittee has thus far secured, the situation appears to have grown worse. I have in my office a letter which I received a short time ago from one of the representatives of our Displaced Persons Commission, who is assigned to Europe, but who asked for obvious reasons that his identity be kept confidential. In this letter he cites in detail the fraudulent practices which are being perpetrated by applicants for admission into the United States as displaced persons. He states that on the basis of his experience 60 percent of certain categories of displaced persons who are presently being admitted into the United States have been admitted on false or fraudulent papers.

At this point I ask unanimous consent to insert as part of my remarks a letter dated August 18, 1949, which gives a further indication of this situation.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *August 18, 1949.*

Hon. PAT MCCARRAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Since you are being pressured on the displaced person's bill I thought you might be interested to hear what I learned during a recent trip to Germany.

I had occasion there to talk with United States officials working exclusively on clearance of visa applications of DP's. Off the record these people told me that they despaired about some of the people who were coming over here, but that their hands were tied. Allegedly DP's are being investigated. Actually these investigators receive a request for investigation which they are asked to complete within 2 weeks. In some cases they do not even allow them two weeks, but orders come from headquarters to clear the report promptly. The result is that these United States officials are fully aware that persons are being cleared without sufficient investigation. On the other hand if a German applies for a visa his application is dragged along for months while an alleged investigation for security reasons is being conducted. No one telephones in those cases to have the actions speeded up.

Obviously many of the DP's are lying about their origin and have forged papers, but if our investigators are limited to no more than 2 weeks to investigate the applications one can easily see why many Communists and others can slip through.

On the plane returning from Germany last week one of my fellow passengers was an employee of the IRO. She was a typical "bleeding heart." She admitted that she hated the Germans, but immediately accused me of being antiliberal and anti-Semitic because I remarked that the screening of the DP's is not thorough, and we are getting many undesirables.

If you will order an investigation of the procedure by which DP's are processed I am sure you will find plenty of interesting information.

Very truly yours,

GEORGE C. DIX.

Mr. JOHNSON of Colorado. I continue the reading:

It is appropriate for me to comment in passing here, Mr. President, that the Celler bill (H. R. 4567) provides for the admission into the United States of some 15,000 displaced persons from behind the iron curtain who have not yet been displaced but may be displaced in the future.

I have been informally advised by an official of our principal intelligence agency which is operating abroad that this provision would constitute a dangerous threat to the security of the United States and would constitute another loophole for the infiltration of Communist agencies. Let me here remind the Senate that on July 15, 1949, the then Attorney General presented to the subcommittee of the Senate Committee on the Judiciary an analysis of 4,984 of the more militant members of the Communist Party, United States of America, as of 1947.

He stated that 4,555 (91.4 percent) of the total "were of foreign stock or were married to persons of foreign stock"; 3,903 (78.4 percent) "were of foreign stock"; 647 (13 percent) "were married to persons of foreign stock"; and in 429 (8.6 percent) cases "were the subject and his parents, and if married the spouse and the spouse's parents, all born in the United States."

The subcommittee of the Senate Committee on the Judiciary which has been investigating our immigration and naturalization systems has found, as I have previously reported to the Senate, from extensive and conclusive evidence, that Communist agents are gaining admission into the United States at an alarming rate. This situation constitutes a direct threat to the security of this country and we are even now endeavoring to prepare legislation which would stem the tide of Communist infiltration.

How is our present program working aside from the speed with which displaced persons are being brought into the United States?

The present law contains provisions requiring as a prerequisite to eligibility that there be job and housing assurances without displacing other persons from such jobs or housing.

I have already alluded to the fact that the Displaced Persons Commission has received assurances for 272,000 people. Let me at this point read an excerpt from the testimony before the subcommittee of the chairman of the Displaced Persons Commission which is pertinent to the issue.

"Question. What investigation is made by the Commission or by any agency of the Government of the United States with reference to a particular applicant to ascertain whether or not there is a specified job or a specified house available without displacing some other person from that job or from that house.

"Mr. CARUSI. None."

Is there any wonder, in view of this startling fact, that notwithstanding the critical housing shortage in the United States and our almost 4,000,000 unemployed, displaced persons are currently flowing into the United States at the rate of about 17,000 a month? These persons are, of course, in addition to the ever-increasing flow under our regular immigration system.

I ask unanimous consent to have inserted at this point in my remarks a newspaper clipping dated May 31, 1949, from the Washington Evening Star and a newspaper clipping dated June 13, 1949, from the St. Louis Post Dispatch.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D. C.) Evening Star of May 31, 1949]

FREDERICK PAPER SAYS DP'S HAVE FAILED AS FARM LABOR IN AREA

FREDERICK, MD., May 31.—Farmers of this rich agricultural area have not had much luck with displaced Europeans sent here to help them with their crops, the Frederick News said today.

The News said it was told by officials in charge of the displaced persons program for Maryland that there are only three immigrant families left on Frederick County farms. Twenty percent of the DP's sent to Carroll and Frederick Counties have pulled up stakes.

"The program was doomed from the outset because screening of the individuals in Europe failed to single out those with farm experience," the newspaper said.

UNABLE TO FORCE FARM DOMICILE

Among those who have come—and left—were a veterinarian, a medical student, beauticians, carpenters, and numerous white-collar workers.

The paper reported it was told:

Some families desert farms to go to live with relatives in other parts of the country.

There is no way to force DP's to stay on farms and they cannot be deported unless they become public charges within 5 years.

ACCURATE FIGURES UNAVAILABLE

Farmers still want to sponsor them, but only if they are assured that they are thoroughly screened for practical farm experience before leaving Europe.

The medical student was transferred to Baltimore, where he has obtained a position and is preparing to finish his work leading up to his doctorate.

The News said it could not obtain accurate figures on the total number of DP families sent to the area.

[From the St. Louis Post-Dispatch of June 13, 1949]

DP'S QUIT SUGAR-FARM JOBS, SEEK GLAMOUR IN NORTH—HOLLYWOOD GAVE THEM DIFFERENT IDEA OF UNITED STATES LIFE, AUTHORITIES SAY

NEW ORLEANS, LA., June 13.—Almost half of the European displaced persons who took jobs on Louisiana sugar farms are believed to be heading north for better opportunities and more glamor, authorities said yesterday.

The DP's, they explained, have decided that life in the deep South doesn't come

up to what Hollywood movies led them to expect of the United States.

DP's who signed up as farmers found themselves far from the bright lights, handsome men, and easy money of moviedom.

Authorities agreed on that conclusion in explaining why as many as 40 percent of those settled on farms in the Sugar Belt have disappeared.

The Right Reverend Monsignor William Castel, head of a Catholic organization which sponsored most of the estimated 300 arrivals, said many of them "were definitely not fitted for farm work or for conditions in Louisiana."

"The biggest trouble," he said, "is the Hollywood idea of America as a land of easy riches and good times. Most Europeans have this impression, and our own officers and men overseas have fostered it by the lavish way they've thrown money around."

The 40-percent estimate, with a prediction that 20 percent more would leave the fields, came from a Federal official who has inspected the area. He also believed in the false-propaganda idea.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

I have received, Mr. President, numerous letters from our own American citizens who are being displaced from jobs and housing by displaced persons. Typical of the letters which I have received on this subject is a letter dated June 6, 1949, and a letter dated July 17, 1949, each of which I now ask unanimous consent to be inserted at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TELFORD, PA., *June 6, 1949.*

Senator PAT MCCARRAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCCARRAN: I am not quite certain as to the proper style of addressing you, or the best way of explaining my reason for writing. If the letter is poorly constructed, or in some way deficient, please understand that I do not wish to be rude; it is merely my lack of familiarity with this sort of thing.

I am writing to you, rather than the Senator from Pennsylvania, because I believe you are closer to the subject, and might be more sympathetic than Senator MYERS to the facts I have to bring out. Would you be so kind and thoughtful, if you are not interested in this important (to us) matter, to call it to the attention of the proper persons?

I had previously never greatly concerned myself with the subject of immigration, one way or the other, in that I was never directly affected—in fact I'm still not. I read in the press, heard in numerous political speeches from various shades of opinion that the seemingly countless swarms of immigrants were definitely not to in any way deprive any American citizen of either home or job, directly or otherwise.

I never believed it, of course; we citizens (and yourself too, I suppose) are fed so much bilge from so many sources that some of us are highly skeptical and cynical.

But the following situation, in my view, is so excessively and tragically unjust that I do not see how that any of us can feel decent while such things exist, in fact, seem to be increasing. It's only one case—the people concerned are humble, and yet it seems rather important because it is so typical of the way things are done today.

I have a brother-in-law who, because he is poorly educated, and was always a farmer anyway, has been a so-called tenant farmer all of his working life. He has had five children in the last 7 years, one of which died in infancy. The remaining four range in age between 6 and 1 years.

This man, since mid-1945, has been employed as a tenant farmer on the farm of a Mr. Reynolds, of near Franklinville, N. Y. He has worked 7 days a week, often in excess of 12 hours a day, rarely less, with about one Sunday off per month. No holidays, paid vacations, or anything like that, of course.

In return he has gotten a house rent free, a certain amount of free milk, etc., and $125 a month. (Believe this was increased recently.)

Now we are not here concerned as to whether he got a good deal, or not. He worked thus for 4 years, presumably was reasonably satisfied, and in turn, Mr. Reynolds was well satisfied with his work and had no complaint about it, or anything else.

About 2 weeks ago my brother-in-law, a Kenneth Hirt, discovered from idle gossip in the country store that he was being displaced shortly. That was the first he knew of it; he returned to the farm and inquired, and found it to be true. He asked the reason, whether his work had been unsatisfactory, and was assured it hadn't been.

The reason that this American citizen, the father of four children is being driven from both home and job is that this Reynolds chap has made arrangements for Mr. Hirt's job and home to be occupied shortly by a family of immigrants soon to arrive. From Germany, incidentally, as we understand it. I do not, of course, know the exact financial arrangements involved between Reynolds and the immigrant family, though as close as I can ascertain, he stands to save perhaps $100 a month by the change. At any rate he will save substantially; while Hirt, who knows no other means of livelihood, and is poorly capable of doing any other sort of work, is completely destituted and deprived of everything. It can reasonably be assumed that he will suffer severely; quite possibly selling his furniture, even perhaps to breaking up his family life, at least temporarily. This, admittedly, has not yet occurred, because he is still employed until his successor can take over. However, one thing is certain; whatever does finally happen, Hirt will take a terrific beating in every way.

And why? Because he is an American, with a slightly higher standard of living than the foreign family that will displace him by working for virtually nothing.

It would be somewhat less tragic if he were losing either home or job; but to be thus suddenly and ruthlessly deprived of both is an uncommonly cheap proposition, even to benefit the all-important immigrant. The point would seem to be that if it can happen to him it can equally well to almost any of us, in various walks of life.

If you agree with me that this is a monstrous perversion of common decency to a good American, I shall be pleased to provide any and all further details you wish to have.

Sincerely,

KENNETH ROTH.

R. W. OCHSNER GARAGE,
Hermann, Mo., July 11, 1949.

Senator MCCARRAN,
Washington, D. C.

DEAR SENATOR: I just noticed the enclosed cartoon in the St. Louis Post-Disptach. The sign is wrong. It should read: "Displaced persons keep them out."

If you are alone in this picket line I'll be with you.

Here is a little true story of a so-called displaced family: They got to our little town, about 3,000 population (Hermann, Mo.), about 9 months ago. The Catholic Church sponsored the deal and I know they were sincere and wanted to do the right thing. They made up a purse of money, collected clothing, furniture, eats, and what-not. Housing is scarce in this town, same as many other towns. They finally found a very good farmhouse about a mile from our town. The women went out, cleaned it out, put in furniture—everything ready to move in, even eats and canned goods in the basement. The family consisted of a man and his wife, three daughters ages from 14 to 18. The father wasn't too fit to do hard work, so they got him a job in a creamery to do odd jobs. The girls got employment in the shoe and pencil factory. Since they had no rent to pay and had a little money which was collected for them, they started living high. They did not wear the clothing that was given them—they bought the best. They did not like their new home too much, did not get along in the factory too well, so after a stay of about 6 months in Hermann, Mo., they left for New York where I suppose the grass is greener.

So let's have this spirit toward our own people in the good old United States of America. There are plenty of poor families that were born in this country who would appreciate such help.

Senator, I am with you 100 percent and so are millions of others.

Help those people, but leave them across the pond.

Respectfully,

R. W. OCHSNER

(Veteran of World War I and two sons in World War II).

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

In a memorandum dated March 4, 1949, from the Chairman of the Displaced Persons Commission to the House Judiciary Committee the following appears:

"In fact, it is only by the most strenuous activity on the part of the Commission's very limited staff, and by a liberality of interpretation justified by the basic intention of the law that the Commission has been able to accomplish as much as it has."

The subcommittee has been concerned not only with the liberality of interpretation of the law but the testimony before the subcommittee shows conclusively that the rules and regulations of the Displaced Persons Commission have in certain instances been in direct violation of the law. And may I note in passing that one of the bills which is currently pending before the subcommittee which was prepared by the Displaced Persons Commission and which was identified by the Chairman of the Displaced Persons Commission as the Displaced Persons Commission bill, would eliminate from the law those provisions which require assurances of jobs and housing without displacing our own citizens.

I now ask unanimous consent to have included at this point in my remarks a newspaper clipping dated May 16, 1949, from the New York Times entitled "DP Search Yields Undeclared Gems"; a newspaper clipping from the New York Journal-American dated June 11, 1949, entitled "Seize Gems Smuggled to United States by DP's"; and a newspaper clipping from the Washington Evening Star dated August 15, 1949, entitled "Former Slovak Official Held as Red Suspect After Arrival in United States."

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times of May 16, 1949]

DP SEARCH YIELDS UNDECLARED GEMS—THOUSANDS OF DOLLARS' WORTH OF VALUABLES ARE SEIZED BY BOSTON CUSTOMS MEN

BOSTON, May 15.—Customs inspectors today searched the baggage of 829 displaced persons arriving from Bremerhaven, Germany, aboard the United States Army transport *General Leroy Eltinge* and seized undeclared jewelry, silverware, and merchandise valued by the officials at thousands of dollars. The inspectors declined to set a specific figure.

In addition, the staff of 80 inspectors removed large stocks of declared items pending payment of duty.

The surprise inch-by-inch search was staged, customs officials said, as the result of the discovery of approximately $10,000 in undeclared items aboard the transport *Marine Jumper*, which docked here May 5. Previously only routine checks were conducted. An Army spokesman here from New York said that smaller amounts had been uncovered in DP ships arriving in that port.

Deputy Collector William Griffin, who led the group of customs agents, inspectors, and members of the port patrol, said that "thousands of dollars in jewelry and watches were found on one woman passenger." She was searched by a woman guard when her actions aroused suspicions.

NO ARRESTS PLANNED

The jewelry on the woman included diamonds, pearls, and rings. Her name was withheld. No arrests were made or contemplated, Mr. Griffin said, and all offenders were allowed to continue on their way.

The seized merchandise included cameras, porcelains, and linens. The baggage of one family, inspectors said, contained a "veritable dry-goods store," in undeclared sheets, pillow cases and table cloths. Valuable silver was wrapped in the linen.

Displaced persons are permitted to bring personal effects, household goods, and articles that have been in use for more than a year.

In the case of declared merchandise liable for duty, customs officials said most of the confusion was attributable to misinformation given the refugees by relatives in this country.

An Army spokesman said that "the wires are hot" between the United States and Bremerhaven in an effort to make clear to displaced persons awaiting shipment just how much they can bring in free of duty.

GOODS UNDER GUARD

The declared goods seized were placed on Commonwealth pier under guard and later moved to customs appraisers' stores. They will be retained until such time as the owners are able to pay the duty and redeem their possessions.

The woman who had the jewelry concealed on her first insisted that the gems were family heirlooms, but customs inspectors said she subsequently admitted that this was untrue. One of the rings confiscated had a large diamond surrounded by four smaller ones.

The *General Eltinge* was the twelfth vessel to dock at Boston with displaced persons and the first to undergo such a rigid examination. Its passengers brought to 8,089 the number of DP's to be processed through this port. Another ship, the *General Robert L. Howze*, is scheduled to arrive Tuesday morning and undergo an equally thoroughgoing search.

The *General Eltinge* brought the largest group of children yet to arrive here on a single ship—221.

[From the New York Journal-American of June 11, 1949]

SEIZE GEMS SMUGGLED TO UNITED STATES BY DP'S

BOSTON, June 11.—Jewels and other smuggled items valued at "many thousands" of dollars are being held by customs agents after being seized from 829 refugees arriving here from Europe.

More than 80 customs inspectors searched the luggage of the displaced persons when they docked aboard the Army transport *General Leroy Eltinge*.

No arrests were made and the DP's were allowed to proceed to their destinations throughout the Nation.

[From the Washington Evening Star of August 15, 1949]

FORMER SLOVAK OFFICIAL HELD AS RED SUSPECT AFTER ARRIVAL IN UNITED STATES

NEW YORK, August 15.—A former high-ranking Slovakian official, seized as he arrived in this country as a displaced person, was detained at Ellis Island today as a suspected Communist.

The ex-official, Gen. Mikulas Ferjencik, 44, was taken into custody yesterday along with his wife, Milada, 32.

Inspector Edward Ferro of the Immigration and Naturalization Service said the couple would be held at Ellis Island pending further investigation.

The general and his wife were among 822 passengers listed as displaced persons who arrived from Bremerhaven Germany, on the Army transport *General Heintzelman*.

FORMER SLOVAK MINISTER

Among positions which Ferjencik has held were Slovak Minister of the Interior and Minister of Defense.

He remained in Czechoslovakia after the Communists completed their seizure of power. But in July 1948 he escaped over the border with another Czech general, Antonin Hasal, and both men contacted American Army authorities in the western zone of Germany.

At that time Hasal said that if war broke out elements of the Czech Army would "certainly try to operate with the west."

When the Ferjenciks were escorted by armed guards from the ship to Ellis Island, the immigration inspector said, "The general is being held as a suspected Communist," and declined further comment.

Newsmen were not permitted to talk with the general, but he was heard to say "some good will come of all this."

The general and his wife came to this country as individuals and were not sponsored by any organization as displaced persons.

PICKETS GATHER ON PIER

Before the seizure of the general and his wife, 20 pickets had gathered outside the pier and paraded with placards, which read:

"Americans, deport bloody General Ferjencik, chief of the NKVD" (Soviet secret police, now called the MVD), and "Americans, do not admit General Ferjencik, who crashed down Slovak, anti-Red underground."

The pickets said they were members of the American Slovak League and the American Friends of Slovak Freedom.

Lowell E. Jones, honorary president of the American Friends of Slovak Freedom, said that General Ferjencik joined the Communist uprising in Slovakia—then a partially independent state—and went to Moscow for Communist training.

Ferjencik, while serving as Slovak Minister of the Interior, held a nonparty status but he supported Communist Premier Klement Gottwald, now President, in reforming the Slovakian Government.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

And may I say right here that so far as I have been able to ascertain not a single displaced person has been returned to Europe from the United States for any reason whatsoever.

Now, Mr. President, I come to the consideration of another issue over which the subcommittee has spent many hours of study and deliberation, namely, aside from the question of numbers, what groups among the tens of millions of displaced persons should be embraced in our displaced persons program? In considering this controversial issue may I first invite attention to what has always appeared to me to be one of the principle objectives of any displaced persons program, namely, to reduce the populations of the displaced persons camps. The present displaced persons law, Mr. President, provides a priority for those displaced persons who are located in displaced persons camps and centers.

How has this provision of the law been administered? Under the rules and regulations of the Displaced Persons Commission this priority for persons in displaced persons camps has meant virtually nothing because although less than a fraction of 1 percent of the displaced persons who are dependent upon the International Refugee Organization for care and maintenance are outside of camps, 12 percent of the displaced persons who have thus far been brought into the United States under the present law have come in from outside the camps.

Right there may I emphasize that the Celler bill (H. R. 4567) would remove from the present law the priority to displaced persons who are in camps and centers. Let it again be remembered, as I have previously pointed out, that the International Refugee Organization estimates that on June 30, 1950, the expiration date of our present law, there will only remain in the displaced persons camps, other than the so-called hard core, approximately 11,000 persons who would normally be considered eligible for immigration opportunities.

Moreover, Mr. President, the present law was designed to afford maximum relief to those displaced persons who were displaced within a period of some several months after the war, and who could not return to their homelands. Accordingly, the present law provides a cut-off date for eligibility as of December 22, 1945, which is some 7 months after the cessation of hostilities. The Celler bill (H. R. 4567) would advance this cut-off date until January 1, 1949, with a net effect that we would be diluting the war displaced persons with substantial numbers who, because of various social and economic reasons, have been arriving in the occupied areas during the course of these several years since the end of the war.

Right here may I read from an article dated January 26, 1947, which appeared in a New York paper:

"Army headquarters meanwhile is warily watching the actions of approximately 40,000 Polish Jews now temporarily located along the Polish-Czech frontier. While this group probably will not migrate in the severe winter months, it is known here that the Russian, Polish, and Czech Governments facilitate the movement of Polish Jews from east to west. This strategy is based on the belief that the more of the Jews who become the responsibility of the western powers, the more embarrassed the western powers will become in view of the tense Palestine situation."

It is to be noted, too, that the Celler bill would permit anyone who left the occupied areas to voluntarily return at any time and gain eligibility for immigration to the United States. In addition to that, for the next five fiscal years the Celler bill (H. R. 4567) would set aside 50 percent of the nonpreference portion of certain quotas for the exclusive use of displaced persons who have since 1939 and until January 1, 1949, gained admission into other countries of the world. In addition, the Celler bill (H. R. 4567) would provide for the admission of some 18,000 displaced persons who presently reside in the British Isles and some 4,000 displaced persons who are presently in Shanghai, China, or in the Philippine Islands. When questioned respecting the latter two provisions of his bill, Congressman CELLER testified that these provisions came as a result of log-rolling.

Right there, Mr. President, may I state my firm conviction that if our displaced-

persons program is to be designed to embrace persons other than the war-displaced persons then it behooves us to give thorough consideration to each of the other groups of displaced persons throughout the world. Congressman CELLER recently, before our subcommittee, vigorously asserted that our subcommittee should not even hold hearings respecting the 1,000,000 Arabs who were displaced in the Palestine war. Congressman CELLER has vigorously opposed any consideration for any displaced person of German ethnic origin. The present law provides that 50 percent of the quotas of Germany and Austria shall be available exclusively for 2 years to this group. This provision was designed to give at least a token measure of relief to this group which had been so ruthlessly and inhumanly treated. With reference to this provision of the law, Congressman CELLER testified before the subcommittee of the House Committee on the Judiciary:

"As I have indicated before, on this floor of the House, I firmly oppose this provision in its entirety."

May I say in passing that although under the provision of the present law, which I have just referred to, 13,000 visas should have been made available during the last fiscal year to displaced persons of German ethnic origin. As of June 1949, only 336 visas have been issued to persons of this group.

Thus it is that while pretending to remedy alleged discriminations in the present displaced persons law, the Celler bill is actually replete with discriminations; that while the Celler bill would write new definitions of dispaced persons beyond the scope of the constitution of the International Refugee Organization, this bill would not embrace as a displaced person a single Greek displaced person, a single displaced person of German blood, a single displaced person of Arab extraction, or displaced persons of other equally deserving groups.

Now, Mr. President, let us consider some of the other provisions of the present law which are alleged to be discriminatory and which the Celler bill would strike from the statutes. The present law provides a 30-percent priority to displaced persons who are agriculturists and their families.

The chairman of the Displaced Persons Commission on March 25, 1949, testified before our subcommittee that 25 to 26 percent of the heads of the families in the displaced-persons group are agriculturists and that displaced persons average 2.2 persons per family. According to a bulletin of the International Refugee Organization dated January 1949, 25.1 percent of the employable men in the displaced-persons category were of the agricultural occupation.

It will thus be seen, Mr. President, that over 50 percent of the displaced persons fall within the agriculturalist priority of the present law. Why was this priority placed in the present law? There are two very cogent reasons. The first was to meet the demand for agriculturists in the United States and the second was to assure a general distribution of the displaced persons throughout the United States, because we knew that the housing shortage was twice as acute in the metropolitan areas as in the rural areas. We knew also that a disproportionate percentage of the displaced persons, as well as other aliens who were being admitted into the United States, had been congesting in the large cities.

According to the report of the Displaced Persons Commission dated February 1, 1949, 70 percent of the displaced persons who had then been admitted went to large cities of population of over 100,000. Twenty percent had gone to other urban areas and only 10 percent to rural areas. Congressman CELLER, when recently testifying before the subcommittee, on the basis of later statistics, stated that 55 percent of the displaced persons have settled in large cities having a population of 100,000 or over.

And now may I speak just a word respecting another provision of the present law which has been unjustly attacked as discriminatory. The present law provides a priority of 40 percent to those displaced persons whose homelands have been annexed by the Communists. The reason for this priority is obvious to anyone who has studied the facts and that reason is that although many of the other displaced persons in the occupied areas could return to their former habitual residences, virtually all of the displaced persons whose homelands have been annexed by the Communists could return only at the peril of their lives. On this issue may I quote the testimony before our subcommittee of the chairman of the Displaced Persons Commission:

"Question. What percentage of displaced persons who are potentially eligible under the act are from the Baltic States and/or east of the Curzon line in Poland?

"Answer. I do not have those figures too freshly in my mind.

"Question. What is the approximate figure?

"Answer. Approximately it runs just about the 40 percent that the law contemplates. In other words, if they are eligible, we just about get them in."

It is important to note that although the law provides only a 40-percent priority to displaced persons whose homelands have been annexed, the Department of State reports it had as of August 31, 1949, issued 50.7 percent, or 45,367 of the 89,527 quota visas under the act to persons from de facto annexed areas.

And now, Mr. President, I come to an issue which I reluctantly discuss and do so only because it has been injected into the discussion of displaced-persons legislation by those who lend themselves to the lowest form of demagoguery in order to obtain their objectives. This issue is the false charge of religious discrimination. I know that as I present the facts on this issue I shall in certain quarters be subjected to the charge that I am anti-Semitic and anti-Catholic. On the latter score, permit me to merely say this, that I was born a Catholic, I am a Catholic, and I shall die a Catholic, and two of my daughters, my own flesh and blood, have dedicated their lives to the service of the Catholic Church. Permit me also to profess that through many years of service in this body I have not knowingly harbored an iota of prejudice against any man or group because of race, religion, or creed. Permit me, too, to say that as a member of the committee which drafted the present Displaced Persons Act I sat in session after session of the deliberations of that committee and not once was there voiced a single sentiment nor was there evident a single design upon which a charge of religious discrimination could be justly founded.

Permit me first of all to comment respecting the charge that the present law discriminates against members of the religious denomination to which I adhere, namely, against Catholics.

As Senators know, I am reading the speech of the senior Senator from Nevada [Mr. MCCARRAN]. I continue the reading:

I now ask unanimous consent to have inserted at this point in my remarks a press release from the Catholic Review dated Friday, July 23, 1948, entitled "Monsignor Swanstrom makes a statement concerning displaced persons," a press release from the West Virginia Register, which is the official Catholic newspaper of the diocese of Wheeling, W. Va., and a press release dated July 22, 1948, from the Los Angeles Herald entitled "Catholic cleric says Displaced Persons Act is just."

The PRESIDING OFFICER. Is there objection?

There being no objection, the press releases were ordered to be printed in the RECORD, as follows:

[From the Catholic Review of July 23, 1948]

MONSIGNOR SWANSTROM MAKES STATEMENT CONCERNING DP'S

Msgr. Edward E. Swanstrom, chairman of the National Catholic Resettlement Council, has said that the statements in the public press to the effect that Catholics have denounced congressional legislation permitting the entrance of 205,000 displaced persons into this country are critically untrue. He has stated further that "the displaced-persons legislation is not discriminatory as far as Catholics are concerned."

He said that "no leading Catholic authority or any official representative of NCRC ever has spoken of the measure as being anti-Catholic despite reports in the public press."

The monsignor pointed out that more than 90 percent of the Lithuanians and 40 percent of the Latvians eligible for entry under the law are Catholics and that most of the Poles who will come from the territory east of the Curzon line are Catholics. At least 55 percent of the displaced persons to be brought to this country under the legislation are Catholics.

In his acceptance speech of the presidential nomination at the National Democratic Convention, President Truman referred to the DP legislation as anti-Catholic. The President said: "I shall ask for a displaced-person bill in place of the anti-Semitic, anti-Catholic bill that the Eightieth Congress passed."

[From the West Virginia Register]

BUFFALO PRELATE ASSERTS FEAR OF DP'S IS UNFAIR

NEW YORK.—Between 57 and 60 percent of the displaced persons confined in German, Austrian, and Italian camps who are eligible to emigrate to the United States are Catholics, said Msgr. Eugene Loftus, director of Catholic charities in Buffalo, N. Y., who arrived here after a 6-week tour of DP camps throughout Europe.

Although President Truman called the displaced-persons bill "flagrantly discriminatory, against Catholics and Jews, the monsignor said he did not think the measure discriminates against Catholics.

"We should have no fear about bringing these people to America," he asserted. "A great percentage of those I talked with are skilled farmers, mechanics, and small tradesmen. They are absolutely opposed to communistic regimes."

Monsignor Loftus was appointed by the National Catholic Welfare Conference as a member of a committee to survey the DP situation in Europe.

[From the Los Angeles Herald-Express of July 22, 1948]

REFUGEES—CATHOLIC CLERIC SAYS DP ACT IS JUST

The recently passed law to permit over 200,000 displaced Europeans entry into the United States "justly gives first consideration to those homeless for the longer time," Msgr. Thomas J. O'Dwyer, Los Angeles archdiocesan resettlement director, declared today.

No claims that it discriminates against Catholics have been made by any official representatives of the War Relief Services, the National Resettlement Council, he said, adding:

"It is only just that first consideration should be given to those people who have been homeless for the longer time. The

Balts, Poles and Ukrainians east of the Curzon line were the first victims of the Nazi and Communist aggression."

Monsignor O'Dwyer said Catholics ought not to complain about the law, and expressed the hope that those in the Los Angeles archdiocese would prove generous in securing homes and jobs for the suffering Europeans.

President Truman and some others have claimed that the act, passed by the last Congress, was discriminatory.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

And now let us look at the statistics. As of July 31, 1949, 44 percent of the visas which had been issued to displaced persons, pursuant to the present law, were to persons of the Catholic faith; 29 percent were to persons of the Jewish faith; 27 percent were to persons of the Protestant and the orthodox faith combined.

As of July 29, 1949, 50 percent of the displaced persons who had been admitted into the United States, pursuant to the present displaced persons law, were of the Catholic faith; 29 percent were of the Jewish faith; 21 percent were of the Protestant and the orthodox faith combined.

And now I ask unanimous consent to insert at this point as a part of my remarks an excerpt from a letter dated August 6, 1948, which was written by Mr. Abram Orlow and Jack Wasserman, then president and national legislative representative, respectively, of the Association of Immigration and Nationality Lawyers, New York, N. Y. Mr. Orlow is an outstanding leader in Jewish organizations in that city.

The PRESIDING OFFICER. Is there objection?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

We are also grateful for your efforts in enacting into legislation a provision for the solution of the problem of a great number of displaced persons in the United States under section 4 of the Displaced Persons Act, known as Public Law 774, of the Eightieth Congress; and for the legislation permitting the grant of citizenship to many honorably discharged servicemen of the United States armed forces who were otherwise subject to deportation.

These measures could not have been possible without your sympathetic understanding of the problem and the thing which is very irksome is that the general public has not the slightest idea of the importance of these laws and how much you contributed toward their enactment.

The association will be eternally grateful to you. We recognize that you have well and fully appreciated the inhumanities which would have resulted had these measures not been passed.

May we therefore be privileged to record this gratitude to you and your colleagues for making this adjustment possible for the benefit of those who have so bitterly suffered from the recent holocaust.

Mr. JOHNSON of Colorado. Mr. President, I continue the reading:

And now, Mr. President, may we consider in additional detail the charge of discrimination against persons of the Jewish faith. I have previously alluded to the number of displaced persons who were admitted into the United States during the war years. Up to the end of 1943 the Immigration and Naturalization Service recorded arrivals of peoples of the Jewish faith as an identifiable class. Of the hundreds of thousands of displaced persons who were admitted into the United States during the war years, it is stated in the publication Refugees in America, which I have previously cited, that approximately four-fifths were of the Jewish faith. According to the Jewish Year Book, from 1937 to 1943, inclusive, by yearly average, more than 60 percent of all immigrants into this country were persons of the Jewish faith.

On November 8, 1943, Earl G. Harrison, then Commissioner of Immigration and Naturalization, whom I have previously identified as chairman of the Citizens Commitee on Displaced Persons, issued an insruction to the effect that Jews shall no longer be classified as such in the immigration records. With reference to the number of Jewish displaced persons who were admitted into the United States from 1933 to 1943, I again quote from the publication, Refugees in America, as follows:

"Taking the immigration statistics of Hebrews as a measurement of the number of Jews, we find that during the fiscal years ended June 30, 1933 to 1943, a total of 168,128 Jewish immigrants were admitted on permanent visas from all countries. They constituted 33.6 percent of the total immigration (499,998) during that period. The great majority of them, 160,718, were born in Europe and comprised 44.9 percent of all European immigrants (357,261) admitted during those years. In addition 43,944 Jews, exlusive of Government officials and returning residents, were admitted on temporary visas from all countries, constituting 4.4 percent of all such admissions."

According to a report by the Service Affairs Division of the Headquarters Eurcpean Command dated October 1, 1947, there were 10,000 to 15,000 Jewish camp survivors of various nationalities found in Germany at the end of the war. According to Rabbi Phillip S. Bernstein, who was quoted by Assistant Secretary of State Hildring before the House Committee on the Judiciary in July 1947, at the close of the European War there were about 30,000 Jews still alive in the concentration camps.

Under the President's directive of December 22, 1945, which as I have previously indicated, set aside 90 percent of certain quotas for exclusive use of displaced persons, 23,594 of the visas which were issued were to persons of the Jewish faith; 5,924 were to persons of the Catholic faith; and 3,906 were to persons of the Protestant faith.

As I have previously pointed out, we have thus far under the present law, which authorizes the admission of 205,000 displaced persons into the United States, admitted a little over 64,000, of whom 29 percent, or aproximately 20,000, were persons of the Jewish faith, and our program under the present law is, of course, only about a third completed.

The Chairman of the Displaced Persons Commission testified before our subcommittee that all of the Jews will be out of the displaced-persons camps by August of next year. This includes, of course, not just the relatively few Jews remaining in the occupied areas at the end of the war, but the many thousands who have entered the occupied areas in the years since the war.

May I therefore, Mr. President, finally lay to rest the irresponsible charge of religious discrimination.

I could continue, Mr. President, with detailed discussion of other issues which are under consideration by the subcommittee, but I have today undertaken to discuss only the chief issues, each of which poses difficult problems.

My purpose in addressing the Senate today has not been to announce preconceived decisions on these issues, nor to burden the RECORD with more than a fragment of the factual material which has thus far been accumulated by the subcommittee.

I know full well the pressure to which each and every Member of this body has been subjected. I do not know whether or not my recitation of the facts will change a single vote, nor do I know how more than a few Senators who have expressed themselves to me on this issue will vote.

Let it be remembered that every Senator on the immigration subcommittee of the Senate Committee on the Judiciary has taken the same oath of office which has been taken by every Senator who ever served in this distinguished body. The Senate has the power to foreclose further hearings and further study on issues concerning which a coequal branch of the Congress has sent an investigating committee to Europe. The Senate has the power to pass one of the 19 bills on a controversial and complicated subject.

Yes, Mr. President, the Senate can follow a course dictated by a powerful, well-organized, determined lobby which by this bill brings sharply into focus the question as to where the sovereignty of this Nation rests. I do not know, Mr. President, what the outcome of the vote on this issue will be. It would be easy for me to side-step this issue. It would be easy for me to stand mute. I cannnot do so. No man in or out of this body would relish the vilification and attack to which I have been subjected, but if I must choose as I have chosen between the vilification and attack and yielding to that which I know is wrong, that which I know is detrimental to the best interests of the Nation which I have tried faithfully to serve, then I welcome the vilification and attack.

The hour, Mr. President, calls for statesmanship. The hour calls for decision and judgment premised not on the expediency of the moment; not at the bidding of those who threaten us with reprisals or who would cajole us with mock praise; but the hour calls for decision and judgment based on the best interests of the Nation which we are pledged to serve.

The action which we are asked to take is masked behind the great humanitarian Christian precepts, the pursuit of which has made this Nation the envy of the world. That these great precepts could be so perverted makes this proposed action the more deplorable.

No, Mr. President, I do not know what the outcome will be of this proposed action, but I shall be satisfied to know that I have discharged my duty as chairman of a great committee of the Senate in laying before this body the facts. I shall be satisfied in knowing that I have done my best after months of painstaking study and deliberation on issues with the consideration of which I was entrusted.

I cannot and will not pressure the other Members of this body. I can only recite the facts. I can only point the way as I am given to see it. May our decision fully measure up to the trust which the people of this Nation have vested in our hands.

Mr. President, I am very proud to read into the RECORD this statement from the very able and distinguished chairman of the Judiciary Committee. I am proud that he selected me to read his speech. I do not necessarily subscribe to his viewpoints, but I am personally anxious, and I know that other Members of this body are anxious, to have his viewpoint, because he has given great study to the question.

FINANCING OF MISSOURI RIVER BRIDGE AT BROWNVILLE, NEBR.

During the delivery of the speech prepared by Mr. MCCARRAN and read by Mr. JOHNSON of Colorado,

Mr. KEM. Mr. President, will the Senator from Colorado yield for a unanimous-consent request?

Mr. JOHNSON of Colorado. I yield.

Mr. KEM. I ask unanimous consent that the Senate consider, out of order, House bill 5674, which has been passed unanimously by the House of Representatives and has been unanimously reported to the Senate by the Committee on Public Works. The bill is more or less a formal matter. The purpose of the bill is to extend for 30 years certain bridge bonds issued for building a bridge across the Missouri River.

The VICE PRESIDENT. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 5674), Calendar No. 1176, to extend the time for the collection of tolls to amortize the costs, including reasonable interest and finance cost, of the construction of a bridge across the Missouri River at Brownville, Nebr.

The VICE PRESIDENT. Is there objection to the request for the present consideration of the bill?

Mr. LUCAS. Mr. President, reserving the right to object——

Mr. KEM. Mr. President, let me say that this is purely a formal matter. The bill has been passed unanimously by the House and has been reported unanimously by the Senate committee.

Mr. MORSE. Mr. President, I have no objection to the bill. I have objection to the procedure now proposed to be followed. If we are going to begin in the Senate to interrupt speakers, in order that individual Senators may bring up their pet bills, out of order, at a time when only four or five Members of the Senate are on the floor, I think we do violence to the proper procedure. Therefore, I shall object to requests for the consideration of such bills, except during the call of the calendar.

Mr. KEM. Mr. President, I thank the Senator from Colorado for his courtesy.

The VICE PRESIDENT. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 76. An act to authorize the Secretary of the Interior to convey a certain tract of land in the State of Arizona to Lillian I. Anderson;

S. 489. An act to authorize the refund to the Florida Keys Aqueduct Commission of the sum advanced for certain water facilities, and for other purposes;

S. 1542. An act to authorize the withdrawal of public notices in the Yuma reclamation project, and for other purposes; and

S. 2226. An act relating to the compensation of certain employees of the Panama Canal.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes.

The message further announced that the House had concurred in the amendment of the Senate to the joint resolution (H. J. Res. 368) further amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 373) relating to the sale of certain shipyard facilities at Orange, Tex., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1637. An act for the relief of Mrs. Dora Fruman;

H. R. 4414. An act for the relief of Dora M. Barton;

H. R. 5268. An act to amend certain provisions of the Internal Revenue Code; and

S. J. Res. 134. Joint resolution to amend the National Housing Act, as amended, and for other purposes.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

SUSPENSION OF DEPORTATION OF ALIEN

A letter from the Acting Attorney General, transmitting, pursuant to law, a copy of the order of the Commissioner of the Immigration and Naturalization Service granting the status of permanent residence to one Miklos Joseph Szucs, together with a detailed statement of the facts and pertinent provisions of law and the granting of such status (with an accompanying paper); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAMES

Two letters from the Acting Attorney General, withdrawing the names of Santos De La Cruz-Celestino, and the names of Salvador Orozco and Teresa Fuentes or Orozco, from reports relating to aliens whose deportation he suspended more than 6 months ago, transmitting to the Senate on May 1, 1949, and June 1, 1949, respectively; to the Committee on the Judiciary.

REPORT ON CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE, UNITED STATES AND MEXICO

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease for the month of August 1949 (with accompanying papers); to the Committee on Agriculture and Forestry.

PROGRESS REPORT OF WAR ASSETS ADMINISTRATION

A letter from the Liquidator of the War Assets Administration, transmitting, pursuant to law, the final quarterly progress report of that Administration for the period ended June 1949 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

PETITION AND MEMORIAL

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Interior and Insular Affairs:

"House Concurrent Resolution 3

"Concurrent resolution requesting the Senate of the United States of America to pass H. R. 4686 authorizing the issuance of certain public-improvement bonds by the Territory of Hawaii, and setting forth the desirability and urgency of such action for the improvement of the Territory of Hawaii and the relief of unemployment within the Territory of Hawaii

"Whereas the Twenty-fifth Legislature of the Territory of Hawaii at its regular session of 1949 enacted into law Act 401 relating to public improvements and the financing thereof and providing for the issuance of general-obligation bonds of the Territory of Hawaii in the aggregate amount of $14,820,750; and

"Whereas under the present limitations of the Hawaiian Organic Act, the bonds provided for by said Act 401 cannot be issued without the authorization of the Congress of the United States, and this restriction is recognized and contained in said Act 401 itself; and

"Whereas H. R. 4686 was introduced into the House of Representatives of the United States for the specific purpose of authorizing the issuance of the bonds provided for in said Act 401, and said H. R. 4686 passed the said House of Representatives and was transmitted to the Senate of the United States of America and there referred to the Senate Committee on Interior and Insular Affairs where the said H. R. 4686 is now and has been for some time pending; and

"Whereas the improvements provided for in said Act 401 are all of great importance to the Territory of Hawaii, covering schools, hospitals, government buildings, and various other items which have been made necessary by the rapid increase in the population of the Territory of Hawaii since 1939 and also by the cessation of such public works during the period of active hostilities in World War II; and

"Whereas the present and immediate commencement of the program of public works provided for in said Act 401 has become a matter of great urgency in view of the alarming increase in unemployment in the Territory of Hawaii: Now, therefore, be it

"*Resolved by the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii in special session assembled (the Senate concurring)*, That the Senate of the United States of America be and it is hereby respectfully requested to pass H. R. 4686, entitled: "A bill to authorize the issuance of certain public-improvement bonds of the Territory of Hawaii and to confirm and ratify Act 401 of the Session Laws of 1949 of the Territory of Hawaii, relating to issuance of public-improvement bonds"; and be it further

"*Resolved*, That the Senate of the United States of America be and it is hereby respectfully advised that the passage of said H. R. 4686 is desirable, necessary, urgent, immediate, and essential to the welfare of the Territory of Hawaii, both from the point of view of the physical improvements which will be provided under the authority thereof and of the work which will be provided in connection with such public improvements to alleviate unemployment in the Territory of Hawaii; and be it further

"*Resolved*, That duly certified copies of this concurrent resolution be forwarded to the President of the Senate of the United States

of America, the chairman of the Committee on Interior and Insular Affairs of the Senate of the United States of America, and the Delegate to Congress from Hawaii."

By Mr. O'CONOR (for Mr. TYDINGS):

A memorial of sundry citizens of the city of Baltimore, Md., remonstrating against the enactment of House bill 6000, providing compulsory health insurance; to the Committee on Labor and Public Welfare.

CURTAILMENT OF GOVERNMENT EXPANSION—RESOLUTION OF KIWANIS CLUBS OF THIRTY-FIRST CAPITAL DISTRICT CONVENTION

Mr. BYRD. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD a resolution adopted by the Kiwanis Clubs of the Thirty-first Capital District Convention, held in Richmond, Va., on October 8, relating to governmental expansion and securing economy and sound financing by Federal, State, and local governments.

There being no objection, the resolution was referred to the Committee on Expenditures in the Executive Departments and ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE KIWANIS CLUBS OF THE THIRTY-FIRST CAPITAL DISTRICT CONVENTION IN RICHMOND, VA., ON OCTOBER 8, 1949

Whereas increased Federal, State, and local spending is consuming our savings and continued deficit spending in peacetime will ultimately result in bankruptcy for our Nation; and

Whereas an alarmingly large proportion of our entire population is now employed by Federal, State, and local government; and

Whereas continued governmental expansion threatens our personal freedom and our cherished system of constitutional government; and

Whereas it is today apparent to all liberty-loving Americans that, in the words of Thomas Jefferson, "to preserve our independence * * * we must make a choice between economy and liberty or profusion and servitude": Now, therefore, be it

Resolved by this convention of the Capital District of Kiwanis International, assembled at Richmond, Va., this 8th day of October 1949, That Kiwanis International be requested to inaugurate and actively to promote, in cooperation with its district organizations, a Nation-wide campaign on behalf of all the people for curtailing governmental expansion and for securing economy and sound financing by Federal, State, and local Government.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—RESOLUTION OF AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE, ST. PAUL, MINN.

Mr. CAPEHART. Mr. President, I have before me a copy of a resolution adopted October 6, 1949, at a meeting of the America's Wage Earners' Protective Conference in St. Paul, Minn.

This resolution deals with the threat to American jobs created by the adoption by this Congress of a reciprocal trade treaty act which is devoid of the peril-point protection sponsored by the Republican Members of the Senate.

This resolution expresses the opinion of the workers of America toward the threatened competition with cheap-labor foreign products at a time when our economy requires a high national income.

I believe the Members of the Senate and every citizen of this Nation will find the contents of this resolution to be thought-provoking. I ask unanimous consent that it be appropriately referred and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ECA IMPORT PROGRAM AND THE TARIFF—RESOLUTION ADOPTED IN MEETING OF AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE, ST. PAUL, MINN., OCTOBER 6, 1949

Whereas the national debt in the United States is in excess of $250,000,000,000 requiring $5,000,000,000 in payment of annual interest thereon;

Whereas benefit payments and other assistance to veterans require annual appropriations of approximately five additional billion dollars, with little probability of reduction in the near future grants to foreign governments for rehabilitation and recovery call for still another five or six billion dollars per year, and national defense appropriations demand some $15,000,000,000 annually; while the costs of the civil government, including price support of agricultural products and higher pay of public employees, consume an additional fund of twelve to fifteen billion dollars;

Whereas the annual national budget thus exceeds $40,000,000,000, a great part of which is fixed and recurrent in character, thus offering scant hope of material reduction;

Whereas a national income of more than $200,000,000,000 per year is necessary to sustain a budget of this magnitude without an increase in Federal taxation which already absorbs approximately 20 percent of national income;

Whereas such a level of national income can be sustained only by a combination of (1) high wages, (2) a high level of employment, (3) a high degree of production, and (4) a high level of prices;

Whereas the dollar shortages of numerous foreign countries, caused in great degree by the financing of two world wars, has created a demand for a much greater volume of imports by the United States as a means of restoring trade balances and has led recently to a devaluation of foreign currencies as a step toward that goal;

Whereas the high plateau upon which the economy of the United States now rests makes it highly vulnerable to the deflationary and undermining effects of imports if these can be offered in our markets at prices below those offered by our own producers;

Whereas the condition of shortages which prevailed during the postwar period in this country has disappeared in nearly all lines of goods and commodities, and given way to the threat of surpluses, thus marking the shift from a seller's to a buyer's market;

Whereas a moderate decline in the general price level may be desirable but a marked decline or a return to the prewar price level would be disastrous;

Whereas the competitive effects of imports, priced, after payment of duty, below the level at which our own products can profitably be sold in our home market, are to depress wages and curtail employment in a buyer's market as distinguished from a seller's market: Therefore be it

Resolved, That America's Wage Earners' Protective Conference, a nonprofit organization, composed exclusively of national and international unions affiliated with the American Federation of Labor, with sympathetic understanding and appreciation of the economic difficulty that confronts foreign countries as well as the United States in their efforts to restore trade balances and to overcome the problem of dollar shortages abroad, memorialize the President and the Congress of the United States, setting forth the great economic peril to the Nation that inheres in the present policy of selectively exposing American producers, through theoretically considered tariff reductions, to low-wage competition from abroad; be it further

Resolved, That we regard it to be wholly unnecessary and in fact destructive of the avowed purpose of promoting imports to reduce import duties to a point that creates pressure on wages and prices in this country; and that the objective of increased trade can best be met by setting tariff rates at a level that will insure fair and not destructive competition; that the deflationary pressures generated by unfair foreign competition cannot be localized nor readily arrested through present escape provisions in trade agreements, and that, therefore, the idea of promoting the general interest at the expense of a few industries, to be sacrificed in behalf of a general policy, is both false and dangerous; finally be it

Resolved, That since of necessity our Nation is committed as a requisite of meeting its internal and external obligations and commitments for some years to come, to a high national income and high prices as compared with prewar years, we consider the claims of consumers to buy imported goods at low prices to be invalid if such low prices destroy wage earnings and profits and thus reduce the national income and the sources of internal revenue; that this is the crux of the problem, and that the present method of reducing duties, through executive negotiation, without authoritative guidance from an impartial fact-finding agency, is inexpert, irresponsive to the needs of domestic producers, and inadequate to the intricate requirements of the problem.

The implications of a greatly expanded import program are so far-reaching in their possible impact upon the present vulnerable economy of the United States, that any such program should be launched only under the guidance of the most responsible, practical, and competent officials and should not be left solely in the hands of employees of executive agencies who are far removed from the field of production and who regard our producers simply as selfish interests.

O. R. STRACKBEIN,
Executive Secretary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Armed Services:

H. R. 6303. A bill to authorize certain construction at military and naval installations, and for other purposes; with amendments (Rept. No. 1174).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 14, 1949, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 614. An act to amend the Hospital Survey and Construction Act (title VI of the Public Health Service Act), to extend its duration and provide greater financial assistance in the construction of hospitals, and for other purposes; and

S. J. Res. 134. Joint resolution to amend the National Housing Act, as amended, and for other purposes.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The VICE PRESIDENT laid before the Senate a report for the period July 25

through September 25, 1949, from the chairman of the Senate Investigations Subcommittee of the Committee on Expenditures in the Executive Departments, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which was ordered to lie on the table and to be printed in the RECORD, as follows:

OCTOBER 7, 1949.

SENATE INVESTIGATIONS SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

To the Senate:

The above-mentioned committee hereby submits the following report showing the name of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of July 25 through September 25, 1949, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual and address	Name and address of department or organization by whom paid	Annual rate of compensation
Frederick M. Coughlin, Falkland Apartments, Silver Spring, Md.	Civil Aeronautics Board, Commerce Department.	$6,235.20

CLYDE R. HOEY,
Chairman.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GEORGE:

S. 2694. A bill for the relief of Harry L. Cashia; to the Committee on the Judiciary.

By Mr. CAIN (for Mr. MCCARRAN):

S. 2695. A bill for the relief of Stella Jean Stathopoulou; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2696. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claims of Trent Trust Co., Ltd., a corporation of the Territory of Hawaii, and Cooke Trust Co., Ltd., a corporation of the Territory of Hawaii, as receiver for said Trent Trust Co., Ltd.; to the Committee on the Judiciary.

By Mr. PEPPER (for himself and Mr. HOLLAND):

S. 2697. A bill to make retroactive the increased Federal participation in the cost of construction of hospitals; to the Committee on Labor and Public Welfare.

By Mr. BALDWIN:

S. 2698. A bill for the relief of Nicholas Halasz, to the Committee on the Judiciary.

By Mr. GREEN:

S. 2699. A bill for the relief of Panagiotis D. Panteleakis; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2700. A bill for the relief of Leslie Fullard-Leo and Ellen Fullard-Leo; to the Committee on the Judiciary.

By Mr. MAGNUSON (for Mr. TAYLOR):

S. 2701. A bill to authorize the construction, operation, and maintenance by the Secretary of the Interior of certain reclamation projects in the State of Idaho; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

S. 2702. A bill for the relief of Louis E. Gabel; to the Committee on the Judiciary.

By Mr. WILEY:

S. 2703. A bill for the relief of Leif Ostern; to the Committee on the Judiciary.

(Mr. MORSE introduced Senate bill 2704, for the relief of Habibollah Farahnik, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

(Mr. MORSE also introduced Senate bill 2705, for the relief of Endre Ungar, Ernest Szekely, Suzanna Gyarmati, Sandoz Chemical Works, National Securities Corp., Ltd., which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. HOEY:

S. 2706. A bill for the relief of Ho Hong; to the Committee on the Judiciary.

By Mr. LODGE:

S. J. Res. 136. Joint resolution requesting the President to issue a proclamation designating the anniversary of the sinking of the U. S. S. *Dorchester* as Dorchester Day, and for other purposes; to the Committee on the Judiciary.

HABIBOLLAH FARAHNIK

Mr. MORSE. Mr. President, I ask unanimous consent to introduce for appropriate reference, a bill for the relief of Habibollah Farahnik, and I request that the bill, together with a memorandum of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and printed in the RECORD, together with the memorandum. The Chair hears no objection.

The bill (S. 2704) for the relief of Habibollah Farahnik, introduced by Mr. MORSE, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That Habibollah Farahnik, who entered the United States on October 27, 1945, under section 4 (e) of the Immigration Act of 1924, shall be accorded the same status, under the immigration laws of the United States, as a treaty trader, and so long as he shall engage in trade in accordance with such status, he shall be permitted to remain in the United States.

The memorandum presented by Mr. MORSE is as follows:

MEMORANDUM RE HABIBOLLAH FARAHNIK

Mr. Habibollah Farahnik entered the United States from Iran on October 27, 1945 as a student, under section 4 (e) of the Immigration Act of 1924, and studied at a New York preparatory school, Hunter College, and the business school at New York University. He has maintained a good scholastic record despite his initial language difficulties.

Mr. Farahnik, after learning business methods, established contacts with his home country, in order to undertake import-export trade between Iran and the United States. He desires to complete his studies by attending the graduate school of business at New York University, but in order to do so he must support himself. Unfortunately, no treaty exists between Iran and the United States, under which he can become a treaty trader and therefore be authorized to carry on commercial transactions while in the United States, although his activities would have the effect of encouraging trade between the two countries. Under the circumstances, unless special consideration can be accorded Mr. Farahnik, his engaging in trade during his period of study would be in violation of his student's status in the United States.

In view of the fact that this man desires to complete his studies in the United States and engage in trade between Iran and this country, it is believed that his case does merit special consideration.

ENDRE UNGAR ET AL.

Mr. MORSE. Mr. President, I ask unanimous consent to introduce for appropriate reference, a bill for the relief of Endre Ungar, Ernest Szekely, Suzanne Gyarmati, Sandoz Chemical Works, National Securities Corp., Ltd., and I request that the bill, together with a brief, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and printed in the RECORD, together with the brief. The Chair hears no objection.

The bill (S. 2705) for the relief of Endre Ungar, Ernest Szekely, Suzanne Gyarmati, Sandoz Chemical Works, National Securities Corp., Ltd., introduced by Mr. MORSE, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the President, or such officer or agency as he may designate, may return the property and interests vested in or transferred to the Office of Alien Property under vesting orders 16, 68, 94, 141, 920, 1188, 1645, 2041, 2582, 2758, 2982, and 3339, in the name of Chinoin Chemical and Pharmaceutical Works Co., Ltd., to Endre Ungar, Ernest Szekely, Suzanne Gyarmati, Sandoz Chemical Works, and National Securities Corp., stockholders in Chinoin Chemical & Pharmaceutical Works Co., Ltd., in the proportion which the stock interests of each in that corporation bore, on December 7, 1941, to the total holdings of all the parties named above: *Provided*, That the President or such officer or agency shall determine that said persons are not persons ineligible to receive the return of property under section 32 of the Trading With the Enemy Act, as amended.

The brief presented by Mr. MORSE is as follows:

BRIEF

The Chinoin Chemical & Pharmaceutical Co., Ltd., was formed in Budapest, Hungary, in 1910, as the Alka Chemical & Pharmaceutical Factory, by Dr. Emil Wolf and Dr. George Kerszty, for the production of fine chemicals and pharmaceuticals. In 1912 the center of operations was moved to Ujpest, Hungary, and the company was given its present name. During the 30-year period following its founding, its history was one of successful expansion in the face of formidable competition from the powerful German industry, not alone on the basis of commercial rivalry, but also in the form of political influence, surreptitious efforts to acquire control of the firm through purchase of its stock, discrimination in the supplying of machinery, intermediates and raw materials, and finally culminating in the German industrial boycott of 1942, whereby all raw materials from that source were cut off. This development could have been predicted, since Chinoin's emergence as a supplier of pharmaceuticals and fine chemicals inevitably thwarted the southeastward expansion of the growing German interests. At the peak of its activities, Chinoin employed a total of about 2,000 persons in its plants at Ujpest, as well as some 500 others in foreign posts.

Chiefly responsible for this achievement were one of the company's cofounders, Dr. Wolf, and Dr. Endre Ungar, who joined the organization in 1918. Both were chemical engineers, both acutely aware of the difficulties involved in opposing the German cartels and, more especially, of the necessity of preserving the company from German influence through stock ownership. This latter was a difficult feat, in view of the

great need for capital for the expanding activities of the firm, a need most easily satisfied by the issuance of new shares in the company. However, by judicious placing of these issues, control was retained in friendly hands, with important blocks of stock being held by Swiss and British interests.

Thus, at the time of the United States' entry into World War II, Chinoin was an antagonist of many years' standing of German interests. For these reasons it was only normal that the firm's conduct during the war period should continue to be one of opposition at every point to the realization of German aims. Because of its precarious situation at this time, these measures perforce were of a clandestine nature. In the first place, it adhered to a policy of refusing to convert any of its facilities to the manufacture of war goods proper. And, though by now the German Government would gladly have taken Chinoin's entire output, so great were the demands of her military services, deliveries were restricted to the peacetime level—a mere trickle. The company was strengthened in this position by Hungarian Government support, motivated by a growing fear of the constantly increasing mark balance, with its harmful effect on the national economy.

Its aid to the allied cause, however, was not confined to negative measures. During the occupation of the Balkans by the British Army, huge consignments of medicines were dispatched to these forces, by way of Istanbul, when the need for them was desperate because of the blockading tactics of the Italian and German air and submarine forces. Through the same channels considerable quantities of hormones and vitamins were later supplied the British during the period of extreme food shortage there. The Yugoslav partisan forces were furnished, gratuitously, with necessary drugs, which were smuggled to them across the border. Shipments in excess of the Bulgarian need were sent to that country, whence they found their way to the people of Greece, suffering under the Nazi occupation. Through the Swiss Red Cross, supplies of such precious commodities as sulfanilamide and sulfathiazol (of which Chinoin was the original manufacturer) reached plundered Poland and Belgium. While these measures did not constitute a great sacrifice on the part of Chinoin, their value in terms of the alleviation of suffering can scarcely be overestimated.

The success of such tactics is attested by the speedy seizure of the company's principal officers, Dr. Ungar and Dr. Wolf, when Hungary was taken over by the Nazis in March 1944. Within 2 days of the occupation of the plant, both were placed under arrest and imprisoned, and subsequently deported to Germany and sentenced to death. They escaped this fate only by the timely arrival at the camp where they awaited execution of a Swiss Red Cross mission. By the time this unit had departed, discipline had deteriorated to the point that the normal grisly business of the camp was suspended, due to the imminence of the final German disaster, and these men were spared.

The foregoing will indicate the position of Chinoin itself during the war period. As to the personalities connected with it, their stories merely echo this resistance to nazism.

Dr. Ungar, managing director and a major stockholder of Chinoin, was the activating force in the camouflaging of ownership of the foreign shares of the company to prevent their falling into the hands of the Germans when the country was occupied. Thus one of the chief charges against him in the "trial," which can better be described as an administrative measure, wherein he was entenced to death, was that of implication in the disappearance of the foreign shares of Chinoin. Prior to the German occupation of Hungary, Dr. Ungar was the source of much aid to Polish, French, Yugoslav, and English refugees in their flight from the advancing Nazi forces, through furnishing these persons with money, hiding places, and sources of escape. Some were even employed at the factory. During the entire period between the beginning of the rise of the Third Reich and Dr. Ungar's seizure, nominally as a hostage, both he and Dr. Wolf were subjected to extreme and unremitting pressure to cause them to surrender their interests in Chinoin, which would have amounted to handing over control of the company. They successfully withstood this pressure. Dr. Ungar also acted as a source of intelligence to the British authorities, keeping in contact with them through the British Consulate in Budapest until its closing, and later through British representatives in Istanbul, Turkey, and Basel, Switzerland. After his miraculous escape and subsequent liberation by the Allies, Dr. Ungar returned to Hungary to find that his wife and her parents had been taken into custody by the Germans, because of the fact that Dr. Ungar was considered to be a danger to Germany and extremely pro-Anglo-American-minded," and that all had perished in German concentration camps during the early part of 1945. Dr. Ungar's danger and difficulties, and those of his family, were increased by reason of his part-Jewish extraction. Dr. Ungar has now become a resident and a citizen of Mexico, where he continues his efforts on behalf of the company. Since the overthrow of Ferenc Nagy's government, which he supported as the only liberal party in the country, his return to Hungary would be hazardous.

The story of Dr. Wolf, cofounder, general manager, chief technician, and large shareholder of Chinoin, is largely that of Dr. Ungar. He was active in the aid of refugees from nazism; he was seized and imprisoned at the same time as Dr. Ungar; both were marked for death for the same crimes and both miraculously escaped under the same circumstances, as related above. Also of Jewish origin, Dr. Wolf found on his return to Budapest that his daughter had fled the country because of fear for her safety, while his wife had been spared any prosecution by reason of her Aryan origin. Dr. Wolf took up his efforts to revive Chinoin, but suddenly died in Belgium in 1947. His interests in the company are now represented by his daughter, Mrs. Susanne Gyarmati, who is at present a resident of Paris.

Ernest Szekely, cousin of Dr. Wolf and the holder of 15,025 shares of Chinoin stock, prior to the war was the managing partner of a wholesale chemical and pharmaceutical outlet in Paris, which marketed the products of Chinoin in France. Although an Austrian citizen, Szekely surrendered his passport to the French authorities when the Germans invaded that country in 1938, and was given the status of "ex-Austrian." When fighting commenced in France he was interned but released shortly thereafter as a friend of France. Though he applied for service with the Foreign Legion, before being accepted he decided to join the Foreign Pioneer Corps, and served with that body until the French surrender. Although he managed to remain in hiding for some time after the fall of France, he was discovered and sent to a forced-labor camp. In 1941 he escaped to Cannes, where he joined a group of Franco-British resistance workers. By the following autumn his position had become precarious, and he was ordered to Britain, where he arrived after having escaped to Gibraltar in a fishing vessel. In London Szekely was assigned to the French service staff of the British Broadcasting Co, where he was in charge of news bulletins to be broadcast in French. Upon the liberation of Paris he was sent there as chief of the foreign relations department of the foreign service of the French broadcasting system, where he remained to the end of the war By spreading false rumors of his divorce from his wife, his family was spared prosecution at the Nazis' hands Mr Szekely has become a French citizen since the war's end

One other incident in the relationship between Chinoin personnel and the Nazis merits mention: In October 1944, when German industry was feeling the pinch of shrinking manpower, a considerable body of leading Chinoin chemists, engineers, and other select employees was taken to Germany for the purpose of aiding the German war effort. Because of their refusal to cooperate, all perished before the liberation.

The total holdings of Chinoin consist of approximately 144,800 bearer shares. Of this total, the above-mentioned persons hold slightly more than 50 percent, distributed as follows: Dr. Ungar, 29,822 shares; Dr. Wolf's heirs, 27,857 shares; and Ernest Szekely, 15,025 shares. Further sizable blocks are held as follows: Sandoz Chemical Works (a large and well-known Swiss chemical manufacturing concern, located at Basel), 18,420 shares; National Securities Corp., Ltd. (a British investment house, which controls these shares for the accounts of various investors, to which any dividends are paid for distribution, and as to whose individual identities Chinoin has no knowledge), 5,500 shares. The director of National Securities is Mr. Sefton Turner, of London, who is also a director of Chinoin; Hungaria Chemical Works (a Budapest manufacturing firm, controlled by various local interests), 22,000 shares. Small holdings of several Chinoin officers presently in Hungary account for 3,000 shares more. This represents a total of 121,624 shares. It is not possible to account for the remaining twenty-odd-thousand shares, since the stock is listed on the stock exchange in Budapest, where it is regularly the subject of trade. In 1943 this stock had a real value of approximately $25 per share, and a nominal value of 10 pengos per share.

From this tabulation it will be seen that 96,624 shares are in the hands of neutrals, allies or friendly hands, roughly two-thirds.

PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "INVESTIGATION INTO THE UNITED STATES ATOMIC ENERGY COMMISSION"

Mr. McMAHON submitted the following concurrent resolution (S. Con. Res. 67), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Atomic Energy be authorized to have printed for its use 50,000 copies of Senate Report 1169, entitled "Report on Investigation into the United States Atomic Energy Commission," and which was introduced in the Senate on October 13, 1949.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON THE CALENDAR

The following bills and joint resolution were severally read twice by their titles, and referred, or ordered to be placed on the calendar, as indicated:

H. R. 1370. An act to authorize the appointment of three additional judges of the municipal court for the District of Columbia and to prescribe the qualifications of appointees to the municipal court and the municipal court of appeals, and for other purposes; and

H. R. 6185. An act to amend the Federal Credit Union Act; ordered to be placed on the calendar.

H. R. 5912. An act to amend the District of Columbia Alcoholic Beverage Control Act to restrict the sale on credit of beverages, except beer and light wines, not consumed on

the premises where sold; to the Committee on the District of Columbia.

H. R. 6316. An act to amend the National Housing Act, as amended; to the Committee on Banking and Currency.

H. J. Res. 373. Joint resolution relating to the sale of certain shipyard facilities at Orange, Tex.; to the Committee on Expenditures in the Executive Departments.

CITATION AND PRESENTATION OF SCROLL TO SENATOR MAGNUSON FOR SERVICE TO AMERICAN SEAMEN

[Mr. MYERS asked and obtained leave to have printed in the RECORD a citation accompanying the presentation of a scroll to Senator MAGNUSON at the seventh national convention of the National Maritime Union, for his service to American seamen, which appears in the Appendix.]

PLEA TO THE PRESIDENT TO APPLY TAFT-HARTLEY LAW TO NATION-WIDE STRIKES

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him urging that the Taft-Hartley law be applied in the present Nation-wide strikes, which appears in the Appendix.]

DISMANTLING INDUSTRIES IN GERMANY—ARTICLE BY LARRY RUE

[Mr. KEM asked and obtained leave to have printed in the RECORD an article regarding dismantling of industries in Germany, written by Larry Rue, and published in the Kansas City Times of October 12, 1949, which appears in the Appendix.]

IN DEFENSE OF AMERICA—ARTICLE BY WALTER WINCHELL

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article entitled "In Defense of America," written by Walter Winchell, and published in Coronet magazine for October 1949, which appears in the Appendix.]

THE WHITE MAN'S FUTURE IN THE ORIENT—ARTICLE BY ARTHUR KROCK

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article entitled "The White Man's Future in the Orient," written by Arthur Krock and published in the New York Times of October 13, 1949, which appears in the Appendix.]

SKEPTICISM MARKS REACTION TO BRANNAN PLAN—ARTICLE BY GEORGE R. HARVEY

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD an article entitled "Skepticism Marks Reaction to Brannan Plan," written by George R. Harvey, and published in the Hoosier Farm magazine, which appears in the Appendix.]

THE POTATO INDUSTRY IN MAINE

[Mr. BREWSTER asked and obtained leave to have printed in the RECORD a statement of fact relative to the potato industry in Maine, prepared by various agencies in Maine, which appears in the Appendix.]

LEAVES OF ABSENCE

Mr. THYE asked and obtained consent to be absent from the Senate tomorrow, if the Senate shall be in session, and on Monday.

Mr. MARTIN asked and obtained leave to be absent from the sessions of the Senate tomorrow and on Monday next.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. BALDWIN obtained the floor.

Mr. DONNELL. Mr. President, will the Senator from Connecticut yield in order that I may suggest the absence of a quorum, without his losing the floor by so yielding?

Mr. BALDWIN. I am glad to yield for that purpose.

Mr. DONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hoey	McCarthy
Baldwin	Ives	McKellar
Brewster	Jenner	Myers
Cain	Johnson, Colo.	Neely
Chapman	Johnson, Tex.	Russell
Connally	Johnston, S. C.	Saltonstall
Donnell	Kerr	Schoeppel
Eastland	Kilgore	Smith, Maine
Ellender	Langer	Taft
George	Lodge	Thye
Green	Long	Wherry
Hayden	Lucas	Wiley

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. ECTON, Mr. FERGUSON, Mr. FULBRIGHT, Mr. KEM, Mr. KNOWLAND, Mr. MALONE, Mr. MORSE, Mr. THOMAS of Oklahoma, and Mr. YOUNG answered to their names when called.

The PRESIDENT pro tempore. A quorum is not present.

Mr. LUCAS. Mr. President——

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. BALDWIN. Mr. President, I have the floor. I am glad to yield.

The PRESIDENT pro tempore. A quorum is not present.

Mr. LUCAS. Mr. President, I understand an honest quorum is desired. I, therefore, move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. DONNELL. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. DONNELL. I was not going to debate it. I was going to inquire what the Senator from Illinois meant by "an honest quorum."

Mr. LUCAS. It means a quorum according to law—49 Senators, as the Senator from Georgia suggests.

The PRESIDENT pro tempore. Debate is not in order. The motion having been agreed to, the Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BRIDGES, Mr. CAPEHART, Mr. CORDON, Mr. DOUGLAS, Mr. DOWNEY, Mr. GURNEY, Mr. HENDRICKSON, Mr. HICKENLOOPER, Mr. HILL, Mr. HOEY, Mr. HOLLAND, Mr. HUNT, Mr. LEAHY, Mr. MAGNUSON, Mr. MARTIN, Mr. MCFARLAND, Mr. MCMAHON, Mr. MILLIKIN, Mr. O'CONOR, Mr. O'MAHONEY, Mr. PEPPER, Mr. THOMAS of Utah, and Mr. WATKINS entered the Chamber and answered to their names.

Mr. MYERS. I announce that the Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from South Carolina [Mr. MAYBANK], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Maryland [Mr. TYDINGS] are absent by leave of the Senate on official business.

The Senator from Iowa [Mr. GILLETTE] and the Senator from North Carolina [Mr. GRAHAM] are absent by leave of the Senate.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Kentucky [Mr. WITHERS] are absent on public business.

The Senator from Montana [Mr. MURRAY] and the Senator from Idaho [Mr. TAYLOR] are members of the committee appointed to attend the funeral of Hon. Bert H. Miller, late a Senator from Idaho, and are therefore necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Nebraska [Mr. BUTLER], the Senator from Vermont [Mr. FLANDERS], the Senator from South Dakota [Mr. MUNDT], and the Senator from New Jersey [Mr. SMITH] are absent on official business with leave of the Senate.

The Senator from New York [Mr. DULLES], the Senator from Kansas [Mr. REED], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is necessarily absent.

The Senator from Delaware [Mr. WILLIAMS] is absent on official business.

The PRESIDENT pro tempore. A quorum is present.

Mr. BALDWIN. Mr. President——

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

Mr. BALDWIN. I yield.

ESTABLISHMENT OF FOREIGN TRADE ZONES—CONFERENCE REPORT

Mr. GEORGE. Mr. President, I presented yesterday a conference report on House bill 5332. The matter was discussed on the floor, and the report was printed in the RECORD. At that time the distinguished Senator from Missouri [Mr. DONNELL], who was acting as minority leader, asked that a quorum be called. It was late in the evening, and there was objection to the request. A quorum now having been developed, I ask the Chair to lay before the Senate the conference report on House bill 5332.

Mr. DONNELL. Mr. President, reserving the right to object, I may say to the Senator that I have just been advised that the Senator from Wisconsin [Mr. MCCARTHY] desires to be present when the conference report is discussed. I am wondering if the Senator would be willing to wait a few minutes so that the Senator from Wisconsin can reach the floor.

Mr. GEORGE. I shall, of course, be glad to wait; but this is a conference report which has to be acted on first in the Senate, and it will then go to the House. Time is passing rapidly. I should like to get action on the report as soon as possible, but I shall withdraw my request for immediate consideration of the conference report, under the statement made by the Senator from Missouri.

Mr. DONNELL. I appreciate the courtesy of the Senator. I am informed that the Senator from Wisconsin was in his office a moment ago and will be here very shortly.

ADDITIONAL COPIES OF CERTAIN HEARINGS OF HOUSE JUDICIARY COMMITTEE

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

Mr. BALDWIN. I yield.

Mr. HAYDEN. Mr. President, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 128, providing for the printing of additional copies of certain hearings.

The PRESIDENT pro tempore. Without objection, the clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (H. Con. Res. 128), as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on the Judiciary of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of the hearings, held before said committee, on the resolutions entitled "Proposing an Amendment to the Constitution of the United States Providing for the Election of President and Vice President."

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

IMPLEMENTATION OF INTERNATIONAL WHEAT AGREEMENT

Mr. THOMAS of Oklahoma. Mr. President, the House of Representatives has passed House bill 6305 to give effect to the International Wheat Agreement signed by the United States and other countries relating to the stabilization of supplies and prices in the international wheat market. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 6305) to give effect to the International Wheat Agreement signed by the United States and other countries relating to the stabilization of supplies and prices in the international wheat market.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS of Oklahoma. Mr. President, the Senate has passed Senate bill 2383, and that bill has been sent to the House. The House has passed House bill 6305. In order to get the matter into conference and bring about an adjustment, I move that all after the enacting clause in the House bill be stricken and that there be inserted in lieu thereof the text of the Senate bill as passed by this body yesterday.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate insist on its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. GILLETTE, Mr. YOUNG, and Mr. HICKENLOOPER conferees on the part of the Senate.

FINANCING OF MISSOURI RIVER BRIDGE AT BROWNVILLE, NEBR.

Mr. KEM. Mr. President, will the Senator from Connecticut yield?

Mr. BALDWIN. I yield to the Senator from Missouri.

Mr. KEM. Mr. President, I ask unanimous consent that the Senate take up for consideration Calendar No. 1176, House bill 5674, an act to extend the time for the collection of tolls to amortize the costs, including reasonable interest and finance cost, of the construction of a bridge across the Missouri River at Brownville, Nebr.

The PRESIDENT pro tempore. Is there objection?

Mr. DONNELL. Mr. President, may I ask the Senator to state briefly the purpose of the bill?

Mr. KEM. Mr. President, under the law providing for the construction of this bridge it was provided that the cost should be amortized over a period of 20 years and that the tolls should be assessed accordingly. The tolls are insufficient to pay the service on the bonds on that basis, so the bonds are to be refunded and the period over which the bridge is to be paid for has been extended from 20 years to 30 years.

This bill has been passed unanimously by the House of Representatives. It was recommended by the Department of the Army, by the General Services, by the Budget Bureau, and unanimously approved and reported by the Senate Public Works Committee.

Mr. DONNELL. I thank the Senator.

Mr. MORSE. Mr. President, I should like to ask the acting majority leader if it is the intention of the leadership to have the calendar called before we adjourn.

Mr. MYERS. Mr. President, it is our purpose to have the calendar called before the adjournment.

Mr. MORSE. I do not like to object, because my friend, the Senator from Missouri is involved, but I do not like to have bills taken from the calendar out of order. I think we should all take our chances on the calendar, and I am going to object to the consideration of this bill or to any bill being taken off the calendar until it is called.

The PRESIDENT pro tempore. Objection is heard.

Mr. KEM. Mr. President, the Senator from Oregon objected earlier in the day to the consideration of the bill on the ground that he did not think it should be taken up except when there was a quorum called. A quorum call has now been had, and I understood his objection had been overcome.

Mr. MORSE. After my objection this morning I discussed this matter with several other Senators, and in view of the fact that I have taken the lead in the matter of protecting the calendar and having all bills considered in their order, I said I would continue to object to any bill being taken up out of order, and I am going to do so from now until we adjourn, as a matter of policy.

The PRESIDENT pro tempore. Does the Senator object to the consideration of the bill?

Mr. MORSE. I object.

The PRESIDENT pro tempore. Objection is heard.

COMPENSATION OF CERTAIN GOVERNMENT OFFICIALS

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Connecticut yield?

Mr. BALDWIN. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Yesterday there was submitted the conference report on H. R. 1639, a bill relating to the salaries of certain Government officials. After being considered for a while it was laid aside temporarily. It is the report of a free conference, and I ask that it be considered immediately.

The PRESIDENT pro tempore. Is there objection?

Mr. DONNELL. Mr. President, I ask the distinguished Senator if he will be kind enough to give us a statement of the net effect of the tabulated figures shown on pages 14423 and 14424 of the RECORD. I may say to the Senator that I have noted the summary on page 14425, but I assume he will start with that and indicate perhaps in a little more detail just what the bill provides.

Mr. JOHNSTON of South Carolina. Mr. President, I am glad to furnish the Senator from Missouri the information he desires.

He will find, if he will look at the table on page 14425 of the RECORD of yesterday, that the amount to be appropriated under the conference report is $80,090 more than was carried in the bill as it passed the Senate. It is $155,701 less than was carried in the bill as it was passed by the House of Representatives.

I should also like to call to the Senator's attention the fact that the bill carries the salaries for 15 Under Secretaries, which accounts for $37,500 of the increase. He will also find that the conference report cares for 14 positions which were not included in the bill as it passed the Senate, which accounts for about one-third of the increase.

Mr. DONNELL. I thank the Senator for this amplification of the tabulation in the RECORD.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the report was considered and agreed to.

Mr. LONG. Mr. President, will the Senator from Connecticut yield?

Mr. BALDWIN. I yield to the Senator from Louisiana.

Mr. LONG. In the RECORD of yesterday at page 14425, it is shown that I stated that I had not signed the conference report on the executive pay bill. This was incorrect. I had for some time considered not signing the conference report, because I had opposed vigorously any increase above the amounts in the bill as it was passed by this body. However, after conferring with other Senators, they indicated they thought it would be all right to go ahead, and I did sign the conference report with the raises therein indicated.

ESTABLISHMENT OF FOREIGN TRADE ZONES—CONFERENCE REPORT

Mr. GEORGE. Mr. President, will the Senator from Connecticut yield?

Mr. BALDWIN. I yield to the Senator from Georgia.

Mr. GEORGE. I see that the Senator from Wisconsin is now on the floor of the Senate, and I should like to call up again the conference report on the bill (H. R. 5332) to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign-trade zones.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

Mr. McCARTHY. Mr. President, is this the conference report on the bill to which the Senate attached the fur amendment?

Mr. GEORGE. It is.

Mr. McCARTHY. I shall be forced to object to the consideration of the conference report. I understand the conferees refused to accept the Senate provision, and that two of the conferees refused to sign the report.

Mr. GEORGE. That is true. The minority members of the conference committee declined to sign the report, but the majority of the Senate and House conferees signed the report.

Mr. McCARTHY. I shall be forced to object. I assume the Senator will move to bring it up.

Mr. GEORGE. No; the Senator from Georgia will not move to bring it up again, because I have acted in the utmost good faith, and made every effort to get an agreement on the fur amendment. It cannot be agreed to, and there is no need of giving it further consideration. So the Senator from Georgia will decline to move to bring it up again.

Mr. LONG. Mr. President, I did not object to the fur amendment, which is totally irrelevant to the purpose of the bill, because I was assured there was no objection, and that it would be accepted at the White House. I now understand that those assurances were not correct, and that by my failure to object to this amendment I sacrificed my right to assist in the passage of a measure which would have been exceedingly beneficial to my State. I hope I may have opportunity later to move to bring this matter up, because it is one which will benefit many portions of the country, and will do little or no harm to any section.

It is unfortunate that this fur amendment could not be agreed to. When it was offered in connection with the reciprocal trade bill, I voted for the amendment. However, it is completely irrelevant to the purposes of the bill we have under consideration, and since it cannot be agreed to, I believe that the conference report should be agreed to.

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

Mr. LONG. I yield to the Senator from Wisconsin.

Mr. McCARTHY. Am I correct in stating that during the conferees' attempt to get together—and I think the conferees did make a very sincere attempt to get together—all the conferees were subject to almost unlimited lobbying and pressure from the State Department, that a Mr. Brown from the State Department just hung right outside the door and inside the room during the time the conferees were working, during all the time they were working on the measure?

Mr. LONG. That may be correct, I do not know whether it is or not, but the Senator from Wisconsin assured the junior Senator from Louisiana that the State Department had no objection to this amendment, that the FBI would like to see it go into effect, that the Central Intelligence Agency thought it would be a good idea, and that the White House would have no objection. I do not think those assurances were correct at the time they were given, and they certainly are not effective today.

Mr. McCARTHY. I have no pipe line to the State Department, and I do not want any. I have never had any idea as to what the State Department would do toward this bill. I have known that the State Department has been lobbying against it, and I think there is the most vicious antifarmer lobby in the State Department conceivable. They have been very effectively lobbying against a vast segment of agriculture. In my State fur farming is an important industry.

We know that this amendment will injure no one except, No. 1, the Russians. The furs come from Russia. No. 2, it will curtail the activities of Amtorg. Amtorg is the official Russian trade organization or commission in New York. The Senator from Louisiana will recall that during the Coplon case it was also developed that Amtorg had been indulging and engaging in espionage activities. They were purchasing in this Nation things for which they could not obtain import licenses, such as Geiger counters. They are paying for them with the money they received from the sale of furs.

As I say, the only individuals who can be injured, No. 1, are those in Russia who are raising fur-bearing animals. There is the question of favoring them over the American fur farmers. There has been complete dumping by the Russians. The Russian Government apparently does not care how much money it loses on furs. They use the money obtained from the sale of furs as a source of revenue for Amtorg to carry on their espionage activities. If I told the Senator from Louisiana anything as to what the FBI or the Atomic Energy Commission had to say about this matter, it was told the Senator in the strictest confidence. I have never told the Senator anything as to what the State Department felt about this matter. I know now and I have known all along that the State Department has no interest in our farmers. The State Department does not give a tinker's dam whether or not the approximately 5,000 fur farmers in my State who have been depending upon furs exclusively for a living, go broke. They do not care about the twenty or thirty thousand farmers in other States who depend upon the raising of fur-bearing animals as a part of their source of income.

I have never told the Senator from Louisiana—I am sure he is honestly mistaken, but someone else may have told him—how the State Department felt about the matter. I did tell the Senator some things as to how certain members of the staff of the Atomic Energy Commission felt about it. I know the Senator did not realize at the time that what I said was told him in strictest confidence. I shall be glad to have the Senator check on this statement.

Mr. LONG. Mr. President, I am sure that if anything of a confidential nature, as it relates to State Department secrets, has been revealed on the floor of the Senate, it has not been revealed by the Senator from Louisiana. I voted for the fur amendment when it came up for consideration in connection with a proper and relevant bill, namely, the reciprocal trade agreements bill. I voted with the Senator from Wisconsin on that amendment. I supported his amendment for the reason that the adoption of such an amendment would not only benefit Wisconsin but would benefit Louisiana, and I think it would benefit the Nation generally.

The fur-farming industry of the State of Louisiana exceeds that of the State of Wisconsin, world without end. Louisiana is the greatest trapping State in the entire Union, and one of the greatest fur-producing areas in the entire world. Nevertheless, we have here a bill to which the amendment of the Senator from Wisconsin is totally irrelevant. The amendment was offered to the bill in an effort to put it through as a rider, with the assurance there would be no objection to the amendment. When the amendment was strenuously objected to, and it appeared there was no possibility of agreeing to it, contrary to the assurance I had been given, a different situation presented itself. And I so stated to the Senator. It is not a matter of record. It is something that is known only to the Senator from Wisconsin and to myself.

I ask that this conference report may be considered. It would not harm anyone. I do not believe the Senator from Wisconsin has any objection to the bill to which he offered his amendment, aside from the fact he would like to have his fur amendment included. I see no reason why a bill of this nature, which would be of considerable benefit, and would harm no one, should be defeated merely because the State Department and the White House and various Government agencies are unwilling to go along with the Senator's fur amendment. I would be willing to go along with the

fur amendment, but there are many who would not.

Mr. McCARTHY. Mr. President, I think the Senator from Louisiana did a very good job in his attempt to protect the fur farmer. The Senator gave me his support at the time we tried to attach this amendment as a rider to the reciprocal trade agreements bill. The Senator voted with us, and I think he should go along with us in the interest of the fur trappers of his State. I hope the Senator from Louisiana will not misunderstand anything I have said as being a personal criticism of him. I think the reason the Senator from Louisiana finally voted to reject the Senate amendment was because he was honestly convinced the President would veto the bill unless the amendment was rejected. So I certainly do not question the motives of the Senator from Louisiana. But I think the Senator will agree with me that when the Senate, in its final action, unanimously voted that a certain segment of our agriculture should be protected, it is nothing short of vicious for the State Department to have five or six lobbyists here contacting members of the committee inside and outside the conference room. While we can stand the advice and counsel of any department, I do not believe this body should be subjected to its pressure and its lobbying.

I should like to say another word. The Senator will realize that there is involved in this question something entirely aside from the question of protecting our fur farmers. I should like to read one paragraph to the Senator and ask him if he remembers the occurrence. I read from page 12879 of the CONGRESSIONAL RECORD of September 15:

ATOM TOOLS SHIPPED TO REDS, FBI REVEALS—DEVICES SNEAKED OUT BY AMTORG'S AGENTS

An FBI report offered as evidence in the espionage trial of Judith Coplon revealed yesterday that atomic research instruments were shipped to Russia in 1947 without United States export clearance.

The instruments were manufactured for Amtorg—

Amtorg, it will be understood, is the marketing agency for the Russian furs—

by the Cyclotron Specialties Co., and were shipped on August 21, 1947. Customs officials halted another shipment on September 2, 1947, as it was being loaded abroad the steamship *Murmansk*. A third shipment later was intercepted at Claremont, N. J.

Then, as the Senator will recall, I assume, during that trial when the FBI records were revealed upon the order of the judge, it developed that Amtorg was the source of funds for all Russian espionage.

There is one other question I should like to ask the Senator from Louisiana. Is he aware of the fact that the Russians are selling their furs in this country without any consideration at all as to the cost of production in Russia—so much so, in fact, that other nations, Denmark, for example, which sells furs to the United States, as a market, cannot compete with this kind of competition, which ignores all cost whatsoever. I am sure this statement may interest the Senator from Louisiana: As of today in Denmark if one purchases a fur on the open market for $30 and ships it to the United States, the Danish Government refunds to the shipper one-third of the cost of the fur. In other words, there is an export subsidy. So the result of the Russian dumping of furs is that other nations, which normally could have an honest market in this country and engage in a type of competition which we could stand, must invoke export subsidies in order to meet this unusual Russian competition.

Mr. President, I shall not take any more of the Senator's time, but if he will go over the record he will find that Canada also has had to go to unusual lengths in order to meet this unfair competition.

I think it would be a great mistake for the Senate now to succumb to the anti-farmer lobbying of the State Department.

The PRESIDING OFFICER (Mr. HOEY in the chair). There is nothing before the Senate. The report has been put over. The Senator from Connecticut [Mr. BALDWIN] has the floor.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. MAGNUSON. Mr. President, yesterday my colleague [Mr. CAIN] made a statement regarding a meeting in New Orleans on the problem of displaced persons. In answer to that, I told the Senate that I did not have time to get all the facts I should like to present to the Senate, but I think the record would be much clearer on this matter if at this time I placed in the RECORD the names of the sponsors of that meeting. I have gone into my files and have found the names of the sponsors of the meeting.

Mr. CAIN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. Let me finish, and then I shall be glad to yield.

The meeting was held under the auspices of the New Orleans Foreign Policy Association, Loyola University, and Tulane University. It was sponsored by those two institutions and the New Orleans Foreign Policy Association. Other sponsors were the Archdiocesan Council of Catholic Women, the New Orleans Council of Church Women; the New Orleans Council of Jewish Women; the New Orleans Council, Women's Action Committee for Lasting Peace; and the New Orleans League of Women Voters. The New Orleans Committee on Displaced Persons sponsored the symposium which was held at Tulane University, at Dixon Hall, Newcomb campus. The speakers were mentioned yesterday. I ask unanimous consent to have printed in the RECORD the list of the honorary committee.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Honorary committee: Mrs. George E. Allen, Mrs. Preston J. Arnoult, Rev. Henry C. Bezou, Mrs. Edwin H. Blum, Mr. Lionel J. Bourgeois, Mrs. Moise Cahn, Mrs. William J. Cousins, Mrs. Guy J. D'Antonio, Mrs. Nina Preot Davis, Mrs. Alfonso del Marmol, Mr. Chas. Payne Fenner, Jr., Mrs. George S. Frank, Mrs. Nat Friedler, Mrs. Joseph E. Friend, Mr. Clayton Fritchey, President Rufus C. Harris, Mrs. Anynaud F. Hebert, Mrs. Irwin Isaacson, Mr. John Hall Jacobs, Mr. E. S. Kalin, Rev. John S. Land, Miss Edna V. Langhoff, Mrs. Monte Lauter, Rabbi Emil W. Leipziger, Mr. E. S. Lotspeich, Mrs. Harold Kay Marshall, Mr. Harold E. Meade, Dr. Joseph C. Menendez, Mr. Ben C. Moise, the Honorable Mayor deLesseps S. Morrison, Mr. Ralph Nicholson, Mr. A. B. Paterson, Mr. Steve Quarles, Miss Mary Raymond, Mrs. Robert G. Robinson, Most Rev. Joseph Francis Rummel, S. T. D., Mr. George Schneider, Mr. Paul Schuler, Mrs. Arthur C. Seavey, Rev. Thomas J. Shields, S. J., Mr. Edgar B. Stern, Miss Eva Steuernagel, Mrs. Rodney Toups, Rev. Canon W. S. Turner, Miss Elsie Mary Vuilliet, Mrs. Gustaf R. Westfeldt, Jr., Mrs. C. B. Stanton Wharton, Dean Logan Wilson.

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

Mr. MAGNUSON. I yield.

Mr. CAIN. May I ask if the Senator would permit the reporter to read aloud the first couple of sentences in the statement he has just made? I wish to be certain that I understand it.

Mr. MAGNUSON. I think I know what the Senator has in mind. I stated that a meeting had been mentioned. I should have said that in our colloquy on this subject I mentioned it.

Mr. CAIN. What the Senator is suggesting is that any reference to the city of New Orleans and the meeting just discussed was made by him.

Mr. MAGNUSON. The Senator is correct.

Mr. CAIN. I wanted to be certain. I thank the Senator.

Mr. MYERS. Mr. President, on behalf of the senior and junior Senators from Illinois [Mr. LUCAS and Mr. DOUGLAS], the senior Senator from North Dakota [Mr. LANGER], the senior Senator from Wisconsin [Mr. WILEY], the junior Senator from Maryland [Mr. O'CONOR], and myself, I submit an amendment to the pending bill which we propose as an immediate and necessary step toward an ultimate constructive solution to the so-called German ethnic expellee question.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. MYERS. Several weeks ago when I announced to the Senate that I intended to propose such an amendment, I had printed in the RECORD a copy of a statement explaining the amendment. I shall repeat a few paragraphs from that statement at this time. I may say that while the amendment is on the desk, I will, of course, welcome any Senators who desire to join us in the amendment. They are at liberty to add their names to the amendment while it is on the desk.

Mr. President, the Displaced Persons Act, passed by the Eightieth Congress in 1948, was used as the vehicle for amending part of our existing immigration law to provide that one-half of the German and Austrian immigration quotas should be devoted to admitting into the United States political exiles of German blood from eastern Europe. The combined German and Austrian quotas available to expellees under last year's amendment totaled somewhat more than 13,000 persons annually, and after a year's experience under that law, we are forced to conclude that the hastily drawn amendment has failed almost completely to

achieve the purpose for which it was designed.

Instead of issuing a thousand or so visas a month to expellees, as the law provided, less than 700 expellees have reached America thus far in 1949—a fact which in itself affords convincing proof that the law has been unworkable.

We propose in our amendment, then, to make this annual quota of 13,000 persons a workable quota which will, in fact, admit that number of people. In submitting our amendment at this time, we wish to invite discussion and comment prior to calling up Senate Resolution 160 to discharge the Committee on the Judiciary from further consideration of H. R. 4567, the amendments to the Displaced Persons Act passed by the House of Representatives earlier this session.

Our amendment to give us a workable immigration quota for expellees is aimed at carrying forward in somewhat more express detail an intent set forth in H. R. 4567 at the time it passed in the House. Section 9 of H. R. 4567 recognizes that the expellee proviso in last year's DP Act has proven unworkable.

Frankly, after a rather thorough investigation of the entire question, both the junior Senator from Illinois and I have reached the conclusion that the provision of the House bill does not go far enough to assure the effective use of the expellee quota.

Our amendment spells out in detail two additional and affirmative guaranties that the quota will be filled. First, that assurances of support for expellees to warrant that they will not become public charges once they have reached America can now be given by organizations instead of individuals alone, as is now the law. This is identical to the provision in the present DP law which permits organization assurances for DP's and has proven so successful in the operation of that program during the past year under a law which has been exceedingly difficult otherwise to administer.

Our second guaranty will establish a fund amounting to approximately $2,500,000 in the coming year with which to pay the costs of transportation for expellees from Germany or Austria to the United States. This provision, too, is comparable to that contained under the DP program whereby the International Refugee Organization is currently paying transportation costs for DP's.

Our amendment, in addition, makes several other refinements which we feel will aid in making the expellee quota effective. We are waiving, in the instance of expellees, the costs of head taxes and visas, and are providing that the administration of the expellee quota be transferred to the Displaced Persons Commission because it is our feeling that the question of the German ethnic exiles presents a problem much more closely associated with the duties of the commission than it is with the conventional operation of our immigration program. Certainly the expellees share with DP's the common problem of being people driven from their homelands and forced to make their way as best they can in an alien land.

In connection with the studies we have made in drafting our amendment we have made certain that we are not opening up a loophole through which may pour Nazis, Nazi sympathizers, Communists and fellow travelers, or any other breeders of hatred, discrimination, or oppression. The administration of the expellee quota will be governed by the same screening safeguards which today are in operation in filtering out these same groups who may have accumulated in the DP camps of Europe. The safeguards have been effective, and I cannot see any reason why the identical precautions will not work equally well in the operation of the expellee quota.

We feel strongly that the steps proposed in our amendment are essential if we are to carry out in any effective fashion the intent of the Congress last year in establishing a priority for expellees. As I have already said, our intent of last year has not been carried out, and acting now in the light of experience, we are suggesting what seems to us to be the necessary minimum to assure that expellees now eligible for admission to the United States shall in fact be permitted to get here.

This is, of course, no long-range solution to the expellee question. Much added study will be necessary, but our proposal today represents something on which we can take immediate action, and is, we feel completely compatible with the spirit and motives with which the American people have faced their responsibilities in dealing with the tremendous problems posed by millions of Europeans who have been displaced and driven into exile as a consequence of Fascist or Communist oppression.

Mr. WILEY. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement I have prepared on the pending bill, together with certain data relating to the subject.

There being no objection, the statement and data were ordered to be printed in the RECORD, as follows:

WHY THE DISPLACED-PERSONS LEGISLATION SHOULD BE PASSED—STATEMENT BY SENATOR WILEY

I should like to submit just a few comments on the displaced-persons legislation, H. R. 4567, now pending before the Senate.

First, let me say that I can appreciate the sincere and honest convictions on the part of Senators ranged on both sides of this controversial issue. On the one hand, we have Senators who indicate they are primarily concerned about unemployment here at home and the possible adverse effects of increased immigration, who are concerned also with fraudulent visas and the possible entry of subversive agents in the displaced-persons group.

SCREENING CAN WEED OUT SUBVERSIVES

On the other hand, we have Senators who, like myself, point out that (a) as regards the unemployment question, the total number of displaced persons (around 339,000) would not amount to a tiny fraction of 7 percent of the United States labor force and would consist of skilled technicians, in many instances, who could fill desperate labor shortages. These Senators in the second group also (b) feel that the question of fraud in visas can be met by the thorough screening and double-screening procedures which have been devised. Thus far none of the 95,000 displaced-persons immigrants has had to be returned to Europe because of subversive affiliation.

Regardless of other differences, I feel that none of us can disagree on the fact that America has always provided a haven to the oppressed, the persecuted from abroad, whom we have always gladly welcomed to our shores, provided they would make good, worthy, loyal citizens.

WORK IN EIGHTIETH CONGRESS ON STOPGAP BILL

As my colleagues are aware, I personally voted to discharge the Judiciary Subcommittee on Immigration from further consideration of this House bill. Much as we dislike the idea of discharge or "withdrawal" procedure, it was obvious that unless we took this unusual step, no humanitarian changes could be made in the present statute this year.

Thus, we would be failing to keep a promise which we made in the Eightieth Congress. What was that promise? It was this: Congress would enact temporary, stop-gap legislation. Once we had the opportunity to see this legislation in action, we would, based upon our experiences, make all revisions that appeared necessary. That was the basis on which I personally voted for the original law—a law which was necessarily a compromise because of its somewhat unique nature and because of the wide range of opinions as to its merits.

It did not take too many months to observe that certain features which had been written into the law (primarily through the action after many months of study by the Immigration Subcommittee of the Senate Judiciary Committee) were proving unworkable and a needless administrative obstacle. Thus, the rigid percentage preferences to the effect that 30 percent of the visas would have to be issued to farmers and 40 percent would have to be issued to persons from annexed areas (Latvia, Lithuania, Estonia)—these provisions which had been enacted in good faith were clearly serving to handicap the operations of the law.

IT IS CUSTOMARY TO RELY ON COMMITTEE JUDGMENT

Those of us who had not served on the subcommittee and who necessarily felt we had to abide to a considerable extent with its expert judgment saw quite soon that the law was not fulfilling America's intentions. We all know that with Congress normally considering around 10,000 bills and with Senators swamped by countless responsibilities it is quite customary, of course, to place heavy reliance on the group of men who are most familiar with a given problem in subcommittee and full committee. But it is even more obligatory on us to rectify inadequate legislation as soon as we observe it to be inadequate—subcommittee or full committee judgment notwithstanding.

LAW WAS NOT ANTI-CATHOLIC

We all recall that certain unfortunate charges were made concerning the law and its sponsors. I can understand the deep feelings which prompted the charges, the deep hunger to bring in kinfolk from the horrors of Europe.

As we all recall, however, Msgr. Edward A. Swanstrom of the National Catholic Welfare Conference effectively scotched the charge that the original law was intended to be anti-Catholic. He proved that very considerable numbers of Catholics were entering our land under its provisions. Nevertheless, Monsignor Swanstrom clearly indicated that the stopgap law was definitely inadequate in many essentials.

In the 1948 campaign the law came to be a political football—kicked around loosely for partisan purposes—which was a most unfortunate development. This issue should always have been kept out of politics. Humanity and humanitarianism should not be twisted to political ends.

But this is all water over the dam now. The big issue, as I have always pointed out, is not—

(a) Partisan feelings.

(b) Personal feelings.

The big issue is America's Christian responsibility to the DP's and to herself.

MY CONFERENCES WITH DISPLACED PERSONS OFFICIALS

Early in 1949, in order to rectify the original legislation, I initiated a series of conferences with representatives of the leading religious and civic organizations concerned—with the Citizens' Committee on Displaced Persons and other able groups. On the basis of these conferences in which there was almost complete unanimity of opinion on the part of all the interested groups, in February I was happy to introduce amendments in the form of Senate bills 1315, 1316, and 1317. These amendments were to be tacked on to Senate bill 311, known as the McGrath-Neely bill. On March 2, I sent a prepared statement to the House Judiciary Committee, endorsing S. 311 in effect with amendments. This statement is printed beginning on page 24 of the hearings.

MY AMENDMENTS WOULD LIBERALIZE LAW

The sum and substance of my amendments would be to further liberalize the law to an even greater extent than the House bill, H. R. 4567. Both my amendments and the House bill were designed to bring the crucial "cut-off" eligibility date up from December 1945 to January 1, 1949, thus making eligible some 175,000 persons previously ineligible.

My amendments, however, would have authorized a total admission of 400,000 displaced persons, whereas the House bill authorizes 339,000 displaced persons and the original law authorizes 205,000 displaced persons. I feel that the larger number would enable the displaced-persons problem to be entirely settled once and for all, thus ending the financial expense of maintaining IRO camps.

MORTGAGING OF QUOTAS IS OBJECTIONABLE

In all of my statements this year I have pointed out that one of the objectionable features of the House bill is that it mortgages future quotas, as does the original law. This operates most unfairly against Poland and other lands with small immigration quotas, for it in effect ties up their limited quotas for decades to come.

With other features of the House bill I was in almost complete accord, e. g., liberalizing the definition of orphans, permitting entry of veterans of the heroic Polish Army, facilitating the entry of other anti-Communists, and so forth.

EXPELLEES OF GERMAN ORIGIN

We now turn to the vital expellee question. From the outset, I stated that I was deeply concerned over proper administration of that feature of the law dealing with stricken, destitute expelled persons of German ethnic origin. Recently, I wrote to the State Department once again regarding the very poor progress made thus far in admitting expellees. Under the original law, it will be recalled, half the German quota was reserved each year for 2 years for the expellees, amounting to 13,200 persons per year. However, up to September 21, 1949, an insignificant total of only 1,719 quota numbers had been allocated to the expellees and only a fraction of those folks have actually entered our country. In other words, the expellee provision has definitely not been working out the way Congress intended.

Previously on the Senate floor I have called the attention of the Senate to the miserable conditions facing the expellees. Recently the La Crosse (Wis.) Register reported the able words of Monsignor Swanstrom who had just returned from a tour of relief installations in Europe. Monsignor Swanstrom stated that Germany obviously could not absorb the 12,000,000 expellees who were driven into the Reich from Poland, Czechoslovakia, and Hungary after the war:

"With its welfare set-up weakened, all social life in a chaos, its housing already 40 percent destroyed or damaged, Germany accepted a flood of 12,000,000 men, women, and children. They were destitute, carrying with them hardly more than the clothes on their backs. * * * This group hangs like a dead weight to impede the recovery of all western Europe."

Obviously, we cannot in this country absorb more than a token number of these expellees. But I feel that it is up to us to improve the administration of the expellee provisions in the interest of humanity and justice.

In other words, without in any way detracting from or interfering with administration of the regular displaced persons law, we should meet the challenge of these millions of expellees who unlike the displaced persons are not protected in any way by the International Refugee Organization, but who are solely helped through the limited aid that can be furnished by German welfare agencies and foreign relief groups.

WISCONSIN SUPPORTS DISPLACED PERSONS LAW

I have previously commented in the Senate on the almost unanimous support which revisions in the displaced persons law have received in my own State of Wisconsin. I have placed in the CONGRESSIONAL RECORD the grass-roots reactions of innumerable Wisconsin groups. I could add literally hundreds of other messages.

Next week, as a matter of fact, it will be my pleasure to confer with the leaders in the varied groups in Wisconsin which have been working so valiantly on this issue. Already more than 1,500 displaced persons have found homes in Wisconsin, since the first group arrived, less than 6 months ago.

The governor of my State had wisely appointed a committee on resettlement of displaced persons which, under the able chairmanship of Prof. George W. Hill, of the University of Wisconsin, department of rural sociology, has been doing a magnificent job in battling all obstacles to satisfy the yearning in Wisconsin to bring in these folks. Time and time again, I have taken up with the Displaced Persons Commission appeals of the Governor's committee for more expeditious admission of displaced persons, particularly to the farm areas of my State which are desperately short of labor, especially during the harvest season.

The individuals invited to the meeting on October 21 at Madison represent a splendid cross-section of Wisconsin and American opinion, a roster of outstanding civic-minded organizations, all of which support changes in the displaced persons law. Let me name but a few of them:

The National Catholic Welfare Conference.

The National Lutheran Council.

The American Polish Committee.

United Service for New Americans.

Church World Service.

The American Friends Service Committee, and so forth.

To that list could be added the League of Women Voters, and many other fine organizations. Last, but far from least, the overall organization which has been coordinating the effort—the Citizens Committee on Displaced Persons.

THE CITIZENS' COMMITTEE CAMPAIGN

Throughout the Nation the Citizens' Committee has spent some $900,000 on promoting DP legislation in the 3 years in which this issue has existed. Civic-minded Catholics, Protestants, and Jews have selflessly contributed funds to this cause and to their respective relief groups. That is their right—the right of free American citizens to fulfill the creed of their conscience. Let me point out, Mr. President, that almost all of the $900,000 collected has been used for purely educational purposes—bringing the facts to the American people. Around $150,000 has, according to open reports filed with the Senate and House, been used frankly for lobbying purposes. Lobbying, too, is an American right and privilege. The Citizens' Committee has nothing to hide. It has fulfilled the law. It has worked largely through volunteer services in Wisconsin and elsewhere for this humanitarian objective.

The United States Chamber of Commerce, the CIO, the A. F. of L. have all fought for the same goal. I have in my hands a statement by the Honorable Paul Griffith, former commander of the American Legion, now Assistant to the Secretary of Defense, who visited the DP camps and who joins with other leading Americans in backing necessary revisions to the present statute.

MESSAGE FROM A WISCONSIN PASTOR

Now, how does grass-roots America feel about this problem today?

I should like to read from one message which I received just last week from my State. This comes from a Lutheran pastor in a small community, who stated:

"Our congregation * * * sponsored a DP family of Latvians, who have been in our community since July 19 of this year. In these few months, they have made a very favorable impression upon all of us. We thought that you should know this, and we also felt it our duty to tell you. We have confidence in your ability to represent us.

"They settled in a house here. The house has been completely furnished. The mother has a new electric sewing machine and all the necessary equipment to follow her trade. She has a very tidy sum in the bank. Thanks to the community. But behind the action of the folks of the town is this fine, deserving family. The boys have made and will keep many friends. The same goes for the mother.

"Do you know, Mr. Senator, of any better place for 134,000 such people to be living than here in America? Do you know of any better way of our Congress telling the downtrodden peoples of the world that America is not only a haven for them but they can continue to look to her for light in their darkness?

"I believe you can be sure that the churches will continue to rejoice over this opportunity. Those 205,000 didn't all come over, but it is a slow job. These people have had to prove themselves first. If you, our Congressmen, will give us a little more time, we can place all 134,000 still looking to us for home and opportunity."

CONCLUSION

Now I conclude as I began. There are sincere and honest differences of opinion on this issue. In taking my stand for changes in the law, I have been not only thinking of these displaced persons and expellees but basically I have been thinking of the needs and desires of our own beloved land. These displaced persons, if they are thoroughly screened, can be a tremendous asset to America. Our admission of them can provide a magnificent model for the rest of the world. I hope, therefore, that we will promptly enact these necessary changes in the present statute.

I ask unanimous consent that there be printed following my statement a list of some of the outstanding Wisconsinites who have comprised the officers and membership of the Citizens' Committee on Displaced Persons and following that a list of the governors and groups which have endorsed this bill.

WISCONSIN CITIZENS COMMITTEE ON DISPLACED PERSONS

MILWAUKEE

Honorary chairman: Former Mayor John L. Bohn, city hall, Milwaukee.

Chairman: Dr. Martin Klotsche, president, State Teachers College, 3203 North Nowner Avenue.

Vice chairman: Dean Francis X. Swietlik, Marquette Law School.

Member: Charles Zadok, Gimbel Bros., Milwaukee.

Executive board members: Thad Wasielewski, former Congressman; Miss Margaret Conway, president, Milwaukee School Board; Judge Roland J. Steinle; Mrs. Erma Romanik.

NEENAH

Chairman: J. F. Gillingham, president, National Manufacturers Bank.

Member: S. F. Shattuck, Wisconsin businessman and president of Wisconsin Council of Churches.

OSHKOSH

Chairman: Harold Nichols.

Members: J. B. Cudlip, chamber of commerce; Simon Horowitz, Oshkosh National Bank.

PORT WASHINGTON

Honorary chairman: Mayor Charles Larson.

Chairman: Rev. Carlus Basinger, First Congregational Church.

Members: Rev. Father Peter Hildebrand, St. Marys rectory; Emil Biever, chamber of commerce; Douglas Bostwick, Wisconsin Chair Co., Port Washington, Wis.; Harold W. Hughes, Port Washington American Legion; Oscar Roshoff, Badger Raincoat Co.

SHEBOYGAN

Chairman: Attorney James J. Dillman.

Members: Mr. and Mrs. Lamont Richardson; Simon Deutsch, president, Electric Sprayitt Co.; Mr. Harold Shadd, insurance executive; Antone Steightz, Security National Bank; George Currie, Republican State Committee; Mrs. Herbert Kohler, wife of head of Kohler Co.

STEVENS POINT

Chairman: William C. Hanson, president, Central State Teachers College, Stevens Point, Wis..

Members: V. J. Bukolt, president, Lullaby Furniture Corp., Stevens Point; L. D. Culver, county superintendent of schools; Mayor B. W. Bagneau; Carl Rosholt, banker, Rosholt, Wis.; L. W. Shnitter, president, chamber of commerce.

WEST BEND

Chairman: Lester Shutt, president, West Bend Chamber of Commerce.

Members: Judge F. W. Bucklin; Robert Rolfs, president, Amity Leather Co.

BELOIT

Member: Ivan Stone, Beloit College.

EDGERTON

Mrs. Melvin Brehaug.

MARINETTE

Members: Harvey G. Higley, Judge Arnold Murphy.

APPLETON

Carl Bertram, superintendent, Appleton Vocational School, chairman.

Mrs. Abraham Sigman, president, League of Women Voters, vice chairman.

Mrs. Herbert Spiegel, League of Women Voters, executive secretary.

Members: John P. Mann, superintendent of schools; Mrs. Charles Hervey, president, Appleton Women's Club; Rev. Dascombe Forbush, First Congregational Church; Judge Gerald Jolin; Miss Keziah Manifold, president, Appleton Business and Professional Women's Club; Attorney Thomas Ryan, American Legion Head, and Army officer of World War II; State Senator Gordon A. Bubolz.

CALUMET COUNTY CITIZENS COMMITTEE

Chairman, William J. McHale, publisher, Chilton Times Journal, Chilton, Wis.

Members: Judge George M. Goggins; James Pieper, publisher, Shoppers News.

GREEN BAY

Chairman: George Burridge, president, Green Bay Chamber of Commerce.

Members: Dominic Olejniczak, mayor; Henry Caters, chairman, county board; John Torinus, Green Bay Press Gazette; August Voelker, mayor of De Pere; Charles Lawton, president, De Pere Rotary Club; Peter Chuiminatto, president, Kiwanis Club; Mrs. Martha Hollenbeck, president, Wisconsin Federation of Business and Professional Women's Club.

JAMESVILLE

Chairman: Ellis Jensen, president, Jamesville Sand & Gravel Co.

Members: Henry Traxler, city manager; Mrs. Harry C. Fox, prominent clubwoman; Walter Benning, well-known civic leader.

MADISON

Chairman: William H. Spohn, attorney and Republican county chairman.

Executive secretary: Mrs. William G. Rice, leading clubwoman.

Members: Mrs. A. T. Breyer, president, League of Women Voters; W. T. Evjue, editor, Madison Capital Times; Rodney Fusch, president, Junior Chamber of Commerce; Mrs. W. A. Hastings, past national president, Parents and Teachers Association of America; F. H. Karge, acting city manager, former mayor; James R. Law, city councilman; Peter C. Lynaugh; Roy L. Matson, editor, State Journal; Milo Swanton, secretary, Wisconsin Council of Agriculture; Mr. B. J. Arne Romnes, executive secretary, Wisconsin Welfare Council.

MANITOWOC

Mayor Herbert Schipper, cochairman, Manitowoc Citizens Committee.

MARSHFIELD

Chairman: William Uthmier, executive secretary, Marshfield Chamber of Commerce.

Members: Mrs. Robert W. Nesbet, Marshfield school board; Mr. James Seubert, Marshfield Veterans of Foreign Wars.

LAKE MILLS

Chairman: Herman A. Schmidt, State's Attorney, chairman, Lake Mills committee.

Members: Ralph Sewa.d, president, Lions Club of Lake Mills; Florence Neff, clubwoman, Lake Mills.

BELOIT

Dean Gustav E. Johnson, chairman, Beloit Citizens Committee, dean, Beloit College.

ORGANIZATIONS AND OFFICIALS SUPPORTING IMMEDIATE ENACTMENT OF H. R. 4567

The governors of 23 States and representative organizations from all walks of life in America and from all parts of the country are urging enactment of H. R. 4567 this session.

GOVERNORS

Alabama, James Fulton; Arkansas, Sidney McMath; Colorado, William Lee Knous; Illinois, A. E. Stevenson; Indiana, Henry Schricker; Kansas, Frank Carlson; Kentucky, Earl Clements; Louisiana, Earl K. Long; Maryland, William Preston Lane, Jr.; Michigan, Gene Mennen Williams; Minnesota, Luther W. Youngdahl; Montana, John W. Bonner; New Jersey, Alfred E. Driscoll; New York, Thomas E. Dewey; North Carolina, William Kerr Scott; Ohio, Frank J. Lausche; Oklahoma, Roy J. Turner; Oregon, Douglas McKay; Pennsylvania, James H. Duff; Rhode Island, John O. Tastore; Vermont, Ernest W. Gibson; Washington, Arthur B. Langlie; West Virginia, Okey L. Patteson.

The Governors of the following 28 States have appointed official State commissions or committees for the resettlement of displaced persons: California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Maryland, Minnesota, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, Wisconsin, Wyoming.

Pending, according to notification from Governor: Arkansas and Louisiana.

ORGANIZATIONS

The following is a partial list:

Labor organizations: American Federation of Labor; Congress of Industrial Organizations; Amalgamated Clothing Workers of America, CIO; Brotherhood of Railway Clerks, A. F. of L.; International Longshoremen Association, A. F. of L.; International Printing Pressmen and Assistants Union of North America, A. F. of L.; National Maritime Union of America, CIO; National Women's Trade Union League.

Farm organizations: National Grange, American Farm Bureau Federation.

Chamber of Commerce: United States Chamber of Commerce.

Religious organizations: American Friends Service Committee, American Unitarian Association, Congregational Christian Churches Council for Social Action, Disciples of Christ International Convention, Federal Council of Churches of Christ in America, Friends Committee on National Legislation, Home Missions Council of North America, Knights of Columbus, Mennonite Central Committee, National Catholic Rural Life Conference, National Catholic Welfare Conference, National Lutheran Council, Northern Baptist Convention, Presbyterian Church of the United States of America, Presbyterian Church in the United States, Protestant Episcopal Church General Convention, Southern Baptist Convention, Synagogue Council of America, Unitarian Service Committee, World Alliance for International Friendship Through Churches, YMCA International Board.

Women's organizations: American Association of University Women, Catholic Daughters of America, Hadassah, League of Women Voters, National Council of Catholic Women, National Council of Jewish Women, National Federation of Business and Professional Women's Clubs, National Federation of Congregational Christian Women, United Council of Church Women, Women's American ORT, Women's Auxiliary of the Protestant Episcopal Church, Women's Division of the Methodist Church, Women's International League for Peace and Freedom (United States section), YWCA National Board.

Other organizations: American Federation of International Institutes, National Congress of Parents and Teachers Board of Managers, National Social Welfare Assembly: International Committee, Polish American Congress.

MALMEDY MASSACRE INVESTIGATION

Mr. BALDWIN. Mr. President——

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. BALDWIN. I yield.

Mr. WHERRY. My understanding is that the distinguished Senator from Connecticut wishes to preserve the continuity of his statement in the RECORD, and prefers to have any questions postponed until he has completed his statement.

Mr. BALDWIN. The Senator is correct. I shall be glad to answer any questions any Senator may desire to propound, and to remain here as long as necessary to do it. However, in the interest of continuity of my remarks in

the RECORD, I respectfully ask that questions be withheld until I complete my opening statement.

SCOPE OF INVESTIGATION

On March 29, 1949, a subcommittee of the Senate Armed Services Committee, consisting of the Senator from Tennessee [Mr. KEFAUVER], the Senator from Wyoming [Mr. HUNT], and the junior Senator from Connecticut was appointed to consider Senate Resolution 42. This resolution was introduced for the purpose of securing consideration of certain charges which had been made concerning the conduct of the prosecution in the Malmedy atrocity case, and to effectuate a thorough study of the court procedures and post trial reviews of the case. It must be clearly understood that the function of this subcommittee is a legislative one only. It is not the function of this subcommittee, therefore, to retry the cases, to act as a board of appeals or reviewing authority, or to make any recommendations concerning the sentences. The subcommittee has, however, found it necessary to fully review the investigative and trial procedure in order to make its recommendations.

Yesterday the subcommittee submitted its full report in writing to the full Armed Services Committee of the Senate, and I understand that that committee has unanimously adopted the report. In my remarks it is my purpose to read from that report, because the report is, in turn, the unanimous report of the subcommittee itself. So I prefer to have the language with reference to some of the matters discussed here the language of the report rather than the language of the junior Senator from Connecticut alone.

The investigation automatically divided itself into specific phases; the first dealing with the charges of physical mistreatment and duress on the part of the War Crimes Investigation personnel, and the second covering those matters of law and legal procedure which should be examined in an effort to determine their propriety and the degree to which they might be improved to meet future requirements. We all pray that there will be no future requirements of this kind, but we live in a troubled, disturbed, and uncertain world.

As the investigation proceeded, a third phase evolved which has caused considerable concern and which deals with the motivation behind that current efforts to discredit American military government in general, and using the war crimes procedures in particular, as a part of that plan.

During the conduct of the investigations, the subcommittee and its staff held hearings extending over a period of several months. We began in April, as a matter of fact. We examined 108 witnesses, and independently, as well as through other agencies of the Government, conducted careful investigations into certain of the matters germane to the subject. It should be pointed out that witnesses representing every phase of this problem were heard, including persons who were imprisoned at Schwabisch Hall, which was the prison where the German SS troopers were taken for investigation, and their attorneys, members of the investigating team, members of the court who tried the cases, the reviewing officers who reviewed the record of trial—and there were several reviews, religious leaders, members of the administrative staff at the prison, and other interested parties. Every witness who was suggested to the subcommittee, or whom it discovered through its own efforts, was heard and was carefully examined by the members of the subcommittee, other interested Senators, and the subcommittee staff. All affidavits submitted to the committee have been translated and studied. It is felt, Mr. President, that the record is complete and adequate to support the findings and conclusions in this respect. As a matter of fact, the record may be 3,500 pages long, when fully printed.

An important part of the investigation was the conducting of a complete physical examination of many of those persons who claimed physical mistreatment, some of whom alleged they received permanent injuries of a nature capable of accurate determination at that time. As a matter of fact, physical examinations were conducted of all those who claimed mistreatment, who were still imprisoned at Landsberg prison; and as I recall, the number was 54. These examinations were conducted by a staff of outstanding doctors and dentists from the Public Health Service of the United States, who went to Landsberg, and spent from 10 days to 2 weeks there, doing this job, we submit, very thoroughly.

Advice and assistance were also requested from the American Bar Association and other groups with particular knowledge in the field of law and military courts and commissions.

WHAT WERE THE MALMEDY ATROCITIES?

In the minds of a great many persons, the Malmedy atrocities are limited to those connected with the Malmedy crossroads incident, which, in fact, is only a part of the basis of the charges preferred against the German SS troopers in this particular case. The atrocities with which the accused in the Malmedy case were charged were part of a series committed at several localities in Belgium, starting on December 16, 1944, the beginning of the Battle of the Bulge, and lasting until approximately January 13, 1945, when the German drive was stopped. They occurred, as I have said, during the so-called Battle of the Bulge, and were committed by the organization known as Combat Group Peiper, which was essentially the First SS Panzer Regiment, commanded by Col. Joachim Peiper. All the members of this combat team, and particularly those involved in the Malmedy trial, were members of the Waffen SS organization. The regiment had had a long and notorious military record on both the western and eastern fronts. On the eastern front, one of the battalions of the Combat Group Peiper, while commanded by Peiper, earned the nickname of Blow Torch Battalion, after burning two villages and killing all the inhabitants thereof. Peiper had at one time been an adjutant to Heinrich Himmler. The prisoners under investigation were for the most part hardened veterans. Let me say here that that is no reason why they should not receive justice, and the committee was well aware of that fact. We felt that regardless of the atrocities, regardless of who these men were in the eyes of the world, we wished to see to it that they received justice before an American military court.

Basically, the atrocities which were committed at 12 places throughout Belgium consisted, according to accounts of different witnesses, all of whom were in general agreement, of the killing of approximately 350 unarmed American prisoners of war, after they had surrendered, and 100 Belgian civilians. It was one of the few cases, Mr. President, where substantial numbers of Americans were murdered en masse. The location and approximate number of persons murdered at these various points are contained in the following table:

	Prisoners of war	Civilians
Honsfeld, Dec. 17, 1944	19	
Bullingen, Dec. 17, 1944	50	1
Crossroads, Dec. 17, 1944	86	
Lignenville, Dec. 17, 1944	58	
Stavelot, Dec. 18–21, 1944	8	93
Cheneux, Dec. 17–18, 1944	31	
La Gleize, Dec. 18, 1944	45	
Stoumont, Dec. 19, 1944	44	1
Wanne, Dec. 20–21, 1944		5
Lutrebois, Dec. 31, 1944		1
Trois Ponts, Dec. 18–20, 1944	11	10
Petit Thier, Jan. 10–13, 1945	1	

DEVELOPMENT OF PRETRIAL INVESTIGATION

Concurrently with the defeat of the Germans in the so-called Battle of the Bulge, investigations were started concerning the massacre of American prisoners of war. The news of that massacre, as all of us remember, shocked the sensibilities of all America and of all the world, too. This preliminary work resulted in a determination that the Malmedy massacre had in all probability been perpetrated by personnel of the Combat Team Peiper, who were scattered throughout prison camps, hospitals, and labor detachments in Germany, Austria, and the liberated countries; and some of them even were prisoners of war in the United States. Conditions in the prison camps, however, were such that after interrogation, those interrogated were able to rejoin their comrades in the compound; and all soon knew exactly what information the investigators desired. A large group of the prisoners were confined at Zuffenhousen at one time, and that situation became clear in connection with the evidence taken there. It became clear that the suspects could not be properly interrogated until facilities which would prevent them from communicating with each other before and during and after interrogation were made available. According to the evidence submitted to the committee, it was during this period that it became known that prior to the beginning of the Ardennes offensive, the SS troops were sworn to secrecy regarding any orders they had received concerning the conduct of the drive and the killing of prisoners of war. In accordance with the plan for further investigation of this case, all the members of the Combat Team

Peiper were transferred to the internment camp at Zuffenhausen. They were initially there housed in a single barracks, where it was still impossible to maintain any security of communication between the accused. During this time it was learned that Colonel Peiper had given instructions to blame the Malmedy massacre on a Major Poetchke, who had been killed in Austria during the last days of the war. These orders were carefully followed by those under investigation. Accordingly, further steps were deemed to be necessary; and those prisoners who were still suspects were evacuated to an interrogation center at Schwabisch Hall, where they were housed in an up-to-date German prison, but where during investigation they were kept in cells by themselves. Initially, Mr. President, over 400 of these prisoners were evacuated to Schwabisch Hall; and from time to time others were transferred to the prison, up to and including the latter part of March 1946. It was during this period of interrogation at Schwabisch Hall that the alleged mistreatment of prisoners took place.

FINDINGS AND CONCLUSIONS

For the purposes of this report, the matters under discussion are separated according to the three phases of the investigation set out above, i. e.: First, matters of duress which occurred during the pretrial investigation; second, trial and review procedures; and third, the manner in which current situation has developed and been agitated.

First, I wish to talk about the matters of duress during pretrial investigation.

During 1948 and 1949, charges which were made caused considerable publicity concerning the treatment of these SS prisoners at Schwabisch Hall. The prisoners were confined at Schwabisch Hall from December 1945 to April 1946, and the pretrial investigations occurred then. In April 1946, the pretrial investigations having been completed, the prisoners were removed to Dauchau. There, their trial began on May 16, and continued until July 16.

Shortly after the defense counsel began to work on the case at Dachau, they prepared a questionnaire for distribution to the accused; it contained, among other things, questions concerning any physical abuses or duress. The subcommittee made every effort to secure the original of these executed questionnaires, but apparently they were destroyed when the case was over. In other words, one of the first things the defense counsel did was to submit that questionnaire to all the prisoners. It included a list of questions which the prisoners were asked to answer. One of the questions dealt with the matter of physical treatment or mistreatment or duress. The committee felt it very unfortunate that we did not have those questionnaires. As a result of information furnished on those questionnaires and as a result of statements that had been made concerning duress, the defense counsel before trial, through their chief counsel, Col. Willis M. Everett, reported the matter to the Third Army judge advocate in charge of war crimes. Colonel Everett later conferred with the deputy theater judge advocate general for war crimes, who ordered an investigation to be conducted at once by Lt. Col. Edwin J. Carpenter, who testified before our subcommittee. During that investigation, which was completed before the trial, between 20 and 30 of the accused who made the most serious charges of duress were examined by Colonel Carpenter and his assistant, with the proper interpreters. According to Colonel Carpenter's testimony before the subcommittee, which was confirmed by independent testimony given by the interpreter used by him, at that time only four of that group stated that anyone had abused them physically.

Mind you, Mr. President, there were 74 of them at Dachau who were to stand trial, and only 4 of those complained at that time of physical abuse, according to the questionnaires. These 4 did not claim physical abuse in connection with securing confessions, but rather punchings and pushings by guards while being moved from one cell to another. However, during his investigation, considerable emphasis was placed on the use of so-called mock trials—which the report will discuss later—solitary confinement, and mention was made of the use of hoods, and insults. The investigating officer in this case, Colonel Carpenter, and the deputy theater judge advocate for war crimes, Col. Claude B. Mickelwaite, to whom these charges were made, stated to the subcommittee that they felt the seriousness of the matters reported by the defense counsel were not clearly established and therefore were not of particular import, but that the use of some of the tricks, and in particular the mock trials, had been established, and should be explained to the court at the start of the trial, so that it could weigh evidence introduced in the light of the accusations made by the accused with reference to the use of mock trials, tricks, and so forth. That was done.

At the time of the trial 9 of the 74 accused took the stand in their own behalf. Of this number, three alleged physical mistreatment. The court was thereby placed on notice of the charges of physical mistreatment made by those who took the stand in their own behalf, and apparently did not feel that it was of such importance as to require any further investigation or study. Some 16 months after conviction, practically every one of the accused began to submit affidavits repudiating their former confessions and alleging aggravated duress of all types. I may say the word "confession" has been used in this report, and in my remarks concerning it, to describe the documents secured from the prisoners. These were in fact, in large part, statements which described plans, dates, and events in which the signer took part or witnessed the acts and conduct of other accused persons. The affidavits were secured by German attorneys, particularly Dr. Eugen Leer, a defense counsel at the trial, who is the most active attorney in the case at the present time. The affidavits were later used by Col. W. M. Everett in his petition to the Supreme Court for a writ of habeus corpus in this case. In addition, affidavits to such matters were, in a few cases, submitted by others who were at Schwabisch Hall, but who were not defendants in the case. Many of the affidavits were so lurid in their claims as to shock even the most calloused reader. The subcommittee accordingly has gone to great lengths to attempt to establish the facts as they pertain to these matters.

Before proceeding with an item-by-item discussion of the types of duress alleged by various persons, it is necessary to describe in some detail the prison at Schwabisch Hall and its method of operation. The prison is located in the heart of a thriving and prosperous city of approximately 25,000 population. This prison, as your committee saw it and looked it over very carefully, is a fairly modern, up-to-date prison for civil prisoners. Since it is located at the foot of a hill, it is possible for persons living next to the prison, on the higher ground, to look down into the prison yard, and on quiet nights to hear sounds from within the prison enclosure.

The prison was taken over by the United States authorities primarily for use as an internment center for political prisoners. However, when it was decided to concentrate the Malmedy suspects at this point, a portion of the prison was set aside for the housing and interrogation of the men. They were separated completely from the political prisoners, with the exception of a few of the internees who performed routine prison duties. These few, from what they saw there, gained some knowledge of the handling of the Malmedy suspects, but were forbidden to speak to them.

The administration of Schwabisch Hall prison was under the control of the Seventh Army, and there was a detachment stationed at the prison for the purpose. The group was headed by a Capt. John T. Evans, who testified before the subcommittee and who described in detail the normal prison administration. His organization was responsible for the housing, guarding, feeding, clothing, medical care, well-being, and all other matters pertaining to the prisoners. The men who conducted the interrogation, however, were members of a war-crime investigating team sent to the prison from the War Crimes Branch, through Third Army headquarters. The investigating team had no responsibility other than to prepare the case for trial, and had no control over the administrative functions of the prison.

There was a considerable difference in the manner in which the Malmedy suspects and the political prisoners were handled. The medical care of the Malmedy prisoners was charged to an American medical detachment stationed at the prison, with necessary hospitalization being handled in nearby United States Army hospitals. According to the testimony given the subcommittee, all such medical matters were handled by American medical personnel, and only a few of the dental cases were treated by a German civilian dentist, who came into the prison periodically for the purpose of treating the internees. As to the manner of providing dental care, there is considerable variance in the testimony introduced before the subcommittee, and it will be discussed in detail later in

this report. The internees were cared for by German medical personnel who were interned in the prison or who were brought in from the outside.

The interrogation team, consisting of approximately 12 members, set up offices in one wing of the prison. They were primarily on the second floor, and in this same wing there were cells used for interrogation as well as for the administrative activities of the team. In addition there were five cells which in design and construction were different from the normal cells found throughout the prison. The subcommittee checked many of the prison cells. We spent considerable time going over the prison. The normal cells, without exception, were well lighted, adequate in size for two or more occupants, had flush toilets, and were on a central heating plan with radiators which apparently were working during the time the prison was occupied by the Malmedy suspects. The cells were of solid construction, with a solid door containing a small peephole through which the occupant could be seen and heard. A loud conversation or voice within a cell could be heard by occupants of other cells, and, of course, if a call came through the windows it could be heard pretty generally throughout the prison because the prison is not a particularly large one. The five cells referred to, which were located immediately adjacent to the cells used for interrogation, differed in that they had smaller windows, which were higher in the room and therefore did not give so much light. The cells were adequate, as far as size was concerned, for one or two occupants. They all had flush toilets. However, there was an interior iron grill immediately inside the main door which separated the prisoner from the door itself. Food could be, and according to testimony before the subcommittee, was passed to the prisoners through an aperture in the steel grille at the lower part of the grille, on the right-hand side as the cells were entered. It was in these five cells that prisoners were retained during certain phases of their interrogation. The cells have been labeled by various persons as death cells, dark cells, and solitary-confinement cells. From the standpoint of physical confinement, there is no evidence before the subcommittee to indicate that the cells were any worse than are to be found in any normal prison. However, there is much conflicting testimony as to their use. Members of the interrogation team, testifying before the subcommittee, stated that no one was confined in the cells for longer than 2 or 3 days at a time, during which they received normal treatment and rations. Other statements have been made to the effect that prisoners were kept in the special cells for weeks on end, and, some alleged, without food. Others said they were fed, but remained in the prison for long periods. In that connection, it should be pointed out that there are only five such cells, and that several hundred suspects were screened during a period of 4 months, and passed through the cells, presumably.

The bulk of the Malmedy suspects were housed in a cell block in a wing of the prison which was separated from the interrogation cells by a courtyard. Immediately adjacent to the wing, in which most of the Malmedy prisoners were housed, was a separate building which contained, on the second floor, a hospital dispensary used mainly for the political internees.

Mr. McCARTHY. Mr. President, will the Senator yield so that I may ask him for some information on this particular point?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. BALDWIN. I prefer not to yield, but I will yield at this time.

Mr. McCARTHY. I should like to ask the Senator this question: Without naming the men who were interrogators, we were told that prisoners were kept in what was called close confinement, and it was described as single confinement in a single cell. I am wondering what facilities there were for that purpose. An interrogator said they were all kept in close confinement until they signed their confessions, which would mean that it would take 75 or 80 solitary confinement cells. The prison contained only four or five such cells, according to the Senator. I wonder if the Senator will let us know where they were located, if he knows?

Mr. BALDWIN. There were some cells in connection with the administrative quarters maintained by the investigating team, but the main bulk of the prisoners were confined in a large cell block in which there is a great number of cells. I do not recall how many, but a very large number. That cell block was, I think, four stories high. It was a typical cell block. I should say it would hold more than 200 prisoners.

Mr. McCARTHY. Were there sufficient facilities to keep 75 or 80 men in solitary confinement?

Mr. BALDWIN. Yes; there were. Colonel Chambers reminds me that there were facilities for more than 500 prisoners in solitary confinement.

The ground floor contained the prison kitchen. Up until the time individuals under interrogation for the Malmedy crimes had completed their interrogation, they were moved through this courtyard and between other points with a black hood over their heads in order to insure security insofar as their knowing who else was under interrogation was concerned.

Mr. President, I desire now to discuss the mock trials—the report discusses them—because they constitute one of the major complaints made regarding the conduct of the interrogation.

The subcommittee found that, in not more than 12 cases of the several hundred suspects interrogated by the war crimes investigation team, mock trials were used in an effort to elicit confessions and to soften the suspects up for further interrogation. The evidence given concerning these trials is extremely conflicting, even among the persons who alleged they were subject to a mock trial. There is no question that mock trials were used. The members of the prosecution staff stated that the results obtained were very unsatisfactory and that they used this procedure, which they called the schnell procedure, on only the less intelligent and more impressionable suspects.

The subcommittee believes the general facts about the trials to be undisputed. There was a table within a room, which was covered with a black cloth and on which was a crucifix and two lighted candles. Behind this table would be placed two or three members of the war crimes investigation team, who, in the minds of the suspects, would be viewed as judges of the court. It was so intended. A prisoner would be brought in with his hood on, which was removed after he entered the room. Two members of the prosecution team, usually German-speaking members, would then begin to harangue the prisoner, one approaching the matter as though he were the prosecutor or hostile interrogator, and the other from the angle of a defense attorney or friendly interrogator. The subcommittee could find no evidence to support the position that the suspect was told, specifically in so many words, that anyone was his defense attorney. However, there is no question that the suspect quite logically believed that one of these persons was on his side, and may well have assumed that he was his defense counsel. The subcommittee does not believe that these mock trials were ever carried through to where a sentence was pronounced, nor was any evidence found of any physical brutality in connection with the mock trials themselves. In fact, one witness who was attacking the war crimes investigation team procedures testified that there was no brutality in connection with a mock trial at which he had served as a reporter. When these mock trials had reached a certain point they would be disbanded and the prisoner taken back to his cell, after which the person who had posed as his friend would attempt to persuade the suspect to give a statement.

The subcommittee feels that the use of the mock trials was a grave mistake. The fact that they were used has been exploited to such a degree by various persons that American authorities have unquestionably leaned over backward in reviewing any cases affected by mock trials. As a result, it appears that many sentences have been commuted that otherwise might not have been changed. It is interesting to note why such a procedure was started. Lieutenant Perl, one of the interrogaters, stated that the so-called mock trials were his suggestion, and had been patterned after German criminal procedure with which the suspects were familiar. Since he was a natural-born Austrian, and a continental lawyer, the procedures seemed proper to him. Because of the great attention paid to the mock trials by the Simpson Commission, and because Judge Van Roden publicized them so thoroughly, the subcommittee has made a comprehensive study of the pretrial procedure prevalent on the continent. The full report on this subject is a part of the subcommittee records.

It is a fact that in France, Germany, and Austria there is an established pretrial examination procedure in which an examining judge hears evidence from any and all persons concerned. Gener-

ally speaking, this procedure is only used in the most important criminal cases. During this pretrial investigation the evidence that is secured may be of the most circumstantial nature, but it is later admissible at the real trial for such probative value as the court desires to place upon it.

I may say here that such a procedure as that which was conducted is entirely foreign to American jurisprudence but it certainly was not foreign to trial procedure and jurisprudence on the continent.

The subcommittee is fully of the opinion that this was the basis for the use of the so-called mock trials, even though they differed in the window dressing and stage effects that the interrogation team used for their own purposes.

With reference to solitary confinement, the subcommittee feels that there is no doubt that many of the suspects in the Malmedy case were kept in separate cells for extended periods of time, but has no criticism or complaint of this normal practice. This is because it was necessary to keep the suspects separated until interrogation was completed. The preponderance of evidence showed beyond a reasonable doubt that such confinement was under the most favorable conditions the circumstances permitted, and that during this time the men were fed, were warm, and suffered no more inconvenience than one would normally expect to find in an ordinary civilian prison in the United States.

The next topic is short rations and bread and water. A claim was made that the prisoners did not receive water. There was very substantial testimony from different sources that they did receive water. A claim was made that prisoners were put on a diet of bread and water. At one time they were fed bread and water, but it was stated that the reason why they were put on bread and water was because of the fact that they had attempted to communicate with one another by marking their mess kits, the dishes which they used. There was a disputed claim as to whether the prisoners were put on bread and water until they could clean up the dishes and take the markings off, or whether it was done as a matter of pressure. In any event, it lasted a comparatively short time, and we discuss it very fully in our report.

The subcommittee is convinced that, with the exception of one occasion, the suspects in the Malmedy matter were fed three adequate meals a day. Some of the persons who were interrogated at Schwabisch Hall testified before the subcommittee, and on other occasions, that the food supply was adequate, which corroborates completely the statements of the administrative staff of the prison, including the American medical personnel, who were categoric in stating that the prisoners were well fed. The one exception was in late December 1945, during a period of time, which varies according to the testimony, from four meals, according to the American medical personnel, to 4 days, according to some of the suspects in the case, during which all the Malmedy suspects were placed on bread and water. It is an established fact that it was punishment placed on the group because of the efforts of some of the prisoners to communicate with others by marking the bottoms of their mess kits. It was also testified that it required some time to eradicate the markings from these utensils before they were put in use again. The American medical officer in charge stated that when he learned that they were on a bread and water diet, he went to the prison commander and the chief of the war crimes investigation team and told them that he would not permit bread and water punishment to be given unless properly reported. Accordingly it was stopped. The subcommittee was unable to ascertain accurately as to how many regular meals the prisoners missed. Varying testimony ranged from four meals to 4 days. However, the prisoners received adequate bread and water during this period which punishment is both legal and sometimes used within our own Navy and Marine Corps. Other than this, there appears to be no evidence that the prisoners were either starved or placed on short rations, and certainly it should not have affected the securing of evidence by the war crimes investigating team.

FAILURE TO SUPPLY DRINKING WATER

A quite frequent allegation made by the suspects was that they received no drinking water during the entire period of their incarceration, and were forced to drink from the toilets in their cells. The subcommittee does not feel that there is any foundation for this charge, or competent evidence to support it. This conclusion is arrived at first because of the direct testimony to the contrary by members of the American administrative staff, including the guards, the doctors, medical personnel, and the members of the war crimes investigating team. This evidence taken by itself might not be conclusive, but several of the suspects who were interrogated by the subcommittee testified that they received regular food, a change of underwear once a week, shaving equipment, and washing water every morning, but no drinking water. On cross-examination those who alleged they received no water gave conflicting answers, and admitted they received other liquids with their meals. One, who claimed he never received drinking water during his entire stay at Schwabisch Hall, had previously testified he had been on bread and water for 4 days. There was competent testimony that one of the duties of the guards was to bring water when called for by the prisoners, and not one was denied water when he asked for it. The subcommittee does not feel that such charges can be supported, because it is difficult to believe that a group of people who were admittedly supplying all of the necessities of life to the suspects would deliberately deprive them of drinking water.

USE OF HOODS

It is an undisputed fact that hoods were placed over the heads of the suspects when they were moved from their various cells and back and forth around the prison. Some few isolated charges have been made that the hoods were bloody and dirty. The subcommittee accepts without question the fact that the hoods were used, but in view of the previous difficulties incurred in this case when no security was used, and the necessity of keeping from one prisoner the knowledge of other suspects who also were being questioned, the subcommittee does not condemn the use of hoods. Members of the prison administrative staff, testifying before our subcommittee, stated that they personally had inspected the hoods; that they were not dirty, and they had never seen any evidence of blood on any of the hoods. However, the subcommittee recognized that it would be possible for hoods used for such purposes to become dirty, or, in the event of an accident, or through deliberate action of an individual, for them to have become bloody, without the responsible persons knowing of it. However, the weight of evidence shows to the contrary, and the subcommittee feels that the particular charge of hoods being bloody is unproven.

I might say that this report of the subcommittee will be supplied with footnotes so that the statements in the report will refer to places in the RECORD where there is ample testimony to support the statements made.

BEATINGS, KICKINGS, TORTURE, AND OTHER PHYSICAL BRUTALITY

Many of the accused in the Malmedy trial, as well as the so-called eye witnesses, have testified that they were beaten severely and sadistically, not only by guards moving them around the prison, but by the staff of the war crimes investigating team, for the purpose of securing confessions. By constant repetition, and the multiplicity of these charges, they have been accepted by some persons as fact. They have been published repeatedly in various forms. In attempting to arrive at the facts in this case, the subcommittee first of all studied the affidavits prepared by the accused some 16 months after conviction, in which the accused claimed beatings, torture, and other duress for the purpose of securing confessions. The subcommittee noted that an investigation was made of these charges before the trial, when the defense attorneys alleged duress to the war crimes authorities, and an investigation was ordered. That is already commented on in the previous part of this report.

Mr. McCARTHY. Mr. President, will the Senator from Connecticut yield?

Mr. BALDWIN. I yield to the Senator from Wisconsin.

Mr. McCARTHY. I cannot stay until the Senator concludes, and therefore I wish to ask him a question.

I have gone through the report. I wonder whether the committee went into one thing which has disturbed me very greatly. As the Senator knows, I was on the bench for a time, and tried a number of cases. The very able Senator from Connecticut was a practicing lawyer for a long time, and is to go on the bench shortly, and for that reason I feel he should be competent to answer the question I wish to ask.

Forgetting for the time about the vast welter of disputed evidence as to whether or not the prisoners were tortured, the Senator will recall that during the investigation it developed that the court had a very unusual concept of what evidence was proper and what was improper.

I think this question is doubly important at this time in view of the action the British have taken in Italy. As the Senator knows, after consultation with the British authorities, in all the so-called war crimes cases in which it developed that unusual procedures or questionable tactics were used—and that covered practically all of them—amnesty was granted in Italy. For that reason I think it is doubly important that we make sure we are insisting on a high-grade brand of justice in our area.

Going over the record, I found that the court apparently did not have the slightest conception of what was proper examination and what was proper cross-examination. Let me read a question from the Dachau record:

How often would you say you were approximately interrogated at Schwabisch Hall?

This was a witness whose statement was being used——

Mr. BALDWIN. Was this Kramm?

Mr. McCARTHY. Yes, Kramm was the witness being questioned.

Mr. BALDWIN. Is the Senator reading from the report now?

Mr. McCARTHY. No, from a page in the record. This is a witness whose statement was being used to convict one of the defendants. This was the question:

How often would you say you were approximately interrogated at Schwabisch Hall?

PROSECUTION. I object.

Colonel ROSENFELD—

He was the legal member of the court.

Colonel ROSENFELD. Objection sustained.

Mr. STRONG—

He was one of the witnesses during the hearings, also an attorney of the accused. He said:

May I very respectfully point out to the court, with due deference, that this is cross-examination?

Colonel ROSENFELD. It is not cross-examination, because it is without the scope of the direct examination. The court has ruled. The objection is sustained.

Question. Isn't it a fact that you, during the time you were in Schwabisch Hall, signed a statement for prosecution, in question-and-answer form, consisting of approximately 20 pages?

Again let us keep in mind that this was not a defendant testifying, this was a prosecution witness.

PROSECUTION. I object again.

Colonel ROSENFELD—

Who was the law member of the court—

That is not cross-examination. It is the last time the court will notify you.

We find that this was the constant ruling. A witness would get on the stand, a witness who had been a co-defendant at one time. As the Senator will recall, there was some question as to what inducements were offered these witnesses to testify. He would tell a story on the stand, and when the defense attorney would try to find out what had been done, whether they threatened to ship him back to Russia——

Mr. BALDWIN. If the Senator will permit me right there, there was absolutely no evidence in this case that anyone ever said to any witness, "Unless you tell the truth we will ship you back to Russia." There was absolutely no testimony of that kind at any time. I wish the Senator would use an example within the testimony of the case. But I see what he means.

Mr. McCARTHY. The Senator recalls the colonel who testified, does he not?

Mr. BALDWIN. It was Dwinnell.

Mr. McCARTHY. The Senator will recall that Dwinnell informed the Senator and informed me, and it is all in the record, that they had reason to believe that these men who at one time were co-defendants and then were subsequently released from that status and became witnesses in the case using his words, "We had reason to believe they were being offered some unusual inducement." These men were in the compound, they were accused of serious war crimes. Then the day came when they were no longer defendants, they were prosecution witnesses.

Mr. BALDWIN. There is an important point of procedure involved there.

Mr. McCARTHY. Let me finish.

Mr. BALDWIN. What I say is this——

Mr. McCARTHY. Let me finish my question please.

Mr. BALDWIN. Let us stick to the facts. Let us stick to the evidence in the case.

Mr. McCARTHY. I wonder if the Senator is going to permit me to finish my question?

Mr. BALDWIN. Go ahead.

Mr. McCARTHY. We find men being tried for their lives, some of them sentenced to be hanged. We find witnesses who at one time were accused. They were weeded out. They were brought in as war criminals. Then at a certain stage of the proceedings we find they are prosecution witnesses. The defense wants to find out why that is. The defense wants to find out what they have been offered as an inducement; whether they were offered immunity; whether they were threatened. I assume the Senator and I will agree that it is a perfectly logical request for any defense counsel to make. Now we find that when the defense counsel attempts to question a prosecution witness as to the circumstances surrounding the giving of the statement, the Court, Colonel Rosenfeld, apparently the only man who claimed to know any law and, apparently as in the case of "necessity" he knew no law, consistently said, "You cannot question the credibility of a prosecution witness on cross-examination, because I did not question him about that on the direct examination."

With that condition existing—and assuming that many of these men were guilty—does the Senator believe it was possible for us to determine whether those who were convicted were guilty or innocent? In other words, does the Senator think they could conceivably have received an honest and fair trial?

Mr. BALDWIN. I will say to my distinguished friend from Wisconsin, I think that under the rule of procedure outlined in these trials these men had an honest and fair trial. There are certain aspects about it of which we are critical in the report, but I think that whatever inequities may have occurred in the trial of this case have been more than remedied by the many reviews which have been had.

Let me answer my friend's specific question.

Mr. McCARTHY. I wish the Senator would.

Mr. BALDWIN. In the report we deal with the specific case the Senator raised; the question of cross-examination of Kramm. We deal in the report with it at great length because the committee thought it was an important point of law in the procedure. Let me read from page 24 of the printed report on that point.

The witness Kramm testified on cross-examination—

He was a witness produced by the prosecution:

Question. In what period of time did you take part in that Russian campaign which you first mentioned?

PROSECUTION. I object.

Colonel ROSENFELD. Objection sustained. Not cross-examination.

Cross-examination of the witness:

Question. Now, how often would you say you were approximately interrogated at Schwabisch Hall?

That relates to the Senator's other question.

Mr. McCARTHY. There they were getting into the question.

Mr. BALDWIN. Will the Senator from Wisconsin let me answer his question?

Mr. McCARTHY. I was merely pointing out the Russian connection here which the Senator thought was not in the record. This was the man Kramm whom the defense counsel felt had been forced to testify under threats of being sent back to answer for some crime he was said to have committed in Russia, and the witness Kramm later repudiated all the testimony given at Dachau—testimony which in some cases was the sole evidence upon which death sentences were based.

Mr. BALDWIN. That was repudiated two or three times. He made a statement and then he repudiated it. Then he repudiated the statement he had last made. Then he repudiated the next statement he made. I think it was Kramm who repudiated his statement three times. I mean the repudiation of his first statement was contained in his second statement, and then later he repudiated the second statement by a third statement. As I recall it was the witness Kramm. But answering the Senator's question——

Mr. McCARTHY. May I give the Senator the facts on that point? Rosenfeld wanted to use Kramm in a subsequent trial, I believe, and I think Mr.

Chambers can tell the Senator if that is correct. As I recall the facts, Rosenfeld wanted to use Kramm in a subsequent trial, to use his testimony to convict other defendants. At that time Kramm made a public statement that he was all through with the whole sorry mess; that they could do what they liked to him; that he was not going to act as a phony witness for the prosecution, and be responsible for the deaths of innocent men.

Mr. BALDWIN. I think he did. But going back to the first point the Senator made—and we have gotten far afield from it——

Mr. McCARTHY. Yes.

Mr. BALDWIN. I read from the report:

Now, how often would you say you were approximately interrogated at Schwabisch Hall ?

PROSECUTION. I object.

Colonel ROSENFELD. Objection sustained.

Mr. STRONG. May I very respectfully point out to the court, with due deference, that this is cross-examination?

Colonel ROSENFELD. It is not cross-examination, because it is without the scope of the direct examination. The court has ruled. The objection is sustained.

Question. Kramm, isn't it a fact that you, during the time you were in Schwabisch Hall, signed a statement for prosecution, in question-and-answer form, consisting of approximately 20 pages?

PROSECUTION. I object again.

Colonel ROSENFELD. That is not cross-examination. It is the last time the court will notify you.

DEFENSE COUNSEL. May it please the court, on behalf of the defense and in view of the fact that the witness will return to the witness stand at a later time during this trial, no further questions will be asked of the witness at this time, but we as defense counsel would like at this time an amplification of the court's ruling on the objection by the prosecution to our line of questions on cross-examination. Do we understand that in the future we will be limited to the line of questioning on direct examination of the witness, or will we be permitted to ask of the witness questions designed primarily to attack the credibility and veracity and bias of the witness?

Colonel ROSENFELD. Both the prosecution and the defense will be permitted to cross-examine the witness other than the accused according to the rules and regulations of cross-examination. Where the credibility of the witness is to be attacked, the credibility will be attacked in the prescribed manner and the court will permit such attack.

If the accused or any of the accused take the stand, cross-examination will be permitted in accordance with the rules of evidence whereby the accused may be cross-examined on any matter in connection with the case.

Then we go on and say in our report:

Testimony given before the subcommittee indicates that the defense counsel made no effort to lay a foundation for the attack on the credibility of the witness or to attack the manner of interrogation at Schwabisch Hall, nor did they notify the court that this was the purpose of this line of questioning.

Mr. President, I depart from the record for a moment to say that I believe my friend, the Senator from Wisconsin, who is a good lawyer, knows that when a question of this particular kind was offered on cross-examination, defense counsel should have said in this case, "We desire to attack the credibility of the witness." The defense counsel did not say that. However, I will say to my distinguished friend that in our report we criticized the legal member of the court because he did not say to the defense counsel, "Now, defense counsel, do you desire to lay a foundation to question the credibility of the witness, or what is the purpose of your offer of this testimony?" Or something of that kind. But we do think, and the report so states, that the law member of this military court should have stepped in at that point, although he did apparently attempt to explain what the situation was, and have given these people a chance. It later developed, I may say, that we checked further into this Kramm matter, and, of course, my friend, the Senator from Wisconsin, is a good enough lawyer to know that when a hostile witness is on the stand in cross-examination it is a rather foolish thing to ask him a question unless the one who is interrogating him has a pretty good idea as to what the answer is going to be.

Later, in discussing this matter with counsel for the defense in this case, they stated quite frankly that the reason they did not proceed at that time was that they did not know what Kramm was going to say. Counsel went on to say before the court that they would call Kramm later as a witness. Apparently when they talked with Kramm later he stated that he would say nothing different than was in his affidavit, so they did not call him. So it seemed to the committee that while this procedure is subject to considerable criticism, in the long run that particular difficulty was obviated, or the injustice which might have been done was taken care of by what actually happened.

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

Mr. BALDWIN. I yield.

Mr. McCARTHY. The only reason I am breaking in is that I shall have to leave before the Senator finishes his statement. I should like to get his thoughts on some things which I do not find covered too thoroughly in the record.

I am sure the Senator and I will agree wholeheartedly that it is basic that if a defendant is to have a fair trial, when there is a hostile witness, that is a witness who is testifying adversely to his case, the defendant's counsel has the right to cross-examine him in detail, to find out what, if any personal interest he has in the case, whether he is related to any of the parties, how well he knows them, and so forth, so that the court may properly evaluate his testimony, and so that counsel may move later to strike his testimony if it is worthless.

The Senator will recall that the testimony of Kramm was extremely damaging to a number of witnesses. Perhaps he was telling the absolute truth. We do not know. We know that he later repudiated the whole thing—testimony upon which men will hang.

Mr. BALDWIN. Let me interrupt the Senator——

Mr. McCARTHY. Please do not interrupt.

Mr. BALDWIN. When the Senator comes to that part of the report which deals with the examination made by General Clay in this case, he will find that any questionable testimony upon which the life or death of a man depended has been eliminated; and we so state in the report.

Mr. McCARTHY. Will the Senator do me a favor? When he yields to me, will he permit me to finish my question?

Mr. BALDWIN. Let me say to my distinguished friend that I am not going to let him incorporate misstatements of fact in this case, because sometimes, in his exuberance, he is a little reckless in statements which do not actually appear in the testimony. We are deciding this question on the basis of the testimony itself.

Mr. McCARTHY. I am not accusing the Senator of being exuberant or reckless with facts; but when he makes a mistake I am going to call his attention to it. The Senator said that when this case reached General Clay's headquarters any questionable evidence upon which the life or death of a man depended was eliminated.

Mr. BALDWIN. Mr. President——

Mr. McCARTHY. If the Senator will please refrain from interrupting until I get through, I will appreciate it.

I refer to the case of a young man who was sentenced to hang for a very gruesome, unprovoked murder of a Belgian woman in the little town of Bullingen, Belgium. He made a very detailed confession. All the confessions were detailed. He confessed that he went into the home and shot the woman through the forehead. He first asked her whether any American soldiers were present. I believe I could repeat the confession almost verbatim. She said no, there were not, that she and her husband were alone in the house. He said he then stepped back 2 or 3 meters and shot her through the forehead.

I wish the Senator would listen to me, if he will.

Her husband ran out before he could shoot him. Then he described how he and his friend leaned over the woman to make sure she was dead. He described how her brains were seeping out on the floor of the cottage.

On the basis of that confession—he had also confessed several other crimes which were committed in like manner—he was sentenced to hang.

The Senator will recall that before the Army board acted, an investigation was conducted. We know that investigators were sent to this little cross-roads hamlet of Bullingen. I call this to the Senator's attention in view of his statement that General Clay never let anything questionable get by his headquarters.

The investigators learned, first, that during the entire course of the war only one woman—a Mrs. Anton Johnson—had died in that town from other than the normal causes of death. They obtained a statement from Mrs. Johnson's husband, which was witnessed by the parish priest, to the effect that his wife was not shot by anyone, that she was running down the street, and a shell or grenade, or something else, exploded and killed her.

The investigators obtained an affidavit from the undertaker to the effect that there were no bullet wounds anywhere in the body of this woman, as well as an

affidavit from the registrar, or whatever the name of the officer is in that little hamlet, to the effect that she was the only woman in that village who had died from other than natural causes.

The Senator has stated that the Clay board disregarded evidence obtained in an unusual fashion. Bear in mind that this man had been sentenced to hang. He made the usual affidavit. He claimed that there had been a mock hanging, a mock trial, that he was kicked in the testicles, and so forth.

The Frankfurt board then made its recommendation. It said, in effect, that this confession could not possibly be true; that this woman's husband knew how she was killed; that the undertaker knew whether she had been shot through the head; that the parish priest had no reason to lie about it; and that in view of all the facts the confession was obviously false and should be set aside. Mr. Chambers can look up the Clay board's report. The Clay board did not review the evidence in the slightest respect in its disposal of the case, but merely said that this young man was old enough to know that it was wrong to shoot civilians, and therefore his conviction would not be disturbed.

With that case in mind, although the Senator from Connecticut says that the Senator from Wisconsin may be exuberant in relating the facts, does the Senator say that the Senator from Wisconsin does not have the right to suspect the competency of General Clay's board?

Mr. BALDWIN. Does the Senator remember the name of the accused?

Mr. McCARTHY. The Senator from Connecticut remembers the facts very well.

Mr. BALDWIN. I remember the facts very well, and I remember the fact that there was a dispute in that case as to where the shooting occurred, as to the name of the town. One witness said it was Bullingen and another witness said that it was some other town.

Mr. McCARTHY. There was no dispute in the Dachau trial. I believe the Senator will agree that the only dispute——

Mr. BALDWIN. That was the case in which Mr. Everett made a mistake in his petition.

Mr. McCARTHY. The Senator knows that the petition named the wrong town. In the evidence upon which this man was sentenced to die—the evidence reviewed by the Frankfort board and the evidence reviewed—if it was ever reviewed—by the Clay board—there was not one single word mentioned about any dispute as to the village. The only dispute as to the village was in connection with Mr. Everett's petition, inserting the wrong name of the town.

In view of the fact that the Army board said the confession was false, that it had investigated the case and found that the woman was not shot by this young man, and that therefore the confession should be set aside, and the fact that the Clay board never touched upon the evidence, but merely said that this young man was old enough to know that it was wrong to shoot civilians, and therefore he must die, what has the Senator to say?

Mr. BALDWIN. Before I answer the question, I must know the name of the accused. I am frank to say that I do not recall it out of 74. I remember the circumstances which the Senator relates. I recall the claims which were made as to what the testimony showed. On the other hand, there was a very substantial claim that the testimony was otherwise. I am willing to check up on this case. I may say that during the time the Senator from Wisconsin sat as a member of the subcommittee he discussed this case day after day after day. He talked about it a great deal. I am sorry that I do not recall the name of the accused, but I do not.

Mr. McCARTHY. Mr. President, will the Senator yield for a further question?

Mr. BALDWIN. On the other hand, there is the report of the Clay board. My recollection is that the accused in this particular case was sentenced to death and that his sentence was commuted to life imprisonment.

If the Senator does not remember the name of this man, I cannot answer his question. I do not recall the name of the accused. Perhaps I could find it by an examination of all these pages, but I do not recall the name. I cannot fully answer the Senator's question.

Mr. McCARTHY. Let me ask the Senator——

Mr. BALDWIN. There is often a great conflict of testimony even in criminal cases in the United States. Sometimes in the face of conflicting testimony, some of which may sound very positive and convincing, a man or woman is convicted of murder in the first degree. I have never heard of a murder case in my life, nor has my distinguished friend from Wisconsin ever heard of a murder case in his life, in which there was not great dispute in the testimony. Let me refer to page 764 of the record, and read from the testimony of Colonel Ellis:

> In considering this case of Max Rieder—

That was the man's name—

> the murder of this woman in Bullingen was not of primary importance. I think he was involved at the cross-roads, where there was substantial corroborative evidence. If all we had had against Max Rieder was the statement which proved to be uncorroborated when we went to trial, he certainly would not have been one of the defendants.
>
> There were four dropped from the trial right on, I think, the opening day, because we had no corroborating evidence. Originally there were 78 and 4 of them were nolle prossed on the opening day of the trial. We had no corroborating evidence. If we had only this on Max Rieder he certainly would not have been a defendant.

The record shows that Max Rieder's sentence was reduced from death to 15 years, so that seems to me adequately to dispose of that case, because he was not convicted of the murder of this woman. He was convicted of participation in another part of the incident. When question was raised about that particular case, his sentence was commuted to 15 years.

Mr. McCARTHY. Mr. President, if the Senator will yield for a question, let me say, first, that the Senator is expressing great confidence in the Clay board, and believes that board examined these matters carefully. Let us forget, for the time being, whether the accused to whom I am referring now should live or die or should serve 15 years or 50 years in prison. But keep in mind the question of competency of the Clay board. In that case, the Clay board—the final reviewing board, which had to decide whether the man should live or die—completely disregarded what the Army board had said. The Army board found that that Belgian woman was not shot by the accused, and it dismissed that charge. If the Senator wishes to do some reading, I suggest that he read the Clay board's report when the Clay board ignored the unquestioned facts upon which the Frankfurt based its recommendation that the conviction be set aside and confirmed the conviction with the flippant statement that he was old enough to know that it is wrong to shoot civilians, does not that indicate that the Clay board, the final reviewing board, was incompetent beyond words?

Let me also call attention to a case which was testified to by Judge Van Roden, who was sent by Secretary Royall to investigate this matter. The Senator no doubt will recall that he investigated some very gruesome murders which occurred on Borkland Island.

Mr. BALDWIN. Mr. President, I am perfectly willing to answer questions about the investigation made by our subcommittee. We did not investigate anything except the Malmedy trials. When the Senator from Wisconsin inquires about other cases, and asks whether the investigators in those cases may have been lax, I simply say that we did not investigate any other matters.

Mr. McCARTHY. Mr. President, let me inquire whether the Senator regarded it as one of his functions to determine whether the Clay board, which finally decided whether these men should live or die, was competent. Did the Senator think it was his duty, as chairman of the subcommittee, to determine whether in his opinion, as a lawyer and as chairman of the committee, that board was incompetent or competent? Did the Senator consider that to be one of his functions?

Mr. BALDWIN. In answer, let me say that the committee and the chairman of the committee in this case were directed by a resolution which rather thoroughly describes the area and field of their investigations. I know nothing about the other case to which the Senator refers. We made no investigation of it. The only attempt the committee has made with reference to studying the conduct of the Army and its officers in this whole proceeding was in relation to the so-called Malmedy trials—which covers a rather broad field, I may say.

Mr. McCARTHY. I may say to the Senator that he and I have discussed on the floor of the Senate and in committee the various phases of the trial, having to do with the interrogations. I feel that we have exhausted that phase of the subject. I presently do not plan to go into that particular phase of the case. We discussed it at great length about a month ago on the floor of the Senate.

But I should like to know one thing in regard to the extent to which the committee went into another phase of the

case, namely, whether the committee determined who was on the reviewing board and what type of review was given by the board. I have the impression, based on the records in the various cases, that there was a reviewing board—the Clay board—which was incompetent beyond words.

Mr. BALDWIN. Mr. President, let me say, for the benefit of the RECORD, that that is what the Senator from Wisconsin says about it; that is his charge.

Mr. McCARTHY. That is correct. So I should like to know the extent to which the Senator has gone into that matter. Let me ask Mr. Chambers to permit the Senator to answer these questions without interrupting him. I am sure the Senator from Connecticut can discuss this matter without Mr. Chambers' advice.

In this connection let me cite another case—the case of a young man who was sentenced to death for the willful, deliberate, and cold-blooded murder of some 35 American prisoners of war.

The testimony was to the effect that this man was a machine-gunner in a German tank, but not the lead tank of the group of which it was a part. The American prisoners of war were not his prisoners. He was in his tank, going through a small town; I do not recall the name of the town. There was a line-up of American prisoners of war on the side of the road, either marching or standing still; I do not recall which. In that group there were some 25 or 35 American prisoners of war. The testimony was that this young man, without any orders by a superior officer, opened up with his machine gun and killed them. The testimony was that their bodies were piled up in front of a grocery store door, and lay there for a time.

He was sentenced to hang, of course. Before the Frankfurt board reviewed the case, someone sent out some Army personnel to make an investigation. I am sure that if I deviate from the facts, as I recite the details of this matter, Mr. Chambers will call it to the Senator's attention, as I wish he would, for he has the records before him.

The Army personnel who were assigned to investigate that matter said they could not find anyone in that Belgian village who knew anything about the killings. In the second place, the grocer, before whose store the bodies lay, said that he knew nothing whatsoever about the matter. The United States Army personnel who followed through the town immediately after the retreating Germans, testified that when they came into the town they did not find any of the 35 bodies, and did not find anyone in the town who knew anything about the shooting of any prisoners of war.

The Frankfurt board then said, in effect, "In view of the uncontradicted evidence that no American prisoners of war were shot in that town, we must assume that these confessions were obtained under duress, and were false." That was the conclusion of the board. The members of the board were unanimous in their opinion that there was no proof of guilt.

In that particular case the Clay board—and this disturbs me because it shows the general pattern—said, in effect: "Because of his youth"—as I recall, he was 23 years of age—"and because he may have shot these American prisoners of war because of the order of a superior officer, we will cut his sentence to 15 years."

The board completely ignored the uncontradicted fact that no United States prisoners of war had been shot in that town; but the board determined that, instead of being hanged, the accused should serve 15 years in prison.

In view of that type of case, I wonder, first, whether the committee made a thorough check of the personnel of the Clay board; and, if so, what the opinion of the committee is regarding its competency, based on all these cases; or if a check was not made of that matter by the committee, I wonder whether the committee will agree with me that such a check should be made by it.

Mr. BALDWIN. Mr. President, in answer to that rather lengthy question, let me say, in the first place, that there is no such thing as a Clay board, as such.

Mr. McCARTHY. I am speaking of the final reviewing board.

Mr. BALDWIN. Let me say that one of the parts of this investigation was a very thorough study of the review procedures used in those cases. In the second part of our report we go into a very detailed discussion of the law under which the court was constituted and of the law under which the cases were tried. We go into that matter sufficiently to indicate the general type of case and the composition of the court itself. A brigadier general served as its president, and the other members were colonels. Of course, their rank has no controlling effect, as all of us realize, for there are colonels who do not know their job, and perhaps there are generals, too. But in that particular case we went all through those trial procedures, and some of our recommendations are based upon them.

Let me say to the Senator that I think one of the most extraordinary things that happened in the reviews was that one of the defense counsel sat on one of the reviewing boards. He testified before our committee that when these cases came up, he was asked to sit on the reviewing board. Please understand that I am not being critical of him, for he was asked to sit on the board. He was asked by us, "Did you help the defense? Did you try to help these people?" He said that he did every day. That was, I thought, a most improper procedure. I think it answers the Senator's question, when I say that we examined the trial procedure at great length, and have made recommendations concerning it.

Mr. McCARTHY. Before I leave, I have one further question in regard to this very clear-cut case. In this case there is no claim made that the young man was being sentenced to death for anything other than the willful murder of about 25 or 35 American boys. Either he was guilty or he was innocent. Certainly if he were guilty it was one of the most atrocious war crimes committed, an unprovoked, deliberate mass murder. If he were innocent, then he should serve no time. I should like to get the Senator's thought on this—the picture we have gotten all through the case is that the reviewing board which, I think is called the Clay board—by that, I mean the final reviewing board——

Mr. BALDWIN. I think I know what the Senator means. It was the Judge Advocate General who made the final recommendations to Clay. But may I say to my distinguished friend, as our record discloses, in all the death cases, I think there is no question that General Clay himself took all the evidence in those cases and he himself made the final determination. I mean the death cases were decided on that high level.

Mr. McCARTHY. This was a death case.

Mr. BALDWIN. Does the Senator recall the name?

Mr. McCARTHY. No, but I am sure Mr. Chambers can find it. It is in the report I made to the Senate several weeks ago.

Mr. BALDWIN. Oh, the Senator is reading the questions from that report? I thought they sounded familiar.

Mr. McCARTHY. No, the name is not here. Mr. Chambers can find it, I am sure.

Mr. BALDWIN. Shall we look for it?

Mr. McCARTHY. I assume we are both aware of the facts, so the name is not overly important. It is a typical case, I believe. Let us take this one case. If one case is handled improperly, then we should question the handling of the other cases. We take this case of the young man who was sentenced to death. It is a death case. Therefore you say General Clay personally examined it. In this case the Army board says, "We have investigated. The alleged facts are completely false. Not a single American was murdered in that town." They say that therefore the conviction should be set aside. General Clay, however, signs the order confirming the conviction, but cuts down the sentence, because he says that "perhaps the young man was acting under the orders of a superior officer"—even though the record was absolutely clear that, not only was he not acting under the orders of a superior officer, but, if he killed these men, it was in violation of any order. We find an unusual attitude in this case, in which it is said, by the Frankfurt Review Board, "The evidence shows he was not guilty, that he could not be guilty; he should not be hanged; but we will give him 15 years." First, let me ask, will not the Senator agree with me that, on those facts, a great injustice was done in that particular case?

Mr. BALDWIN. I do not recall those facts. Let me rehearse certain facts and see whether my friend recalls them. There was one case in which Colonel Pieper and his medical officer, whose name escapes me now—I think it is Difenthal——

Mr. McCARTHY. No; Difenthal was not the medical officer.

Mr. BALDWIN. No; Difenthal was the battalion commander. The name is Sickel.

Mr. McCARTHY. That is correct.

Mr. BALDWIN. They are in the command post, and in comes this German enlisted man with an American soldier who had apparently escaped the first killings or being captured, and hid himself in the woods. He hid in the woods for a week without food and without heat. He finally decides the thing to do is to surrender himself, so he comes in and surrenders to the Germans, and this young fellow, an SS German trooper, whose name escapes me now, takes him into the command post. Does the Senator remember that?

In that particular instance, as I recall—and I would want to check this to make certain, because there are a good many of these cases— in that particular instance the testimony is that as the result of instructions given by Sickel to the young German SS trooper, they took the American boy out, marched him out a short distance, in his rags, and shot him from behind, because Sickel had given the order, "Bump him off!" In that particular case as I recall, although it was a cold-blooded shooting if ever there was one, I think the fellow was first convicted of murder in the first degree, which would involve being sentenced to be hanged; but I think the sentence was commuted on the basis that, right then and there, in the presence of his officers, there was not much he could do about it, because here was his colonel and commanding officer, practically urging him on, and here was Dr. Sickel. That is the case. The Senator knows that, even under our American judicial system, there is no such thing as exact justice. Theoretically, a man is either guilty of murder in the first degree or he is not. He may be guilty of murder in the second degree, he may be guilty of manslaughter; but he is guilty of a homicide in some degree. It is a little difficult in this case to say, "if you are going to disbelieve the evidence, you ought to let him go," I think it is a good point, but I think what the Army tried to do here, though I admit in a rather clumsy fashion—was to prevent the execution of anyone concerning whom there was any serious question about the testimony. There may have been failings on the part of the Army—and there were failings; this was not a first-class job in any sense of the word; we say so in our report, and we make recommendations to deal with it in the future. I think if anything the Army has leaned over backwards, in a rather clumsy fashion, to avoid injustice.

Of course, one is not tremendously impressed with that sort of system. I am bound to say that; but all three of the members of the committee were of the opinion, after examining the reviews that General Clay personally made of the cases, that he had done his level best to eliminate from the consideration of whether a man was guilty as charged, or whether he was innocent, any evidence concerning which there was any real question at all.

One of the things in this case that is somewhat revolting is that when Sickel was pressed he himself finally said: "Yes; it did happen; but the reason why I ordered the man to be shot was that he had a third- or fourth-degree frost bite"—I think he said he had a third- or fourth-degree frost bite. "He would not live anyway," he said, "and so we did it to put him out of his misery." There was a prison station, as I recall, on the floor right above the room where they were sitting.

Mr. McCARTHY. I agree with the Senator. The account of it was gruesome, sickening. It was the completely unwarranted murder of an American prisoner of war.

Mr. BALDWIN. That does not justify us in venting our spleen on those persons. What we tried to do was to arrive at substantial justice under all the circumstances.

Mr. McCARTHY. Let me make myself clear. I know that if all of the men who were sentenced to hang had been given a proper trial some of them should have been hanged long before this time. But the fact that there were some very gruesome crimes committed in that area does not justify this hit-or-miss procedure. The thing about which I am disturbed is, first, that the system we use over there fails to do the two things which a good judicial system must do, namely, it must convict the guilty and it must protect the innocent. This system certainly convicted any of the guilty who got into the clutches of the Army, but it did not protect the innocent. We can pick particular cases which my able friend apparently does not care to discuss——

Mr. BALDWIN. That is hardly a fair statement; is it?

Mr. McCARTHY. Then let us discuss the case of Rudolph Pletz.

Mr. BALDWIN. The name does not seem to be familiar to me. Does the Senator mean Mr. Fleps?

Mr. McCARTHY. There is no doubt in the mind of Mr. Chambers, who is sitting beside you to assist, as to the case which I am discussing. The first name is Rudolph, and the last name is Pletz. Let us discuss that case.

Mr. BALDWIN. I think there was a Mr. Plepps.

Mr. MILLIKIN. Mr. President, if the Senator will yield, I should like to say that I am very much interested in this matter, and I should like to have one case identified and understood between the two Senators, and then have a discussion of that case. I wonder whether we can have one case upon which both Senators agree, and then let us see how we come out on it.

Mr. BALDWIN. Let me say to my friend from Colorado that as my friend from Wisconsin describes these cases, in spite of the fact that I heard 108 witnesses and have read all the evidence and the affidavits connected with the matter, my friend often states circumstances which it is difficult for me to recognize.

Mr. McCARTHY. I shall make this very easy for the Senator to recognize. I shall give the Senator some facts which I am sure he will recognize. His very able counsel is sitting here beside him, and I should like him to get the report of the Frankfurt board and then get the final disposition of the case by General Clay. I shall recite the facts. A boy, Rudolph Pletz, was sentenced to die because he had deliberately murdered 25 or 35 American prisoners of war. There were the usual statements of men who had originally been selected as codefendants who had been accused of being war criminals but who had been released from defendant status and made witnesses.

If I may digress for a moment, there was an order existent at the time which said to the interrogators: "If, during the course of your interrogation, you find that one of these war criminals in the compound will be more valuable as a witness in convicting his codefendants, you may remove him from the status of a defendant and use him as a witness."

In other words, the instruction to the interrogators was that they could grant immunity to a codefendant who would be more valuable as a witness.

In this case there was the usual testimony of men who at one time had been codefendants, very clearly and unequivocally setting forth all the evidence upon which a man accused of killing 25 or 35 other men could be convicted. They described in detail how they saw the shots coming from the machine gun, how they saw men suddenly topple and fall. They described how the corpses lay in the street. Rosenfeld, who was the law member of the court, consistently ruled that under no circumstances could the credibility of a witness be questioned on cross-examination. In other words, if John Jones gets up and says——

Mr. BALDWIN. Mr. President, I must ask my friend to yield at that point. Colonel Rosenfeld made no such ruling as that. He made no ruling that under no circumstances could a witness be cross-examined on credibility. We have been all through that before. I tried to explain it at great length. It is in our report. The Senator can read it later. He found fault with the way the case had been conducted and thought that a judge should advise an attorney, who apparently might have been incompetent or excited or nervous and might not have known what was the right thing to do. But we went all through that and examined it very carefully. It is all in our report, and the Senator can study it there.

Mr. McCARTHY. In spite of the Senator's statement, I say, without qualification, that Colonel Rosenfeld adopted the position that one cannot cross-examine on matters affecting the credibility of the witness because—and listen to this—because he, on direct examination, did not try to impeach his own witness. That, Mr. President, is a ruling which in the mind of any man who knows even the simplest rules of evidence is ridiculous to the point of being ludicrous.

Mr. BALDWIN. Let me say that so far as the claims made are concerned, there is a full discussion in the report. The trial record speaks for itself, and I submit that it does not bear out what my distinguished friend from Wisconsin says about it. That is the only answer I can give to the question. I cannot answer questions that are based on things that are not in the record.

Mr. McCARTHY. Will the Senator let me finish my question? I invite the Senator's attention to the record in

which Mr. Strong, one of the defense attorneys, was attempting to question the credibility of a witness. Colonel Rosenfeld said, "It is not cross-examination, because it is without the scope of the direct examination." This involved an attempt to impeach the witness. The defense council attempted to go further and show that the witnesses were biased or that something had happened to them, but Colonel Rosenfeld said again: "That is not cross-examination, and this is the last time the court will notify you." In other words, he was saying, "We do not want you to try to question their credibility again."

The Army board took some pains to try to investigate the case. I hope the Senator from Connecticut will stay with me so that we can discuss the case. The Army board conducted an investigation. It found that no American prisoners had been killed in the town. It could not find any Belgian who knew anything about the matter. It then said to the Clay board, "It is untrue. There were no men shot in this street." The Frankfurt board interrogated men who had followed the German tanks immediately through the town. The board said it could find no evidence whatsoever. I cannot quote the language verbatim, but it was to this effect: "Under the circumstances, the evidence of the men who claimed they saw this alleged massacre is untrue, because no men died in that town. Therefore the conviction should be set aside."

Then the matter went to General Clay's board, the board in which the Senator from Connecticut seems to have so much confidence. What did the Clay board do? It did not review any of the facts. It said, "This young man was perhaps operating under the command or the duress of the senior officer." I believe they mentioned his age, and said, "Therefore we shall reduce his sentence to 15 years."

Now I ask the Senator if he will agree with me that in this case in which the facts are undisputed there was a very gross and grievious miscarriage of justice.

Mr. BALDWIN. I do not recognize the case from the description the Senator has given. It may have slipped my mind. We shall certainly look into it. I recall that time and again during the hearings the Senator discussed this matter, and I am frank to say that during the development of the testimony I do not recall anything that is much like it.

I would say very certainly, however, that I am convinced, and speaking for the other members of the subcommittee, I think I can speak for them, and incidentally, neither of them could be present today, because the Senator from Tennessee [Mr. KEFAUVER] is in Tennessee, and the Senator from Wyoming [Mr. HUNT] had to go to Wyoming to fulfill an engagement of long standing—we were convinced, after hearing all the witnesses, and going into the testimony that so far as the death cases were concerned, by the time they had gotten to General Clay and had been reviewed by him, they had been very carefully gone over. Any possibility of injustice seemed to me and the other members of the subcommittee extremely remote.

I am frank to say to the Senator that there were 74 of the cases which were tried, and I do not recall every one of them in detail. As a matter of fact, we did not act as a board of appeals, and did not attempt to. We had no authority to do any such thing. What we did was examine the procedures in the cases, and it should not influence the Secretary of the Army one whit or tittle what my opinion might be as to the innocence or guilt of the men. That has to be based on the findings of his own board, his own findings, and his own conscience. That is his business. I am convinced that the Army did the best it could.

Mr. McCARTHY. Mr. President, the Senator has said I have repeated the facts in the case a number of times, so the Senator knows what I have said the facts were. The Senator was on the floor when I recited these identical facts about 4 or 5 weeks ago. If the facts as I recited them are correct, then no man can help agreeing that the reviewing board is completely incompetent.

In view of the fact that he can go to the record and check the facts, in view of the fact that he tells me that he is aware that I have stated the facts at various times, does not the Senator feel that he has a duty to check into this case and see whether the Senator from Wisconsin is wrong, or whether the facts are as he stated them? If I am correct, then the Senator should make some mention of this in his report.

Let me ask the Senator another question. If my statement of the facts was correct, as the facts are set forth in the report which I gave the Senator 4 or 5 weeks ago, page 24, facts which are identical with what I recited today, will the Senator then agree that in at least this one case there was a very gross miscarriage of justice?

Mr. BALDWIN. If the facts are as the Senator says—and I am not accepting them as the Senator says they were, in any sense of the word—if the facts were as the Senator stated them, I think his conclusion would be correct. But I do not agree they are the facts.

Mr. McCARTHY. Will the Senator have his committee check the facts? His staff has all the facts. Will he then tell the Senate wherein I am wrong in the slightest degree in my recitation of the facts?

Mr. BALDWIN. Mr. President, our report has been filed with the Senate, it is complete, and our work is done. If it is subject to criticism, it is subject to criticism. If it is wrong, it is wrong. There it is. I think the Senator is asking something that is unusual.

If the Senator is convinced that an injustice has been done in one particular case, there is nothing to prevent him going to the Secretary of the Army, who has the final decision in the matter, and laying it before him. We cannot decide what should be done with these sentences. It is all up to the Secretary of the Army, as we say very plainly in our report.

Mr. McCARTHY. The only way we can determine whether the trials were properly conducted and the reviews were properly made or not is to take specific cases and find out how they were handled. The Senator has told me that if I am correct in the facts I have stated in this one case—and I have stated him the facts in a dozen cases like it—if in this one case the facts I have given him are correct, then there was a gross miscarriage of justice. He tells me that. I merely ask him to go a step further: To find out whether or not those facts are correct; and if they are, then I think he should so state to the Senate and in his report.

Mr. BALDWIN. This does not purport to be a report on the correctness or incorrectness of the decision in the trial in every single case. We have no authority to do anything of that kind, and we have not attempted to. Does the Senator stand for the proposition that if a jury renders a wrong verdict or a court makes a mistake in a criminal trial, thereafter the jury system or the judicial system is fundamentally wrong?

Mr. McCARTHY. I would say that if the system of justice in Europe was not resulting in the conviction of the guilty and the protection of the innocent, then it was fundamentally wrong, and, secondly, I say that each and every case must be examined on its merits. The life or death of one person may not seem to be important to the Senator from Connecticut, the freedom or liberty of one person may not seem so important to him, but it is to me. I very strongly feel that a conquering nation which has the power of life and death over a people must be very meticulous in protecting their liberties.

In connection with that——

Mr. BALDWIN. Is this a question?

Mr. McCARTHY. Yes; it is a question. The Senator asked me a question, and under the Senate rules, if he is to retain the floor, I must answer it by another, I assume.

I heard a very interesting story a few days ago which I wonder if the Senator has heard. A German went into a denazification court and said, "I want to plead guilty. I am a Nazi, and I want to be denazified." The court looked over his record and said, "You were here a year ago and said you were not a Nazi. Did you commit perjury then?" He said, "No; I did not." The court said, "How does it happen that you are a Nazi now and were not one a year ago?" "But, Your Honor," the man replied, "that was a year ago."

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. BALDWIN. I yield.

Mr. LANGER. As I understand, there were some 74 cases, and I am in somewhat the same state of mind in which the Senator from Colorado finds himself. Is there not one of these cases in which the Senator from Wisconsin and the Senator from Connecticut can agree on the facts, at least one case that is set before the Senate in which we can judge what actually took place in any of the cases.

Mr. BALDWIN. It is the function of the Senate committee to examine the procedures, to find out what was done, and to make recommendations, but in no sense of the word can we sit as an appeal board, and consequently this report does not deal with individual cases.

It is not the function of the report, except as the facts in an individual case might affect the conditions of the whole system.

Mr. MILLIKIN. Mr. President, my inquiry was not directed into an inquisition into the facts and the judgment in any case, but I wanted to ascertain what the procedures were, so that I might have some idea of what the case was about. I was not critical of the Senator from Connecticut, I was merely trying to find out what we were talking about.

Mr. BALDWIN. I understand, and I appreciate the remarks of the Senator from Colorado.

Mr. President, evidence was introduced before the subcommittee to show that only four of those alleging duress at that time claimed to have been beaten, and that those claimed the beatings had been administered by guards and not for the purpose of obtaining confessions. The subcommittee further noted that shortly thereafter when the accused were being tried, nine of the accused took the stand in their own behalf, and of these nine, three alleged physical beatings or mistreatment. The allegations do not appear to have impressed the court at that time. The subcommittee took note of the testimony submitted to it by the defense counsel and in particular the testimony of Lt. Col. John S. Dwinnell, the associate chief defense counsel, who stated that he had been primarily responsible for the decision that no more of the accused should take the stand in their own behalf. He stated that this decision was made because those who did testify were lying to save themselves to such an extent that they were prejudicing the cases of other defendants.

Our report, Mr. President, goes into great detail in the Kramm matter which has just been discussed on the floor of the Senate. I do not believe it is fair of me to take the time of the Senate to go into that matter again. We deal with it in two parts of our report. Nor do I wish at this time to go at great length into the situation as it pertains to Dr. Knorr, because we deal with that in great detail in our report.

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

Mr. BALDWIN. I yield.

Mr. McCARTHY. I may say to the Senator from Connecticut that I am obliged to leave the floor because of a very important appointment. I assure the Senator I do not leave because of lack of interest in his report.

Mr. BALDWIN. I may say to my distinguished friend that I am sorry he has to leave. I have tried my best to answer his questions, and I hope he will feel assured personally that the subcommittee of the Senate of which he is a member did its very level best in a very arduous and extremely difficult and, I might say, a very unhappy kind of a task, to arrive at the facts.

Mr. McCARTHY. I will say that the Senator and I differ very greatly on this subject, but it is not the first time two Senators have differed.

Mr. BALDWIN. The Senator from Wisconsin a moment ago ended his statement with a story. May I be permitted to tell a story at this particular point? The Senator from Wisconsin sat with the subcommittee through a portion of its hearings, and then he withdrew. Since that time we have examined a great many witnesses and we have been to a great many places and we have learned a great many things about this case. I am therefore reminded of an old justice of the peace who was elected up in Moodus, Conn. The first case heard by him was a civil suit. The plaintiff went on the stand and testified, and his witnesses testified, and when the plaintiff and his witnesses got through and the plaintiff's lawyer said he rested the plaintiff's case, and when the defendant's attorney started to call the defendant, the justice of the peace said, "I don't want to hear any of his testimony. It is an outrageous thing which the defendant has done to this man. He cannot possibly explain it away. I do not want to hear his testimony." It was explained to the justice of the peace that in such a case he must hear all the testimony; that he must hear witnesses for both sides of the case. The justice was finally prevailed upon to hear the defendant and his witnesses, and after he had heard the defendant and his witnesses he turned to the plaintiff and said, "I think this is a most outrageous case. I fine you for contempt, I fine you for perjury, and I throw your case out of court."

Mr. McCARTHY. I urge the Senator from Connecticut to do one thing. I think this is a terribly important matter. I do not think what I shall ask the Senator to do would be unduly imposing on his time. His staff can handle it very easily. The only way we can tell whether we have a competent review board, that is the Clay board, is to consider several specific cases reviewed by that board. If we find that the board showed itself to be completely incompetent in two or three cases, then I think the report should say, "The review board is incompetent," and that there should be a review of all the cases. I am now speaking only of the cases in which the sentence was death. I wish the Senator would have that done. He apparently is not acquainted with the facts. The evidence was taken quite a while ago. I wonder if the Senator would direct his staff to make a complete report on the Rudolph Pletz case and the Max Rieder case, and if the members of the staff want to go a step further, take up the Borkum Island case.

Mr. BALDWIN. I do not think that case would come within the scope of our investigation.

Mr. McCARTHY. I think it would be important, only insofar as it would help the Senator to arrive at a conclusion as to whether the final reviewing board was competent or incompetent.

Mr. BALDWIN. I think we could take up the two cases, the Max Rieder case and the Rudolph Pletz case. I do not recall that name. There is a Fleps involved.

I think the subcommittee has outlined the facts. We have tried to go through the different appeal procedures. We did that very thoroughly with all the other procedures.

Mr. McCARTHY. I think the subcommittee may have gone into the matter generally, but if the subcommittee would study in detail the record of the Clay board in the two cases to which I have referred then they will report to the Senate that the Clay reviewing board was criminally incompetent.

Mr. BALDWIN. Mr. President, I wish to say a word about the affidavit of Dr. Knorr, because it was considered to be of great importance. Dr. Knorr was dead, but members of our staff, after diligent effort, and, I think, by extremely good work, located a young woman who had been Dr. Knorr's assistant. She appeared and testified at the hearing in Schwabisch Hall. One of the most striking things about her testimony was the fact—and she appeared to be a very sincere young woman—that Dr. Knorr, an old dentist, had kept records of the treatments he had given the Malmedy patients. While she testified that the records of the doctor's regular cases were kept for 10 years before they were destroyed, she said the records which were kept in the cases of the prisoners were disposed of—as she said, burned—at the end of the year.

An internee by the name of Dietrich Schnell prepared an affidavit on October 1, 1948, at the request of Mrs. Sepp Dietrich, the wife of General Dietrich, one of the accused in this case.

Without reading from the report in full, I ask unanimous consent to have printed in the RECORD at this point the report on this matter, beginning on page 13 of the manuscript.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

An internee prisoner by the name of Dietrich Schnell prepared an affidavit on October 1, 1948, at the request of Mrs. Sepp Dietrich, the wife of General Dietrich, one of the accused in this case. This affidavit indicated a meticulous and exact knowledge of everything that went on in Schwabisch Hall at the time the Malmedy prisoners were there. If the statements were true, they would raise a strong presumption that all the charges made in the various accusations were correct.

Dietrich Schnell is an extremely intelligent former Nazi paratrooper. Before the war he was a kriegsleader in the Nazi Party in the vicinity of Poppingen. A kriegsleader was one of the bulwarks of the Nazi Party, and within his area, which consisted of approximately 50,000 persons, Schnell literally had life-and-death authority over the people. Schnell was located by the staff of the subcommittee and interrogated at some length. A copy of that interrogation, which is contained in the subcommittee's record, indicates clearly that he had carefully memorized the most minute details of his affidavit, including details of conversations which had been held some 3 years earlier. He later was examined under oath by the subcommittee. On direct questioning, which went beyond the material in the original affidavit, he changed his story in substantial detail. The conflict in evidence was very noticeable because of the contrast with the exactness of his knowledge of all the matters in his original affidavit. The subcommittee took particular notice of the statements made in his affidavit concerning the suicide of one of the suspects named Freimuth. In his affidavit he gave considerable details of the Freimuth matter, including the words he used when he was alleged to have shouted from the window of

his cell to Schnell. When the prison was physically examined by the staff of the subcommittee, with Schnell along for the purpose of checking the various parts of his story, it was noted that the cell number given in his affidavit, and which was confirmed by other evidence, was an interior cell from which Freimuth could not have been seen by Schnell. This fact standing by itself casts doubt on the authenticity of Schnell's affidavit. When he later appeared before the subcommittee, he had grasped the significance of the situation and attempted to change the location of the cell and its number by verbal testimony.

His entire story indicated that it had been carefully prepared and rehearsed. Reduced to its essential detail and under examination, the only direct testimony that he gave to any beating by members of the war-crimes interrogation team was one instance which he claimed to have seen quite late at night from a window in the dispensary. He stated, on interrogation, that he saw Lieutenant Perl strike and then kick an accused being questioned. The room in which he claimed he saw this done was established to be the administrative office used by the war-crimes investigating team. It was denied by witnesses that this room was ever used for interrogation. Further, they testified that there was interrogation at night on only one occasion. That one interrogation was not conducted by Perl. When Schnell first gave this story on interrogation, he described meticulously how Perl had struck the prisoner with the back of his hand and then demonstrated the way he then kicked him. However, Schnell was taken to the prison and placed at the window in the dispensary where he could look into the room in which the alleged incidents were supposed to have taken place. By test it was determined that even a tall man could not be seen below the waist and that it would have been impossible for anyone to have seen a man kick another and describe it as Schnell had done on the preceding evening. He then qualified his earlier statement that he saw Perl kick the man and said he had merely seen a movement of his body which indicated that he was kicking a man, after which the suspect staggered back into the room. Schnell also alleged that he had seen the guards beat prisoners with clubs as they were being moved from point to point around the prison. This particular charge was made by others who submitted affidavits, but was denied by other witnesses. Schnell also volunteered the information that a set of gallows had been in the courtyard. Later examination of German guards, who had been present at the time the Malmedy prisoners were there, disclosed that no gallows had ever been in Schwabisch Hall. When confronted with their statement, Schnell qualified his statement by saying that the gallows had not been erected but had been on the ground and covered with canvas. This was at complete variance with his early story. One other very significant item in connection with Schnell's approach to this case transpired after interrogation by the subcommittee staff. He stated definitely that he had not been in touch with any German attorneys or lawyers in this case except, initially through Mrs. Dietrich, with a man by the name of Aschenaur. Through investigation the staff discovered that immediately after interrogation he called Dr. Eugene Leer, a German attorney, who has apparently been coordinating the activities of all these prisoners.

The subcommittee is convinced that Schnell, because of his Nazi affiliations, was a most interested witness. Because of the many discrepancies in relatively minor matters and because of the definite and substantial error in connection with the Freimuth suicide, the subcommittee feels it should give little credence to the testimony of Schnell. Moreover, it is clear that it was intended to fit into the pattern of well-prepared, well-organized testimony, aimed at substantiating the various allegations made concerning brutality.

Mr. BALDWIN. Mr. President, we cross-examined Dietrich Schnell. We found that he was a very prominent Nazi, and that there were several very important and significant discrepancies in his testimony.

There was heard another witness upon whose testimony many claims have been based, Mr. President, and we do not need to go into them here in detail, because the Senate is drawing near to the end of this session, and I know that my good friend, the Senator from North Dakota [Mr. LANGER] would like to obtain the floor. His name was Otto Eble, and he made the most extravagant claims about the evidence he had received.

Another witness by the name of Otto Eble was located through the counter-intelligence force in Europe in the French zone. Eble was the man who alleged that he had had burning matches placed under his fingernails and was the only one, as far as the subcommittee could discover, who alleged that phony priests had been used in securing confessions. On examination, the subcommittee developed the fact that Eble, who had signed his affidavit as Otto, was in fact named Friedrich Eble; that he had taken his brother's name of Otto and his rank and used them during the period of time he was under investigation. Furthermore, he has a record of four convictions on the charge of embezzlement, and on occasion, while an internee, escaped and lived for many weeks until discovered under the name of Erwina Sennhausen, an alleged Swiss citizen. On interrogation by French intelligence officers, his brother Otto, whose name had been used, stated that the truth was not in his brother Friedrich. While testifying before the subcommittee, he gave three separate and distinct stories as to why he used his brother's name and rank, and each of them was probably untrue. A physical examination was made of Eble to determine if there were any scars indicating burns under his fingernails, which he stated had become infected. No evidence was found to support his claim. The doctors who examined him stated that in their opinion the man was a pathological liar and was incapable of telling the truth. The committee examined the witness Eble at great length and found that he should be thoroughly discredited as a witness.

The obviously false charges made by this man Eble have been thoroughly publicized by Judge Edward L. Van Roden and others. They have spread as truth the false statements of this convicted criminal and liar, not only throughout our country but abroad. The results of such publicity have been so serious abroad as to warrant the special attention of the subcommittee. Furthermore, the subcommittee cannot but comment that those citizens of the United States who have accepted and published these allegations as truth, without attempting to secure verification of the facts, have done their country a great disservice.

In summary, the subcommittee considered the following evidence on the subject of physical brutality and mistreatment after translating and studying all the affidavits and statements submitted to it. First of all, it accepted as evidence the affidavits submitted by the Germans accused after conviction. It is recognized that these affidavits were self-seeking, and under examination most of them have not been corroborated by the medical evidence and other subcommittee investigations. Second, the subcommittee heard the testimony of persons who claimed to be eyewitnesses at Schwabisch Hall of these various matters, and their testimony has been analyzed in some detail earlier in the report. Third, the subcommittee heard the arguments made by defense attorneys, both American and German, which were not evidence in the normal sense, but expressed conclusions on the part of witnesses. Fourth, there were several witnesses, namely, Bailey, Tiel, and Sloane, who testified before the subcommittee, who in their testimony indicated that they had seen incidents which would appear to corroborate, in kind, the statements alleged by the convicted accused. On the other hand, the subcommittee heard the testimony of Lt. Col. Edwin J. Carpenter and his interpreter, Paul G. Guth, who made an investigation of these alleged physical mistreatments prior to the trial, and whose findings did not support to the slightest degree the claims of physical brutality made in later affidavits by the convicted accused. The subcommittee also heard testimony from the war crimes interrogation team personnel, which admittedly was from interested witnesses, but whose testimony was given forcefully and convincingly. Many of these individuals had requested to testify so that they could state their position under oath before the subcommittee. These individuals all testified, categorically, that none of these physical mistreatments or brutalities occurred.

The subcommitte also heard members of the administrative staff of the prison, who were responsible for the care and guarding of the prisoners. These witnesses had no self-interest in this matter, and testified strongly and definitely to the fact that there was no physical mistreatment of the prisoner. This testimony was particularly convincing, since it included the testimony of the doctors and medical enlisted personnel who were assigned to Schwabisch Hall for the purpose of caring for the suspects in this case. The subcommittee itself secured a medical staff, consisting of two doctors and a dentist of outstanding qualifications, from the Public Health Service of the United States. This medical staff independently examined all the Malmedy prisoners who are presently at Landsberg prison. In addition, they also examined Eble for evidence of physical abuse. They state, of those convicted prisoners at Landsberg, 11 claim that they were not physically mistreated at Schwabisch Hall, 34 allege they were physically mistreated at Schwabisch Hall but do not claim to have received injuries which

would leave evidence of a permanent nature, and 13 allege that they were physically mistreated and have injuries of a permanent nature. The medical staff pointed out that there was no question that the 11 prisoners were not subjected to physical mistreatment at Schwabisch Hall and that the second group of 34 prisoners had no physical evidence to support their claims of alleged physical mistreatment. Of the 13 who alleged physical mistreatment with permanent results, the medical evidence does not support, to any degree, the claim of these prisoners. They state that 3 had conditions which definitely were not due to physical mistreatment, and that the remaining 10 showed physical findings which might possibly have resulted from physical mistreatment, but none of these 10 showed evidence of the severe acts alleged by the prisoners.

All of the facts and evidence brought to the attention of the subcommittee through the above sources were analyzed and weighed carefully, and the subcommittee believes that there is little or no evidence to support a conclusion that there was physical mistreatment by members of the interrogation team in connection with their securing evidence in the Malmedy case. The preponderance of evidence is all to the contrary, and there are too many discrepancies which appear in the allegations made concerning such physical mistreatment. On the other hand, the subcommittee recognizes that in individual and isolated cases there may have been instances where individuals were slapped, shoved around, or possibly struck, but is convinced that if this did occur it was the irresponsible act of an individual in the heat of anger in a particular situation. Furthermore, it definitely was not a general or condoned practice. There is no substantial evidence to support the belief that any persons were affected, insofar as their convictions were concerned, by physical mistreatment of this kind, even if it might have occurred in isolated cases. The subcommittee is convinced that the confessions made by the prisoners, and the evidence submitted at the trial were not secured through physical mistreatment of the accused.

There was a claim made that in these mock trials certain persons postured as priests. Eble was the only one who testified to that effect, and I have heretofore commented upon Eble's testimony. I shall not take the time to read the section of the report dealing with persons who allegedly postured as priests. I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

POSTURING AS PRIESTS

The charge that members of the American interrogation team postured as priests for the purpose of securing confessions has been widespread throughout our country. This is primarily due to the speeches made by Judge Edward L. Van Roden and the publication of his remarks by the National Council for the Prevention of War, and other similar organizations. The sole source of the charge was, insofar as the subcommittee was able to determine, the witness Eble whose testimony was discussed in detail above. For the reasons previously stated, the subcommittee believes that absolutely no credence can be given to any statement made by Eble, who is a convicted criminal and a liar, and that there is no truth to this charge. It is considered most unfortunate that many prominent religious people have been misled by the use of the uncorroborated statements of this man, and apparently accept the allegation as being true. As will be noted throughout this report, many of the most flagrant charges which have been so widely publicized in this case can be attributed first to the affidavit prepared by Eble, second to the cloak of authority given to his statement through the media of the publications and speeches of Judge Van Roden, and third by the organized dissemination of this information both in our country and abroad by the National Council for the Prevention of War.

Mr. BALDWIN. Inadequate medical facilities were claimed, as we state on page 18 of the manuscript, in paragraph 8. That question was gone into thoroughly. In the opinion of the committee there were adequate medical facilities, and they were used, and these people received decent and good care.

I ask unanimous consent to have paragraph numbered 8 of the manuscript printed in the RECORD at this point, as part of my remarks.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

8. INADEQUATE MEDICAL FACILITIES

Many of the affidavits submitted by the persons interrogated at Schwabisch Hall alleged that they were denied medical attention for such ailments as they might have. There is no question that there was an American doctor and enlisted personnel stationed at Schwabisch Hall at all times while the Malmedy prisoners were there. These doctors testified before the subcommittee, as did their superior, Captain Evans. Their testimony was clear, professional, and convincing. It is clear that they had complete responsibility for the physical condition of the suspects and that they made every effort to meet their responsibilities. It was also noted that while some suspects allege they did not receive medical attention, many other affidavits make reference to treatment by medical officers, enlisted personnel, and trips to American medical facilities away from Schwabisch Hall. These latter statements made by some of the suspects corroborated the statements made by the American personnel. Therefore, it is the opinion of the subcommittee that there were adequate medical facilities available and in use for the Malmedy prisoners at Schwabisch Hall. In this connection, the affidavit of Dr. Knorr should again be examined. In this affidavit he claimed that he had treated 15 to 20 cases in which teeth had been knocked out and in one case a ruptured jaw. The dental member of the subcommittee's staff examined the teeth of all the accused who were convicted and who were confined at Landsberg Prison. He examined several cases in which teeth were alleged to have been knocked out. His report is contained in the subcommittee record and throws considerable doubt on the truth of the allegations. It should be noted that only one of this group claimed to have been treated by a German civilian dentist. The rest all stated they were treated by American dental personnel at various points. This tends to place doubt on the accuracy of the affidavit of Dr. Knorr.

Mr. BALDWIN. Claims were made as to threats against families of the accused. They were many such claims made in the affidavits, but they were vigorously denied by all the witnesses who testified, who were at the prison at the time—that is, the American personnel.

I ask unanimous consent to have this section of the manuscript, paragraph No. 9, printed in the RECORD at this point as a part of my remarks.

There being no objection, the paragraph 9 was ordered to be printed in the RECORD, as follows:

9. THREATS AGAINST FAMILIES OF THE ACCUSED, AND FRATERNIZATION WITH WIVES OF THE ACCUSED

Several of the affidavits in this case allege that members of the interrogation team threatened the prisoners by telling them that ration cards would be taken away from their families and other punitive measures would be taken against them if the suspects in question did not confess. The degree to which such threats were used is hard to establish, but the subcommittee believes that in some cases some of the interrogators did make threats of this kind. It is questionable as to the effect such statements would have on the type of individual under interrogation, but it is hard to believe that this by itself would make a man perjure himself to the point of making a false confession and bearing false witness against his comrades. Therefore, the subcommittee concludes that in some cases such threats might have been used but believes they were not general in character.

There were no charges made that members of the interrogation team fraternized with wives of the accused prior to the time of trial. However, it was developed by the Raymond board that subsequent to the trial, but before sentences were passed, two members of the interrogation team took several of the wives to the officers club where it was obvious they were drinking together. While this could have had no possible effect on the outcome of the trial, in the opinion of the subcommittee it showed a lack of good judgment on the part of the individuals concerned and should not be condoned. One of those involved, who was not an interrogator, but a clerk with the interrogation team, was sent back to the States as a result of this incident, and the other, testifying before the subcommittee stated that it was the only time that such a thing had occurred, and that he had been wrong. His attitude was such as to convince the subcommittee that all realized that a mistake had been made. There were no charges or evidence that any other members of the investigating team ever fraternized with the wives of the accused. The subcommittee assumes it is the sole incident and that it has been properly handled by the responsible authorities.

Mr. BALDWIN. Mr. President, there was one case of fraternization with the investigating personnel. One of the investigators, not an officer, but a civilian investigator, did go with some others to the officers club, in company with the wives of several of the accused, but this was after the evidence had ended, and after a decision had been rendered in the case, as I recall. At any rate, we have dealt with that question very fully in our report. I must say that this was a reprehensible thing to do. The man who did it willingly conceded it on the stand.

I ask unanimous consent to have printed in the RECORD at this point as a

part of my remarks paragraphs 10 and 11 in the manuscript.

There being no objection, paragraphs 10 and 11 were ordered to be printed in the RECORD, as follows:

10. USE OF STOOL PIGEONS

Many of the affidavits alleged that the interrogation team used stool pigeons for the purpose of securing evidence. This is freely admitted by the members of the interrogation team as a part of their normal practice, and the subcommittee finds no grounds for complaint for such activities. Traditionally the use of stool pigeons has been practiced by our American prosecuting authorities and is a recognized practice in criminal investigations.

11. TRICKS OF VARIOUS KINDS AND MENTAL DURESS

Practically all of the affidavits alleged that the prisoners had been tricked or mentally harassed to a point where they became confused and as a result signed false confessions. The subcommittee made a determined effort to find the nature of these various tricks. Apparently the members of the interrogation team gave considerable thought as to how they could break down the resistance, silence, and deception on the part of an individual in order to get him to talk. The pretended use of microphones; the pretense of having information from other accused implicating the suspect being interrogated; the plus and minus system, whereby members of the interrogation team would keep a score in front of the man, putting down a plus when he told the truth and a minus when he was thought to be lying, thereby leading him to believe that mathematically they were going to determine his guilt by the answers he gave; the identification of a particular mark on his body, and the confronting of individuals with other members of the organization who had turned state's evidence. All of these methods were used for the purpose of getting the prisoners to talk. There is no question that such methods were used. The subcommittee feels that they cannot condemn them since they represent the usual and accepted methods used in criminal investigations. It would seem that the bulk of the success of this interrogation stemmed from the ability to confuse and deceive a group of persons who had had an opportunity to prepare their stories in advance, and, who to a marked degree, were involved in a conspiracy to avoid the consequences of the acts in which they had participated. These prisoners with a few exceptions were hardened, experienced members of the SS who had been through many campaigns and were used to worse procedure.

Mr. BALDWIN. As to the claims of promise of acquittal, we deal with that question very fully in our report. We found that there was no departure from decent, proper standards in that regard.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks paragraph numbered 12 in the manuscript.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

12. PROMISE OF ACQUITTAL

It was charged that many of the statements were obtained through promising a man that he would go free if he told the truth and thereby implicated others. Considerable argument and discussion has already been had on this particular point, and the evidence submitted to the subcommittee is very conflicting. There is no question but that the interrogation team published instructions in the form of SOP No. 4, which in section 4 discussed this particular matter. There is no question but that section 4a specifically forbids that any promise of acquittal be made, but 4b appears to be a modification of the prohibition in the earlier section. All the members of the interrogation team who testified before the subcommittee stated that no one was promised that he would not be tried if he would turn state's evidence and implicate others. In fact, SOP No. 4 required that before anyone could make such a promise the officer in charge of the interrogation team had to approve such an agreement, and they categorically stated that this was never done. Therefore, it is the belief of the subcommittee that while SOP No. 4 would appear to indicate that such arrangements could have been made, it does not appear from the evidence before the subcommittee that any such promises were made. It is recognized that it is quite a common practice in criminal cases for State's attorneys in the United States to get a man to turn state's evidence upon the promise that if he tells the truth he would be recommended to the court for leniency. Here again the subcommittee finds it extremely difficult to assess blame because of the instructions issued by the interrogation team, particularly since it appears that these instructions were never put into operation. However, this is an area in which great care must always be exercised and there is no question that SOP No. 4 was ambiguous in its phraseology. The subcommittee believes that the final decision as to whether or not any immunity should be granted should be the decision of the court and not of those responsible for conducting the interrogation of suspects.

Mr. BALDWIN. With regard to alleged fake hangings, there was very little testimony on that subject. That claim was vigorously denied. I ask that that section of the report be printed in the RECORD at this point as a part of my remarks, without reading it.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

13. FAKE HANGINGS

Several of the persons who submitted affidavits in this case testified that they were either threatened with hanging or in fact did have a rope placed around their necks and were pulled up off their feet several times until they lost consciousness. One of those who made this claim was Eble, whose testimony has been thoroughly discredited and is completely unacceptable to this committee. Many witnesses were questioned as to whether any of them ever saw ropes or a rope being used in Schwabisch Hall. This has been denied by everyone with the exception of a witness who testified that prisoners were led around with a rope about their necks. All witnesses questioned on this point, with the exception of Eble, denied that such practices were ever followed. The subcommittee feels in the absence of competent evidence to support the allegations concerning hangings that, in fact, they never happened.

Mr. BALDWIN. Mr. President, I should like to discuss briefly the question of the trial and review procedures.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. BALDWIN. I yield.

Mr. DONNELL. With regard to the insertion in the RECORD of this matter, I assume the Senator recalls that under the uniform practice of the Senate matter which is not actually read is printed in small type. Does the Senator have that in mind?

Mr. BALDWIN. I should prefer not to have it in small type. I would rather read it.

Mr. DONNELL. So far as I can recall, the uniform practice, with possibly a very few exceptions—and in those instances perhaps they were regretted—the practice has been to refuse to permit matter which is not read to be printed in anything except small type. Perhaps the Parliamentarian could enlighten us on that point. I may be in error.

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). The Chair is informed that under the statute, and by reason of the regulations of the Joint Committee on Printing, any matter which is not read, is printed in small type. Upon further inquiry of the Parliamentarian, the Chair is informed that that rule cannot be waived.

Mr. DONNELL. In other words, anything which is not read must be printed in small type.

The PRESIDING OFFICER. The Senator is correct.

Mr. DONNELL. That is my understanding. I thought it was only fair to call the attention of the Senator to that fact, because I assume he would probably desire to have it printed in the regular type in which the oral proceedings appear.

Mr. BALDWIN. I think that applies to only two or three pages. I ask to have the matter referred to incorporated in the RECORD, even though it may be in small type, as quotations from our report, from which I have read much of this material. It will be in the RECORD, in any event. I do not think it makes too much difference what style of type is used, so long as it is in the RECORD.

I thank my friend from Missouri for calling that point to my attention, because I did not know it.

Mr. DONNELL. Mr. President, will the Senator yield again?

Mr. BALDWIN. I am glad to yield.

Mr. DONNELL. A moment ago I stated that since I have been a Member of the Senate—not so many years, of course—there may have been some exceptions to the rule to print in small type in the RECORD matters which are not actually read, but are submitted for the RECORD without reading. I am not sure that there have been exceptions. However, it seems to me there have been one or two cases when Members of the Senate have requested that certain matters, not actually read, be printed in the RECORD in large type; and I am quite sure that it was stated at that time that such matters could not be printed in the RECORD in large type, even though a strong desire to have that done might be expressed by the particular Senator concerned; and the ruling was made that if the words were not actually spoken, the remarks should be printed in the RECORD in small type.

MATTERS PERTAINING TO THE TRIAL AND REVIEW PROCEDURES

Mr. BALDWIN. Mr. President, the rules of procedure under which this case was tried were not those that are used by the Anglo-Saxon nations in regularly constituted military or civilian courts. In attempting to evaluate the manner

in which the court was conducted, the subcommittee soon found that it was impossible to do so until this point was clearly understood. For this reason, a brief history of the development of the war crimes procedures should be of interest.

In 1945, the London conference drew up a charter for international military tribunals to implement the decision to treat as war criminals individuals of the separate states who violated the so-called rules of war. The prosecution of war criminals is nothing new in the history of our country. After practically all of our wars, our own military courts have tried members of the enemy forces who were charged with the commission of war crimes. However, this war brought into being for the first time the concept of an international military court for the trial of war criminals.

Prior to the late war there was an unwritten international doctrine that heads of states were not responsible for acts committed by them in such capacity. The decision of the London conference which resulted in the London agreement, and the charter of the International Military Tribunal before which Goering and other major Nazi leaders were tried and convicted, represented the views and decisions of the major Allied Powers engaged in that war. Personal responsibility of heads of states and of individuals for offenses committed by them was recognized and set down as accepted principles of the laws of war. The International Military Tribunal for the Far East adopted these principles in the trials of the major Japanese war criminals. Both of these tribunals were composed of the representatives of several of the nations involved in the conflict in each area.

Mr. President, the rules of procedure adopted for the trials before the international military tribunals represented a compromise between the various legal procedures of the several Allied nations. They were a composite of Anglo-Saxon and continental codes of justice.

The subsequent proceedings against other major Nazi war criminals at Nuremberg were conducted before military tribunals authorized by the Allied Control Council for Germany—Control Council Law No. 10. They were appointed by the zone commander, United States zone, Germany, and were composed of American personnel, who for the most part were judges from various State courts of the United States. The rules under which these courts operated were the same as those under which the first Nuremberg tribunal operated, and such courts have been regarded as international in character.

In addition, the various nations, within their respective zones of occupation in Germany, and in other areas, established their own national military courts for the trial of lesser war criminals charged with violations of the laws of war. In the American zone these courts were called military government courts which under appropriate directives were created especially for the trial of war criminals. It appears that in general the rules of procedure under which these courts operated were an adaptation of the rules of procedure adopted for the Nuremberg trial. The court that tried the Malmedy case was of this type.

The Malmedy trials deal with violations of laws and customs of war long recognized as such; specifically, the murder of prisoners of war and noncombatant civilians. The Geneva—prisoner of war—convention of July 27, 1929, and the Annex to Hague Convention No. IV of October 18, 1907, sets out a positive duty to protect prisoners of war against acts of violence and prohibits the killing or wounding of an enemy who had laid down his arms and no longer had a means of defending himself.

In connection with procedure it is pertinent to quote from the Technical Manual for Legal Officers prepared by SHAEF. This was the basis for later rules of procedure which governed American military government courts. Section 14 of that manual reads as follows:

> Military law: The law of military government thus created should not be confused with the statutory law of the respective United Nations governing their armed forces.

Further, this manual also contains a guide to procedure in military government courts, and in paragraph 9, section 1, the following quote brings out one of the basic differences between the system employed in this case, and that normally followed by our civilian or military courts:

> 9. Evidence: Rule 12 does not incorporate the rules of evidence of British or American courts, or of courts martial. The only positive rules binding upon the military government courts are found in rule 12 (3), rule 17, and rule 10 (5). Hearsay evidence, including the statement of a witness not produced, is thus admissible, but if the matter is important and controverted, every effort should be made to obtain the presence of the witness, and an adjournment may be ordered for that purpose. The guiding principle is to admit only evidence that will aid in determining the truth.

The military government court at Dachau, which tried the Malmedy case, was operating under these rules of procedure.

COMPOSITION OF THE COURT

The accused in the Malmedy case were tried before a general military government court appointed by paragraph 24, Special Orders No. 90, headquarters, Third United States Army, dated April 9, 1945, which was subsequently corrected by paragraph 32 of Special Orders No. 117, headquarters, Third Army, dated May 10, 1946. The court apparently was composed of seasoned officers.

The following officers were members of the court: Brig. Gen. Josiah T. Dalbey; Col. Paul H. Weiland; Col. Lucien S. Berry; Col. James G. Watkins; Col. Wilfred H. Stewart; Col. Raymond C. Conder; Col. A. H. Rosenfeld, law member; Col. Robert R. Raymond, Jr.

TIME AND FACILITIES AVAILABLE TO THE DEFENSE

One of the complaints made by the defense counsel was that they were not given adequate time to prepare their case for defense. They pointed out that there were 74 accused in this case, and that the pretrial interrogation was completed about the middle of April, and on April 17 or 18 the accused were brought to Dachau where the trial was to be held. The trial began on May 16.

Col. Willis M. Everett, Jr., chief defense counsel, was appointed in the early part of April, but it was not until April 11 that the defense counsel were able to start assembling. When finally organized about April 20 the defense staff consisted of Col. Willis M. Everett, Jr., Lt. Col. John S. Dwinnell, Lt. Col. Granger G. Sutton, Capt. B. N. Narvid, Second Lt. Wilbert J. Wahler, Mr. Herbert J. Strong, Mr. Frank Walters; and the following German counsel: Drs. Max Rau, Heinrich M. Wieland, Otto Leiling, Franz J. Pfister, Eugen Leer, and Hans Hertkow. Of this group, the experience and capabilities of the defense counsel varied to a considerable degree, but Colonel Everett, Colonel Dwinnell, and, it was reported, Lieutenant Wahler had had considerable court experience. The German attorneys were lawyers of considerable experience but were not familiar with the manner in which American military courts functioned.

Testimony before the subcommittee shows that the initial group meeting was about April 20, and that all the time prior to that was considered by the defense counsel to be lost time, excepting that Colonel Everett, the chief defense counsel, and two others, were making administrative arrangements such as securing tables, desks, telephones, etc. This physical equipment was requisitioned from the Army, and there was no particular difficulty in getting delivery of all the necessary items. Testimony also indicated that it was not until approximately 2 weeks before the trial started that the defense counsel received the bulk of the pretrial statements made by the accused, and what was purported to be the bills of particulars on which the individuals and the entire group would be tried. Mr. President, let me say that was a rather unusual procedure. The defense insisted that since the affidavits, statements, and confessions, so-called, had been taken at Schwabisch Hall, the defense counsel should have copies of them. At first the prosecution was reluctant to supply those documents; but at least 2 weeks before the trial, they turned over to the defense counsel copies of the statements made at Schwabisch Hall, about which so much complaint is made. So the defense counsel had the advantage of having them.

The record discloses that there was a maximum of approximately 4 weeks for the defense to get ready before the trial started, which appears to be too short a time for the study and development of a proper defense, in a case of such major proportions, and in which there were 74 accused. It was further testified before the subcommittee that it was a very difficult proposition to secure the confidence of the accused, and of course there were language differences which made the defense problem more difficult.

It is recognized that the defense counsel did have some opportunity to continue with their preparations for the presentation of their case during the time that the prosecution was presenting its case, and that there was a recess of approximately 7 days, after the prosecution rested its case, before the defense had to commence. There is no record

that the defense requested further time for the purpose of further preparing their case. It is assumed that if such a request had been made and properly supported, it would have been granted. There is evidence that Colonel Everett discussed the matter with higher authorities, and that an administrative decision had been made that there would be no adjournment, but there is no record anywhere that a request was made to the court, which, in the final analysis, would be the group which should grant such a motion for postponement.

Notwithstanding these facts, Mr. President, the subcommittee is of the opinion that due to the limited time available, the defense was considerably handicapped in preparing its case for trial. The subcommittee does not believe that this seriously affected the outcome of the trial, but believes that, in the future, courts should assure themselves that a reasonably sufficient time has been allowed for this purpose.

Insofar as facilities are concerned, the preponderance of the evidence before the subcommittee indicates that the Army supplied everything that the defense needed, as rapidly as possible, and assisted them in this respect to the greatest possible extent.

TRIAL OF THE ACCUSED EN MASSE

One of the complaints made by the defense counsel in this matter was that the court did not allow a severance of the various defendants in this case. A motion of severance was filed with the court which was denied. The granting of such a motion was, of course, within the discretion of the court, and the subcommittee does not feel that it has the authority to serve as an appellate court to judge the ruling in this particular case. I should like to emphasize that point. The subcommittee did not in any sense act as an appellate court. Consequently, we are not prepared to say, nor should we try to do so, that in any individual case the verdict or judgment should be set aside or that any other change should be made as to it. We were concerned with the charges of physical abuse and the related matters.

The subcommittee feels that it is one of its responsibilities, however, to comment on matters which might be improved in the case of future trials of this kind. It is noted that on a review of this matter by the War Crimes Review Board, it was stated in conclusion that—

> It does not appear that the denial of the motion resulted in an injustice to any of the accused to such a degree as would warrant a new trial.

When so many accused, of varying ranks, are being tried together on a single charge, there must be some conflict of interest between the superiors and the subordinates. On the other hand, it is recognized that the scarcity of officers, and the time elements that are involved in matters of this kind, made it extremely difficult to conduct large numbers of trials for separate defendants.

The subcommittee feels that this basic rule should govern cases of this kind. Where there is more than one defendant and it appears that their joint indictment and trial will result in a conflict of interest to the extent that an individual defendant or group of defendants will be so seriously prejudiced as to prevent a fair and just trial, they should be indicted and tried separately or appropriate severance granted.

THE KRAMM CASE

Mr. President, I have discussed at considerable length the Kramm case, having had a discussion of it, earlier today, with the Senator from Wisconsin [Mr. McCARTHY]. Therefore, instead of reading several paragraphs relative to that case, I ask unanimous consent that they may be printed at this point in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

> The defense attorneys and the various petitions for review in this case have laid considerable stress on a ruling by the court in connection with the testimony of Kurt Kramm. This man was a prosecution witness. On cross-examination defense counsel attempted to raise the question of duress which had not been raised on direct examination. The law member of the court sustained the objection of the prosecution on the ground it was beyond the scope of the direct examination.
>
> In order that this matter may be completely understood, the following quotations are made from the petition to the Supreme Court of the United States, filed by Col. Willis M. Everett in this case:
>
> The witness, Kramm, testified on cross-examination:
>
> "Question. In what period of time did you take part in that Russian campaign which you first mentioned?
>
> "PROSECUTION. I object.
>
> "Colonel ROSENFELD. Objection sustained. Not cross-examination" (record, p. 215).
>
> Cross-examination of the witness:
>
> "Question. Now, how often would you say you were approximately interrogated at Schwabisch Hall?
>
> "PROSECUTION. I object.
>
> "Colonel ROSENFELD. Objection sustained.
>
> "Mr. STRONG. May I very respectfully point out to the court, with due deference, that this is cross-examination——
>
> "Colonel ROSENFELD. It is not cross-examination, because it is without the scope of the direct examination. The court has ruled. The objection is sustained.
>
> "Question. Kramm, isn't it a fact that you, during the time you were in Schwabisch Hall, signed a statement for prosecution, in question-and-answer form, consisting of approximately 20 pages?
>
> "PROSECUTION. I object again.
>
> "Colonel ROSENFELD. That is not cross-examination. It is the last time the court will notify you.
>
> "DEFENSE COUNSEL. May it please the court, on behalf of the defense and in view of the fact that the witness will return to the witness stand at a later time during this trial, no further questions will be asked of the witness at this time, but we as defense counsel would like at this time an amplification of the court's ruling on the objection by the prosecution to our line of questions on cross-examination. Do we understand that in the future we will be limited to the line of questioning on direct examination of the witness, or will we be permitted to ask of the witness questions designed primarily to attack the credibility and veracity and bias of the witness?
>
> "Colonel ROSENFELD. Both the prosecution and the defense will be permitted to cross-examine the witness other than the accused according to the rules and regulations of cross-examination. Where the credibility of the witness is to be attacked, the credibility will be attacked in the prescribed manner and the court will permit such attack.
>
> "If the accused or any of the accused take the stand, cross-examination will be permitted in accordance with the rules of evidence whereby the accused may be cross-examined on any matter in connection with the case."
>
> Testimony given before the subcommittee indicates that the defense counsel made no effort to lay a foundation for the attack on the credibility of the witness or to attack the manner of interrogation at Schwabisch Hall, nor did they notify the court that this was the purpose of this line of questioning. For this reason it appears that the ruling of the court was technically correct.
>
> Although the subcommittee does not take the position that it has the authority to pass on the propriety of rulings made by the court, it appears that the defense counsel, either through lack of knowledge as to how such an attack should be made on the credibility of the witness, or for other reasons, did not exercise the proper diligence in pressing this point. The subcommittee feels that it is the duty of the law member of the court to make certain that legal technicalities do not prevent the court from hearing all pertinent testimony. Therefore the law member should have advised the defense counsel as to the proper procedure to use in laying a foundation for an attack on the credibility of the witness.
>
> It is noted in the quoted matter above that defense counsel said that they did not desire to cross-examine further at that time because they expected that this witness would again be on the stand, and the inference was that they intended to call him as a defense witness, at which time they could have asked such questions on direct examination as they say fit. The subcommittee hesitates to draw an inference from the fact that Kramm was not called to the stand by the defense for the purpose of bringing out any matters of duress that might have affected his credibility as a witness for the prosecution.

FAILURE OF WITNESSES TO TAKE THE STAND IN THEIR OWN BEHALF

Mr. BALDWIN. One point which was developed during the course of the subcommittee's investigation which is believed to be of great importance in this case, is the failure of the defense to permit all the accused to take the stand in their own behalf.

First of all, through testimony introduced before the subcommittee by various persons, including the German defense counsel and Lieutenant Colonel Dwinnell, it appears that it took considerable persuasion and argument on the part of certain of the American defense counsel to persuade the accused not to take the stand. On the surface, that appears to be most unusual. It is the opinion of the subcommittee that it is an inherent right of an accused to take the stand in his own defense. Normally, defense counsel hesitates to persuade a client as to the propriety of his course in such a matter. He usually limits himself to a presentation of the various things that could happen, and leaves the decision strictly up to the defendant. In this case, Colonel Everett and Lieutenant Colonel Dwinnell decided it was best that the defendants not take the stand in their own behalf, and argued strongly with them until they convinced them it was the proper course of action.

Until the time of that argument, nine of the defendants had taken the stand in their own behalf. Lieutenant Colonel

Dwinnell, in testifying before the subcommittee, stated that these were lying so much that they were "like a bunch of drowning rats. They were turning on each other, and they were scared; and, like drowning men clutching at straws, they would say: 'No; I was not at the crossroads, I'm certain I was not, but so and so was there,' trying to get the ball over into his yard. So we called a halt. Now, how can we properly represent 74 accused that were getting so panicky that they were willingly saying things to perjure themselves?"

Colonel Everett states he could not support this statement because he did not know whether they were lying or not. He felt that, with the defendants turning on each other, the case of all was being weakened. Further, he believed that the prosecution expected this to happen. These facts led to his decision not to put any more of them on the stand.

Furthermore, Lieutenant Colonel Dwinnell said that in his opinion the prosecution had not established a prima facie case, and that he believed the court would not convict the defendants. He further stated that they requested an adjournment of 2 hours for the purpose of conferring with the accused, to convince them that they ought to quit, and finally they did. Lieutenant Colonel Dwinnell also testified there was considerable disagreement initially not only between members of the American counsel but also between the American and German counsel, and that it took considerable persuasion on his part to convince the group that they should no longer take the stand.

The subcommittee is unable to judge what testimony would have been introduced into the record, and what effect it would have had on the court, had each defendant testified in his own behalf. On the other hand, some 16 months after conviction, many of the accused made claims of physical mistreatment which they said caused them to execute their original confessions or statements. It would seem entirely likely that, had such statements been proved at the time of the trial to the satisfaction of the court and reviewing authorities, they might have served as the basis for a different decision in this case. Therefore, the subcommittee is of opinion that the defense counsel in this case either did not believe the stories of the defendants, of which they apparently had knowledge, concerning physical mistreatment, or that they erred grievously in not introducing such testimony into the record.

It is difficult for the subcommittee to reconcile the fact that this was not done, with the apparent acceptance and support now given by the various members of the defense counsel to the affidavits submitted some 16 months later by the defendants in this case. We deal with the question of the lack of information furnished defense attorneys. Each had a dossier, and, in the course of time, with very few exceptions, they were furnished with copies of the statements and affidavits obtained by the interrogators.

One complaint made before the subcommittee was to the effect that, because of the manner in which decisions are handed down in military courts, there is no detail to support or explain why a particular individual was convicted. Although it was represented to the subcommittee by Dr. Leer that copies of the trial proceedings were not available to defense attorneys, the subcommittee is of opinion that this was an exaggeration and that copies actually were furnished daily to certain defense counsel. On the other hand, the subcommittee agrees it is essential that the completed record of trial be made available to all defense counsel; which apparently was not done in this case.

The subcommittee was keenly interested in the various reviews and investigations that were made of the Malmedy case by the Army, and the apparent effort that was made to make certain that no accused suffered because of procedural or pretrial errors.

As in all war-crimes cases, the findings and sentences of the court had to be reviewed by the staff judge advocate. In this case the procedure provided for an initial review by the deputy theater judge advocate for war crimes. Thereafter, there was a review by a war-crimes board of review in the office of the theater judge advocate, which considered the recommendation of the earlier review. Both reviews were then considered by the theater judge advocate, who made recommendations to the commanding general of the theater, General Clay, who took final action on the cases.

Mr. President, there is a record of three reviews, before the case got to General Clay's desk.

In this connection, the subcommittee noted that initially the case was assigned for review to an attorney, a civilian employee, by the name of Maximilian Koessler, who testified before the subcommittee. The record shows this attorney had worked on the case for 5 months, and had reached a decision in only 15 of the 73 cases. The decisions he had reached differed in considerable degree from those finally approved by the commanding general, but in some cases Mr. Koessler's recommendations were more severe than those finally approved.

According to the testimony before our subcommittee, Mr. Koessler went into such detail in his reviews that it unduly delayed the completion of the consideration of the cases; and therefore, after 5 months, the review of the Malmedy case was reassigned to other lawyers in the office of the deputy theater judge advocate for war crimes. In due time the initial review was completed and the case was forwarded to the theater judge advocate for further study and transmission for final approval by the commanding general.

In order to assist the theater judge advocate in his decisions, he had created a second review board known as the War Crimes Board of Review. This group reviewed the cases in detail and made recommendations to the theater judge advocate. They differed, in a substantial number of cases, with the initial review, and, generally speaking, were considerably more lenient than the deputy judge advocate for war crimes.

The theater judge advocate then took the recommendations of the War Crimes Board of Review, along with the record of trial and the initial review, and made his recommendations to the commanding general. Some idea of the results of these various reviews can be gained when it is pointed out that while there were 43 death sentences adjudged by the court, only 12 were finally approved by General Clay. There were also reductions in sentences in 41 cases, including the original death sentences, and 13 outright disapprovals of sentence.

I may say, so far as 12 cases are concerned, as the result of a further review, which General Clay personally made himself, there are only 6 death cases now pending. And I may say again, so it will be crystal clear, we are not making any recommendations in the subcommittee report as to what we think should be done with the sentences; that is entirely up to the military. This was the military government court, and it is their decision. They can use the report, of course, for their own consideration, and for such influence as it may have on their further dealing with the entire matter. But we do not attempt to pass judgment as an appeal board or as an appellate court upon what has been done in each individual case. The subcommittee noted one procedure which it believes to be wrong, and which should not be permitted, although in this case the matter reacted to the benefit of the defendants. Lieutenant Colonel Dwinnell, who had been the associate chief counsel for the defense in the Malmedy matters, was assigned to the War Crimes Board of Review as an adviser to the group reviewing the Malmedy case. This meant that Lieutenant Colonel Dwinnell was in a position to and did influence the recommendations of the Review Board in favor of the defense. I may say in behalf of Colonel Dwinnell, who testified before us at great length, that he made upon me, at least, a very good impression as a lawyer who diligently tried to do his job. It was not his doing that he was put on the Review Board. He was assigned to a particular job, with full knowledge that he had been of defense counsel in the case. So I am not at all critical of Colonel Dwinnell.

On the witness stand, he stated in response to a question as to whether he argued any of his points before the Review Board as follows, "Every day—for the defense." It is believed to be highly improper that any person who has had any connection with the trials in any capacity whatsoever should be assigned to a position in which he could influence the reviews of the cases. This assignment of Lieutenant Colonel Dwinnell might account for the fact that the War Crimes Board of Review recommended a great many more disapprovals and a greater degree of leniency than was finally recommended by the theater judge advocate and approved by the commanding general of the theater.

Subsequent to the various reviews, which, in effect, were three and possibly four up to this point—five, if we include Mr. Koessler's—there have been two studies made by the Army of this case. On July 23, 1948, Secretary Royall created the Simpson commission, which was composed of Judge Gordon A. Simpson, of Texas, and Judge Edward L. Van

Roden, of Pennsylvania. To this commission was assigned the responsibility of making an analysis of all the unexecuted death sentences awarded by the Dachau courts, 139 in number; not in the Malmedy cases, but in all the cases. Of the 139 unexecuted death sentences, 12 were Malmedy cases.

The Simpson commission arrived in Europe on July 30, 1948, and submitted their report on September 14, 1948. Among other recommendations made by them was a recommendation that the 12 death sentences in the Malmedy case be commuted to life imprisonment. Testimony before our subcommittee adduced the fact that this recommendation was made because they believed that the pretrial investigations in the Malmedy case may not have been properly conducted, and they felt that no death sentence should be executed where such doubts existed.

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

The PRESIDING OFFICER (Mr. WILEY in the chair). Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BALDWIN. I yield.

Mr. DONNELL. Did I correctly understand the Senator to state that the Simpson-Van Roden commission arrived at its destination on July 30, 1948?

Mr. BALDWIN. Yes; and it left on September 14. It was there a little over 6 weeks.

Mr. DONNELL. How many death-sentence cases did it review?

Mr. BALDWIN. One hundred and thirty-nine.

Mr. DONNELL. It reviewed 139 death-sentence cases in 6 weeks. That would be an average of practically 23 death-sentence cases every week. So if the commission worked 7 days a week it would review approximately 3 death-sentence cases each day.

Mr. BALDWIN. That is correct.

Mr. DONNELL. Could the Senator tell us the approximate number of pages of transcript involved in the cases in which death sentences were imposed, on the average?

Mr. BALDWIN. I do not recall offhand, but I will say to the Senator that there are a great many pages of record in the Malmedy case alone. The trial record contains more than 3,000 pages. I may say to the Senator, however, that no doubt the Simpson-Van Roden commission had the benefit of reviews which had previously been made. In other words, when a question came up in connection with one of the reviews it had the advantage of the work which had been done theretofore and could pick out the alleged error which was claimed. But I admit that they reviewed a great many death-sentence cases.

Mr. DONNELL. Does the Senator have any knowledge as to how much time each day the commission devoted to its work?

Mr. BALDWIN. No; I have not.

Mr. DONNELL. If the commission had devoted 12 hours a day for 6 weeks and had reviewed three death sentences, on the average, each day, it would be a review of one death sentence approximately every 4 hours.

Mr. BALDWIN. Yes.

Mr. DONNELL. Would the Senator think it would be fair to assume that the transcript of testimony and proceedings in each case would average as many as 400 or 500 pages?

Mr. BALDWIN. I should think so; yes.

Mr. DONNELL. And it might be more.

Mr. BALDWIN. Yes. Of course the defendants were tried together, so that when the trial was reviewed they had not only the testimony of A, but of B and C, and all the others.

Mr. DONNELL. How about the 139 cases to which reference has been made?

Mr. BALDWIN. I do not know about those at all. They were other war-crime cases that had nothing to do with Malmedy.

Mr. DONNELL. Mr. President, I certainly do not want to be critical of any commission, but I believe I am justified in at least raising the question as to whether it is humanly possible for a commission composed of two men——

Mr. BALDWIN. There were three men. There was also an Army officer on the commission.

Mr. DONNELL. Three men working every day, Sundays included, for 6 weeks. I say it is pretty difficult for me to see how they could do the best work on death sentences at the rate of one every 4 hours.

Mr. BALDWIN. I am in complete agreement with my friend. In our report we make certain recommendations about what should be done regarding these things in the future. It was far from an exact procedure. But let me remind my friend that so far as the Malmedy cases were concerned, the Simpson-Van Roden commission took all the difficulty out of it by recommending a commutation from death to life imprisonment in all 12 of the cases. They picked out the mock trial which was involved in only 12 cases, and took that procedure as the procedure which tainted all the judgments, and, consequently, said, "These 12 death sentences should be commuted to life imprisonment."

Mr. DONNELL. I will say to the Senator that I am very reluctant, without knowledge—and I do not have knowledge other than what I have heard of the Senator's address—to stand here and criticize a commission which went to Europe, but I could not help feeling at least a question as to how it is possible for a commission to work six straight weeks, every day in the week, and dispose, on the average, of one death sentence every 4 hours.

Mr. BALDWIN. I am in agreement with my friend. It is my own personal opinion that there are two things about this action: No. 1, much has to be done to improve the procedure; No. 2, as a result of the processes followed, I think, personally, that the Army has leaned over backward in an effort to prevent any injustice.

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

Mr. BALDWIN. I yield.

Mr. LANGER. Does the Senator have any knowledge as to how large a staff these gentlemen had? I am referring to Simpson and Van Roden.

Mr. BALDWIN. No.

Mr. LANGER. There may have been 50 lawyers working on the cases and submitting material to the judges.

Mr. BALDWIN. I do not know that there were 50, but certainly, as I indicated in answer to my friend's question, apparently the material must have been prepared for them. It must have been pretty thoroughly gone over or they could not have begun to do what they did.

Mr. LANGER. It would be a physical impossibility for the judges to read the transcript themselves and dispose of the cases in that length of time.

Mr. BALDWIN. I should think it would be impossible.

Mr. LANGER. It is my understanding that there was a large staff which analyzed the cases for them.

Mr. BALDWIN. I do not know how the Simpson-Van Roden commission worked. I only know they submitted a report and made some recommendations which, in some instances, were followed by General Clay, and in some instances they were not.

Mr. DONNELL. Mr. President will the Senator further yield?

Mr. BALDWIN. I yield.

Mr. DONNELL. I understand, then, that the Senator does not know whether the Simpson-Van Roden commission did or did not have a considerable force of men on their staff.

Mr. BALDWIN. I assume they must have had. I shall discuss Van Roden a little later in my speech. Judge Simpson testified before us. I was favorably impressed with Judge Simpson. He is a man who has had experience in Texas as a trial judge and he appeared to be an able and intelligent lawyer.

Mr. DONNELL. I am not standing here criticizing, inferentially or in any other way, those gentlemen, but I reiterate the point that when two or three gentlemen go to Europe and investigate 139 death sentences, even though they had the assistance of a considerable body of helpers, it would seem to me that where human life is involved, the determination of the lives of 139 persons at the rate of one every 4 hours for 12 hours a day, 7 days a week, for 6 weeks, involves a very considerable task and at least raises a question in my mind to which I should have to have further answer before arriving at a conclusion as to whether the commission did what it should have done.

Mr. BALDWIN. I may say to my friend from Missouri that when this commission came back, one of the members were severely critical of the Army and severely critical of the investigators. He made some speeches which I think have had a very serious effect upon our whole situation in Germany. I want my friend from Missouri to know that we are not backing up the work of the Simpson-Van Roden commission. As a matter of fact, our position is quite to the contrary, as the Senator will see as I go on.

I think the result has been, as I said before, that we need to examine these procedures. We need to make a thorough study and be prepared with proper personnel and proper procedures to handle such matters.

Mr. DONNELL. Mr. President, again I say that I have not heard very much of the Senator's address this afternoon. Were the death sentences which were sustained by the Simpson-Van Roden commission actually put into effect?

Mr. BALDWIN. I do not know. I do not wish to venture an answer. The only agency who would know about that would be the Department of the Army.

Mr. DONNELL. Is any further investigation contemplated of the work of the Simpson-Van Roden commission?

Mr. BALDWIN. Not so far as I know. The Simpson-Van Roden commission did not go to Europe primarily to review the evidence in every case as an appeal board. What it went over to do was to investigate charges, so that its function was very much like the function of the subcommittee. It was not altogether an appeal board. The question it had primarily to consider in the Malmedy cases—I do not know about the others—was this, were the charges of physical abuse, tricks, and the like, such as to have an effect upon the judgment of the court, so that they did affect the administration of justice?

Mr. DONNELL. What was the purpose of the Simpson-Van Roden commission? The point I have in mind is this, was it merely to go to Europe to make an academic study of procedure so that it could come back and tell us whether the procedures were correct, or did it have power vested in it to make recommendations and findings so that somebody would act to determine whether or not these men should or should not be executed?

Mr. BALDWIN. It had the latter power. The Senator from Missouri was governor of his State, and he knows what happens when men go to the board of pardons. A man who has been convicted will come before the governor, and start telling a story, how the warden treated him badly, how he had been beaten by the guards and the police, how the State attorney's office took him and locked him up in a solitary cell and kept him without food. In many respects, that is what happened in these cases. Such charges were made. In the Malmedy cases, I may say, some of them were made before the men were actually tried. These charges were, however, made, and if I understand the function of the Simpson-Van Roden commission, it was to investigate these charges, and the effect they might have on the decision of the cases.

Mr. DONNELL. Then the Simpson-Van Roden commission's findings were accepted, to be used as a part of the facts in determining whether or not the convictions were or were not to be made effective?

Mr. BALDWIN. They were not the final determination. In the Malmedy cases they recommended that the 12 death sentences be commuted, and General Clay in the final analysis commuted only 6.

Mr. DONNELL. I was very much interested in what was done by General Clay, and I wanted to ask whether or not General Clay had a staff which actually did the review work, I understood the Senator to say he thought in some cases General Clay did it personally.

Mr. BALDWIN. I am of the opinion that in the death cases the material pertaining to the cases was laid before General Clay. The committee has examined each one of the findings in the 12 cases, and they give every appearance of being the result of personal review and examination of the general himself.

Mr. DONNELL. I am interested and pleased to know that. I think it is a very fine commentary on the conscientious work of the general himself.

Mr. GEORGE. Mr. President, will the Senator permit me to say that some considerable time before the distinguished Senator went to Europe Colonel Everett, who was well known to me, and who was the chief counsel for the Malmedy defendants, as I understood, appealed to me, and the matter was taken up with the Secretary of War and was taken up directly with General Clay. General Clay gave to Representative DAVIS, who resides in Atlanta, and who is the Representative of the Fifth Georgia District, and who knew Colonel Everett very well, assurance that he personally would examine the record in all the cases.

I do not now recall all the facts. I know that the facts which were brought to my attention were shocking, particularly the charges with respect to the mock trials to which these defendants had been subjected prior to their actual trials.

Through many months I was in rather close touch with this matter, and thought it of such serious importance that I gave it considerable attention, and because of my knowledge of Colonel Everett, my great respect for him, and my knowledge of his father, who preceded him at the bar of Georgia, and who was a lawyer of great distinction and high character, I felt that these matters should be looked into.

General Clay, as the distinguished Senator from Connecticut knows, is himself a Georgian. He gave assurance that he would go personally into all the records. I do not remember now how many were originally tried and how many received sentences of less than death in the trials, and how many sentences were actually commuted, so to speak, and how many other sentences were reduced, but I do know that General Clay gave personal assurance to me, and gave personal assurance, through the Department, to Representative DAVIS and myself, that he would not permit the execution of any one of these defendants until he had—consistent, of course, with the time available for that purpose—made every possible inquiry and had gone fully into the cases.

I visited the office of the Secretary of War on more than one occasion, in company with Representative DAVIS, of the Fifth Georgia Congressional District, and I very well recall that finally a habeas corpus petition was presented by Colonel Everett, on his own initiative, without fee or hope of fee, to the Supreme Court of the United States, for review of the cases. When that matter was presented, I took the case up with the Secretary of War directly. The matter was submitted to the Supreme Court, and thereafter we went back in a reexamination of the Malmedy trials, of course without any first-hand knowledge, and without any ability or capacity or warrant to give any assurance whatever except to this extent, that General Clay certainly from the beginning gave every possible assurance that he would go into the records and into the cases.

Subsequently I was advised that he had done so, and my recollection is—the distinguished Senator from Connecticut of course is familiar with the facts—that certainly on his recommendation sentences were reduced, and certain death penalties were reduced to life imprisonment or lesser punishment.

I thought I should make this statement, in view of the fact that this is a matter which greatly concerned me, because it seemed, on the report of the commission, and on charges which came to me long prior to the time of the appointment of the commission, that there had been a frightful miscarriage and maladministration of justice in the sense in which we in America appreciate it and understand it.

I know that General Clay, who was then the governor in charge in our zone in Germany, did concern himself directly, and both before and after his examination of the cases we received assurances that he personally had gone into the cases to the greatest extent possible consistent with the other obligations resting on him.

Mr. DONNELL. Mr. President, will the Senator from Connecticut yield to me so I may address an inquiry to the Senator from Georgia?

Mr. BALDWIN. I yield.

Mr. DONNELL. My inquiry is made purely for historical purposes for the RECORD. It is my understanding that General Clay's father was a distinguished member of the United States Senate. Am I correct in that understanding?

Mr. GEORGE. General Clay's father was for many years a distinguished Member of the Senate of the United States from my State. He died while a Member of the Senate. He was a distinguished lawyer, a man of very high character. I undertake to say that Gen. Lucius Clay is one of the finest type of men to be found in our military or in any phase of life in America.

Mr. DONNELL. Mr. President, I thought it might be appropriate at this point to have that fact placed in the RECORD, so the student who hereafter examines the records of these matters may have before him the fact that the General Clay whom we all so highly regard was the son of a distinguished Member of this very body in which we are this afternoon speaking.

Mr. GEORGE. That is quite true. At an earlier time I would have recalled many more of the facts of these cases than I do at this time, but I do recall the very helpful cooperation of Secretary Patterson, and later of Secretary Royall, and particularly the activities of General

Clay, and his repeated assurances of what he would undertake in these matters and his assurances of what he had done after his work had been concluded.

Mr. BALDWIN. I am very glad, Mr. President, that the distinguished Senator from Georgia could be present and speak about this matter, because it may be said—and the Malmedy cases are an example of it—that we are a people who indulge in considerable self-examination. We are always holding ourselves up, sometimes to ridicule, by our self-examination. Sometimes we are very critical of ourselves in a way that does not do us as a nation a great deal of good. Many harsh things have been said about the Army, harsh things which I think almost reach even General Clay himself, in connection with this whole matter. The junior Senator from Connecticut would say that in this case the Army, from General Clay down, has leaned over backward in an effort to see to it that no person who might possibly be innocent or concerning whose conviction some improper evidence might have been the telling factor, should have to pay the penalty with his life. For example, some ideas of the result of these various reviews can be gained when it is pointed out that while there were 43 death sentences adjudged by the court, only 12 were finally approved by General Clay. There were also reduction in sentences in 41 cases, including the original death sentences, and 13 outright disapprovals of sentences. Since the disapprovals we have previously mentioned, there have been 12 cases in which death sentences have been commuted.

I have never asked General Clay the question, but I am certain in my mind from my studies of the cases that in the cases where the death sentences were imposed General Clay himself took the testimony and examined it, and that he ruled out what he in his judgment—and I consider him a man of rare judgment and unimpeachable character—decided would in any way taint the verdicts. However, the final decision of such a matter is up to the Secretary of the Army.

This is what we say in the report about General Clay, and I read from page 34 of my manuscript:

> The subcommittee takes note of the fact that in addition to all of these reviews and investigation, General Clay himself instituted a study of, and personally studied and passed upon, the 12 death sentences in the Malmedy case. This in effect was another review of these 12 cases. As a result of this subsequent review by General Clay, 6 of the 12 were commuted to life imprisonment, and 6 of the death sentences were reconfirmed. No death sentence was confirmed if it resulted from, or was supported by, evidence obtained through the use of mock trials, or if it was based solely on the extrajudicial statements made by other defendants in the Malmedy case, which later were repudiated. Even in the six cases where the sentences were commuted, General Clay stated that he was certain of the guilt of the prisoners, but would not approve the death penalty unless the record was perfectly clear.

I might quote from one of General Clay's reports. The Senator from Georgia will be interested in this, knowing General Clay as he does.

To my mind Christ—

Christ was one of the officers of the SS troops—

> To my mind, Christ was a principal in these murders. I believe as does the judge advocate that he was a leading participant. Circumstantially, there can be no doubt but that he was present and, as an officer, took no action to prevent the crime. Knowing this, it is difficult not to approve the death penalty for this cold-blooded killer. However, to do so would be to accept the evidence which may have resulted only from the improper administration of justice. Excluding this evidence in its entirety in as far as direct participation of Christ is concerned, there is no doubt that he was present, and circumstantially did nothing to prevent these murders. Thus, I have no hesitancy in approving a life sentence. It is with reluctance but with the firm air of fairly administered justice that I commute the death sentence to life imprisonment.

That shows how far General Clay went in dealing with death sentences. I may say further, Mr. President, that the subcommittee has been tremendously impressed by the efforts which have been put into these cases by the defense counsel themselves, of which Colonel Everett was the leader. He confronted an extremely difficult situation, but he worked untiringly and with extreme diligence, and he did what any lawyer would have done in undertaking the defense of one of his clients. He took affidavits from his clients, and used them as he thought they best could be used. Colonel Everett, Mr. Strong, and others representing the defendants have worked diligently and have done an excellent piece of hard work. We have in the record a deposition from Colonel Everett, and also a statement from him. We wanted to have Colonel Everett appear as a witness before our committee, but his health is such that he could not appear. We asked a staff member to visit him and ascertain his condition of health. He found it to be such as to forbid him to appear as a witness. Therefore we caused him as little bother and concern as we possibly could. He certainly tried to do his best in this case.

Mr. GEORGE. Mr. President, if the Senator will permit me, let me say that Colonel Everett is a man of very rare character, a man of very high character. He has done his work most diligently. In fact, I daresay he may have exhausted himself in the preparation of these cases and the trials. I know that he was as diligent as any man could have been. The thing that shocked him was the methods employed in obtaining evidence and in conducting the trials. He had no bitterness about the facts of the cases. He was perfectly willing to concede that judgments may have been correctly formed, but he was greatly shocked and outraged because of the application of the practices and methods which were employed, which to him were destructive of every American concept of justice in the trial of these cases. He not only went through the trial of the cases and the appeals, through Senators and Representatives, to the War Department, but he himself prepared and presented to the Supreme Court of the United States an application for a writ of habeas corpus to prevent executions until reviews could be had.

I do not know whether he finally followed this course, but at one time he advised me that he proposed to present to the International Court of Justice at The Hague a petition asking for stay of these sentences until further investigation could be had.

I do not mean to say that Colonel Everett would approve the final judgment in these matters, but I do know that he must have been convinced that the War Department, including Secretary Patterson, Secretary Royall, and the officials who undertook to assist him in presenting these matters, had given real consideration to his representations. I also know that he had great faith in General Clay's personal promise and statement that he himself would make a review of the cases before any executions were permitted.

Mr. BALDWIN. Let me say to the distinguished Senator from Georgia that, so far as the claimed abuses by the pretrial investigators were concerned, Colonel Everett was entitled, as defense counsel, to believe that they were true, and to take every advantage of them. Let me say, however, that the subcommittee has gone into those charges in very great detail and has made a finding in the report with respect to them. Aside from the affidavits of the German SS troopers, most of which were submitted after the trial and after their conviction, there is very little evidence to support the charges which were made. We have not only gone into the testimony of witnesses but we have gone at great length into the physical examination of the prisoners themselves, many of whom claimed that they had permanent injuries resulting from the treatment which they received at Schwabisch Hall. In several instances those claims were checked, and it was demonstrated by an entirely indepent medical team that they could not have been so.

As we say in the report, it is very probable that there were times when prisoners were treated roughly, and probably struck, pushed, or knocked down. There may have been other similar incidents. But the subcommittee was not able to believe, on the testimony it had before it, that the charges were substantiated. We examined all the interrogators, the administrative officers at the prison who were not connected with the interrogation team, medical men who were there to take care of the prisoners, and many other independent witnesses. The great preponderance of the evidence was to the effect that while there may have been isolated cases of beatings, pushings, and that sort of thing, in general such practices were not condoned, and were not used as a method of obtaining confessions. Nevertheless, that being so, I say that in this case the Army, and General Clay in particular, has done everything it could do to remove any possibility that any evidence which may have been obtained in that way, or which it was

charged was obtained in that way, might play a determinative part in the final decisions in the death cases.

Let me say again that the subcommittee thought—and I myself think—that Colonel Everett, in his position, stirred up a great deal of talk; but as defense counsel he was perfectly within his rights. Indeed, it was his duty to do so. Nothing we say in this report is in any way critical of the man who I think did a very diligent, vigorous job in an effort to defend these people in an extremely difficult case.

It is interesting to note that Judge Simpson stated categorically to the subcommittee that in his opinion there had been no physical mistreatment of the accused in the Malmedy matters, but that the use of the mock trials and similar matters had influenced him in his decision.

However, Judge Van Roden, in testifying before our subcommittee, and in speeches and publications after having seen the same evidence and heard the same witnesses as Judge Simpson, violently attacked practically all phases of the pretrial examination. While he admitted in his testimony that he had no direct evidence of physical mistreatment he stated that he was convinced that many of the matters alleged by the accused, after conviction, were fact, and that he had made his recommendations accordingly.

An examination by the subcommittee of the list of witnesses interviewed by the Simpson commission shows clearly that not a single member of the pretrial investigation team or of the prosecution staff at the trial, was interviewed; nor did those individuals have an opportunity to submit affidavits concerning their activities in the Malmedy matter. It is noted, however, that defense counsel, both American and German, were heard; religious leaders, and many others who were interested witnesses and who were strongly advancing the theory that the evidence secured by the prosecution in this case had largely been secured through duress were also heard.

Judge Van Roden, on his return to the States, according to the evidence before the subcommittee, made a number of speeches and collaborated in articles in which he stated as a fact that the American interrogators tortured, beat, and abused the defendants until their confessions were secured. The statements made by Judge Van Roden were not supported by Judge Simpson, and in fact, the subcommittee is in possession of a letter written by Judge Simpson which reads as follows:

GENERAL AMERICAN OIL CO. OF TEXAS,
Dallas, Tex., March 29, 1949.

Lt. Col. BURTON F. ELLIS,
Assistant Army Judge Advocate, Headquarters Sixth Army, Presidio of of San Francisco, Calif.

DEAR COLONEL ELLIS: Yours of the 23d instant is acknowledged.

During the progress of this war-crimes investigation it was not practicable for us to have the benefit of your views for which I was very sorry.

I may say that Colonel Ellis was chief of the prosecution staff and in charge of the investigators, so he had no opportunity to testify.

However, we were able to get a right accurate picture of the situation.

I had a great deal of sympathy for Mr. Everett who appeared to me to be prompted only by a desire to represent his clients conscientiously and well. He may have been overzealous but I can forgive this in a lawyer when I think he is sincere. You might be interested to know I had information lately that Colonel Everett had a severe heart attack and is in a serious condition.

Judge Van Roden and I got to be very good friends, indeed, and I felt greatly disappointed when I read in newspapers and periodicals the very extreme statements he had been making, statements which were based upon allegations rather than proof. He was certainly not being helpful nor constructive in any sense and I repeat that in my opinion he does us all a disservice.

Sincerely yours,

GORDON SIMPSON.

That letter was written before our investigation began. Apparently there was an exchange of letters between Colonel Ellis and Judge Simpson.

The speeches made by Judge Van Roden were picked up by an organization called the National Council for the Prevention of War. Since that time, which was December 1948, this organization has through every medium possible, publicized these charges. This point will be discussed in some detail later. The subcommittee heard both Judge Van Roden and representatives of the National Council for the Prevention of War, and in fact had them on the stand at the same time. The only impression that could be arrived at, after listening to that discussion, was that there was so much conflict between their testimony that the subcommittee believes that it has secured the whole truth from neither of the witnesses.

It is the opinion of the subcommittee that the report of the Simpson commission, insofar as it pertained to the 12 Malmedy prisoners, was not complete in that no witnesses were heard or evidence received from the prosecution staff or those engaged in pretrial investigations. Since all the facts in the case were not considered before the conclusions were reached, the subcommittee does not see how the conclusions can be sound, especially since the Simpson report states in part:

The record of trial, however, sufficiently manifests the guilt of the accused to warrant the findings of guilty. We conclude that any injustice done the accused against whom death sentences have been approved will be adequately removed by commutation of the sentences to imprisonment for life. This we recommend.

So the Simpson-Van Roden commission found that those men were guilty, but felt that the claims and charges which had been made vitiated the judgments.

Insofar as Judge Van Roden's statements are concerned, the subcommittee has sought out the principal source of some of these statements. One of the witnesses, Eble, is a confirmed liar and criminal in whom the subcommittee places no credence whatsoever. Judge Van Roden has shown very poor judgment in publicizing such statements without corroborating the facts. Had the Simpson commission interviewed Eble, with his record of embezzlement and perjury before them, the subcommittee is certain that they would have decided his testimony could not be believed.

There is no question that the publication of these charges has caused considerable anxiety in the minds of some Americans who may have read them, because they are so completely foreign to the American principles of fair play. Far more serious, however, is the effect that the publication of these articles has had on our occupation forces in Germany. There, they have been accepted because of the cloak of authority given them by Judge Van Roden and various other prominent American officials who have accepted his statements and the releases of the National Council for the Prevention of War as fact, and in turn have publicized them through their own efforts.

Concurrently with the study of the Simpson commission, General Clay referred the Malmedy case to the Administration of Justice Review Board for its consideration. This Board was to study irregularities that arose in legal proceedings within the theater, and it made a careful and analytical study of charges of irregularities in the Malmedy case. It is believed that the facts introduced before this Board, which is hereinafter referred to as the Raymond board, were much more complete than those considered by the Simpson commission.

Colonel Raymond, who was the senior member of the Board, testified in detail before the subcommittee. He stated categorically, as did General Hargaugh, another Board member, that in his opinion there had been no physical mistreatment by the American interrogation team for the purpose of securing confessions. Rigorous examination failed to shake him in his position. However, they did find other items, such as the use of the mock trial, ruses, strategems, and so forth. This board made no recommendations on sentences.

The subcommittee takes note of the fact that in addition to all of these reviews and investigation, General Clay himself instituted a study of, and personally studied and passed upon, the 12 death sentences in the Malmedy case. This in effect was another review of these 12 cases. As a result of this subsequent review by General Clay, 6 of the 12 were commuted to life imprisonment, and 6 of the death sentences were confirmed. No death sentence was confirmed if it resulted from, or was supported by, evidence obtained through the use of mock trials, or if it was based solely on the extrajudicial statements made by other defendants in the Malmedy case, which later were repudiated. Even in the six cases where the sentences were commuted, General Clay stated that he was certain of the guilt of the prisoners, but would not approve the death penalty unless the record was perfectly clear. A typical statement on this point is quoted from the case of Friedrich Christ. General Clay states in pertinent part as follows:

To my mind, Christ was a principal in these murders. I believe, as does the judge

advocate, that he was a leading participant. Circumstantially, there can be no doubt but that he was present and, as an officer, took no action to prevent the crime. Knowing this, it is difficult not to approve the death penalty for this cold-blooded killer. However, to do so would be to accept the evidence which may have resulted only from the improper administration of justice. Excluding this evidence in its entirety insofar as direct participation of Christ is concerned, there is no doubt that he was present, and circumstantially did nothing to prevent these murders. Thus, I have no hesitancy in approving a life sentence. It is with reluctance but with the firm air of fairly administered justice that I commute the death sentence to life imprisonment.

The subcommittee is impressed by the thoroughness of General Clay's final review. As pointed out earlier, it believes that the use of the mock trials so prejudiced the thinking of all who reviewed this case that they resulted in otherwise guilty men escaping the death sentence or perhaps going entirely free. It is the considered opinion of the subcommittee that the Army in reaching its final conclusion in these cases ruled out any evidence secured by improper procedures during the pretrial interrogation, or as a result of procedural errors made by the court.

PERSONNEL

One of the matters which has disturbed the subcommittee considerably is the type of personnel which has frequently been employed on both investigative and legal phases of the war crimes program. It is recognized that after the end of the war almost everyone with sufficient points made a determined effort to get back home. This left the Military Establishment in Europe in a precarious position insofar as trained personnel for carrying on its military government activities was concerned. It was essential that German-speaking personnel be available, and it is perfectly natural that many who had command of the German language were called into investigative and legal work.

First of all, the subcommittee feels that the war-crimes cases would have been much better handled had the pretrial investigation been conducted by trained investigators with sufficient knowledge of the law to permit a development of the case along legal lines. It was found that many of the persons engaged in this work had had no prior criminal investigative experience whatsoever, and had been formerly grocery clerks, salesmen, or engaged in other unrelated trades or professions. It was also found that a suprisingly high percentage of these persons were recently naturalized American citizens. This subcommittee wants to make it clear that it is not condemning the efforts or the loyalty of any group of persons or individuals, but it does feel that it was unfortunate that more native-born, trained American citizens were not available to carry out this most important function. The natural resentment that exists within a conquered nation was aggravated by the fact that so many of the persons handling these matters were former citizens of that country.

With few exceptions, the experience of the lawyers in the practice of criminal cases both for the prosecution and for the defense appears to have been of only average caliber. Weekly schools were started to overcome some of the lack of trial experience on the part of many of the lawyers. In matters of such a serious nature as war crimes, the minimum requirements for lawyers for this branch of service, should be well above average. Again, the subcommittee does not wish to appear to be criticizing the efforts or the results of the individuals concerned, but in pointing toward the future, it recommends strongly that adequate planning be initiated to make certain that trained personnel will be available to carry out these duties in event of another war. Particularly it is felt that a well-established and well-organized reserve program, with commitments made in advance for service beyond the end of hostilities, should be immediately inaugurated and carried forward progressively through the years of peace.

MOTIVATION BEHIND THE CURRENT AGITATION CONCERNING WAR CRIMES IN GENERAL AND THE MALMEDY CASE IN PARTICULAR

During the early stages of its inquiry into this matter, the subcommittee became conscious of the unusual activity in this case of certain organizations and individuals. Admittedly the charges that had been made were serious in character and, if true, would convict American military personnel of grave errors of judgment and operation. However, due to the manner in which the allegations in this case were being handled, it was also clear that no matter what the facts were in the case, in the minds of a great many Americans and practically all Germans, the allegations were accepted as fact. This was certain to damage the American position in Germany.

The subcommittee fully understands that one of the underlying forces in this connection is found in the vigorous efforts of defense counsel to improve the position of their clients through every means possible. If this were the only factor, there would be little cause for comment from the subcommittee, particularly since the affidavits of the accused, in part, have been capable of being checked by the subcommittee. I repeat that the subcommittee is in no way critical of the efforts of defense counsel to do the best they could for their clients.

Representative leaders of both the Catholic and Protestant faiths in Germany, particularly those in Bavaria and around Stuttgart, have been interested in the trials of war criminals. The subcommittee endeavored to find and evaluate the reasons therefor. It appears to your subcommittee that the members of the clergy have been motivated by a sincere Christian endeavor to assist their parishioners during a time of uncertainty and trouble. Such interest is entirely understandable, and the subcommittee can see no reason for criticism of the clergy. It should be noted that their activities are not confined to the Malmedy case alone, but have been aimed at the entire scope of war crimes and the administration of prisons throughout Germany where war criminals are confined. Your subcommittee believes that there is a danger that these sincere Christian efforts of these well-intentioned clergy may be used by others to further causes which are foreign to the fundamental sentiment which motivated the clergy to interest themselves in such cases.

However, during the investigation other factors were developed in that connection, but for obvious reasons they cannot be explained in detail in the subcommittee report, since to do so might interfere with the later implementation of the subcommittee recommendations. Through competent testimony submitted to the subcommittee, it appeared that there are strong reasons to believe that groups within Germany are taking advantage of the understandable efforts of the church and the defense attorneys as well as in other ways to discredit the American occupation forces in general. One ready avenue of approach has been through the attacks on the war-crimes trials in general and the Malmedy case in particular. The subcommittee is convinced that an organized effort is being made to revive the nationalistic spirit in Germany through every means possible. There is evidence that at least a part of this effort is attempting to establish a close liaison with Communist Russia. These matters, of course, must be judged against the back drop of the current situation in Europe and their probable effect in the event of a war involving Russia and the United States. Everything done to weaken the prestige of the United States and our occupation policies will play an important part in any emergency.

Many of the convicted in the various war-crimes trials are former prominent Nazis, both civilian and military. In the Malmedy case alone there are three German generals, one an outstanding SS general, as well as officers of lesser rank who were excellent combat leaders. The desire of their former compatriots to have such persons released is undoubted. The implications are so serious that they cannot be disregarded by our country. In the event of the withdrawal of the American occupation forces, it is quite probable that efforts would be made to have a general amnesty program to release these former Nazis and SS officers. That in itself is a most important consideration; but in the event there is a larger plan to associate such individuals with the Communist forces of Europe, the problem is greatly aggravated. The subcommittee believes that such a situation presents dangerous possibilities. Whether the organization has proceeded beyond the wishful-thinking stage, and is making headway, is a matter for further study and investigation.

It is significant that many of the figures involved in this situation are in constant communication with individuals and organizations in the United States. In particular, one individual, who testified before the subcommittee, and who is reported to be a key man in this situation, stated that he had been in regular and frequent communication with the National Council for the Prevention of War in the United States. This was deemed to be extremely significant, because before going to Germany the subcommittee had noted that most of the extraordinary claims being made in this

case, and the systematic publication of material concerning it, was through this organization. Representatives of the organization testifying before the subcommittee confirmed this belief by admissions on the witness stand. I am saying, in effect, that the commendable efforts of the clergy and of the Council in this case are very possibly being used to further some purpose entirely foreign to what those persons are earnestly and sincerely trying to do.

The subcommittee, through outside investigation, has determined that the National Council for the Prevention of War and other organizations have maintained a constant correspondence with certain people in Germany and other persons interested in this case. Through these efforts, most of the allegations made in this case have become accepted as fact, and our prestige in Germany thereby adversely affected. The subcommittee is aware of the fact that the National Council for the Prevention of War is not on any of the so-called subversive lists that are maintained, but that it has been considered as an extreme pacifist organization for some time. Notwithstanding, the subcommittee is convinced that its activities in this matter, which go far beyond the Malmedy case, have been most damaging to the national interests of our country and to the cause of peace. The subcommittee feels strongly that proper investigation should be made to determine the real motivation in back of the activities of this organization and the influence it has had on many individuals within the United States who have accepted as fact the allegations publicized by it. Other organizations which have been similarly interested should also be studied. Since adequate investigational facilities are not availble to the Congress, it is believed that the proper agencies of the Government should pursue this matter until all the facts have been developed, and that such action should be taken as the facts would seem to warrant.

The subcommittee recommends, therefore, Mr. President, that—

First. The Secretary of Defense, through proper channels, request the United Nations to thoroughly study the problem of war crimes; that uniform rules of procedure be agreed upon for the trial of war criminals, as distinct from prisoners of war; and, as rapidly as possible, that such rules be made a part of the codes of justice of the various nations. It is believed that such rules should provide more civilian participation in war-crimes cases than present procedures allow. Pending decisions on this matter by the international agencies, necessary legislation should be introduced to remove any legal obstacles in the way of remedial procedural action by the United States.

Second. The State Department and the Department of Defense employ no civilians on military-government work who have not been American citizens for at least 10 years. Provisions should be made to waive such requirements in individual and specific cases, except for positions involving important questions of administrative or judicial policy.

Third. Military personnel engaged in war-crimes work should meet the same citizenship requirements.

Fourth. The Department of Defense should institute a reserve program leading to the creation of a pool of trained investigators and lawyers for war-crimes work who would be committed to serve beyond the cessation of hostilities. Since legislation on this point is required, it should be submitted promptly for the consideration of the Congress. Only through the availability of such trained personnel can procedural mistakes and mistakes of judgment be avoided.

Fifth. The Department of Defense or other appropriate agencies should carefully investigate the possibility of the existence of a plan to revive the German nationalistic spirit by discrediting the American military government. It should also determine if this is a part of a larger plan to bring parts of Germany into closer relationship with the Soviet Union.

The Department of Justice should determine whether or not activities are being carried on in this country which are of such a nature as to discredit and injure American prestige and our public interest in Germany, and recommend appropriate action either by legislation or under existing Federal statutes to remedy that situation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1008) to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S 1479) to discontinue the operation of village delivery service in second-class post offices, to transfer village carriers in such offices to the city delivery service, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3826) to amend the act of January 16, 1883, an act to regulate and improve the civil service of the United States.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 1689) to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies, and it was signed by the Vice President.

NATIONAL CAPITAL SESQUICENTENNIAL COMMISSION

The PRESIDENT pro tempore. The Chair appoints the Senator from West Virginia [Mr. NEELY] a member of the National Capital Sesquicentennial Commission, to fill the vacancy caused by the resignation from the Senate of Hon. J. Howard McGrath, of Rhode Island.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. DONNELL and Mr. FERGUSON addressed the Chair.

The PRESIDENT pro tempore. The Chair has agreed to recognize the Senator from Michigan.

Mr. DONNELL. Mr. President, will the Senator yield that I may suggest the absence of a quorum?

Mr. FERGUSON. If I may do so without losing the floor, I yield.

Mr. DONNELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hendrickson	Magnuson
Anderson	Hickenlooper	Malone
Baldwin	Hill	Martin
Brewster	Hoey	Millikin
Bridges	Holland	Morse
Byrd	Ives	Myers
Cain	Jenner	Neely
Capehart	Johnson, Colo.	O'Conor
Chapman	Johnson, Tex.	O'Mahoney
Connally	Johnston, S. C.	Pepper
Cordon	Kem	Russell
Donnell	Kerr	Saltonstall
Douglas	Kilgore	Schoeppel
Downey	Knowland	Smith, Maine
Eastland	Langer	Taft
Ecton	Leahy	Thomas, Okla.
Ellender	Lodge	Thomas, Utah
Ferguson	Long	Thye
Fulbright	Lucas	Watkins
George	McCarthy	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Young
Hayden	McMahon	

The PRESIDENT pro tempore. A quorum is present.

Mr. FERGUSON. Mr. President, I wish to speak for a few minutes on the pending bill, House bill 4567, commonly known as the amendment to the Displaced Persons Act.

In the Eightieth Congress the Senator from Michigan introduced the bill which in considerably altered form ultimately became Public Law 774, Eightieth Congress, the Displaced Persons Act of 1948. The Senator from Michigan has been greatly interested in the displaced-persons problem from the time he introduced the bill until the present day.

During the Eightieth Congress the Senate Committee on the Judiciary held extended hearings, and, I may say, even debates in executive sessions, before the committee was successful in reporting the bill to the floor. After extensive floor debate it was passed, and went to conference. I happened to be one of the Senate conferees. The Senator from Michigan did not sign the conference report because he felt the bill did not go far enough, and it was not framed in the way he at least thought it should be framed in order to be a workable solution of the displaced-persons problem and to do what he felt the United States should do with respect to persons who were displaced from their homes and countries because of the war and its aftermath. At his first opportunity in

the present session, on January 5, 1949, in behalf of himself, the Senator from New Jersey [Mr. SMITH], the Senator from Oregon [Mr. MORSE], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New York [Mr. IVES], the Senator from Michigan introduced Senate bill 98, an amendment to the Displaced Persons Act of 1948.

Mr. President, I ask unanimous consent that the bill may be printed in the RECORD as a part of my remarks at this point.

There being no objection, the bill (S. 98) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the portion preceding the first proviso to section 3 (a) of the Displaced Persons Act of 1948 is amended to read as follows: "During the two fiscal years following the passage of this act (1) a number of special nonquota immigration visas not to exceed 202,000 may be issued to eligible displaced persons and (2) a number of special nonquota immigration visas not to exceed 3,000 may be issued to eligible displaced orphans."

SEC. 2. Subsection (b) of section 3 of such act is repealed.

SEC. 3. The last proviso to subsection (a) of section 4 of such act is repealed.

SEC. 4. The amendments made by this act shall be effective as of June 25, 1948.

Mr. FERGUSON. Mr. President, the Senator from Michigan, on behalf of himself, the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from Oregon [Mr. MORSE], and the Senator from New York [Mr. IVES], on the same date introduced Senate bill 99, and subsequently, on June 28, 1949, the same Senators offered an amendment to that bill.

Mr. President, I ask unanimous consent that Senate bill 99 and the amendment offered to it may be printed in the RECORD at this point.

There being no objection, the bill (S. 99) and the amendment were ordered to be printed in the RECORD, as follows:

S. 99

Be it enacted etc., That the first proviso to section 3 (a) of the Displaced Persons Act of 1948 is amended to read as follows: "*Provided*, That visas issued pursuant to this act, shall, insofar as possible, be made available to each element or group among the displaced persons, as such elements or groups were segregated or designated for the purpose of being cared for by the International Refugee Organization as of January 1, 1948, in the proportion that the number of displaced persons in such element or group bears to the total number of displaced persons, it being the purpose of this provision to insure, insofar as possible, that no discrimination in favor of or against any such element or group among the eligible displaced persons shall occur:".

AMENDMENT TO S. 99

Strike out all after the enacting clause and in lieu thereof insert the following:

"That the first proviso to section 3 (a) of the Displaced Persons Act of 1948 is amended to read as follows: '*Provided*, That the selection of eligible displaced persons shall be made without discrimination in favor of or against a race, religion, or national origin of such eligible displaced persons, and the Commission shall insure that equitable opportunity for resettlement under the terms of this act, as amended, shall be afforded to eligible displaced persons of all races, religions, and national origins. The extent to which the Commission has acomplished the foregoing objective shall be specifically indicated in the semiannual reports of the Commission filed pursuant to section 8 of this act'."

Mr. FERGUSON. Mr. President, the Senator from Michigan, on behalf of himself and the Senators previously named, also introduced Senate bill 100 on January 5, 1949. These are all bills to amend the Displaced Persons Act. They would liberalize that act. They are minimum requirements to make it fair and workable. I ask unanimous consent, Mr. President, that Senate bill 100 may be printed in the RECORD at this point.

There being no objection, the bill (S. 100) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 2 (c) of the Displaced Persons Act of 1948 is amended by striking out "December 22, 1945" and inserting in lieu thereof "April 21, 1947."

Mr. FERGUSON. Mr. President, the bill was debated at great length last year and this year in the Senate Committee on the Judiciary. As Members of the Senate are well aware, the Senate Committee on the Judiciary is composed of lawyers, and, last year, as well as this year, they debated the problem with great spirit and at considerable length. There is no question about the great amount of time consumed in the hearings last year, and, as I understand, some 19 days were devoted to hearings this year.

I desire to say further that I know of no legislation in the Congress of the United States which has caused deeper feeling on the part of those who have certain convictions respecting the subject matter of the bill, and those who might have contrary convictions. The bill has created considerable feeling, but I have always considered that every member of the committee has acted in utmost good faith in respect to it.

So far as the Senator from Michigan is concerned he stresses a belief that the bill is important because it deals with human lives. The problem is a humanitarian one. It is moreover a problem of the peace. Persons who were displaced in Europe by reason of the war, whether they were anti-Nazi or anti-Communist, were displaced from their native countries. Many of them were imprisoned, many of them were held in slave-labor camps. They were compelled to work for a cause in which they did not believe.

Last year, as I said, much debate was had on the bill. Great difficulty was encountered in reporting any bill from the Committee on the Judiciary. As I said, bills providing for amendment of the act were introduced in the Senate on the 5th day of January of the present year.

The Senate has been very liberal with the Committee on the Judiciary by providing it with a staff which deals with the question of immigration, a question which in turn involves the problem of displaced persons. Last year and the year before the Senate of the United States authorized the expenditure of $50,000, so that the Eightieth Congress could have the services of a greater staff than the normal staff of the Committee on the Judiciary, to look into this problem. I thought the committee deserved such an increase in its staff membership. The question involved was one of peace. We were spending millions of dollars in trying to secure peace. I take it for granted that the provision Congress is making for increased armament is made in the interest of securing peace. Likewise any money expended for study of the displaced-persons problem is in the interest of securing peace.

As I said, the Senate provided an increase in the committee's staff. Members of the staff went to Europe and investigated the displaced-persons question. They went into the camps. Members of the committee also went. The Senator from Michigan in May 1945, when visiting Europe, was greatly touched and greatly impressed by what he saw and heard in the concentration camps which at that time contained many displaced persons. The Senator from Michigan has had first-hand contact with this subject, and has knowledge of many of the problems involved.

In August of this year the Senator from Michigan again visited one of the displaced-persons camps at Bremen, which contained persons who were ready to go over to the United States. Six thousand two hundred persons were in that camp. So the Senator from Michigan can truthfully say he has had direct contact with this question.

This year the Senate appropriated $135,000 for a study of the immigration question. As a matter of fact, the Committee on the Judiciary has had 26 employees on its pay roll over and above the normal number of experts employed by the committee, who could have looked into this question and made a study of it, as they were attached to the special subcommittee on immigration matters.

Mr. President, it has been said the committee has held hearings. That is true. It also has a staff as great, and if I am not mistaken, greater than the staff of any other committee of the Senate. If I am wrong in that statement I wish some Senator would correct me.

This question also has had considerable discussion on the floor during the present session. On June 23, when the Senator from Michigan offered an amendment to the bill, he was asked by the senior Senator from Ohio [Mr. TAFT] to yield. The senior Senator from Ohio made the following statement, as appears from page 8179 of the RECORD of June 23, 1949:

Mr. TAFT. I also should like to associate myself with the Senators who insist that some action be taken at this session on the displaced persons bill. I suggest to the Senator that it seems to me that in view of the position of the Democratic Party, as well as the position of the Republican Party, if the Judiciary Committee does not report this bill within a reasonable time, the duty should lie on the majority leader himself to move to discharge the committee from the further consideration of the bill. I wonder whether we can have some assurance that if reasonable action is not taken, that will be done. Under

his leadership the committee probably would be discharged from the further consideration of the bill. Without his leadership and approval that would be very difficult to do.

The Senator from Michigan replied:

Mr. FERGUSON. Mr. President, I concur in that statement, because I think when the matter has been before the committee and many facts concerning the situation are available, all we need now is the inclination to do this job. As a member of the Judiciary Committee, I would say now that I would be compelled in good faith to vote in favor of the adoption of a motion to discharge the committee.

The majority leader [Mr. LUCAS] said further along in the debate:

Mr. LUCAS. I can assure the able Senator from Ohio and other Senators who are vitally interested in the subject that it is a question which should be approached on a nonpartisan basis. I can assure them that we shall have some action upon the displaced persons bill, in one way or other, before the session ends.

So, Mr. President, the committee was well advised at that time that there were Senators, including the majority leader, who felt that this bill should be brought to the floor of the Senate prior to the closing day of the session. It has at least been rumored on Capitol Hill that the Congress will try to end this session on the 15th of October, which is tomorrow. That is a rumor, however.

What has happened in the meantime? The Senator from Michigan has consistently felt that this was a matter upon which the Judiciary Committee should act. The Senator from Michigan was naturally vitally interested, as a member of the committee, in the question of a possible discharge of the Committee on the Judiciary. Therefore he took the matter up with the Judiciary Committee itself. On the 19th day of August, almost 2 months ago, he made a motion in the committee to take the bill from the subcommittee so that it might be considered and studied by the full committee. It follows that every member of the Judiciary Committee was well aware of what was going on. The motion was lost in committee. On the floor of the Senate on the 24th day of August there was submitted a discharge resolution, sponsored by 16 Senators, as a recall, 8 from the majority and 8 from the minority. I ask unanimous consent that that resolution be printed in the RECORD at this point as a part of my remarks.

There being no objection, the resolution (S. Res. 160), was ordered to be printed in the RECORD, as follows:

Resolved, That the Committee on the Judiciary is hereby discharged from the further consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. FERGUSON. That was on the 24th of August. So the Judiciary Committee knew that at least 16 Senators wanted to have the bill brought to the floor of the Senate.

As I have stated, the committee has 26 employees. I still say, without reflecting on anyone, that if at that late date, the 24th of August, we had put forth the effort which the bill demanded—I realize that those who did not put forth the effort felt that the bill did not demand it, or they would have been assigned to consider the bill—a bill could have been written in the Judiciary Committee.

The name of the Senator from Michigan was on that resolution to discharge the Judiciary Committee from further consideration of the bill. Only last week the Senator from Michigan felt that the next order of business after the farm bill should be the discharge resolution. It was announced by the majority leader as the next order of business. The Senator from Michigan still felt it his duty to allow the Judiciary Committee to act to bring the bill to the floor of the Senate so that the Senate might act upon it.

I went into the history of discharge resolutions. I found that very few of them were ever voted. I found that on a considerable number of occasions, when such a resolution was submitted, the committee, before holding hearings upon it, had voted to report the measure to the Senate. Therefore the Senator from Michigan felt it his duty again to take the subject before the committee.

Accordingly, I again made a motion in the committee, on the 11th of October, to take the bill from the subcommittee, which was the first step. I advised the committee that I would then move to report the bill to the Senate, with or without recommendations.

That motion was adopted. From Mr. Richard Arens, who is the committee expert on the subject, we had heard considerable about the bill on the morning of the 11th. Then we recessed to come to the floor of the Senate. The committee had set a further hearing for 1:45 p. m., so that it might then hear a continuation of the report on the facts.

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

Mr. FERGUSON. I yield.

Mr. DONNELL. My purpose in requesting the Senator to yield at this time is this: Yesterday I pointed out to the Senate the fact that the minutes of the executive meeting of the Judiciary Committee on October 12 read as set forth at page 14401 of the RECORD.

I also pointed out, in the second column on that page, the fact that there was an evening gathering, to which all members of the Senate Judiciary Committee who might desire to be present were invited. They could have been present. Several were present, including the distinguished Senator from Michigan, who has been most diligent and industrious in this matter. He is greatly interested in it, and sincerely so.

At page 14416 of the RECORD the distinguished Senator from Michigan called attention to a fact which I had overlooked when I made my statement at page 14401. I quote from the statement of the Senator from Michigan on page 14416. He was interrogating the Senator from Washington [Mr. CAIN]:

Mr. FERGUSON. Did the Senator make inquiry from any member of the committee to ascertain that during the morning session prior to the convening of the Senate the committee was busily engaged in hearing a report from Mr. Arens, staff director of the Immigration and Naturalization Subcommittee, who had not completed his statement, and the meeting was adjourned until the afternoon so the report could be completed?

The Senator from Washington replied in part as follows:

I was thoroughly familiar with that, I will say to the Senator.

I ask the Senator from Michigan if he will be kind enough to permit me to read into the RECORD at this point a copy of the minutes of the morning meeting of the Committee on the Judiciary on Tuesday, October 11, 1949.

Mr. FERGUSON. I shall be glad to have the Senator do so.

Mr. DONNELL. With the permission of the Senator, if I am not trespassing too much upon his time, I wish to call attention to these facts, as set forth in the minutes:

The committee convened at 10:40 a. m. It recessed at 11:55 a. m. The meeting lasted for an hour and 15 minutes. I now read the minutes of that morning meeting of the Judiciary Committee on October 11:

MORNING MEETING OF SENATE JUDICIARY COMMITTEE ON TUESDAY, OCTOBER 11, 1949

Committee convened in Room 424, Senate Office Building at 10:40 a. m.

The following nominations were considered:

John C. Pickett, of Wyoming, to be judge of the United States Court of Appeals for the Tenth Circuit.

James V. Allred, of Texas, to be United States district judge for the southern district of Texas.

Ben C. Connally, of Texas, to be United States district judge for the southern district of Texas.

Walter C. Lindley, of Illinois, to be judge of the United States Court of Appeals for the Seventh Circuit.

Casper Platt, of Illinois, to be United States district judge for the eastern district of Illinois.

Harry C. Westover, of California, to be United States district judge for the southern district of California (over).

James M. Carter, of California, to be United States district judge for the southern district of California (over).

The subcommittee reported on the following to the full committee, which were discussed and approved:

Senate Concurrent Resolution 63, relating to the holding in 1950 of the Dr. Thomas Walker Bicentennial Historical Pageant.

Senate Resolution 106, to give recognition to the tercentenary observance of the Maryland act of religious tolerance passed in 1649.

The Subcommittee on Patents, Trade-Marks and Copyrights reported H. R. 5319, granting a renewal of patent relating to badge of the Holy Name Society.

In addition to the above mentioned judicial nominations the following nominations for United States marshal and United States attorneys were considered and approved:

Herbert I. Hinds, of Oklahoma, to be United States marshal for the eastern district of Oklahoma.

Joseph A. McNamara, of Vermont, to be United States attorney for the district of Vermont.

Charles H. Cashin, of Wisconsin, to be United States attorney for the western district of Wisconsin.

Timothy T. Cronin, of Wisconsin, to be United States attorney for the eastern district of Wisconsin.

House Concurrent Resolution 62, creating a joint committee on lobbying activities which was reported from the committee to the Senate on June 22, 1949, and is now pending on the Senate Calendar, was the subject of discussion.

A letter from the chairman (Senator PAT MCCARRAN) concerning the displaced-persons bill, was read to the committee by Senator O'CONOR.

Various motions and discussions of these motions were had during the course of the meeting. Upon request of Senator O'CONOR, Mr. Arens, staff director of the standing Subcommittee on Immigration and Naturalization, was granted permission to discuss displaced-persons legislation.

11:55 a. m., the committee recessed, to meet later during the day.

Present: Senator KILGORE, acting chairman; Senator MAGNUSON, Senator O'CONOR, Senator GRAHAM, Senator KEFAUVER, Senator WILEY, Senator LANGER, Senator FERGUSON, Senator DONNELL, Senator JENNER.

In the minutes I have just read, I judge that the notation "over," following several nominations, means that the nominations went over to some future time.

I also point out that although the minutes do not recite the fact that Mr. Arens discussed the displaced persons proposed legislation, after permission for him to do so had been granted, the fact is that in the committee he did discuss such proposed legislation at that time.

I thank the Senator for permitting me to present that matter.

Mr. FERGUSON. I appreciate the Senator's doing so.

Mr. President, although this measure has been referred to the Judiciary Committee, yet by no stretch of the imagination is it one which requires the attention of lawyers only. Being a lawyer, I would point out that at times it is difficult to get lawyers to agree, either as to the facts or as to the law involved in a particular matter. I remember that at one time when I was on the bench, there was difficulty in obtaining a jury, and it was desired to have the case tried immediately. Finally it was decided to use a jury of lawyers. The jury heard the case, and then retired to consider its decision. The jury remained out for a number of hours, and then was called to the court room, and the judge inquired if the jury had been able to agree upon a verdict. No member of the jury seemed to be able to speak for the jury at that point. Finally it developed that, after 5 hours of consideration, the jury had not been able to agree; but it further developed that the subject upon which the jury had failed to agree was not one of fact or of law, but was simply the matter of agreeing as to which member of the jury should serve as its foreman. [Laughter.] So it is not unusual for lawyers to engage in long debate.

The record will indicate that in the case of the pending measure, the debate in the committee began on the morning of October 11. At noon, the members of the committee came to the floor of the Senate, because the bell had rung; and the Senate session began. So, at 11:55 a. m., suggestion was made that the committee meeting adjourn until 1:45 p. m. But there was objection to our doing so when permission was asked of the Senate. It was said that if we met at that time we could not get the facts from the subcommittee.

So it was agreed that the meeting would be held at 7 o'clock that evening, after the Senate had adjourned. That meeting was held, and the committee remained in session until about 10:45 o'clock that evening.

The next morning the committee resumed its session at 10 o'clock. One of the members of the committee had to be absent from that meeting. It looked as if no vote would be taken at that time, and that the discharge resolution would come up on the floor of the Senate.

The Senator from Michigan then moved that the vote be taken at 10 minutes of eleven. That motion was carried by 7 members, as I recall, or a clear majority of the committee, there being only 12 Senators on the committee at that time. The vote actually was taken some time after 11 o'clock.

So this matter has been debated at length. I simply wished to bring out these facts, in order to show that there has not been a lack of debate on this subject.

It is true that the report is brief; it comprises only one sentence. But I say to the Senate that that report of one sentence is one sentence more than the Senate would have had if it had discharged the committee from the further consideration of the bill.

As I have said, feelings are very strong in this case.

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

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. FERGUSON. I yield.

Mr. MILLIKIN. The Senator has stated that the debate on this measure began on October 11. Before the debate is finished, will someone tell us what was done under the law which is now in effect; will someone tell us what the defects of that law are; will someone tell us the progress which has been made under that law; will someone tell us what remains to be done under that law; will someone tell us the emergent need for a new law; and will someone tell us what is hoped to be obtained by the new law which is proposed? Will someone give us that information before the debate drags on for further days?

Mr. FERGUSON. I am sure that will be done.

Mr. MILLIKIN. Because we now have this matter in the Committee of the Whole, so to speak. Some of us are sitting here, hoping for that kind of a presentation.

Mr. FERGUSON. Yes. I wish to confine the debate as much as possible; but I felt that a motion would be made to recommit the bill, and I wished the Senate to understand what occurred in the committee.

Now we find the bill before us, on the floor of the Senate.

Mr. President, it is said there is no comprehensive report on the bill, but I think we have had a very able statement on the bill by the chairman of the subcommittee, who is also the chairman of the full committee, the Senator from Nevada [Mr. MCCARRAN]. His statement was read into the RECORD today by the senior Senator from Colorado [Mr. JOHNSON]. I think that statement clearly shows how the Chairman of the committee and the subcommittee feels about this measure.

I shall address myself now to what the bill will accomplish and why there is urgent need for its enactment.

First of all, Mr. President, the bill will increase from 205,000 to 339,000 the number of displaced persons who may be admitted into the United States. The statement is made that enactment of the bill is not necessary. The question is asked, "Why increase to 339,000 the number of displaced persons who may enter the United States, when on June 30, 1950, there will be only 11,000 resettleable displaced persons left. Mr. President, if that were a fact if there would be only 11,000 of them remaining in the displaced persons camps on June 30, 1950, then it would be entirely proper to ask why an increase should be made in the number permissible of admission to the United States.

But that point can be answered by the following, among other answers: A cablegram from the IRO Director General has been received by the State Department. All of us are familiar with the IRO, which has charge of the persons who have been displaced because of the recent war in Europe. On October 9, 1949, the IRO sent to the State Department a cablegram indicating that on June 30, 1950, there will be approximately 200,000 resettleable displaced persons, under the IRO, plus from 140,000 to 160,000 persons of limited resettlement possibilities, a great number of whom could be resettled. So, instead of having in the displaced persons camps on June 30, 1950, only 11,000 displaced persons. we learn now that there will be in the camps on that date 200,000 displaced persons, plus an additional number ranging between 140,000 and 160,000, all of whom could be resettled.

It is also said that millions of aliens are entering the United States illegally and fraudulently, and that therefore greater study is needed. The Senator from Michigan is informed it is true that aliens are coming into this country on false passports, but it is not true that they are coming in under the Displaced Persons Act.

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

Mr. FERGUSON. I yield.

Mr. JENNER. On the figures the Senator has presented, there may be 200,000 resettleable displaced persons, in addition to the 140,000 to 160,000 limit with respect to the resettlement basis, as of June 30, 1949, under the existing law.

Mr. FERGUSON. I am going to cover that. Mr. President, these people are not coming in illegally, who are coming under the displaced persons legislation. They are being brought in. They are being screened as no other immigrants are being screened. They are being screened first by the IRO, then by the Central Intelligence; by FBI agents even in Europe, I am informed; by the Immigration Inspection Service, which has agents in Europe; by the consular service; and by the Displaced Persons Commission itself. These people are being screened by all those agencies. I take it

for granted there is no doubt of the fact that there are many people coming into this country illegally; but that does not apply to displaced persons. The fact that there are illegal entries has no relationship whatever to the displaced persons program; and the official figures concerning illegal and fraudulent entry do not even remotely approach a million people a year.

Mr. MILLIKIN. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. FERGUSON. I yield gladly.

Mr. MILLIKIN. Are we obligated under any international agreement to admit a given percentage of displaced persons?

Mr. FERGUSON. We are not so obligated under any international agreement. I understand there is no agreement to take a particular number. The IRO, operating under the United Nations, has set up the program and is trying to get all the countries connected with the United Nations to take whatever their laws permit. There is no agreement that fixes any certain number.

Mr. MILLIKIN. Mr. President, will the Senator yield further?

Mr. FERGUSON. I am glad to yield.

Mr. MILLIKIN. The Senator from Michigan and other Senators have been working on the matter constantly, and therefore have intimate knowledge of a great many things in which other Senators are interested, but with which they have had no opportunity to familiarize themselves.

Mr. FERGUSON. I am glad to yield to the Senator.

Mr. MILLIKIN. What are displaced-persons camps, and what is the relation of those in the camps to those who are outside the camps? What is all that about?

Mr. FERGUSON. I shall try to give the Senator those figures now. I do not seem to have the exact figures, but I shall get them and insert them following the Senator's question. I want to give the Senator the exact figures. It is estimated that on June 30, 1949, there were 627,000 displaced persons in Germany, Austria, and Italy, of whom 302,000 are in the United States zone of Germany. On the same date there were 383,100 receiving care and maintenance in the western zones of Germany and Austria, and in Italy, that is to say, in camps. Of that number, 186,900 were in camps in the United States zone of Germany.

Mr. MILLIKIN. Mr. President, will the Senator yield further?

Mr. FERGUSON. I am glad to yield.

Mr. MILLIKIN. What is the function of the camp? What is its relation to those who are not in the camp? I should be glad to have the figures, but that is what I wanted to know.

Mr. FERGUSON. I shall be glad to seek to explain that part of it. So far as the camps are concerned, the situation is that the United States Government and IRO have taken certain Army camps in Germany, in each of the three zones, and in Italy. Many displaced persons have been housed in these camps. In some cities residences in certain sections are being used. For example, outside one of the Farben plants Germans have been removed from dwelling houses and displaced persons who are under the jurisdiction of the IRO have been placed in them. There is also another group of persons, who have never been admitted to camps but who are under the IRO classification and registered with the IRO as displaced persons, who are living in residences.

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

Mr. FERGUSON. I am glad to yield.

Mr. MILLIKIN. Is there any degree of eligibility for coming into this country as a displaced person, according to whether one is in a displaced persons camp or in a house formerly occupied by Germans, or otherwise?

Mr. FERGUSON. The existing law I do not believe pins it down to the occupation of a house, but the amendments would change it so it would apply as well to those outside the camps as to those inside.

Mr. MILLIKIN. Mr. President, will the Senator yield further?

Mr. FERGUSON. I yield.

Mr. MILLIKIN. Under the existing law, what is the relationship, so far as living in a camp is concerned, or living in houses formerly occupied by Germans, or living elsewhere, to eligibility to enter this country?

Mr. JENNER. Mr. President, if the Senator will yield, I believe I can clarify that matter.

Mr. FERGUSON. I yield.

Mr. JENNER. Is it not a fact that there are only 32,000 displaced persons living outside the camps in all this area of which the Senator speaks, who are dependent upon IRO?

Mr. FERGUSON. I assume the figure to be correct. I do not have the exact figure. I have stated the number who are in camps and dependent on IRO and the gross number outside camps.

Mr. JENNER. Is it not also a fact there are only 11,000 persons in the displaced-persons camps, according to IRO figures, or will be in such camps, at the expiration of the existing law, June 30, 1950?

Mr. FERGUSON. No; I understand that is not correct. I have quoted a communication from the IRO director general concerning that. People are being put into the camps every week.

Mr. JENNER. These are IRO figures, I understand.

Mr. FERGUSON. That is what I am quoting.

Mr. JENNER. And they relate to the existing law. The Senator is not discussing the existing law. The Celler bill is intended to include those outside the camps. There are only 32,000 outside the camps who are dependent on IRO.

Mr. MILLIKIN. Mr. President, I am speaking solely of the present law. Does living in a camp have any relation to eligibility to enter this country?

Mr. FERGUSON. I am sure it gives priority.

Mr. MILLIKIN. And the pending bill would strike that down, is that correct?

Mr. FERGUSON. That is correct. It would allow admissions from outside the camps, while retaining preference for those in camps.

Mr. DONNELL rose.

Mr. FERGUSON. One of the reasons for including persons outside the camps is that now they cannot be given any priority. The law requires that 30 percent be farmers, that 40 percent be people from the Baltic States, or, let us say, people in countries that have been taken over by Russia, east of the Curzon line, in the Baltic countries. Those requirements make it necessary to include persons outside the camps.

Mr. JENNER. Mr. President, will the Senator yield——

Mr. FERGUSON. I yield.

Mr. JENNER. The 30-percent provision for farm labor was written into the present law, as I understand, on the theory that, in the first place, there was a housing shortage in this country, and, rather than to bring persons into our overcrowded metropolitan cities, they could be settled in rural areas, where the housing shortage was not so acute, and could be placed on farms.

Mr. FERGUSON. That is correct.

Mr. JENNER. The 40-percent provision applying to the Baltic countries covered displaced persons who could not return to their homes because, if they did, they would be shot. Of the persons in displaced-persons camps, 50 or 60 percent were farm labor, and yet there is only a 30 percent priority.

Mr. FERGUSON. The Senator says they could not return to their homes. They could do so, just as a Czech could who had fled from Czechoslovakia because communism came in. But if they should return they would be shot. I well remember talking only last month to a Yugoslav in a camp. He had been a captain in the Yugoslav Army. I asked him why he did not return. He understood what I said, and his most significant reply was to draw his hand across his throat, indicating that he would lose his head if he went back to Yugoslavia. That is the kind of person who could not come into the United States under the Displaced Persons Act after the date in 1945. His plight is exactly the same as the plight of every displaced person from the Baltic countries.

Mr. JENNER. At the end of the war there were approximately 8,000,000 displaced persons. Approximately 7,000,000 of them have already been resettled within 7 months after the war was concluded. So we started in with approximately 1,000,000 persons. With reference to the statement as to people wanting to break the immigration laws in order to gain admittance to this country, even today there are more than 25,000 persons a month asking to get into the camps, and it is 4 or 5 years after the war.

Mr. FERGUSON. There is no doubt about that. I take it for granted that if the Senator from Indiana and the Senator from Michigan were back of the iron curtain, and could flee from behind it and get into the American zone or British zone, we would do it tonight. If we got into that zone we would consider ourselves displaced persons and we would assume that we never could return to the place whence we came, for if we did we would go either to Siberia or to

our graves. Such a person is just as much a displaced person as if he were taken by the Nazis, so far as the peace of the world is concerned. Let us consider the German ethnics——

Mr. JENNER. They are not displaced persons.

Mr. FERGUSON. I desire to join in amending the bill so as to admit persons who were affected by the agreement at Potsdam. We agreed that Russia could take the German people who were in the zone acquired by Russia. In some cases their families had gone there a hundred years ago.

Mr. JENNER. Two hundred years ago, as to some of them.

Mr. FERGUSON. Yes. They were put under Russian control, and their furniture, their livestock, and their farms were confiscated.

Mr. JENNER. The pending bill, which was brought to the floor of the Senate without the committee being able to go ahead and complete its hearings and findings, does not take into consideration the German ethnics, who are the finest people in Germany. The Senator says they have been there for as long as 200 years. There are 12,000,000 of them, but under the Celler bill they are not considered as displaced persons.

Mr. FERGUSON. The bill grants 15 percent of the German quota until 1952 to the German ethnics.

Mr. JENNER. Of the nonpreference quota.

Mr. FERGUSON. Yes.

Mr. JENNER. The Senator does not know what that means, and neither do I, and no Member of the Senate can tell what it means.

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

Mr. FERGUSON. I yield.

Mr. DONNELL. It is a fact, is it not, that the Senator from Michigan believes it to be true that certainly no substantial number, if any, of the German ethnics are covered in the Celler bill? That is correct, is it not?

Mr. FERGUSON. An amendment will be necessary. I think there are approximately between 13,000 and 15,000——

Mr. DONNELL. I shall come to that later in presenting my views, and I shall not detain the Senator from Michigan further on that point. Obviously the fact is that in order that the German ethnics, that is to say, the persons who have been forced into Germany from the eastern countries, may have the benefits of the displaced persons bill, an amendment will be necessary.

Mr. FERGUSON. Yes, to take care of them in the way in which I feel they should be taken care of.

Mr. DONNELL. The bill which the Judiciary Committee reported to the Senate does not cover adequately the point which the Senator thinks should be covered.

Mr. FERGUSON. That is correct. The Senator from Illinois and the Senator from Pennsylvania have an amendment to take care of the situation, or at least improve it.

Mr. DONNELL. Mr. President, will the Senator yield for one further inquiry?

Mr. FERGUSON. I yield.

Mr. DONNELL. This relates to the questions of the Senator from Colorado [Mr. MILLIKIN] who, I think, is quite correct in wanting as much material and information as he can secure. Will the Senator from Michigan be so kind as to permit me to insert in the RECORD the language in the law which gives the priority to which the Senator refers? I read from section 7 of Public Law 774, the Displaced Persons Act of 1948:

> Within the preferences provided in section 6—

And I interpolate that that includes agricultural preference and other preferences—

> Within the preferences provided in section 6, priority in the issuance of visas shall be given first to eligible displaced persons who during World War II bore arms against the enemies of the United States and are unable or unwilling to return to the countries of which they are nationals because of persecution or fear of persecution on account of race, religion, or political opinions and, second, to eligible displaced persons who, on January 1, 1948, were located in displaced persons camps and centers, but in exceptional cases visas may be issued to those eligible displaced persons located outside of displaced persons camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

Is that the provision to which the Senator from Michigan referred in his answer to the Senator from Colorado?

Mr. FERGUSON. That is correct, and I thank the Senator for making it a part of the RECORD.

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

Mr. FERGUSON. I yield.

Mr. MILLIKIN. Preliminary to my question I should like to say that I feel embarrassed in asking many of these questions. The reason why I ask them is because of the manner in which the bill comes before the Senate. That is one of the defects of making a Committee of the Whole out of the Senate, because every Senator has to educate himself from the beginning, and it is the function of committees to boil down their work into reports and otherwise to make explanations so the Senate as a whole shall not have to do that. That leads me to this question: Are we committing ourselves to the theory that we are obligated to take into this country all persons who escape from countries which are behind the iron curtain?

Mr. FERGUSON. I do not think we are committing ourselves to that obligation. We are committing ourselves to the obligation of including a certain number of those people in this bill. If we increase the number of 339,000 and use the terms of the Celler bill, I do not believe it commits the United States to any such program or that that is going to be the future policy at all.

Mr. MILLIKIN. If we admit into this Nation those who since the war have escaped from countries behind the iron curtain of their own volition, and we commence to let some of them in, how shall we distinguish between those whom we should let in and those whom we later will not let in?

Mr. FERGUSON. Merely the action of the Commission, and the wording of the bill, as to whether or not they come under the definition of displaced persons. It will not bring all of them in, that is sure.

Mr. MILLIKIN. People in this country are interested in bringing those displaced persons here. They have relatives, they have friends, and they have legitimate interest in bringing them here. But if we bring in 10,000 of a category of 100,000, how are we to escape ultimately bringing in the other 90,000, where the standard of judgment is the same?

Mr. FERGUSON. Merely that America apparently is not going to take all under the bill. The same condition existed last year when we fixed the figure at 205,000. We knew that would leave a considerable number of people in the camps, but we decided we would bring in 205,000. We are basing the figure now, let us say, on selfish considerations, on the number who could be brought into the United States at a time when we could get housing for them and get jobs for them without replacing American workers. That was the basis of the determination, rather than the number of people.

There are now some 15,000,000 German ethnics who have been displaced. In Pakistan there are millions of people—I do not have the exact figures—who are displaced. In China today, since the Communist have overrun the country, many of the people are being displaced. There are people in Shanghai, there are the White Russians who went into Shanghai, who have been displaced. There are people in the Philippines who are displaced. In fact, there are displaced persons all over the world, and we are not attempting to say that because we lay down a rule that we will take part we must take all.

Mr. MILLIKIN. Mr. President, I am in favor of liberal treatment of this subject. We are spending $20,000,000,000 a year in an attempt to mitigate and overcome the blunders of Potsdam, Tehran, and Yalta, which in part, have brought about the human problem, and I want to do all that is possible to mitigate those blunders. We will never be able entirely to mitigate and overcome the human problem; but I want a liberal policy followed, so far as the displaced persons are concerned. I should like, however, to know something about the distinction between the pending bill and the other bill, and why we should do what is here provided and not do something else. If we are not careful we will be setting precedents which will be causing us some embarrassment for a long time.

Mr. FERGUSON. Mr. President, the next point is that there is a complaint that of the 205,000 now eligible for admittance, under the law, most of them are going into the big cities and not into the rural areas. The law now requires that 30 percent of them be farmers, and it is said they are not going to the farms. There is that complaint.

I wish merely to say that the figures show that 26 percent of all the displaced persons who entered under the program

to August 31, 1949, went into communities with a population of 2,500 or less, but the percentage is much higher, since the records include only the first addresses of the people who come, which are often in larger communities, where they stop, merely for purposes of rerouting and going on to the farm or smaller community. The proportion of people going to the rural areas has been substantially increased as the program has developed.

The Celler bill would wipe out the 30 percent requirement. It would apply another rule, under which the farm groups would be given preference, but would not have to constitute a fixed 30 percent, as is the case now. At present 30 percent of the total number of displaced persons admitted to the United States must be farmers. Under the new law there is a preference, but not an absolute preference.

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

Mr. FERGUSON. I assume that the preference to which the Senator alludes in the Celler bill, H. R. 4567, is as follows, quoting from page 12, line 4, and following:

> Eligible displaced persons who are farm, household, construction, clothing, and garment workers, and other workers needed in the locality in the United States in which such persons propose to reside, or eligible displaced persons possessing special educational, scientific, technological, or professional qualifications.

Am I correct?

Mr. DONNELL. That is correct. There is nothing there which says anything about what percentage must be farm workers, what percentage must be garment workers, what percentage must be other workers.

Mr. FERGUSON. That is correct.

Mr. DONNELL. So that it is possible, in full compliance with the portion of the Celler bill I have read, that 1 percent could be admitted who are farmers and 29 percent, or 50 percent, or whatever it may be, of garment workers, and there would be no violation whatsoever of this requirement.

Mr. FERGUSON. In my judgment, the Senator is correct, there would be no violation of the law because no absolute preference is given to the various groups.

Mr. DONNELL. As an entirety, without segregation of any one group.

Mr. FERGUSON. That is correct.

Mr. DONNELL. So that the effect of the Celler bill is to wipe out the 30-percent preference requirement as to agricultural workers.

Mr. FERGUSON. Yes. I thought I made that clear.

Mr. DONNELL. It substitutes no percentage whatever.

Mr. FERGUSON. That is correct.

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

Mr. FERGUSON. I yield.

Mr. WILEY. The purpose of that is to do away with the percentage basis, but it also lays down a pretty definite program, that a job in this country must be available for anybody before he is screened into the United States. Is not that correct?

Mr. FERGUSON. That is correct. That is the way it should function.

There is also raised, as it was here today, the question, What is the use of the displaced persons program since every time someone leaves another person is put in, and the camps are constantly being filled up? Let me state the facts.

On September 30, 1947, just after IRO began operations, 640,000 people were receiving care and maintenance in Germany, Austria, and Italy. One year later, on September 30, 1948, the number had dropped to 537,611. According to the latest available figures, at least as of June 30, 1949, though I think the Senator from New York has some even later figures than that, 383,100 people were receiving care and maintenance. So, while the camps are being repopulated to a certain extent we find that instead of 640,000 as there were, there are now 383,100.

The next question that is brought up is that the United States has taken more displaced persons than all other countries combined. The fact is that the United States has taken only 15 percent of the displaced persons resettled by June 30, 1949. Contrast this with the fact that we have put up about 35 percent of the money in this program. I believe we are furnishing now to IRO 35 percent of the money.

Mr. JENNER. Seventy-three million dollars.

Mr. FERGUSON. Seventy-three million dollars we are furnishing today to take care of the displaced persons in Europe. Two other countries have taken larger numbers. The first is Israel, which has just been established as a nation. She has given refuge to 123,000 displaced persons. England, which is having its own troubles both politically and economically, has welcomed 100,000 displaced persons, plus about 150,000 Poles who were in the army fighting against Hitler. So Britain has taken 100,000 plus 150,000 who were in the Anders Polish army.

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

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Michigan yield to the Senator from Indiana?

Mr. FERGUSON. I yield.

Mr. JENNER. I think it only fair to notify the Senate that in addition to the persons we have taken in under the Displaced Persons Act, we took in approximately 300,000 refugees from the same section of Europe from which the displaced persons are now coming. Those 300,000 are in addition to those who have come in under our present law?

Mr. FERGUSON. Yes. Before the Displaced Persons Act was passed the President issued a proclamation which admitted a certain number. Under it and prior to it I believe as many as 300,000 persons may have come in. The number may have exceeded that. I hope the Senate will forgive me for not having accurate figures before me at this time. But I trust the Senate will bear in mind that a great many of those persons, most of them I should say, came in under regular immigration quotas. Regular immigration, of course, was almost completely suspended during the war years.

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

Mr. FERGUSON. I yield.

Mr. KEM. Did I understand the Senator from Michigan to say that Great Britain had taken 100,000 of these refugees.

Mr. FERGUSON. Yes.

Mr. KEM. Has she taken them into the British Isles?

Mr. FERGUSON. Yes; I understand that is where they have been taken, plus 150,000 from the Polish Army.

Mr. KEM. Is it not the Senator's understanding that the British Isles are unable to support the people who are already there, and that it is necessary to call on the people of the United States to expend some $1,000,000,000 a year to support the present residents of Great Britain?

Mr. FERGUSON. Yes, that is true. But the figures as I have given them are figures I have obtained from the IRO records.

Mr. KEM. Do not the refugees who are taken into Great Britain add to the burden of the people of the United States?

Mr. FERGUSON. If the Senator wants my opinion I will say that the men from the Polish Army who are in Great Britain, and the displaced persons who have been brought to Great Britain are, so far as actual production is concerned, probably producing in an equal amount or even in a greater amount than the British people themselves.

Mr. KEM. How can they be producers if the natural resources of the island are not sufficient to support the people who were already there when the others arrived? If they do produce, would they not displace other producers who were already there?

Mr. FERGUSON. If there are not enough jobs for those who were already there, and if a refugee takes a job, he does displace a British worker.

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

Mr. FERGUSON. I am glad to yield to the Senator from West Virginia.

Mr. KILGORE. I think there should be a clarification of the figure of 300,000 which the Senator gave. I believe that figure is misleading. I have sent for Senate Report No. 476 dealing with the IRO, which shows, I believe, that the number of persons brought in under the Presidential directive was 44,000, not 300,000. However, I have sent for the report, which will give the actual figure.

Mr. FERGUSON. Mr. President, the Celler bill proposes to take 18,000 of the Polish soldiers out of England and bring them to the United States. At the present time some of the soldiers are in camps in England. Some of them are engaged in various trades and living normal lives as workers.

Mr. JENNER. Mr. President, I now have the figures. During the war we permitted about 300,000 refugees to come to America from Europe; under the Presidential directive an additional forty-some-odd-thousand were brought to

America, and up to date under the present law 90,000 displaced persons have come to America.

Mr. FERGUSON. So, before the present law was passed 340,000 displaced persons or refugees were brought to America.

Mr. JENNER. Yes; approximately.

Mr. FERGUSON. I want the RECORD to be correct in that respect, and I am glad the Senator has given us the figures. I think that answers the question.

I believe the figures I have given prove that other countries are taking more displaced persons, in proportion to their populations, than we have taken. It goes to show that we have certainly not done more than our share, nor as much as our full share.

The next point which has been made against the bill is that the Displaced Persons Commission has ignored the law which provides a priority for persons in camps. This is in answer to the question of the Senator from Colorado who wanted to know about the preference for persons in camps. The figures have been read into the RECORD. As of September 15, 1949, 88 percent of persons receiving visas under the law were issued visas under the in-camp priority. That figure does not represent the whole number, because under the very peculiar way in which the law is written there can be no priority for in-camp displaced persons unless there is a preference. Eighty-eight percent is a minimum figure. There may be others without preference who were also in-camp displaced persons.

Another very valid question is asked. The claim has been made that 40 percent of persons making application to come into this country under the displaced-persons law have used fraudulent documents. That would be a great fraud upon the United States. Even though the law says that a person must have been in the zone on December 22, 1945, there might be an incentive for a person to obtain a forged birth certificate or some other document showing that he was in the zone as of December 22, 1945. The Senator from Michigan would not condone any such action. He can see why a person would want to use a forged document, but that is no excuse. That is something which should be investigated.

I understand that Commissioner Rosenfield, a member of the Displaced Persons Commission, has testified that the charge is not true. I have also conferred with him on the subject, and he told me the charge was not true. I believe he used the words "phony figure" in connection with that claim. He said he had asked for but had not yet received any tangible proof upon which any such charges could be investigated. The Senator from Nevada [Mr. McCARRAN], however, in his speech which was read on the floor today, quotes testimony of an immigration officer to that effect. The 40-percent figure is contradicted by what the Commission says are the known facts. Mr. Carusi, Chairman of the Displaced Persons Commission, informed the Senate committee that the actual figure is 1½ percent. The incidents referred to occurred under the normal immigration laws prior to the enactment of the displaced-persons law of 1948.

The objection is also made that in view of the fact that we have a falling economy in the United States we should not admit more displaced persons. The statement is made that our economy is not the same now as when the law providing for entry of 205,000 displaced persons was passed. I wish to say in that connection that the law which provided for the entry of 205,000 displaced persons has resulted in the adding to the labor force of the United States only 100,000 persons in the 2 years in which the law has been in effect. Therefore the displaced persons who have come to the United States represent less than one-fifth of 1 percent of our total labor force over a 2-year period. They are scattered throughout the 48 States. The largest number are going into the labor-shortage areas rather than into areas where there is a surplus of labor. I take it for granted that when the AFL and the CIO endorse the new program to bring in 339,000, they believe that it will not interfere with the labor market. I know that Mr. Murray and Mr. Green are interested in employment for their members, and full employment for the American people.

Mr. DONNELL. Mr. President, in connection with action by various organizations, is the Senator familiar with the action recently taken, on this subject, by the American Legion at its Philadelphia meeting?

Mr. FERGUSON. I am familiar with it.

Mr. DONNELL. Would the Senator have any objection to my reading into the RECORD a letter from the American Legion?

Mr. FERGUSON. I should be very glad to have the Senator do so.

Mr. DONNELL. The letter is from Mr. John Thomas Taylor, director of the national legislative commission of the American Legion. It is dated October 5, 1949, and reads as follows:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMISSION,
Washington, D. C., October 5, 1949.

Hon. FORREST C. DONNELL,
United States Senate,
Washington, D. C.

MY DEAR SENATOR DONNELL: A statement appearing in the CONGRESSIONAL RECORD of October 3 on page 13652 would indicate there is a possibility that Senate Resolution 160, a resolution to discharge the Committee on the Judiciary from further consideration of H. R. 4567, to amend the Displaced Persons Act of 1948, might be considered before adjournment.

The American Legion met in convention in Philadelphia, August 29 to September 1, 1949, and there were present 3,344 delegates and 3,344 alternates from every department of the American Legion (from every State and from five foreign departments). The subject of amending the Displaced Persons Act of 1948 was considered by a convention committee on immigration, composed of a delegate from every one of these departments, and the following resolution was adopted unanimously by the convention without one dissenting vote:

"Now, therefore, be it

"*Resolved,* That the American Legion in national convention assembled in Philadelphia, Pa., August 29, 30, 31, and September 1, 1949, demand of our Government heads that they strictly adhere to the existing laws and quotas allowing immigration to the United States and particularly adhere to the laws now in force applying to displaced persons and rather than place any additional burden on the people of America by increasing the quotas of immigration; and be it further

"*Resolved,* That we take steps to curtail as far as possible any further immigration to this country at the present time."

The hearings before the Senate Committee on the Judiciary are not concluded. The chairman of that committee, Senator McCARRAN, and the chairman of the subcommittee of the House Committee on the Judiciary, Mr. WALTER, are both in Europe at the present moment investigating this entire matter. The question of amending our immigration laws is of the most vital importance to our country and we respectfully request that this subject matter be given the most careful and deliberate hearings, investigation, and consideration by the Judiciary Committee.

The American Legion desires to register its objection and its opposition to Senate Resolution 160, which is contrary to the historic and long-established parliamentary procedure of the Senate. In order that this legislation might receive its proper and careful consideration, we respectfully request your aid and support in opposition to Senate Resolution 160.

Respectfully yours,
JOHN THOMAS TAYLOR,
Director, National Legislative Commission.

Would the Senator from Michigan have any objection to the inclusion in the RECORD at this point of a letter from Omar B. Ketchum, director of the Veterans of Foreign Wars of the United States national legislative service?

Mr. FERGUSON. I should be very glad to have the Senator read it into the RECORD.

Mr. DONNELL. The letter is dated October 7, and reads as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
NATIONAL LEGISLATIVE SERVICE,
Washington, D. C., October 7, 1949.

Senator FORREST C. DONNELL,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: The fiftieth annual national convention of the Veterans of Foreign Wars of the United States, recently held in Miami, Fla., adopted Resolution No. 342, "opposing any change in the present immigration quota system, including admission of displaced persons."

In view of our position on immigration and displaced persons, and the highly controversial aspects of the subject, we urgently request that the Senate Judiciary Subcommittee on Immigration be permitted to continue its study and hearings on the question of displaced persons and not be discharged from further consideration of H. R. 4567.

Respectfully yours,
OMAR B. KETCHUM,
Director.

I thank the Senator.

Mr. FERGUSON. Mr. President, I think this would be a good place to put into the RECORD, the names of labor organizations, farm organizations, chambers of commerce, religious organizations, women's organizations, and other organizations which have endorsed the program and are interested in the resettlement of displaced persons. I ask unanimous consent to have the list of names printed in the RECORD at this point as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Labor organizations: American Federation of Labor; Congress of Industrial Organizations; Amalgamated Clothing Workers of America, CIO; Brotherhood of Railway Clerks, A. F. of L.; International Lonshoremen Association, A. F. of L.; International Printing Pressmen and Assistants Union of North America, A. F. of L.; National Maritime Union of America, CIO; National Women's Trade Union League.

Farm organizations: National Grange, American Farm Bureau Federation.

Chamber of commerce: United States Chamber of Commerce.

Religious organizations: American Friends Service Committee, American Unitarian Association, Congregational Christian Churches, Council for Social Action, Disciples of Christ International Convention, Federal Council of Churches of Christ in America, Friends Committee on National Legislation, Home Missions Council of North America, Knights of Columbus, Mennonite Central Committee, National Catholic Rural Life Conference, National Catholic Welfare Conference, National Lutheran Council, Northern Baptist Convention, Presbyterian Church of the U. S. A., Presbyterian Church in the United States, Protestant Episcopal Church General Convention, Southern Baptist Convention, Synagogue Council of America, Unitarian Service Committee, World Alliance for International Friendship Through Churches, YMCA International Board.

Women's organizations: American Association of University Women, Catholic Daughters of America, Hadassah, League of Women Voters, National Council of Catholic Women, National Council of Jewish Women, National Federation of Business and Professional Women's Clubs, National Federation of Congregational Christian Women, United Council of Church Women, Women's American ORT, Women's Auxiliary of the Protestant Episcopal Church, Women's Division of the Methodist Church, Women's International League for Peace and Freedom (U. S. Section), Y. W. C. A. National Board.

Other organizations: American Federation of International Institutes, National Congress of Parents and Teachers Board of Managers, National Social Welfare Assembly International Committee, Polish American Congress.

Mr. FERGUSON. Mr. President, this is a worthy cause. The committee has indicated that it would like to examine all the questions in relation to the German expellees, Greek refugees, Arab refugees, Pakistan refugees, and other refugees. That is fine, but the displaced persons in the camps and areas of Europe pose an immediate problem requiring expeditious solution, so far as the United Nations is concerned. The displaced-persons program of the United States is one of many programs instituted by various countries of the world to solve this particular problem. Displaced persons among the Greeks have a meritorious case, and I am sure the same can be said of the Arabs, the Pakistans, and the Chinese. Supporters of the liberalized displaced-persons program are sympathetic to congressional investigation and hearings on the entire subject, and I certainly share that view. However, that should not be used as a means of preventing the passage of a much needed liberalized Displaced Persons Act at this session. Such tactics would slow down the present program.

As I previously stated, the Morse-Myers-Douglas amendment to House bill 4567 would provide for the admission into this country of approximately 52,000 German ethnics and expellees over a 4-year period, with their transportation costs paid by the Government. I know that the Senator from North Dakota [Mr. LANGER] is interested in that figure. A subcommittee of the House Committee on the Judiciary which is studying the expellee problem in Germany and Austria will return soon with its recommendations, looking to a long-range solution of this problem.

The next question is the statement that more than 50 percent of the displaced persons in the camps today are farmers. This is in error. The fact is that according to the latest IRO occupational study, of September 13, 1948, only 22.3 percent are farmers.

The next question I wish to discuss is the question of the Displaced Persons Commission finishing the program ahead of time, in other words, bringing in 205,000 before the date set. The Displaced Persons Commission has stated publicly that it can give no assurance that it will be possible to meet the goal of 205,000 displaced persons by the terminal date of the statute, June 30, 1950. Apart from the requirement of the law, the operation is geared to move 205,000 persons by June 30, 1950. The IRO has provided ships. Various agencies have acquired the know-how with respect to the processing of cases of displaced persons; and all agencies, both public and private, as well as the Commission's staff, are working in an effort and with a determination to meet the goals set by the act. However, these general efforts and plans are likely to fail of their objective because of the unworkability of the entire pattern of restrictions, limitations, preferences, and priorities established by law.

We hear the claim that Communists are filtering into the country under the displaced persons program. I think the Senate knows my attitude toward Communists coming into this country, but I should like to say something about its relation to the displaced persons program.

The Displaced Persons Commission has implemented and reinforced section 13 of the act, the security provision, by establishing the policy that membership at any time in the Communist, Nazi, or Fascist Party automatically disqualifies a person seeking eligibility for admission into the United States under this act. It has added that superior caution should be observed in the screening process. In this connection strict protective screening processes must be used. I say to the Senate tonight that if the Senator from Nevada [Mr. MCCARRAN] has any evidence that there has been a breaking down in the processing, and that Communists, Nazis, or others are coming to this country in violation of any of the immigration laws, or of this particular law, those who are responsible for it should be called to account, even to the point of prosecution.

The immigration laws are made to be lived up to. The Senator from Michigan is anxious that all immigration laws regarding the entry of Communists or those who might be Communist spies should be strictly enforced. Those admitted should be carefully screened. But I see no reason for not acting on this bill until action can be taken against the Commission or anyone who may be responsible for any possible violation of the law. That is administrative procedure. Such things can happen under any law, and should be taken care of by an investigation by the Congress.

So I urge the Senator from Nevada to press for such an investigation. But as I find the facts, the committee now knows all about the other facts, aside from the question of administration. The question of administration should be thoroughly investigated, but the committee knows the facts in relation to the number, where the persons come from, what the conditions are in this country, and what we should do.

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

Mr. FERGUSON. I yield.

Mr. DONNELL. A little while ago the Senator gave us figures in regard to the number of displaced persons who have been received into the British Isles.

Mr. FERGUSON. Yes.

Mr. DONNELL. Would the Senator be kind enough to state as of what date he was speaking? To what date do those figures relate? For example, the Senator used the figure of 100,000.

Mr. FERGUSON. I used the figure of 100,000, and the figure of 150,000. I take it the figures are up to date.

Mr. DONNELL. Would the Senator be kind enough to state the source of his authority for that statement?

Mr. FERGUSON. They are IRO figures.

Mr. DONNELL. Is the Senator certain that they are up to date?

Mr. FERGUSON. I take it that they are up to date. The figures are 150,000 from the Army, and 100,000 from other sources.

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

Mr. FERGUSON. I yield.

Mr. KILGORE. In order to have the figures corrected, I should like to read into the RECORD at this point a paragraph from Report No. 476, from the Committee on Expenditures in the Executive Departments, written with respect to the IRO, in June of this year.

I read subparagraph (c) on page 12:

> It is estimated that by June 30, 1949, approximately 72,500 displaced persons and refugees will have entered the United States for resettlement since December 1945. Of this number, approximately 44,000 entered pursuant to executive action within existing statutory authority. The balance, of approximately 38,000 will have been admitted under the Displaced Persons Act of 1948.

That is the official report of the committee, and I wished to submit it in connection with the figures the Senator from Indiana submitted, which are excessive.

Mr. FERGUSON. Mr. President, I have often cited the figures the Senator from Indiana used, and I think the records of the Judiciary Committee contain those figures. I am grateful for the

clarification on the number who were admitted as displaced persons under the President's directive.

As I was saying, Mr. President, I think we should have continuing investigations of the administration of this program. The Senator from Nevada has indicated that the House of Representatives, after passing House bill 4567, immediately adopted a resolution providing for the continuation of its investigation. That is true, and it was right. I submit that a continuing investigation of the displaced persons program's administration, and into related matters of immigration such as expellees, is a proper field of study for both House and Senate committees.

Mr. WALTER is in Germany now or is on his way back to the United States. He has been in Germany investigating these matters for the House of Representatives. I have not heard that on the strength of any of his findings he would oppose the enactment of this bill into law.

Mr. President, as indicated elsewhere, the consequences of any further delay are very serious and detrimental to the welfare of the United States. All the major facts of the essential problem are known. We must not permit action on this matter to be put off by continued studies which could simply go on and on, with the result that we would not pass on the particular questions involved in this bill.

Mr. President, this is a question of peace.

As was indicated by the able Senator from Indiana we are devoting $73,000,000 for displaced persons in Europe. We are devoting much of our energy, both internationally and domestically, to the building of the peace. But there can be no real peace until this human problem which is a product of the war and its aftermath is settled by those who believe they won the war. America undertook its responsibility with the Displaced Persons Act of 1948. It should carry out its responsibility in full share.

Mr. MORSE obtained the floor.

Mr. LUCAS. Mr. President, will the Senator yield, to permit me to propound a unanimous-consent request?

Mr. MORSE. I yield for that purpose, provided it is understood that I shall not lose the floor by so doing.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there unanimous consent that the Senator from Oregon may yield the floor for the purpose suggested, without losing his right to the floor? The Chair hears no objection.

Mr. MORSE. Then, Mr. President, I yield.

Mr. LUCAS. Mr. President, I may say that the distinguished minority leader, the Senator from Nebraska [Mr. WHERRY], who is not now on the floor, advised me that by 6:30 this evening we probably would be able to determine whether we could obtain a unanimous-consent agreement in regard to this matter.

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

Mr. LUCAS. I yield.

Mr. SALTONSTALL. The minority leader has been sent for.

Mr. TAFT. Mr. President, I have about a 5-minute statement which I wish to make, and I shall be glad to make it now, if the Senator wishes to have us wait a little while.

Mr. LUCAS. The Senator from Oregon has the floor.

Mr. MORSE. Mr. President, I shall yield to the Senator from Ohio, to permit him to make a short speech, provided it is understood that I do not thereby lose the floor.

Mr. LUCAS. Mr. President, I see the Senator from Nebraska entering the Chamber now.

Mr. MORSE. Very well.

Mr. LUCAS. Mr. President, I think all are present who are interested in trying to obtain unanimous-consent agreement on this subject.

The Senator from Oregon advised me today that before any unanimous-consent agreement is entered into, he wishes to have a quorum call had. He is here now, and under the circumstances, perhaps he might be willing to waive a quorum call.

Mr. MORSE. Mr. President, I could not do so, because then I would be waiving the rights of the Senators who are absent at this time; and I could not do that.

Mr. LUCAS. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon has not yielded for that purpose.

Mr. LUCAS. Will the Senator from Oregon yield for that purpose?

Mr. MORSE. Mr. President, I have no assurance that it will be possible to obtain a quorum, and I must deliver the speech I am waiting to make. Perhaps I had better make the speech now, and then let the other matter develop.

Mr. LUCAS. Of course, there are a number of Senators, on both sides, who are very anxious to know whether unanimous consent for the purpose we have in mind will be obtained. In such case, the telephones will have to be used immediately, and every minute counts.

I am sure we can get a quorum, because many Senators are waiting for it.

Mr. MORSE. Mr. President, I am agreeable to that course, then—but again with the understanding that I do not thereby lose the floor.

The PRESIDING OFFICER. The Senator from Oregon requests unanimous consent that he may yield for the purpose indicated—namely, the calling of a quorum—without losing his right to the floor. Is there objection? The Chair hears none; and it is so ordered.

Mr. LUCAS. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Chapman	Ellender
Anderson	Connally	Ferguson
Baldwin	Cordon	Fulbright
Brewster	Donnell	George
Bridges	Douglas	Green
Byrd	Downey	Gurney
Cain	Eastland	Hayden
Capehart	Ecton	Hendrickson
Hickenlooper	Lodge	O'Mahoney
Hill	Long	Pepper
Hoey	Lucas	Russell
Holland	McCarthy	Saltonstall
Ives	McFarland	Schoeppel
Jenner	McKellar	Smith, Maine
Johnson, Colo.	McMahon	Taft
Johnson, Tex.	Magnuson	Thomas, Okla.
Johnston, S. C.	Malone	Thomas, Utah
Kem	Martin	Watkins
Kerr	Millikin	Wherry
Kilgore	Morse	Wiley
Knowland	Myers	Williams
Langer	Neely	Young
Leahy	O'Conor	

The PRESIDING OFFICER. A quorum is present.

Mr. LUCAS. Mr. President, the Senator from Washington [Mr. CAIN] in his speech yesterday advised the Senate that at the proper time he intended to move to recommit the pending bill to the Committee on the Judiciary. In a discussion, off and on all day long, with the able minority leader and with other Senators on both sides of the aisle, we have been endeavoring to reach an agreement as to the time when we might advise the Senate we could vote upon the motion to recommit. I have understood that possibly we could get an agreement to vote at 4 o'clock tomorrow afternoon. Other Senators wanted to vote tonight. We could not do that. There were other Senators who preferred to vote on Monday. I should like to ask the Senator from Washington or the Senator from Nebraska what time is agreeable to them.

Mr. WHERRY. Mr. President, I have already conferred with the majority leader and I am entirely satisfied that a unanimous-consent agreement could be obtained to vote at any time between now and midnight, if it is desired to vote today. If not, it would be my best judgment that the majority leader should seek to obtain unanimous consent for a vote tomorrow. My judgment on the hour would be approximately 6 o'clock, provided the majority leader would have the Senate convene at 11 a. m., the reason being that it would give 3 hours on a side for further debate on the measure. I make the suggestion. I make it with the statement that I am not sure the unanimous-consent request would be agreed to, but my understanding is that, if it cannot be done at this time, the majority leader would move a recess until Monday, anyway, or attempt to get unanimous consent later, and then decide whether he would move a recess until Monday.

So I suggest to the distinguished majority leader, if a unanimous-consent request is made to vote at any time between now and midnight, with the time divided, I believe consent would be given. If not, then I suggest a unanimous-consent request be made for a vote tomorrow, about the hour of 5 or 6 o'clock, with the time divided as I have indicated.

Mr. CAIN. Mr. President, will the Senator yield for the purpose of a motion?

Mr. LUCAS. I yield.

Mr. CAIN. Mr. President, for myself and for the Senator from Mississippi [Mr. EASTLAND], I move that the bill (H. R. 4567) to amend the Displaced Persons Act of 1948, be recommitted to the

Committee on the Judiciary with instructions to report the bill back to the Senate not later than January 25, 1950.

Mr. LUCAS. Mr. President, now that the motion to recommit is before the Senate, I ask unanimous consent that the Senate proceed tomorrow afternoon at 6 o'clock to vote upon the motion to recommit made by the distinguished Senator from Washington. The Senate could convene at 11 o'clock in the morning, the time to be equally divided between the Senator from Washington [Mr. CAIN] and the Senator from West Virginia [Mr. KILGORE].

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

Mr. LUCAS. I yield to my friend from North Dakota.

Mr. LANGER. Mr. President, there is no objection on my part to voting any time today, between now and 10 or 11 o'clock tonight. But I object to voting tomorrow.

The PRESIDING OFFICER. Objection is heard.

Mr. WHERRY. Mr. President, reserving the right to object, is there any hour tomorrow that would be satisfactory?

Mr. LANGER. No time tomorrow will be satisfactory, because I am going to object to a vote tomorrow—any time tomorrow.

Mr. WHERRY. Mr. President, I am doing my level best merely to make suggestions. I hope the majority leader will consider making another request to vote tonight if he feels so inclined.

Mr. LUCAS. The Senator from Missouri told me he wants at least 2 hours to discuss the bill.

Mr. WHERRY. I understand he does.

Mr. LUCAS. The Senator from Nebraska has advised us it would take from 11 to 6 tomorrow; that is, 7 hours. So if we are going to vote tonight, we would under that arrangement have to vote at about 2 o'clock in the morning. Would it be satisfactory to the Senator from North Dakota to vote at 2 o'clock in the morning?

Mr. LANGER. It will be perfectly agreeable to me to vote at any time until midnight tonight. I am willing to waive my speech and not talk at all, in order to obtain a vote tonight.

Mr. LUCAS. I hope the Senator will not do that.

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

Mr. LUCAS. I yield.

Mr. DONNELL. The Senator from Illinois is quite correct in his understanding that I desired 2 hours. I think possibly I told him I did not know that I would take that much time. I am quite willing, if a vote can be had tonight, to change the figure to 1 hour.

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

Mr. LUCAS. I yield.

Mr. WHERRY. With that statement, and with the statement by the senior Senator from North Dakota, it seems to me that possibly a unanimous-consent agreement to vote even before 12 o'clock could be entered into tonight. I inquire whether the Senator would like to make such a request?

Mr. LUCAS. The difficulty is that four or five Senators are away. Of course, that is not my fault. We cannot keep Senators here if they want to leave. I thought, in fairness to the Senators who are away, they should have at least 1 day's notice to return. That is usually the practice, as a matter of fairness to Senators who are absent, making speeches, or who are at home on important business. I think a vote on Monday would be proper if we really want to do justice to all Senators who are absent. That is truly the fair and equitable arrangement to make. I should dislike it very much if I happened to be away, for instance, tonight, making a speech, and I could not get any definite assurance as to whether there would be a vote tonight or tomorrow. The minority leader could not advise me; and I know he has been trying before 6:30 this evening to see if we could get a unanimous-consent agreement of any kind. He says we cannot get one to vote at 4 o'clock tomorrow afternoon or at 6 o'clock tomorrow afternoon, but we can get one now if we agree to vote before midnight. Just what is back of that kind of a situation is a little more than I can understand, Mr. President. Why should a Senator say we can vote tonight at midnight, but we cannot vote tomorrow at 6 o'clock?

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

Mr. LUCAS. I yield.

Mr. CAIN. I think I have a reasonable answer for the concern of the distinguished majority leader in regard to a number of Senators being absent. A number of Senators now present expect to be absent tomorrow. More than a quorum of the Senate is present and able to vote. Many of the Senators not now in the city of Washington were on the floor of the Senate yesterday afternoon when this bill became the unfinished business and when it was seriously being considered. There is a great disposition on the part of a good many of us to bring the matter to a conclusion one way or the other as rapidly as we can.

Mr. LUCAS. I appreciate the Senator's statement that he wants to bring it to a conclusion, but it is in direct conflict with his statement of yesterday when he started his speech. I think the RECORD of yesterday will definitely disclose that the Senator gave every indication that it would be a long time before we could reach a vote.

Mr. CAIN. I know the majority leader wishes to be fair.

Mr. LUCAS. Yes; I do.

Mr. CAIN. It is the hope of the junior Senator from Washington that the question concerning the recommital of the bill can be settled one way or the other as rapidly as possible. If the motion to recommit shall fail, there is an entirely different question, which is primarily the question to which the junior Senator from Washington was addressing himself yesterday.

Mr. LUCAS. I understand the position of the Senator.

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

Mr. LUCAS. I yield.

Mr. DONNELL. In regard to the limitation of time to 1 hour for myself, I do not think it is advisable that I should limit my time based upon an agreement to vote tonight. I desire to modify my statement by saying that if a unanimous-consent agreement should be entered into either tonight or tomorrow morning, I am quite willing to accept a limitation of 1 hour on my remarks, and I do now so state.

Mr. LUCAS. Mr. President, if we could agree to vote on Monday next at 6 o'clock we would not be in session tomorrow, and we would meet at 11 o'clock on Monday morning. With that understanding, we would be in the same position as we were a moment ago with respect to the unanimous-consent request to vote tomorrow.

I now make another unanimous-consent request, that the vote on the motion to recommit the bill to the Judiciary Committee be taken on Monday at 6 o'clock, the Senate to convene on Monday morning at 11, the time to be divided between the junior Senator from Washington [Mr. CAIN] and the Senator from West Virginia [Mr. KILGORE], with the understanding that if that be agreed to there will be no session tomorrow.

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

Mr. LUCAS. I yield.

Mr. WHERRY. Does the observation which the distinguished majority leader made prior to making the unanimous-consent request mean that if the request now proposed is not agreed to, there will be a session tomorrow?

Mr. LUCAS. The Senator is correct.

Mr. WHERRY. So the Senate is to understand that if the unanimous-consent request is not agreed to there will be a session tomorrow.

Mr. LUCAS. That is correct.

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

Mr. LUCAS. I yield.

Mr. KNOWLAND. Mr. President, reserving the right to object, I wonder if the able majority leader would be willing to change his request. I happen to be one who is going to vote as I think the majority leader is going to vote, namely, not to recommit the bill. But I wonder if we could not reach an agreement to vote at midnight tonight, which will be 5 hours from now, which would allow two and a half hours for the proponents and two and a half hours for the opponents. There is a quorum of the Senate present. Some Senators will undoubtedly be leaving each day the Senate remains in session, and some may be returning. I earnestly plead with the able majority leader to consider my suggestion. It seems to me, if it appears that we can get a unanimous-consent agreement to vote at 12 o'clock tonight, that would be the logical thing to do.

Mr. LUCAS. I appreciate the suggestion of the Senator.

The PRESIDING OFFICER. The Senator from Oregon yielded in order that the majority leader might propound a unanimous-consent request.

Mr. LUCAS. Mr. President, I have put such a request, for a vote on Monday.

Mr. LANGER. Mr. President, what is the request?

The PRESIDING OFFICER. The Chair will ask the Senator from Illinois to restate his request.

Mr. LUCAS. To vote on Monday at 6 o'clock, the Senate to convene at 11 o'clock a. m. on that day.

Mr. LANGER. Mr. President, I object.

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

The PRESIDING OFFICER. Does the Senator from Oregon ask that he be granted unanimous consent to yield for that purpose?

Mr. MORSE. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Senate vote at 12 o'clock midnight tonight on the motion of the Senator from Washington [Mr. CAIN] and the Senator from Mississippi [Mr. EASTLAND] to recommit the bill to the Judiciary Committee, and that the time be equally divided between those who are favorable to such motion and those who are opposed to such motion.

Mr. MYERS. Mr. President, reserving the right to object, when the Senate met yesterday an opponent of the bill, the Senator from Washington [Mr. CAIN], who offered the motion to recommit, took most of the time. He was interrupted quite frequently by consideration of conference reports, but no Senator spoke on the bill, as I recall, except the junior Senator from Washington. We were given to understand that it would be some time before there could be a vote. Many Members left for the day, thinking there would be no vote. Many Members inquired late this afternoon whether there would be a vote tonight, and from all indications it was understood there was an attempt to reach an agreement to vote either tomorrow or Monday. I certainly think an agreement to vote tonight would be most unfair to the Senators who left under the impression that there would not be a vote for several days and the Senators who left early this evening believing that if we reached a unanimous-consent agreement late this afternoon it would be to vote on Saturday or Monday. It would be indeed most unfair to them.

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

Mr. MYERS. In a moment. It is now 7 o'clock, Mr. President. That means that we would vote at 12 o'clock, 5 hours from this time. The proponents of the legislation would have but 2½ hours, the opponents would have 2½ hours plus yesterday, and I think it would be most unfair. I thought we were trying to get a unanimous-consent agreement to vote tomorrow or to vote Monday, and an agreement to vote tonight would be unfair to the Senators who left, certainly under the impression that there would be no vote tonight.

Why is it we can vote at midnight tonight and cannot vote at 6 o'clock tomorrow, or cannot vote on Monday? There must be some reason. Why is it that the opponents of this legislation are willing that we vote at 12 o'clock tonight, but refuse to let us vote at 6 o'clock tomorrow, or on Monday? It must be that noses have been counted, and they are rather certain and sure that there is a sufficient number of absentees tonight, Senators absent through no fault of their own, Senators who are absent because they believed definitely there would be no vote tonight. I think noses have been counted. I am willing to vote tomorrow, I am willing to vote Monday, so that every Senator can be given an opportunity to get back to the Senate. If they cannot get back, that is their fault. Therefore, Mr. President——

Mr. KNOWLAND. Mr. President——

Mr. MYERS. Before I object, I certainly will yield to the Senator from California.

I do not think it is fair, I do not think it is playing square with our colleagues in this body, to force a vote at midnight, without any notice being given to them, when we know they cannot get back in time.

Mr. KNOWLAND. Mr. President, if the Senator will yield before he makes his final decision in this matter, I think the position of the junior Senator from California has been very clear. In the first place, I am opposed to filibusters, whether they be Republican filibusters or Democratic filibusters. That has been my position since I became a Member of the Senate four and a half years ago. But I have been under the impression that Senators on the Democratic side of the aisle, along with those on the Republican side, wanted to wind up this session and make some decisions. Every one of the 96 Members of the Senate of the United States has been on notice for a long time that this session of Congress is coming to a conclusion. It is the obligation of every Member of the Senate to be in the Senate during the closing hours and the closing days of the session unless there are very strong reasons for his being away.

I do not believe it is a situation in which Senators have not had due notice of questions of importance coming up. We have had in the conference committees on appropriation bills vital measures which affect the national welfare and the national defense. There may be Senators who, because of illness in their families or because of other pressing matters, may be called home. I speak as one who is going to vote against the motion to recommit, because I believe the Senate should have an opportunity to express itself on the pending legislation. But I most earnestly plead with the responsible leadership on the other side of the aisle, when we have a chance to terminate this debate within 5 hours of this very time, not to obstruct the opportunity to get such an agreement.

Mr. MYERS. Mr. President, I appreciate the remarks of my good friend, the Senator from California, but certainly he should know there is no attempt to obstruct, certainly he should know there is a duty and an obligation resting on Senators to be here, but certainly he should also know that there are gentlemen's agreements between Members of the Senate, and certainly he should know that last night, when we concluded our session, no Senator anticipated a vote today. Certainly we knew a filibuster was on. We were told that a filibuster was on, and some Senators who went away at 6 o'clock asked me, "Do you think there will be a vote?" I understood the minority leader would be here at 6 o'clock with a——

Mr. WHERRY. Now, Mr. President——

Mr. MYERS. I do not yield. I understood the minority leader would be here at about 6:30 with an agreement, probably not one he could carry through, but a suggestion for an agreement to vote tomorrow or Monday, not tonight.

I do not think it was fair to our colleagues on either side of the aisle, who are deeply interested in this legislation, to let them leave Washington today under a wrong impression.

I would rather vote at 12 o'clock tonight, or on Monday, rather than tomorrow. I have a very important engagement tomorrow night, but I will cancel it in order to be here if we are to vote tomorrow. Personally it would be much better for me to have the vote tonight rather than tomorrow or Monday. But I think some of our colleagues should be protected, and there were several Senators on my side of the aisle who asked if there would be a vote tonight, and I never thought there would be a suggestion that we vote tonight. I can see that it must be for the reason, "Well, we have counted noses." I do not know why anyone should object to voting tomorrow at 6 o'clock, if he is willing to vote tonight at 12.

Mr. WHERRY. Mr. President, before the Senator makes his final objection——

Mr. MYERS. I am happy to yield.

Mr. WHERRY. I wish to make the RECORD clear. The minority leader did not agree to be in the Senate Chamber at 6:30 with a unanimous-consent agreement to vote at any particular hour or time.

Mr. MYERS. Of course.

Mr. WHERRY. I did agree to do my level best to get the parties interested to reach an agreement. I do not want the RECORD to show that I violated any trust in attempting to do that.

I will say that I worked conscientiously—and I had the complete cooperation of the majority leader—in attempting to work out a unanimous-consent agreement not only for tonight, but for tomorrow, and even for points beyond that, if the acting majority leader wants to know the truth. I have done my level best, and I had hopes there would be a successful outcome. In the beginning, all unanimous-consent requests are built upon hope. I did not get a chance to confer with the majority leader prior to the time I got to the floor. If I had, I would have been glad to convey to him my findings as to the sentiments toward getting together and reaching an agreement.

Any Senator has a right to object to unanimous-consent requests, but I humbly point out to the distinguished acting majority leader that there is no difference between the 5 hours now and the 5 hours tomorrow afternoon. If we recess tonight and have 5 hours tomorrow afternoon, it seems to me to make little difference between doing that and having 5 hours tonight. It might make a difference to some Senator who could be here tomorrow, but who is not here today. I suppose those who are interested in the

legislation have taken that into account. Let us be frank about it.

Let me tell the Senator further that if he does not accept this unanimous-consent agreement which can be obtained we will have to do the best we can with unanimous-consent agreements in the future. My judgment has always been—and I give it for what it is worth—that the time to get a unanimous-consent agreement is when it is possible to get it. We can get one tonight, and it will limit any further debate on this question. I should like to get a vote tonight, if we cannot get an agreement for it at any other time. If we cannot get it for tonight, the only sensible thing to do is to do exactly what the majority leader has already suggested, go ahead tomorrow with the session and try to work out a unanimous-consent agreement later.

Mr. MYERS. As for me, I shall never submit to a unanimous-consent agreement with a gun at my head, with the statement "You might as well take what you are given or take nothing." I shall never stand for that.

Much of the debate has been based on the fact that the Senator from Nevada is away. He should have an opportunity to express his views in person, gentlemen, and we therefore should continue the debate until the next session, in order that the Senator from Nevada may be here.

Mr. President, that is a logical argument. I can see and understand why many Senators agree with that argument. I have heard Senators say they might well be for the pending legislation, but they do not think it is fair and proper that we take it up at this time, when the chairman of the Committee on the Judiciary has asked that the Senate delay consideration until next year. I am asking merely that we delay consideration until tomorrow, not next year, but tomorrow, because several Senators are away; not one, but several, who really believed in their hearts, as did all the others of us, that there would be no vote before Saturday, or Monday or Tuesday.

I am pleading only that Senators accord to them the same courtesy they would accord to the Senator from Nevada, that they delay the vote until tomorrow, so that those who are absent can at least be notified that there will be a vote.

I certainly think we ought to be that fair, and I think the opponents of the legislation, particularly those who base their opposition on the fact that they believe the Senator from Nevada had not been fairly treated, certainly should not also attempt to give unfair treatment to other Members of the Senate who are absent for only 24 hours.

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

Mr. MYERS. I am happy to yield.

Mr. WHERRY. I hope the Senator from Pennsylvania did not interpret my remarks to mean that I was trying to hold a gun at his head.

Mr. MYERS. Not entirely, but when the Senator indicates, "You had better take this or we do not know what you will get"——

Mr. WHERRY. No, Mr. President, I said my experience in getting unanimous-consent agreements was to take them when we could get them.

So far as I am concerned, it makes little difference to me whether a vote is taken tonight, tomorrow, or next week. I want the distinguished Senator from Pennsylvania to be fair about this matter. I have worked conscientiously all day in an endeavor to try to secure an agreement. The majority leader has made the statement that we shall have a session tomorrow if we cannot secure an agreement to vote tonight. I will say now that I shall work just as faithfully tomorrow to try to secure a unanimous-consent agreement to vote. The Senator from Pennsylvania should not say that I have ever held a gun at any Senator's head. I certainly have not.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. MYERS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. IVES. Mr. President, if unanimous consent can be secured that the Senator from Oregon [Mr. MORSE] can be given back his right to the floor, I wish to ask him to yield so I may make a statement.

Mr. MORSE. I assume that can be arranged, I will say to the Senator.

Mr. IVES. I think the real controversy, the real question here, is what may be the disposition of the bill on a vote to recommit. It seems to me that those who are against recommittal—and I assume there are many here tonight who are against recommittal in spite of the fact that there might not be such a majority—should be willing to take their chances under any and all conditions, knowing as we do that Senators should be present or available at all times at this stage of the session.

On the other hand, I can see the other side of the question, and that is that those who are in favor of recommittal should be just a little bit charitable. They have far less to lose individually and from the standpoint of their position than those who are opposed to recommittal. If the Senate should vote to recommit, those who are in favor of recommittal have won. There is no argument about that. That means the bill goes over for the session.

On the other hand, if the bill is not thus recommitted, those who are in favor of recommittal have not lost one thing. They stand, then, exactly as they stand tonight. For that reason, much as I appreciate the fact that all Senators should be present or available, and that we who are going to oppose recommittal have no legitimate excuse for trying to explain the absence of those who are absent or out of reach, I think there is a greater responsibility on those who favor recommittal because they stand to lose nothing whatever if the bill is not recommitted.

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

Mr. IVES. I yield.

Mr. TAFT. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. If the motion to recommit should fail, another motion to recommit could be made, could it not?

Mr. IVES. Always.

The PRESIDING OFFICER. Such a motion could be made after a reasonable length of time, or with different provisions or instructions in it.

Mr. MYERS. I renew my objection, Mr. President.

The PRESIDING OFFICER. Objection is heard. The Senator from Oregon has the floor.

Mr. MORSE. Mr. President——

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. There is a little confusion respecting——

Mr. LUCAS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield for a parliamentary inquiry, with provision for protection of my rights to the floor.

Mr. WHERRY. Mr. President, I withdraw my parliamentary inquiry. I believe the majority leader will make the announcement concerning which I was about to make inquiry.

Mr. MORSE. I yield to the Senator from Illinois.

Mr. LUCAS. I was going to advise Senators that when the able Senator from Oregon finishes his address the Senate will then take a recess until 11 o'clock tomorrow. How long the Senate will be in session tomorrow I am unable to say, but I sincerely hope that all Senators will be present. I also express a fervent hope that we may be able tomorrow to arrange for some sort of a unanimous-consent agreement. Maybe when tomorrow comes we can secure unanimous consent to vote at midnight tomorrow night. Maybe that is the fateful hour for it. I make that announcement, and I thank the Senator from Oregon.

ORDER FOR RECESS

Subsequently, during the delivery of Mr. MORSE's speech, the following occurred:

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

Mr. MORSE. I yield.

Mr. LUCAS. I ask unanimous consent that when the Senate concludes its business tonight it do so as in recess until tomorrow at 11 o'clock a. m.

The PRESIDING OFFICER. The request of the Senator from Illinois is that when the Senate concludes its business today it recesses until 11 o'clock tomorrow. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. LUCAS subsequently said: Mr. President, I should like to modify the request which I made a moment ago. I should like to have a reconsideration of the unanimous-consent agreement, and modify it so that the Senate will meet at 12 o'clock noon tomorrow instead of 11 o'clock a. m. One Senator came to me and asked that I have the agreement modified.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent to modify his previous request for unanimous consent, already granted,

so as to call for a recess from this evening until 12 o'clock noon tomorrow instead of 11 o'clock a. m. Is there objection? None is heard, and the request is granted.

DISPLACED PERSONS LEGISLATION—COLUMBIA VALLEY AUTHORITY—ATTITUDE OF CIO

Mr. MORSE. I wish to assure my colleagues that what I have to say tonight can be read by them in the RECORD tomorrow, and if I were in their position under those circumstances I think I would go to dinner. I, however, feel compelled to speak for the RECORD tonight on the subject matter of my main remarks.

Mr. President, I now wish to say a very brief word in support of the displaced persons bill which is the business before the Senate. I have been a sponsor of that bill from the time of its original introduction in the Senate.

I have always taken the position that the persecution of minority people who have become the displaced persons can not be separated from the causes of World War II because I am satisfied that that persecution was one of the things that led to the formation of public opinion among freedom-loving peoples in this world that personal liberty and personal freedom could not exist in a world where totalitarian dictators followed the course of action that Hitler followed toward minority groups who later became the populations of our displaced persons camps.

Mr. President, there were other causes of World War II. If we can put a qualitative evaluation on causes, some of them might be considered of more primary importance, at least so far as the entrance of the United States into World War II is concerned. However, there is no doubt about the fact that the pages of history show that the American people were incensed and indignant over the persecution of minority groups in Germany, and recognized that if such persecution patterns continued to spread in the world, freedom itself would be jeopardized.

Then came the close of the war. There was a growing recognition that the persecution was not limited to German totalitarianism, that there was another totalitarianism abroad in the world which had just as little respect for the dignity of the individual, which entertained the same prejudices and exhibited the same bigotry toward certain minority groups as did Hitler's Germany. Thus we find thousands of people fleeing from the Russian zone, because they knew that to remain in the zone or to be returned to the Russian zone after having fled from it meant, as the Senator from Michigan [Mr. FERGUSON] pointed out this afternoon, either banishment to Siberia or the loss of their lives on the spot as they returned to their homes.

Mr. President, for a year we have been confronted with the problem of what to do with the minority groups who comprise the displaced-persons element in Europe. The American taxpayers also have been confronted with the financial obligation and liability of meeting most of the cost of maintaining them. I do not have the exact figures at tongue's point, but I am sure that I make an understatement when I state for the RECORD tonight that the cost of operating the displaced-persons camps in Europe during the latter part of the war and since has been paid for, at least to the extent of 80 percent of the cost, by the American taxpayer.

In the fall of 1946 I went to Europe. The then Secretary of War, Mr. Robert Patterson, asked me before I left for Europe if I would make an individual study and investigation of the displaced-persons camps, seek to secure the answers to certain questions which we discussed, look into certain problems which he mentioned, and then give him a confidential report on my return.

I made such an investigation. I had my discussion with the Secretary of War on my return. Among the various things I pointed out to him was the matter of cost to the American taxpayer, and also the disintegration, in my judgment, of the lives of the individuals who were being kept in displaced-persons camps. In fact, I looked upon it as a form of inhumanity, because for the most part they were kept in idleness. Their attitude was characterized by despair and hopelessness. Human beings cannot be kept over the years in such circumstances without a deleterious effect upon their lives.

So I said then—and I recall that I made a statement on the floor of the Senate at about that time—that I thought we should give further consideration to an earlier suggestion which I had made, that the freedom-loving countries of the world, allies belonging to the United Nations, ought to agree upon holding an international conference for the purpose of reaching an understanding and agreement for the distribution of displaced persons among countries willing to accept their fair share of such persons. I still think that is the way the problem should have been handled; but it has not been so handled. So far as a proposal for the establishment of an American policy is concerned, it is to be found in the displaced persons bill.

I too have received a great many communications from people not only in my State, but across the land, urging me to vote against the displaced-persons bill. Some of those communications demonstrate that the writers thereof are motivated by a deep prejudice against these displaced persons, and are vigorously opposed to the entrance into this country of any of them.

Mr. President, a great many American boys lost their lives in World War II over a set of causes and ideals. Among the causes was the persecution of displaced persons. It was made very clear that freedom could not exist in the world if human beings were to be persecuted and treated as these unfortunate human beings have been treated. So I say to the people of my country tonight that we are dealing here with a great moral obligation. So far as I am concerned, the question is whether or not this is a fair bill in respect to whether it asks the United States to take only a fair share of these people, on the basis of terms and conditions which are reasonable.

I think the answer to that question is in the affirmative. We can have differences of opinion as to whether or not, as individuals, we would modify the bill somewhat if we had full authority to write the law and press a button automatically passing the bill. But that is not the way legislation is passed in the Congress. So I am convinced that, taking the bill in its totality, it is a good, proper, and right bill. I think it is a bill which ought to be passed in the interest of making good on what I think is a great moral obligation on the part of my country.

So I intend to vote for the bill. I shall vote against the motion to recommit it, because I think this is an issue which has been threshed out over so many months that the people of the country are entitled to have their Congress make a decision on it before we adjourn this fall.

I close this part of my speech on the bill by saying that I shall vote for the bill, because so far as my conscience is concerned I think an affirmative vote by me is called for if I am to live up to what I think are the high standards and ideals of the American version of liberty—protecting the dignity of the individual and putting into practice Christian concepts of democracy. I wish to say that by the passage of this bill I think we shall give great reassurance to the peoples all over this world that we do practice our ideals. I am satisfied that propaganda devices have been used against us in many parts of the world beyond Europe—in Asia, in India, in Africa—to the effect that in connection with the displaced persons problem, once again America has a tendency to talk in terms of personal liberty and freedom and protecting the dignity of the individual, but frequently falls short of putting those ideals into practice. I wish to remove any basis for any such criticism of my country in connection with this issue, and I am satisfied that the passage of this bill will be an irrefutable answer to those who are seeking to spread that sort of propaganda against my country.

THE COLUMBIA VALLEY AUTHORITY

Mr. President, I turn now to an entirely different subject matter. I am sorry it is necessary to proceed to make a record on this subject; but in fairness to myself, to my many friends in the State of Oregon, and to my loyal political supporters in the State of Oregon, I think it is essential that I make this record tonight.

I have been advised that the State CIO labor organization in Oregon has just completed a State convention at Bend, Oreg. In a moment I shall read certain criticisms of me that were made on the floor of that convention. But before I read them, I wish to say that I have been advised this afternoon, by long-distance telephone, that a proposal to endorse my candidacy for reelection was blocked in that convention. I was told this afternoon by a CIO representative in Washington, D. C., that the blocking of that proposal to endorse my candidacy for reelection did not mean at all that I would not eventually be endorsed

by the CIO in my State; but that because certain criticisms had been made of my views on certain matters, it was decided best that any further consideration of my candidacy for reelection to the United States Senate should be postponed until I return to the State, when there would be an opportunity to discuss these matters with me.

I said to that Washington CIO representative, this afternoon, "Apparently you do not know me yet; but I wish to say to the CIO that my candidacy for reelection to the United States Senate is based on my record." So far as I am concerned, Mr. President, no labor or other organization is ever going to succeed in conditioning its endorsement of me on the basis of any proposal that its endorsement will be dependent on any possible commitment it might hope to get from me in regard to any future issue which might come before the Senate of the United States. I have never made a commitment to a labor organization, to an employer organization, or to any other political pressure group in this country, Mr. President; and I do not intend to start with the CIO in the State of Oregon.

I say from this floor, tonight, to the CIO officials in the State of Oregon, that their endorsement of me or their failure to endorse me will have to be entirely dependent upon the record I have made in the Senate, because it is on that record that I intend to stand for reelection. Any suggestion such as the one made to me this afternoon—namely, that this difficulty can possibly be ironed out as a result of discussions with me, back in Oregon, regarding where I will stand on certain issues in the future—is a proposal entirely unacceptable to me, because it is based upon an assumption that a discussion with me might lead to a commitment in order to obtain a labor endorsement.

Mr. President, there are other groups, besides labor, that would like to do political business that way, and there are in this country other groups that constantly attempt to do political business that way. There have been employer groups and business interests and groups or interests of professional people that have attempted to do political business with the Senator from Oregon that way, but they have never succeeded; and the CIO is not going to succeed on that basis with the junior Senator from Oregon.

In recent months, certain business interests and certain professional interests have expressed to me the opinion that I would not have any difficulty in the Republican primary in my State if I would make certain commitments in respect to certain proposed legislation that will come up in the future in the Senate of the United States. Mr. President, in my statements to those representatives of business and industry and the professions, I have been just as firm and unequivocal as I am tonight in serving notice on the CIO that I am not interested in any proposition they may make to me in seeking to obtain from me a pledge to vote for any issue, in return for any political endorsement. I would be ashamed of myself if I ever entered into any such commitment, and they should be ashamed of me if I did, and should be ashamed of themselves for suggesting it. Mr. President, we cannot keep democracy strong and secure and true to the principles of our constitutional form of government if we ever yield to that type of pressure politics.

There is nothing about this job or any job I can imagine that would cause me to sacrifice my honest independence of judgment, my determination to cast my vote and reach my decisions on the basis of what I think the merits and the facts are in connection with any issue. I made that very clear this afternoon in my conference with a certain CIO representative. Do you know what he said, Mr. President? "I completely agree with you, and I am at a complete loss to understand why anyone in an official capacity in the CIO in the State of Oregon does not know by now that you are going to vote in accordance with what you think is right, and that no pressure is going to change your position."

Mr. President, in regard to the CIO convention at Bend, Oreg., the other day, the press says—and I quote from the Eugene Register-Guard, of October 9:

> Oregon's Senator WAYNE MORSE * * * was named during the convention discussions of CIO political policies. Manley Wilson, of the IWA, said, "If we are for the CVA and MORSE is against it, then we cannot endorse him. The CVA was given almost a death blow in this State by MORSE's statement."

Mr. President, I am advised that at that time a considerable amount of discussion took place on the CVA issue—the Columbia Valley Authority issue—and that a considerable amount of negative criticism was directed toward me because I have announced that I will not vote for the pending CVA bill. I shall have something to say about the bill before I close my remarks. I understand further that the CIO went on record in favor of the pending CVA bill, and that because of their endorsement of the bill, and because of my public position in opposition to the pending bill, those supporting the CVA were successful in blocking a resolution endorsing me.

George Roberts—

The newspaper article goes on to say—

> George Roberts, western director of the CIO Political Action Committee, said the union locals should ask MORSE why he does some of the things he does. "We have got to have people who do not talk out of both sides of their mouth," Roberts asserted.

I am advised that it was discussions along the line of the last quotation that occupied a considerable amount of the attention of the delegates at this point in their program. Mr. President, my answer to Mr. Roberts is, we will let the record speak for itself. And when he and certain other CIO leaders in my State want to make the pending CVA bill the test of a man's liberalism, I will put my record for sound constitutional liberalism alongside the record of any Senator in the United States. I will let the workers in the CIO in Oregon, by their votes, make the decision as to whether I stand for sound constitutional liberalism.

There is a background to this, Mr. President. Some of the CIO officials in Oregon are active politicians within the Democratic Party in my State. In the last election, Mr. Manley Wilson was the Democratic candidate against my colleague, the senior Senator from Oregon [Mr. CORDON]. There are other CIO leaders in my State who apparently believe that because they are in Democratic politics they should try to use their influence within the CIO organization in my State to attempt to retire me from the Senate. But they are in for a rude awakening, Mr. President. The rank and file will see through their tactics, and will realize that these leaders are trying to lead the CIO workers themselves in my State into the same way of error, from the standpoint of the record of the time, that a segment of the CIO led thousands of voters in the State of Wisconsin in 1946. I say that, with no reflection upon the Senator from Wisconsin [Mr. MCCARTHY]. I say it, however, in order to call attention to a political fact, that in 1946 in the primary campaign in the State of Wisconsin, a segment of the CIO carried on the same sort of campaign that apparently certain leaders of the CIO in my State propose to carry on against me, and they retired from this body the then Senator from Wisconsin, Mr. Robert M. La Follette, who from 1945 to 1946 had cast the identical votes that I had cast on labor issues, in the then Committee on Education and Labor of the United States Senate.

In the fall of 1946, Mr. President, I spoke at the State convention of the CIO in my State, and I pointed out the great mistake that certain segments of organized labor make when they take a position that unless a man in public office votes 100 percent in accordance with what they think is right on all issues, then they must go out and oppose him in the next election. I said in that speech at the Multnomah Hotel in Portland, Oreg., "That is apparently the position your organization took in Wisconsin, and judging from your opposition to Mr. La Follette, and in view of the fact that I have voted exactly with him on the very issues to which your group in Wisconsin takes exception, I assume that I can look forward to your opposition." But I made clear in that speech in 1946 what they should expect from me. I told them then, as I have time and time again since, that I shall vote with labor when I think labor is right on an issue, and I shall vote against labor when I think labor is wrong; and that is exactly the record I have made in the Senate of the United States. That is what the people of Oregon sent me here to do, and I am satisfied, Mr. President, that because I have made that record, not only will a majority of the people of Oregon send me back to continue that record, but a majority of the rank and file of the CIO workers in my State will approve that record. I am satisfied the type of statement I have just read, emanating from certain CIO spokesmen in my State, does not represent the convictions and the political intentions of the rank and file of the workers in my State. The workers in my State, in the industries, in the shops, and in the fields know that the type of liberalism I stand for is a liberalism which seeks to make the capitalistic system work within the framework of our Con-

stitution for the benefit of the general welfare of our country; which means the best interests of all the people of our country. The workers of my State, the average men and women, know that they can always count on me to continue to fight for the tenets of constitutional liberalism as I have discussed them time and time again in respect to various issues on the floor of the Senate. I am satisfied that this type of attack on me in my State is not going to strike the type of political pay dirt that these spokesmen for the Democratic Party within the CIO hope and expect to strike.

Let us turn for a moment, Mr. President, to the CVA issue, which has apparently caused this group within the CIO to take the position that my opposition to the pending CVA bill does not entitle me to the political support of the rank and file members of the CIO. I shall discuss that bill in a little detail, because I want to say to the workers of Oregon, from this floor tonight, that in my judgment the pending CVA bill, known as Senate bill 1645, is not in the best interests of the workers or the farmers or the businessmen or the consumers generally of the State of Oregon. If anyone in my State has any question whatsoever as to where I stand on Senate bill 1645—and I do not see how any question can exist as to where I stand on it, in view of the statements I have already made and which I shall shortly introduce into the RECORD—then let us remove that doubt tonight. If that bill should come before the Senate tonight for a vote, I would vote against it unless it were first subjected to drastic revision and amendment.

Yes, Mr. President, it is true that in my State there are some groups of ultraconservatives who are going to oppose the junior Senator from Oregon, just as these spokesmen for the CIO express an intention to oppose him, because they do not like my position on the CVA issue, and because I will not pledge myself to vote against any CVA bill, irrespective of the kind, type, or description, that might in the future be introduced in the Senate of the United States. Of course I shall not make that commitment, Mr. President. I am going to judge these bills on their merits as they come before me. I am not going to let three little letters, CVA, or any other combination of the alphabet, Mr. President, develop in me an emotional prejudice such as both the extreme proponents and the extreme opponents of Senate bill 1645 have developed over the CVA issue. I shall face the fact, Mr. President, that we have, in connection with the development of these great projects essential to the development of the river resources of our country, a combination of Federal and State interest in the most efficient management and in realizing the greatest value out of the dollars we spend on those projects. It is essential, Mr. President, that there be legislation which will coordinate the administration of the projects in the interest of eliminating much of the duplication, overlapping, and waste which presently characterize the administration of Federal projects which have already been built or which are in the process of being built.

That can be done, Mr. President, without giving to three Presidential appointees, as Senate bill 1645 proposes, the broad and sweeping powers of administrative control over the very economic life of the Pacific Northwest. It can be done and it must be done by working out a common-sense program of coordination, by following certain principles which I shall enunciate before I finish this speech.

Mr. President, at this point I ask unanimous consent to insert in the RECORD a UP dispatch of September 23, written by Rosemarie Mullany, based upon an interview which she had with me on September 22 in respect to the CVA issue. This newspaper story, along with certain other releases which subsequently appeared in the press, apparently gave rise to the violent opposition to me at the State CIO convention. The story speaks for itself. I think it is a very accurate account of that interview, taking into account the fact that the reporter necessarily had to digest, shorten, and also interpret the statement which I made to her on that occasion.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORSE DENOUNCES PROPOSED CVA AS ADMINISTRATIVE STRAIT-JACKET

WASHINGTON, September 23.—Senator WAYNE MORSE of Oregon today denounced the proposed Columbia Valley Administration as an "administrative strait-jacket."

In a strongly worded statement opposing the CVA, MORSE further charged that the administration was trying "political blackmail" to insure enactment of its Northwest river authority program.

"I don't like the idea of the administration saying to us that the building of these projects is to be postponed until the administration plan for administering and controlling the projects is adopted," MORSE said.

BLACKMAIL CHARGED

"That looks to me like a form of political blackmail and the people in my section of the country—once they understand it—are not going to like it either."

He made his statement to reporters from a wheelchair Thursday. He left Bethesda naval hospital, where he has been recuperating from a fall, to vote on the arms aid bill.

MORSE said he believes Republicans espousing "constitutional liberalism" will find generous public backing. Such a program, he said, must include the checking of power concentration in the executive branch of Government. The tendency toward such concentration, he said, is well illustrated by the CVA proposal.

MORSE said any development program should be carried on by local people without "bureaucratic paternalism."

JOINT PROJECT URGED

As a first step toward Columbia River development, MORSE called for approval of the Army Engineer-Reclamation Bureau coordinated report.

"Let's get the projects built without delay and stop the administration's playing politics with the issue of how they shall be administered once they are built," he said.

"To insist upon any administrative strait-jacket, such as the CVA bill, by way of a commitment before the projects are to be completed is not a sound way to handle this program."

MORSE said he "had refused and will continue to refuse to indorse" the CVA bill. But, he added, he is certain many of its features necessarily will be included in any sound program to develop the Northwest. He did not detail them. He coupled his denunciation of the CVA with an appeal for approval of the Hoover Commission recommendations for reorganization of the Government.

Mr. MORSE. Mr. President, I ask that a telegram which I sent to the Portland Oregonian and to the Oregon Journal and subsequently sent in letter form to a large number of newspapers in my State, in respect to my position on the CVA, follow that newspaper article. I shall read that telegram, Mr. President, because I am going to enlarge upon it in certain remarks I shall subsequently make. In this telegram of September 23 I said:

Within next few days, as soon as I can get out of hospital I shall make speech on floor of Senate making perfectly clear my position on CVA issue as of now. I thought I made it perfectly clear in press interview I had yesterday in which I emphasized following points.

May I digress to say I think Miss Mullaney did make it perfectly clear how I received these telegrams from newspapers asking for an amplification of my views; and thus I said:

I thought I made it perfectly clear in press interview I had yesterday in which I emphasized following points: 1. I strongly favor early completion of projects called for in Magnuson bill, S. 2180. I believe that first things should come first and first thing that needs to be done is to build projects called for in S. 2180 upon which all are in agreement as to their need if we are to have adequate supply of cheap power, sound reclamation and soil conservation program, full flood control protection and maximum development of industrial expansion potentialities of Pacific Northwest. I said yesterday and repeat today that I think it is form of political blackmail for administration to sidetrack S. 2180 and completing of projects provided for therein until and unless it can have its way in passage of its proposed CVA bill.

2. I said yesterday as I have many times before that my final position on any CVA proposal will be determined after the hearings have been completed and the debate is well under way in Senate. I do not see how anyone could possibly say with any degree of intellectual honesty at all that no CVA law of any kind, type, or description should ever be passed by the Congress. As I pointed out in my press interview yesterday I think that in final analysis some features of various proposals of a CVA will probably be adopted in any piece of legislation that seeks to coordinate the various Federal and local agencies charged with responsibility of administering the river resources of Pacific Northwest.

However, I am satisfied that final bill will be a far cry from CVA bill now pending before Congress. The reason I say that is because I am satisfied that people of Pacific Northwest, once they come to understand full implications of that bill will recognize that it seeks to give too much administrative authority over economic life of Pacific Northwest to three men appointed by President who will be responsible to President and not to people of Pacific Northwest. This particular feature of proposed CVA law is bound to be opposed by constitutional liberals because it tend to place too much power in executive branch of our Government at expense of both congressional checks and local self-government checks and controls. We can coordinate the administration of our river resources developments without setting up Federal bureaucratic monopoly. I am just as much opposed to a Federal

bureaucratic monopoly as I am to a monopolistic control of our multiple-purpose dams by the private utilities of the Pacific Northwest. Thus in my interview yesterday I pointed out that we must avoid placing the economic livelihood of the people of the Pacific Northwest into any bureaucratic strait-jacket which would sacrifice the rights and interests of local self-government units. I feel that the administrative policy which we finally work out for administering these projects should be a cooperative one between the Federal and local government units, thus placing upon the people of the Pacific Northwest the primary responsibility of developing the economic policies and administration policies in accordance with their desires expressed through their own democratic processes. I recognize that the Federal Government has rights and prerogatives also in the development of these projects, but they are not of a nature which makes it wise in my judgment to give to three presidential appointees as great control over the economy in the Northwest as is contemplated by the pending CVA bill if I correctly understand implications of that bill.

3. I pointed out in my press conference yesterday that I am following exactly same course of action that I believe is consistent with policy of Charles McNary in respect to development of our Northwest multiple-purpose dams and other river projects. He constantly advocated importance of going forward with construction of the projects, leaving for the determination of the people themselves in the various localities and regions the questions pertaining to how the projects were to be administered once they were constructed. I agree that the Federal interest in those projects is such a considerable one that the Federal Government has definite rights connected with their administration which should not be ignored but in respect to those rights I think the Hoover Commission Report gives us a good starting point for working out an improved coordinated policy among the Federal agencies which have an interest in the projects. Thus I have been urging members of the Republican Party to give favorable consideration to the Hoover recommendations and also to try to work out a positive and constructive answer to the question:

What sort of a coordinated plan for administering the projects should be adopted once the projects are built?

As I have said before I refuse to let the letters CVA or any other combination of the alphabet throw me into an attitude of blind partisanship which I think has come to characterize the thinking of a great many people who are both for and against a so-called CVA. If the hearings on CVA show that there are some good features of any CVA proposal which should be adopted I shall never hesitate to include those features in any final plan which I shall support but I do not propose to swallow the line that liberalism requires the advocacy of the pending CVA bill. To the contrary I think some of the features of the pending CVA bill cannot be reconciled with constitutional liberalism because they jeopardize local self-government responsibility and capitalize the development of a bureacratic monopoly over the economic life of our people. I do not favor substituting bureaucratic paternalism for the responsibilities of self-government on a State and local level. Lastly I hope I can make clear once again that I am not in favor of turning our multiple-purpose dams built with the taxpayers' money over to monopolistic control by the private utilities, that is why I have always voted, since I have been in the Senate, for Government construction of a backbone grid transmission line system and I have opposed giving private utilities power priority rights at bus bar. I believe that the private utilities are entitled to fair contracts from the Government for power from the dams after public-use priorities have been taken care of and I have said so many times. I personally believe the public-power developments and private-uitility developments can prosper side by side in the Pacific Northwest and I believe that the people of the various localities of the region should have the right to determine whether they want to be served by a public-power utility or a private-power utility. It is well known that I personally believe in encouraging public-power development because in the long run I think the people get more from their power dollars out of public-power development but my personal preference as a citizen has not and will not affect my actions as a Senator in seeing to it that fair treatment is accorded private enterprise in the utility field as well as in every other field. Regards.

And my name is signed to the telegram.

Mr. President, I submit that that telegram, to anyone who can read the English language, makes exceedingly clear the position I have taken in regard to the CVA issue. As is to be expected, extremists on both sides of the issue are not fully satisfied with that statement. The extreme CVA proponents in my State are opposed to me because I am opposed to the pending CVA bill, S. 1645, in its present form. In a moment I am going to tell the Senate some of my reasons for opposition to that bill, since here tonight I am making my record on the CVA issue, because it is this issue which certain leaders of the Democratic Party within the CIO wish to use as a basis for an attempt to turn the labor vote within the CIO against me in my State. Politically, I think they are going to fall just as flat as a pancake before they get through with this fight.

Mr. President, the Presiding Officer will recall that in the course of the telegram I made reference to Senate bill 2180, which is known as the Magnuson project bill. That is the bill which the Senator from Washington introduced covering, for the most part, the main projects proposed in the so-called Army Engineers and Bureau of Reclamation Report 308. We had extensive hearings on S. 2180 in the present session of Congress, Mr. President, at which the two Senators from Washington, Mr. MAGNUSON and Mr. CAIN, and the two Senators from Oregon, Mr. CORDON and myself, appeared and testified in favor of that bill.

Mr. President, there is no serious disagreement anywhere that I can find as to either the need for or the desirability of the projects called for in S. 2180. The Bureau of Reclamation says they are essential, the Army engineers say they are essential if we are going to have adequate reclamation, flood control, irrigation, and cheap power development in the Pacific Northwest. Private business interests of the Pacific Northwest are uniformly for the projects called for in S. 2180.

Incidentally, Mr. President, as Senators know, remarkable progress has been made by way of cooperation between the private utilities and the Government agencies having jurisdiction over these power development projects in our section of the country, starting with the so-called Tacoma agreement entered into a couple of years ago. Ever since that agreement there has been a remarkable improvement in the cooperative relationship between the private utilities and the Federal Government in respect to the development of power resources of the streams of our section of the country.

Private utilities know that private capital is not going to build these multiple-purpose dams. I have a great many friends among the leaders of the private utilities. I have many political enemies among them too, Mr. President, and even some of them who are my political enemies are my personal friends, but they do not like the latter part of the telegram in which I express, as they have known for years, my personal preference for the development of public power. I have insisted that they are entitled to fair treatment when it comes to signing contracts with the Federal Government for the supply of power necessary to serve their consumers.

In Oregon I live in the city of Eugene, which has one of the model public power utilities in this entire country. Perhaps my experience as a citizen of Eugene has influenced my personal preference for the development of public power districts. That has nothing to do with my obligation as a Senator in seeing to it that the legitimate rights of the private utilities, in their contracts with the Government, are protected, and that has been my record.

Of course some of these leaders among the private utilities are my political opponents. Not all of the leaders of the private utilities, however, are my political opponents, Mr. President, because I know for a certainty that in my campaign for reelection there will be some very prominent private utility men who, although they disagree with me in regard to private development, recognize as citizens that they want the type of representation I am giving the State when it comes to standing on the basis of an independence of judgment on these matters. Some of them have said to me, "Well, I disagree with you on this, but I would rather have you back there voting on what you believe the facts and sound public policy to be, and giving me your reasons for your vote, than to have you back there under any commitment to me as a representative of the private utilities that you will vote a certain way because the private utilities request you to vote that way."

Yes; we have many such fine citizens among all segments of our population, including labor, and these CIO spokesmen who seek to turn the CIO workers against me in this campaign will discover that an overwhelming majority of their rank and file likewise agree that they should not expect or attempt to require a Member of the Senate to vote in accordance with their dictates.

So I say, Mr. President, there is a uniformity of agreement among all groups in the Pacific Northwest that the projects called for by S. 2180 should proceed with construction as rapidly as possible. I have said before, and I will not take a long time to expound that view here tonight, that in my judgment the very security of our Nation depends upon the

fastest possible completion of the great power projects in this country, not only in the Pacific Northwest but everywhere in the country. That is why I will vote for a sound electric power project being constructed just as rapidly as possible anywhere in the United States if I am shown that it is to be economically and soundly constructed. Why? Because I happen to hold the view that the most important basic defense weapon we have is our electric-power resource. I have a feeling that Russia recognizes that too. Russia fully appreciates that in the atomic age in which we now live these great power resources give us the necessary electric energy, which makes it unwise for any nation, including Russia, to proceed with an aggressive course of action against the freedom and peace of the world.

I have been an ardent supporter of the development of these power projects, not only in my section of the country, but elsewhere. I have supported them in the Southwest and in the Southeast. One of the reasons I gave in my speech for the support of the St. Lawrence waterway was that I thought that bound up in it was not only the matter of transportation but the development of some much-needed power resources. My record has been consistent.

I would say to my critics tonight that a very high official in the Interior Department told me within the last 10 days, when he was joshing me a little bit about what looked like some Democratic opposition to me in my State, he being a very high Democratic spokesman—and I think I quote him practically verbatim—"Wayne, by the way, the Democrats out there are going to have a hard time finding any fault with the position you have taken on the development of the great power project of the Pacific Northwest." He referred, of course, specifically to the recent contest we had here on the floor of the Senate concerning the building of the transmission line from Hungry Horse Dam to Anaconda.

It is in no spirit of boasting, but only by way of a statement of fact that I say for the record tonight that on the opposite side of the aisle there are many Democratic Senators who have told me privately—and they said they would not hesitate to testify so publicly—that we won that Hungry Horse-Anaconda transmission line not alone because of the work those Democratic Senators did in the battle to secure its passage, but also because of the work the junior Senator from Oregon did in the fight to obtain the adoption of the amendment which provided for the Government building of that transmission line.

So when the critics seek to convince members of the CIO that because of the opposition of the Senator from Oregon to Senate bill 1645 he cannot be counted on the liberal side of the issue, calling for the maximum development of the great power resources of the Pacific Northwest, the record does not support them.

What happened in regard to Senate bill 2180? After extensive hearings and, so far as I could find out, practical unanimity of agreement that the projects were meritorious and that we ought to proceed with them, the administration took the position that Senate bill 2180 should be postponed in this session of Congress. When the administration took that position, I say to the workers of Oregon, the farmers of Oregon, and all the people of Oregon that I spoke with proper description when I said that it adopted a form of political blackmail to try to advance first the enactment of Senate bill 1645.

The Under Secretary of the Interior, Mr. C. Girard Davidson, an exceedingly able man, a man for whom I have a very deep fondness and friendship, spoke in the State of Oregon recently following the release of my telegram, which I have read into the RECORD here tonight. He said in effect that I did not know what I was talking about when I made the statement that the administration was guilty of a form of political blackmail in sidetracking Senate bill 2180. He said some other rather uncomplimentary things; but long ago I learned and accepted as true—and my experience has proven it over and over again to be true—that that type of personal debate never helps to prove a point. So I shall treat Mr. Davidson very kindly tonight, by simply replying to him as follows:

What I said in that telegram in respect to the administration sidetracking Senate bill 2180 is absolutely true. Members of this body who did not like the idea of Senate bill 2180 being sidetracked told me in personal conversations that the strategy was perfectly obvious. The strategy was to sidetrack the bill because they thought it would be easier to have the CVA bill, Senate bill 1645, passed if Senate bill 2180 were not passed first.

The letter which Mr. William E. Warne, Assistant Secretary of the Interior, sent to the distinguished Senator from New Mexico [Mr. CHAVEZ] on August 31, 1949, in which he said that the administration wished to have action on Senate bill 2180 postponed until it could be reviewed by the Bureau of the Budget and considered by the President of the United States does not say that the strategy behind the letter was to try to advance the cause of CVA. They are too smart politicians to make that mistake in a letter. But here in the Senate we do not have to be hit with the obvious to see the obvious. Here in the Senate our personal relations are such on both sides of the aisle that we do not hesitate to tell each other what the play is.

My answer to the Assistant Secretary of the Interior is that the description of the play in my telegram of September 23 was an accurate description, because Democratic friends of mine in the Senate who did not like the postponement of Senate bill 2180 any more than I did told me that they thought it was a great mistake to postpone Senate bill 2180 for the reasons supposedly given by the administration in Mr. Warne's letter, when it was perfectly obvious that behind the scenes and underneath it all was the strategy of trying to advance the earliest possible action on Senate bill 1645.

Mr. President, I ask unanimous consent to have Mr. William E. Warne's letter of August 31, 1949, addressed to the Senator from New Mexico [Mr. CHAVEZ], printed in the RECORD at this point, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
August 31, 1949.

Hon. DENNIS CHAVEZ,
United States Senate,
Washington, D. C.

MY DEAR SENATOR CHAVEZ: As I explained to you on the telephone, I have been asked to inform you and, through you, the Senate Committee on Public Works, that the President believes it would be a mistake to include the substance of S. 2180 in the river-and-harbor and flood-control bill at this time. He does not wish to indicate any lack of confidence in the Interior-Army consolidated report, but rather a strong feeling that the report itself and all who are interested in it would be benefited if the regular order were followed and time given for the executive review that is contemplated in the normal procedures.

Our Department can attest to the value that attaches to the review process and would regret action that would preclude the review. It is my belief, as well as that of the President, that action on the authorization legislation can be deferred until the next session of the Congress and this would give us time to complete the reviews.

I do not believe that this position is inconsistent with any action heretofore taken by Secretary Krug or other representatives of this Department in testimony before the committees. We feel that the coordinated comprehensive report is a good one and that development of the Northwest, as contemplated in the report, will be advantageous nationally. The problem is simply one of timing to permit completion of the reviews and to enable the President to express the combined judgment of the executive agencies after such reviews.

If your committee desires a formal statement, I shall be glad to present one. If your committee wishes to go ahead with the bill, I ask that the Interior Department be given the opportunity to present certain amendments that we feel would be appropriate in S. 2180. In the meantime, I trust that you will consider this communication simply an explanation of our telephone conversation and the basis for later and fuller discussion and formal presentation if you desire it.

Sincerely yours,
WILLIAM E. WARNE,
Assistant Secretary.

Mr. MORSE. I also ask to have printed in the RECORD at this point, as a part of my remarks, a letter dated October 12, 1949, signed by J. A. Krug, Secretary of the Interior, addressed to the Senator from Wyoming [Mr. O'MAHONEY], bearing on the same subject.

There being no objection, the letter was printed in the RECORD, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 12, 1949.

Hon. JOSEPH C. O'MAHONEY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR O'MAHONEY: You asked yesterday morning if the Department of the Interior favors legislation to authorize certain limited parts of the comprehensive plan for the Columbia Basin, something less than the whole plan, the authorization of which would have been accomplished by S. 2180. The portions of the plan to which you had reference were the authorization of the projects recommended in my report of May 2 as

the initial stage of development, plus the basin account.

As you indicated in your public hearing on this matter on October 10, the President had earlier expressed the view, in which this Department concurs, that review of the comprehensive plan, with its several proposed basic policy and legislative changes, should be deferred until it can be gone into in the usual manner by the Bureau of the Budget. As you know, the President also asked that if the Senate Public Works Committee, which was then considering both the Interior and the Army portions of the comprehensive proposal, still intended to act upon the matter, that this Department feel free to recommend any desirable amendments, and collaborate with the Secretary of the Army and the Bureau of the Budget in working out the matter.

In adopting its amendments to H. R. 5472 for the Columbia Basin items for the Army, the Senate Public Works Committee has moved ahead, even though not to the full extent originally contemplated by S. 2180, toward which the President directed his remarks. If the Congress were to proceed with authorization of the works by the Department of the Army without, at the same time, proceeding with the companion items in the Interior Department program, the development of the Pacific Northwest would advance in a state of complete unbalance. I am confident that the President would not wish that to occur. Evidence of his views on this is contained in his letters of September 16 to the Secretary of the Army and to me last year on this subject wherein he requested that we review and coordinate our respective reports to the end that the best over-all plan be available.

In view of the unbalance which would be created by authorization of the Army part of the job, as now provided for in H. R. 5472 and the suggestion that I feel free to recommend amendments under the contingency that the Congress contemplates going ahead, and in further view of the fact that the two items you mentioned are substantially less than the full comprehensive plan, I have no hesitation in recommending that, through appropriate action by your committee, as already agreed upon by you and Senator CHAVEZ, H. R. 5472 should be amended to include authorization of the projects in the initial stage in accordance with the agreement of April 11 between the two Departments under existing law and establishment of the basin account. Under the circumstances, less than that would not, in itself, be consistent with the President's instructions to me, or the public interest.

Sincerely yours,

J. A. KRUG,
Secretary of the Interior.

Mr. MORSE. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter dated August 30, 1949, addressed to the Secretary of the Interior and signed by the President of the United States, bearing on the same subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 30, 1949.

The Honorable, the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: I am advised that the Senate Committee on Public Works is considering adding the substance of S. 2180 to the River and Harbor and Flood Control bill. I believe that this would be a mistake and that action should be deferred until your report and that of the Corps of Engineers on the Columbia River Basin can be reviewed in the usual manner, with the resulting benefit that review entails.

The director of the Bureau of the Budget advises me that the committee has requested your views on the authorizing legislation. I ask you immediately to advise Senator CHAVEZ that it is your belief as well as my own that action on the authorizing legislation can be deferred until the next session of Congress and that you so recommend.

If the committee still insists on going ahead with the bill, you are, of course, free to recommend amendments which you consider essential. I ask, however, that you attempt to obtain the concurrence of Secretary Gray and the Chief of Engineers in any amendments in which the Corps of Engineers has an interest. The director of the Bureau of the Budget would be glad to work with you on this matter.

Sincerely yours,

HARRY S. TRUMAN.

Mr. MORSE. It will be noted that the first letters announcing the administration's proposal to postpone action on Senate bill 2180 were dated August 30 and August 31. The letter from Mr. Krug to the Senator from Wyoming [Mr. O'MAHONEY] was dated a considerable time later. If read in connection with the first letters, I think it is a very interesting epistle, because between the lines it indicates very clearly the recognition that the decision of the administration to postpone Senate bill 2180 had aroused considerable negative reaction on the Democratic side of the United States Senate.

We know what happened. We know that the Democratic forces got busy and attempted for a time to get through the Public Works Committee of the Senate not Senate bill 2180, but a public-works bill which would cover a good many of the projects, a bill, as my senior colleague [Mr. CORDON] pointed out in the conference we had yesterday morning, which had certain provisions in it with regard to the financing of the reclamation projects which in all likelihood, if put into effect, would not have an advantageous effect upon the electric-power projects themselves, and would require the people in certain sections of the Pacific Northwest to pay electric-power rates so high, in order to pay for reclamation projects in other States, as to place upon them a very unfair burden.

So, again, the four Senators from the farthest Pacific Northwest States—the States of Washington and Oregon—discussed that phase of the problem yesterday morning, and pointed out that, in fairness to the people of our States, we could not let that new proposal for a public works bill—which really was developed after the decision of the administration to sidetrack Senate bill 2180—go through unless there could be an agreement in the Senate to an amendment which would protect the people in the areas where the power dams would supply the electric power, from having to pay electric rates so high that the great industrial good we hope to obtain from those dams would be lost to us. I take that position, Mr. President, because, let me say, these great multiple-purpose dams in the Pacific northwest can supply us with cheap power if we do not impose upon them rates so high, for the payment of distant reclamation projects, that we discourage industry from coming into our section of the country. The great value of these dams, so far as industrialization is concerned—and I have always been perfectly frank to say this—is the low power rates which will flow from them because of the great quantity of power which can be produced by them, if we do not require power rates so high, in order to pay for other projects not connected with the power itself, that we discourage industry from coming into our section of the country.

There was agreement yesterday morning, among the four Senators from the States of Oregon and Washington that in view of the way things had developed in respect to these projects, it would be better to wait until January, when Congress reconvenes, in order to iron out the differences which have developed over the projects which were provided for in the last-modified public works bill which the Chavez and O'Mahoney committees proposed.

Mr. President, there was no such disagreement over Senate bill 2180; and in that connection I should like to call attention at this point to the CONGRESSIONAL RECORD for September 23, 1949, in which appears a statement, beginning at page 13230 and extending to page 13232, by the Senator from Washington [Mr. MAGNUSON]. In the course of that statement, he discussed the postponement of Senate bill 2180, and then cited an editorial entitled "The CVA Gamble," from the Oregon Journal. That is an editorial which in part criticizes the administration for the postponement of Senate bill 2180. Then the Senator from Washington made his own statement in regard to the problem, in part as follows:

> Disturbing reports are being circulated to the effect that delay in authorizing these projects is for the purpose of putting the proposed Columbia Valley Administration in first place; and on the other hand that authorization of the 308 report will hamper progress on the proposed CVA. Neither is true, in my opinion. The coordinated plan represents one question; the question of construction. The Columbia Valley Administration involves another question; the question of management.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as part of my remarks, so that it will be available for easy reference, the statement made by the Senator from Washington [Mr. MAGNUSON] as it appears in the CONGRESSIONAL RECORD for September 23, 1949.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COLUMBIA RIVER DEVELOPMENT

Mr. MAGNUSON. Mr. President, the Senate Public Works Committee now has under consideration a very important rivers and harbors bill, including very vital projects for authorization throughout the entire country. Before the committee is a proposal in the form of a bill—but it can be treated in the nature of an amendment—which includes a great number of projects in the Columbia Basin.

The people of the Pacific Northwest are vitally interested in all phases of Columbia River development. Anything affecting the development of that great river, its tributaries and related resources affects their lives and their fortunes.

On the Federal level, the Bureau of Reclamation, Corps of Engineers, Fish and Wildlife Service, Department of Agriculture and about 18 other agencies have resource responsibilities in the basin. These responsi-

bilities are shared in many ways with State and local government and private organizations.

For many years the Bureau of Reclamation and the Corps of Engineers have been operating in the basin. They have built great dams and irrigation projects. On April 11, this year, they signed an agreement which in effect set up spheres of jurisdiction over the river and its tributaries. In May and June, respectively, they completed and submitted coordinated reports to the Bureau of the Budget. This action was in conformity with Presidential instruction issued in July 1948. Local interests have been almost unanimous in approving this so-called accord between these two Departments as to the structures to be built on the great Columbia River and its tributaries.

The Public Works Committee now has before it several proposals which, if enacted, would authorize a part or all of the program embraced by the coordinated Bureau-Corps reports. One of these proposals is a bill S. 1595, introduced by the junior Senator from Washington. Another is S. 2180, sponsored by myself and other Senators. A third is what we might call a committee amendment to the rivers, harbors, and flood-control bill.

This amendment has been developed over the last 4 or 5 weeks through a series of conferences between my office, staff members of Public Works and Interior and Insular Affairs Committees, executive department members, and representatives of a number of private organizations from the Columbia Basin, as well as State and local officials. I am certain that other Senators from basin States have been consulted in this process.

This amendment is a modified version of bills before the committee. It proposes to authorize some 40 projects in the Columbia Basin—projects included in the so-called initial phase of the Bureau-Corps reports. In addition it establishes a Columbia Basin account. Appropriate construction costs, allocated for repayment from power revenues, would be charged to this account. Net power revenues would be credited. Any balances on the credit side would be available for assistance to irrigation projects subsequently approved by the Congress. Under this amendment existing flood-control, reclamation, and Bonneville laws would remain unchanged.

Since early July I have been working to achieve, at this session, authorization of the maximum number of projects possible, in the Columbia Basin. Many conflicting interests have come to light in the process, both in and out of Congress. I believe the amendment I have referred to resolves as many of those conflicts as can be resolved and still leave the basic blueprint for long-range Columbia Basin development. Such a blueprint is essential and will in no way jeopardize subsequent enactment of legislation creating a Columbia Valley Administration.

In order that our efforts on this great project may be a matter of record, I ask unanimous consent to have printed as a part of my remarks a letter addressed to the chairman of the Public Works Committee on July 8, signed by the junior Senator from Idaho [Mr. MILLER], the senior Senator from Idaho [Mr. TAYLOR], the junior Senator from Oregon [Mr. MORSE], the senior Senator from Oregon [Mr. CORDON], and myself; also a letter I sent to the subcommittee chairman on August 30; the draft of the amendment now under consideration by the Public Works Committee, which is substantially the same amendment transmitted with my August 30 letter, and an editorial from the Oregon Daily Journal of September 17, 1949, parts of which I agree with and parts of which I disagree with. Surely much of the confusion stems from a misunderstanding as to the purposes of the amendment.

Also I ask unanimous consent to have printed in the RECORD a statement which I issued today to the newspapers and the public in my area, in an effort not only to clear up what our efforts have been before the Public Works Committee now considering the matter, but to clear up any misunderstanding as to the intent and purposes of the proposals before the committee.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND,
FOREIGN COMMERCE,
July 8, 1949.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works, United States Senate.

DEAR SENATOR: Your statement of July 7 announced your intention of initiating hearings on July 12 of the omnibus rivers and harbors and flood-control bill, H. R. 5472, as reported by the House Public Works Committee on July 6.

There is one matter which appropriately could not be included in the House bill, but which has now progressed to the point where it can be considered by your committee. We refer to authorization of the so-called Bureau of Reclamation-Army engineers' coordinated plan for structures in the Columbia Basin and certain contiguous areas. Throughout these hearings your committee correctly differentiated between these proposals and CVA bills. The CVA proposal is primarily concerned with the administration or managerial phase of the problem; the reports of the two Departments place primary emphasis on structures required for the physical development of the area.

Secretary Krug, who spoke for the executive branch of the Government on CVA, recognized this differentiation in his testimony before your committee. He recommended that authorizations included in the two reports proceed promptly so that needed physical developments may not be delayed while the managerial question is under consideration and awaiting final action.

Testimony by State and Federal officials and by other prominent individuals before your committee and before the House Public Works Committee has been unanimous in support of prompt authorization of the Army and Interior plan. Witnesses have expressed this view freely regardless of their views on the management question.

Two bills now before the Senate are designed to accomplish the authorization of the Interior-Army integrated plan and agreement previously referred to—S. 2180, introduced by Senator MAGNUSON, and S. 1595 by Senator CAIN. We respectfully request that your committee give prompt and favorable consideration to adoption of appropriate amendment to H. R. 5472, which will carry out the identical purposes of these bills.

Sincerely,

WARREN G. MAGNUSON,
United States Senator.
BERT MILLER,
United States Senator.
GLEN TAYLOR,
United States Senator.
WAYNE MORSE,
United States Senator.
GUY CORDON,
United States Senator.

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE
AND FOREIGN COMMERCE,
August 30, 1949.

Hon. SHERIDAN DOWNEY,
Chairman, Subcommittee on Rivers and Harbors, Committee on Public Works, United States Senate.

DEAR SENATOR: The rivers and harbors bill, as passed by the House, contains on page 24 a section authorizing construction of a dam at Albeni Falls. Attached is an amendment to that section which I would like the subcommittee to consider in the event you do not act favorably on the request contained in the second paragraph of this letter.

Some time ago other Northwest Senators and I addressed a letter to Senator CHAVEZ, urging that an appropriate amendment to the rivers and harbors bill be devised, authorizing projects included in exhibit F of the integrated corps report on the Columbia Basin. Earlier I introduced a bill, S. 2180, and Senator CAIN introduced S. 1595, aimed at accomplishing this objective.

Since introduction of S. 2180, numerous conferences have been held with organizations and individuals vitally interested in basin development. The consensus is that authorizing language along lines of the attached amendment would avoid some of the substantive questions involved in S. 2180 as originally drawn.

I, therefore, urge your subcommittee adopt the enclosed language as an amendment to the rivers and harbors bill. If any questions arise in this regard while the committee is marking up the bill, I will deeply appreciate an opportunity to appear before the subcommittee in an effort to reach a workable solution.

Sincerely,

WARREN G. MAGNUSON,
United States Senator.

DRAFT OF AMENDMENT PROPOSED TO BE MADE TO H. R. 5472

SEC. —. (a) That for the purposes of improving navigation, controlling floods, and conserving and utilizing the waters of the Columbia River and its tributaries for the irrigation of arid and semiarid lands and the generation of hydroelectric power, and for incidental purposes, the physical plan for comprehensive development of the Columbia River Basin reflected in the report of May 2, 1949, by the Commissioner of Reclamation and in the report of June 28, 1949, by the Chief of Engineers entitled "Columbia River and Tributaries, Northwestern United States," all as coordinated by agreement of April 11, 1949, entered into by the Commissioner of Reclamation and the Secretary of the Interior, on the one hand, and the Chief of Engineers and the Secretary of the Army, on the other, is hereby approved and construction of the projects, works, and improvements comprehended within the initial stages therein recommended is hereby authorized to be prosecuted respectively by the Department of the Interior under the supervision and direction of the Secretary of the Interior and by the Chief of Engineers under the supervision and direction of the Secretary of the Army in accordance with the statement of the responsibilities of said agencies denominated exhibit F and attached to the Digest Agreement on Principles and Responsibilities, Columbia River Basin, enclosed with the letter of April 11, 1949, addressed to the President by the Commissioner of Reclamation, the Secretary of the Interior, the Chief of Engineers, and the Secretary of the Army.

(b) The Secretary of the Interior shall establish a Columbia Basin account which shall be credited with all net power revenues received from Federal power plants and transmission lines and facilities existing, herein and heretofore authorized, and upon authorization, from such plants, lines, and facilities as may be authorized hereafter by act of Congress, within the Pacific Northwest as that area is defined in paragraph 3 (2) of the recommendations contained in said report of May 2, 1949. Said account shall be charged with all reimbursable construction costs allocated to power and all other reimbursable construction costs assigned for return from power revenues in connection with all projects existing, herein, and heretofore authorized, and, upon authorization, such projects as may be authorized hereafter by act of Congress, within said Pacific

Northwest. The Secretary of the Interior shall report to the Congress annually on the status of said account, as of the close of each fiscal year beginning with the fiscal year 1951. Costs and revenues charged and credited to said account, together with estimated costs and revenues, shall be taken into account in fixing rates for the sale of power and energy from Federal projects in said Pacific Northwest. Said rates shall be sufficient to return within a reasonable period of years the costs stated in recommendations No. 8 (2) (a) and (b) in said report of May 2, 1949, taking into account the application of interest on the power investment to the return of nonpower costs: *Provided*, That said interest shall be at rates not less than those specified in existing applicable laws and not less than 2 percent per annum on any power investment for which existing laws do not specify a minimum rate. Otherwise, nothing in this section shall be construed as repealing, modifying, or affecting in any way the Federal reclamation laws, the act of August 20, 1937 (50 Stat. 731), as amended, the act of December 22, 1944 (58 Stat. 88), or the act of March 2, 1945 (59 Stat. 22), with respect to returns, the deposit of revenues, or the marketing and disposition of power and energy.

(c) Subject to this section and to his area-wide findings regarding the benefits, the allocations of constructions and maintenance costs and the repayments by water users, the Secretary of the Interior shall in the prosecution of his activities under this section be governed by the Federal reclamation laws. The Secretary of the Army in prosecuting his activities under this section shall be governed by the laws affecting the prosecution of works for the improvement of navigation and the control of floods.

(d) Projects not specifically herein authorized in the initial stages of the comprehensive plans shall be submitted to the Congress in conformity with the provisions of section 1 of the Flood Control Act of 1944.

(e) There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for the partial accomplishment of the projects, works, and improvements herein authorized: to the Department of the Interior, $500,000,000; and to the Chief of Engineers, Department of the Army, $500,000,000.

(f) The use of waters, in connection with the operation and maintenance of Federal dams and other works in the Columbia River and its tributaries, shall be only such use as does not conflict with any beneficial consumptive use, present or future, in the States drained by said river and its tributaries of such waters for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

(g) Nothing in this section shall be construed to apply to projects of the Bureau of Indian Affairs, or to supersede existing provisions of law relating to the protection and conservation of fish and wildlife.

[From the Oregon Daily Journal of September 17, 1949]

THE CVA GAMBLE

For months, administration representatives who favor a Columbia Valley Administration have delayed and obstructed the regular rivers and harbors appropriation bill and two companion measures (introduced by Senators MAGNUSON and CAIN, of Washington) authorizing the consolidated $3,000,000,000 program of the Army engineers and Bureau of Reclamation for the orderly development of the Columbia Basin.

These forces which have been working quietly behind the scenes have finally come out into the open. They have laid their cards on the table. They have publicly requested, through a letter to the Senate Public Works Committee by William E. Warne, Assistant Secretary of the Interior, that action on the coordinated program be sidetracked in favor of the administration's highly controversial CVA bill.

Warne says President Truman "believes it would be a mistake to include the substance of S. 2180 (the Magnuson version) in the rivers and harbors flood-control bill at this time." He asked for time to make an "executive review."

This is one of the most bizarre deals in the history of Washington politics. First of all, administration forces have delayed the $1,300,000,000 rivers and harbors bill in various ways for 2 months, while they tried to jockey pet bills, including CVA, through the Congress. Finally the House Public Works Committee reported it out in August, but the Rules Committee held it up 21 days, the limit, before it went to the floor of the House for overwhelming approval. Then it went to the Senate, where MAGNUSON and CAIN are seeking to attach their amendment which would give congressional approval to the consolidated river-development program to be carried out by existing agencies. One of its features is a Columbia Basin account to be expended at the direction of the Congress and into which power revenues for liquidation of various projects would be placed.

Meanwhile the Bureau of the Budget, apparently at the direction of the President, notified the Senate Public Works Committee that it had the consolidated development bill but asked the committee not to consider it at this time.

Apparently fearing that this bill would win Senate approval, and once approved, might work, thus obviating CVA, the President, through Warne, again took a hand, asking further time for executive review.

This is indeed a strange request. The President himself directed the Army engineers and the Bureau of Reclamation to consolidate the Army's 308 report for development of Columbia Basin with the Bureau's comprehensive program. This they did last April, the formal agreement being approved by the Secretary of the Army, the Secretary of the Interior, the Chief of the Bureau of Reclamation, and others at interest.

Furthermore, the Magnuson and Cain bills also have been consolidated and simplified and have the approval of reclamation and power interests.

One can only conclude that administration proponents of CVA which, incidentally, doesn't have a chance of approval at this session of the Congress, simply decided that the consolidated Army-Bureau program for development of the Columbia River (which they had previously approved) didn't fit into the CVA pattern. Hence their obstruction of both the rivers and harbors bill and the consolidated basin-development program which, incidentally, has the approval of both Senators CORDON and MORSE, of Oregon.

What this means, of course, is that the CVA clique in the administration and in the Congress is willing to delay and gamble with the orderly development of the entire Columbia Basin in their attempt to jam through their valley authority proposal. They are willing to gamble on the serious power shortage in the Pacific Northwest. They are willing to gamble on disastrous flood and to imperil reclamation projects.

This is politics at its worst.

STATEMENT BY SENATOR MAGNUSON ON PROJECTS IN THE COMPREHENSIVE COLUMBIA BASIN PLAN

In order to correct certain misunderstandings I want to make it clear that I am vigorously in favor of obtaining authorization for as many of the projects in the so-called coordinated plan for development of the Columbia Basin as it is possible to get.

This is in reference to the coordinated reports of the Bureau of Reclamation and the Corps of Engineers on development of the Columbia River Basin. I intend to make an appearance before the Senate Public Works Committee next week, and at that time I shall urge that every project which the committee deems it advisable to authorize be authorized.

Disturbing reports are being circulated to the effect that delay in authorizing these projects is for the purpose of putting the proposed Columbia Valley Administration in first place; and on the other hand that authorization of the 308 report will hamper progress on the proposed CVA. Neither is true, in my opinion. The coordinated plan represents one question; the question of construction. The Columbia Valley Administration involves another question; the question of management. I have introduced legislation calling for both. We intend to hold early hearings in the area concerned on the CVA proposals, at which time all the arguments can be heard.

As for the coordinated plan the Budget Bureau has had the reports before it since last July, and in my judgment, has had sufficient time to act upon them. The projects need authorization. I am conferring with Senator CHAVEZ, Senator CAIN, and other members of the committee, to that end.

Mr. MORSE. Mr. President, I completely agree with the Senator from Washington that the construction of these projects is one thing, and the management of them is something quite different. I wish to say to the workers in my State who are interested in the construction of these projects because of their benefits to employment, both during the construction period and after they are in operation—because of the new jobs these wealth-creating projects will provide—that those of us in the Senate of the United States who are fighting for the best interests of the workers in the Pacific Northwest are urging the fastest possible construction of the projects. We are the ones who are making the fight for the benefit of labor in the Pacific Northwest in connection with these projects.

I wish to pay a deserved tribute to the senior Senator from Washington [Mr. MAGNUSON] in connection with this fight, because I have sat with him through hearing after hearing; and, as the author of Senate bill 2180, he has done a magnificent job at this session of Congress in trying to push as rapidly as possible the consideration of the projects provided for in Senate bill 2180. It is also fair and proper that the junior Senator from Washington [Mr. CAIN] and the senior Senator from Oregon [Mr. CORDON] receive from me a deserved tribute here, tonight, in pointing out that they have backed up the Senator from Washington [Mr. MAGNUSON], as I have tried to back him up at all times, in trying to push through Senate bill 2180.

The fact that Senate bill 2180 was sidetracked is not due to any failure on the part of the Senator from Washington [Mr. MAGNUSON] to try to obtain consideration for it. That bill was sidetracked because of instructions and orders which came from the other end of Pennsylvania Avenue, not from within the Senate. Mr. President, I am satisfied that those instructions were given because the administration at the other end of Pennsylvania Avenue has not yet caught the significance of the statement made by the Senator from Washington [Mr. MAGNUSON], as it appears in the CONGRES-

SIONAL RECORD for September 23, of this year, when he pointed out that the construction of these projects is one thing, but their management is something entirely different.

In my telegram I referred to the position that a former very distinguished Senator from the State of Oregon, and at one time majority leader of my party in the Senate—the late Charles McNary—always took in respect to this problem. I think it is sound. He always took the position that the best way, as a Senator from Oregon in the Senate of the United States, to help the workers of Oregon and the farmers of Oregon, was to devote his energies to getting those projects built, and then leaving the question of management, the question of how they would be administered, and the question of whether certain persons in that section of the country would be served by public-power districts or by private utilities, to careful consideration after the projects had been completed. That is the position I have taken, and that is the position I am going to continue to take, Mr. President. In taking that position I wish to say to the workers of Oregon, in both the CIO and the A. F. of L., that I am following a course of action which will give them fuller employment sooner than if we sidetrack the construction of these projects, as was done in connection with Senate bill 2180, and go into a long-drawn-out controversy regarding how we are going to manage projects which have yet to be built. If there ever was a case of putting the cart before the horse, Mr. President, the administration is doing that when it takes the position that it should drive through on the CVA proposal, and then should proceed with the consideration of the construction of the projects, or—and I wish to be perfectly fair to the administration, Mr. President—a consideration of the full program of building the projects, as called for in the Army engineer and Bureau of Reclamation Report 308, the major of which projects are set out in Senate bill 2180.

Mr. President, I think the record is perfectly clear as to what is in the best interests of the workers of my State. Before my campaign is over, I think the workers of my State will realize that the record I have made here—and it has been a nonpartisan fight, Mr. President; in fact, it has been a matter of joining in bipartisan support in getting these projects built—has been one of work in behalf of the people of the Pacific Northwest, in which I have been joined by the Senators from Washington and by my colleague from Oregon, which has produced results much greater than the results which would have been produced if I had been diverted into a campaign involving the CVA. But let us take the CVA for a moment. I have in my hand, and I ask to have inserted in the RECORD, a very colorful article written by a distinguished citizen of my State, the Honorable Oswald West, former Democratic Governor of Oregon and an outstanding Democrat in the State, who in correspondence recently has told me he completely agrees with the position I have taken on the CVA issue. In the article he sets forth his views concerning the problem. The heading of the article is The CVA yap yaps. I ask unanimous consent to have it printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CVA YAP YAPS

(By Oswald West)

Without a knowledge of the past, it is difficult for one to comprehend the present, and impossible to judge and predict the future.

Fortunately for this State, the turn of the century produced a group of men and women with vision. They gave time and money to the study of our natural resources. They learned the value of developed water power and brought to public attention the vast potential power with which the Pacific Northwest was blessed.

They watched the rapid disappearance of our magnificent forests of merchantable timber, deplored the prevailing methods of wasteful cutting, and the great annual losses through forest fires.

Regardless of their political affiliations, they gave full support to the conservation policies of Theodore Roosevelt and Gifford Pinchot, and later to those of Woodrow Wilson and Franklin K. Lane.

Governor-Senator George E. Chamberlain and I were about the only public officials in the West who supported Pinchot in his fight for Federal control of water-power possibilities within, or partially within, Federal forests and other Government reservations. We were about the only western public officials who supported Secretary of Interior Lane in his fight to create the Federal Power Commission.

George E. Chamberlain was a man of vision. He had given much study to, and was quite familiar with, the natural resources of the Northwest. He wished to see their early development and use, but in the interest of the general public.

We were quite familiar with the potential water power along the Columbia and its tributaries and, while we had no desire to close the door to private development, we felt that there were undertakings of great magnitude (the Bonneville project for instance) that were beyond the purses of private concerns, and could with propriety be developed by the Federal Government, or the several States lying within the Columbia watershed. As to the latter plan, it was referred to in my 1911 message to the Oregon Legislature. I said:

"It has been suggested * * * that the interstate waters of a basin lying within the boundaries of several adjoining States might, as far as possible, be turned over to the joint control of these States. As an instance, the Columbia Basin is practically all within the boundaries of Oregon, Washington, and Idaho. The waters of that river and its tributaries could, undoubtedly, upon the passage of effective uniform water laws, approved by Congress, be safely turned over to the joint control of these States."

That proposal—a tri-State power development—died, however, with the passage of favorable legislation by Congress.

There is now before Congress a measure which would create a Columbia Valley Authority, with full power to take over control and develop the natural resources of the Columbia Basin—lying within the States of Oregon, Washington, Idaho, and Montana.

It would be a monumental undertaking; one which might prove of vast benefit to the people of the Pacific Northwest. On the other hand, it might result in a bureaucratic hamstringing of the governments of the four States concerned. Who knows? We do know, however, that we are entitled to time to give careful thought and study to the proposal before being asked to shout for or against it.

I have given due consideration to every written or spoken word dropped from either side of the question, but reserve the right to take my time in forming an opinion and declaring my findings as to the project. Although having never expressed an opinion on the subject, I recently took it upon myself to call attention to the fact that the constitutionality of the measure had never been discussed, and that the question was of sufficient importance to call for study and discussion by both sides. Immediately, I was listed, by 2-by-4 champions of the CVA, as being opposed to its creation.

I find in discussing the proposal with many of the "yaps yaps" (the local bureaucratic yes men and women) that they possess but little knowledge as to how it may affect the State; that they have given but little study to the measure or to the congressional discussions thereof. Many seem to have no fixed opinions of their own—being content to repeat the canned phrases dropped from the lips of the carpet-bagging bureaucrats, who hope and expect to land a life's job through being named as one of the CVA commissioners.

Some question one's party loyalty, and charge one if not all for the proposal, with being behind the times—in other words, with being a "has been."

"The one thing that's sure to annoy you,
As almost no other thing does:
Is to be described as a "has been"
By someone who "never was."

Mr. MORSE. Speaking about Democrats who agree with me on the position I have taken, Mr. President, I should point out that they are not limited to Democratic colleagues in the Senate of the United States. But for the sake of the RECORD let me say to the Democratic politicians within the CIO organization in my State, if they will take the time to check with Democratic Senators in the United States Senate they may be surprised to find that a large number of Democratic Senators in this body have come to me personally and told me they agree with the position I have taken on the CVA. Some of those Democratic Senators who are for the pending bill and whose names appear on it have told me they are perfectly aware of the fact that the pending CVA bill eventually will be revised before it is passed, because as they have said, and as we all know, we are going to work out this legislation by way of reasonable compromises. There are undoubtedly sections of the bill that need to be revised, and we shall have no objection to their revision. I betray no confidence when I say that the author of the bill himself, the Senator from Washington [Mr. MAGNUSON], told me only yesterday that of course he was for the bill, but he was perfectly aware of the fact that in all probability the bill will be subjected to some revision in the Senate before it is passed.

Not only are there Democratic Senators in the Senate, Mr. President, but there are high Democrats in the executive branch of the Government, I want to say to the Democratic politicians within the CIO in my State, who have told me they think the position I have taken in regard to development of river resources, in regard to transmission lines, in regard to dams, in regard to reclamation, flood control and irrigation, is an outstandingly fine record, and

that they do not hold any brief for, nor will they support, the position taken by those Democrats in the State of Oregon who are trying to make the CVA issue the test of my liberalism. In fact, one of the very high Democrats in the Department of the Interior, within the past 10 days, has told me, as did the Senator from Washington [Mr. MAGNUSON], that he is perfectly aware of the fact that the CVA bill, submitted in its present form, is going to be considerably revised before any legislation is passed. He also said—and I quote him now verbatim, "Doh't those Democrats in Oregon who are opposed to you on this matter realize that we are at least 3 years away from the passage of legislation in regard to the administration and management of these projects, and that, as you have pointed out, the first job is to get the projects built?

I am saying this, Mr. President, because I want to make clear that there are a great many Democrats interested in this issue who do not believe that politics ought to be played with the issue and who recognize that the best economic interests of the Pacific Northwest are not being served by the type of politics that some of the Democratic politicians in Oregon are trying to play with the CVA issue. These Democratic friends of mine in the Senate and in the administration recognize the importance, as do a great many of my Republican colleagues in the Senate, of the development of the river resources of the Pacific Northwest, to the economic stability of our entire country and to the prosperity of our entire Nation.

Mr. President, I have not, for months, picked up an article dealing with the problems of economic expansion in this country, and the importance of economic expansion to our prosperity, that has not somewhere in the article stressed the importance of the great industrial potentialities of the Pacific Northwest that will be developed by these projects. As far as I have been able to read, and I think I do a fair share of reading, there is unanimity of opinion among economists, industrial experts, and business leaders who are concerned about strengthening our private-enterprise system. I say there is a unanimity of opinion among them that we must expand this economy of ours if we are to keep it stable and if we are really going to meet the fiscal problems and obligations that confront us It cannot be done with a restricted economy. One of the great places for expansion is in the Pacific Northwest. Another place is in the section of the country from which the present Presiding Officer of the Senate comes—the South and the great West, where there are areas which are crying for industrial expansion, and if we will take the steps necessary to expand, we shall not need to worry about full employment in America. We already know the great population trend which is taking place in this country, and the great increases in population occurring in various parts of the South and the Pacific Northwest. In my State there is the largest percentage increase in population since 1940, a percentage increase of 49 percent, the greatest in the Nation. That population is crying for industrial expansion of the Pacific Northwest which will flow from the building of these great river-resource projects. Is it any wonder, Mr. President, that I spoke with some emphasis in my telegram regarding the administration's sidetracking Senate bill 2180? I know what these projects mean to the workers of my section of the country. I know the best service I can render those workers and all the people in Washington, Oregon, and all the other States in that section, is to do everything I can do to get those projects built. The administration is not going to tell me or subtlety suggest that getting them built might be eased a little bit, so far as speed is concerned, if its pet project, Senate bill 1645, governing the administration and management of those projects, is passed first.

I now turn my attention to the bill itself, but, first, I ask unanimous consent, since I have mentioned Senate bill 2180 so many times in the course of my remarks, to have the bill printed at this point in my speech.

There being no objection, the bill (S. 2180) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That, for the purposes of improving navigation, controlling floods, and conserving and utilizing the waters of the Columbia River and its tributaries for the irrigation of arid and semiarid lands and the generation of hydroelectric power, and for incidental purposes, the plan for the Columbia River Basin reflected in the report of May 2, 1949, by the Commissioner of Reclamation and in the report of June 28, 1949, by the Chief of Engineers entitled "Columbia River and Tributaries, Northwestern United States," and as coordinated by agreement of April 11, 1949, entered into by the Commissioner of Reclamation and the Secretary of the Interior, on the one hand, and the Chief of Engineers and the Secretary of the Army, on the other, is hereby approved and the initial stages therein recommended are hereby authorized to be prosecuted respectively by the Bureau of Reclamation under the supervision and direction of the Secretary of the Interior and by the Chief of Engineers under the supervision and direction of the Secretary of the Army in accordance with the statement of the responsibilities of said agencies denominated exhibit F and attached to the Digest Agreement on Principles and Responsibilities, Columbia River Basin, enclosed with the letter of April 11, 1949, addressed to the President by the Commissioner of Reclamation, the Secretary of the Interior, the Chief of Engineers, and the Secretary of the Army.

SEC. 2. The recommendations in the report dated May 2, 1949, addressed by the Commissioner of Reclamation to the Secretary of the Interior and the recommendations contained in the report of June 28, 1949, by the Chief of Engineers entitled "Columbia River and Tributaries, Northwestern United States," are hereby adopted and given the force and effect of law as if herein fully set forth. In prosecuting the work hereby authorized, the Commissioner of Reclamation and the Secretary of the Interior, the Chief of Engineers and the Secretary of the Army shall be governed thereby and by the said agreement of April 11, 1949. Except as is otherwise specified in said reports, the Bureau of Reclamation and the Secretary of the Interior shall be governed by the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), to which laws this act shall be deemed a supplement. Except as is otherwise specified in said reports, the Chief of Engineers and the Secretary of the Army shall be governed by the laws affecting the prosecution of works for the improvement of navigation and the control of floods.

SEC. 3. The initial stages hereby authorized for construction by the Bureau of Reclamation and the Chief of Engineers, respectively, are:

FOR THE BUREAU OF RECLAMATION

Mountain Home project, Idaho;

Cambridge Bench project, Idaho;

Council project, Idaho;

Mann Creek project, Idaho;

Hell's Canyon project, Idaho-Oregon;

Bitterroot Valley project (including the Woodside unit thereof), Montana;

North Side unit of the Missoula Valley project, Montana;

Crooked River project, Oregon;

Bully Creek extension of the Vale project, Oregon;

Canby project, Oregon;

West unit of The Dalles project, Oregon;

Upper Star Valley project, Wyoming; and

Modifications of Grand Coulee Dam, Wash., in the interest of flood control.

FOR THE CHIEF OF ENGINEERS

Hills Creek Dam, Middle Fork, Willamette River, Oreg.

Fall Creek Dam, Fall Creek Middle Fork of the Willamette, Oreg.

Dexter Dam, Middle Fork, Willamette River, Oreg.

Waldo Lake tunnel and regulating works, North Fork, Middle Fork, Willamette River Basin, Oreg.

Albeni Falls Dam, Pend Oreille River, Idaho.

Libby Dam. Kootenai River, Mont.

Cougar Dam, South Fork, McKenzie, Oreg.

Blue River Dam, Blue River, McKenzie River Basin, Oreg.

Gate Creek Dam, Gate Creek, McKenzie River Basin, Oreg.

Green Peter Dam, Middle Santiam River, Oreg.

Cascadia Dam, South Santiam River, Oreg.

Wiley Creek Dam, Wiley Creek, South Santiam River Basin, Oreg.

White Bridge Dam, Middle Santiam River, Oreg.

Willamette Falls fish ladder, Willamette River, Oreg.

Holley Dam, Calapooya River, Oreg.

John Day Dam, Columbia River, Wash. and Oreg.

Priest Rapids Dam, Columbia River, Wash.

The Dalles Dam, Columbia River, Wash. and Oreg.

Lewisville Dam, Little Luckiamute River, Oreg.

Tumtum Dam, Tumtum River, Marys River Basin, Oreg.

Snake River navigation channel, Snake River, Idaho and Wash.

Lower Columbia River levees and bank protection works, Columbia River, Wash. and Oreg. (modification of levees at 25 locations, 7 new levees, and bank protection at 66 locations).

Harbors at 21 locations, Oregon, Washington, and Idaho.

Hydrometeorological reporting network, Columbia River Basin.

Minor Willamette Basin extension (supplemental levees, overflow channel closures, channel improvements, bank-protection works, channel clearing and snagging and hydrologic reporting network), Oregon.

Minor Columbia Basin works (navigation improvements, lower levees, and local flood-control works), except the fishery plan, which is the responsibility of the Fish and Wildlife Service.

Previously recommended improvements, all as outlined and recommended in reports of the Chief of Engineers (Jackson Hole, Wyo.; Heppner Dam and downstream improvements, Oregon; Pendleton, Oreg.).

Umatilla Harbor, Oreg.; Columbia slough channel, Oregon; Westport slough channel

enlargement, Oregon; Baker Bay channel and mooring basin, Ilwaco, Wash.

An engineering laboratory.

Meridian Dam, Middle Fork, Willamette River (modification for power), Oregon.

Fern Ridge Dam, Long Tom River (modification), Oregon.

SEC. 4. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the partial accomplishment of the plans (a) to the Bureau of Reclamation, Department of the Interior, $500,000,000; and (b) to the Chief of Engineers, Department of the Army, $500,000,000.

Mr. MORSE. Mr. President, this is the bill which was introduced by the senior Senator from Washington [Mr. MAGNUSON]. This is the bill in support of which the junior Senator from Washington [Mr. CAIN], the Senator from Oregon [Mr. CORDON], and myself testified. This is the bill which, if passed, would hasten the building of the projects so essential to the industrial expansion of the Pacific Northwest and so essential to the flow of benefits from these projects.

I want the people of my State, who may subsequently read this speech, to have before them a list of the projects called for by Senate bill 2180, which projects were sidetracked when the administration asked that action be not taken on Senate bill 2180 in this session of the Congress.

Mr. President, the so-called CVA bill itself is Senate bill 1645. I have made just as clear as I can that if Senate bill 1645 were called up for a vote tonight, I would vote against it. I could not say honestly, Mr. President, that I am opposed to every provision of the bill, but I am opposed to enough of its provisions so that I cannot vote for it, and I want to mention just a few. I want to say, at the outset, that I have no objection to the statement of declaration of policy as set forth in section 2 of the bill, so long as that declaration of policy is limited to the interests of the Federal Government and the rights of the Federal Government in these projects and rivers. But, as one reads Senate bill 1645 he is quickly impressed by the fact that the Administration sponsoring the bill is overlooking the fact that the States and the local communities also have interests and rights in the rivers of the Pacific Northwest. This bill, so far as I am concerned, is primarily objectionable because it violates one of the tenets of constitutional liberalism for which I shall continue to fight so long as I am in American politics. That tenet is simply this, that our democracy can never be any stronger than representative government at the local community, county, and State level, and that whenever we take steps which tend to diminish or take away from our people at the local level the responsibility for active participation in determining governmental policies relating to their daily lives, we are undermining the very strength of democracy itself.

I say, Mr. President, that philosophically this bill violates that tenet of democracy. I want to take a moment to prove it. It will not take long, because after I am through with section 2, setting forth the statement of policy, I shall come to section 3, entitled "Creation of Administration." Section 3 provides:

To assist in carrying out the purposes of this act there is hereby created a body corporate with the name "Columbia Valley Administration" (referred to in this act as the "Administraion"). The Administration shall be an instrumentality of the United States under the general supervision of the President.

Mr. President, I shall always be willing to give to the President of the United States or to sanction vesting in the President of the United States such powers as are essential to make our constitutional form of government work and such powers as are consistent with the clear check-and-balance theories of the Constitution. But I reiterate tonight what I have said so many times, that I am opposed to vesting in the President of the United States any executive power that we do not need to vest in him in order to make our constitutional system of government work and in order to make our capitalistic system work for the benefit of all our people. I think that is fundamental as a matter of principle and of political philosophy, and it is around that principle of government that I frequently leave my good friends on the Democratic side of the Senate. In the last 18 years emergencies have arisen in this country which have, for emergency purposes, made it necessary to vest extraordinary powers in the President for the period of the emergency. But we have a tendency to forget that emergencies end, and we have gotten into the habit of thinking that every problem which needs to be solved ought to be solved on an emergency basis of giving the President of the United States more and more power. It is a dangerous trend for representative government in this country.

The reason why no one has ever been able to classify me accurately and properly as a New Dealer is because I have always taken the position that basic to the New Deal philosophy is the practice of unnecessarily vesting in the executive branch of the Government arbitrary power that leads to capricious practices damaging and threatening the liberties and the freedoms of our people.

Mr. President, that is what has happened in the last 18 years. That is why we now find ourselves in a situation in which the Congress of the United States does not in fact and reality exercise the control and protection over the interests of the American people it should exercise. We have to go back to the historical functions of the Congress. If we are properly to exercise our powers of checks and balances over the administrative branch of this Government, we must stop giving more and more broad and general powers to the executive department responsible primarily to the President of the United States.

"Oh," say the supporters of the CVA bill, "after all, Congress has a check. It has to confirm the three administrators, and, of course, the Committees on Appropriations have to approve the appropriation of the money."

The American people must be made to see through that, because that is just an alibi, that is just a rationalization, which the Democratic administration has tried to get the American people to accept in justification of placing these broad and sweeping powers in the executive branch of the Government.

Every Senator here tonight knows that after the confirmation of an official of the executive branch, we practically from that time on lose any effective check over him. He goes his way. So, when some of the spokesmen for this particular CVA bill tell the people of my State, "Congress has control over this, it has to confirm the administrators," that is no effective check from the standpoint of determining or checking on the policy which those administrators can develop once they are confirmed.

What about the Committees on Appropriations? To carry that theory to its logical conclusion, we would turn our Committee on Appropriations into a policy-making committee. One of our problems in this session of the Congress has been the difficulties which have arisen between the Senate as a whole and its own Committee on Appropriations, because we have felt that the Committee on Appropriations has been functioning as a policy-making committee, rather than an appropriating committee.

The people of the bureaus and departments of the Government know very well that no Committee on Appropriations of the Congress has the facilities, the staff, or the time, really to go into questions of policy which are involved in the administration of the various Government bureaus, departments, and administrative agencies such as the proposed CVA.

Mr. President, the fact is that under the proposed bill we have no effective check on the administrators of the CVA. Under that bill we do not have the checks we need if we are to prevent what I think is one of the dangers of the bill, namely, a bureaucratic paternalism, a bureaucratic monopolistic policy which I think is likely to flow from vesting in any three Presidential appointees the vast powers which I shall in a moment show are vested in these three men under S. 1645.

Thus, I have said, and repeat tonight, Mr. President, if we are to keep democracy strong in this country, we must insist that the procedures of our legislation provide that the people who are going to be directly affected by the policies of the Government have a voice in making the policies.

"Oh," say the proponents of CVA, "you cannot do that. You cannot take projects which are built by the Federal Government and let the people in the local communities, the counties and the States, have a voice in determining the policies which shall govern the administration of those projects."

I say that is nonsense, Mr. President, just plain nonsense. Of course, we can, and we should—and do not forget that the figures as they have been given to me show that 85 percent of the costs of these projects will be borne and paid for by the people served by the projects in the Pacific Northwest. Just let me tell my colleagues that, so far as the junior Senator from Oregon is concerned, if the people of my State who are going to be

among those served in the States of Oregon and Washington, for example, by these dams, have to pay 85 percent of the cost of the dams, I want them to have something to say about the policy which will flow from the administration and management of those dams. If they do not have it, then I say they are not being given an active participation in democratic processes as I know them under our form of government.

I start disagreeing with this bill in section 3, when it gives to the President of the United States the power there set out.

Let us take section 4, dealing with the Board of Directors. It provides:

BOARD OF DIRECTORS

SEC. 4. (a) The management of the Administration shall be vested in a board of three full-time Directors, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chairman of the Board shall be designated by the President. At least two of the Directors shall be bona fide residents of the region at the time of appointment, and each Director shall maintain his residence in the region. The Board shall be responsible for policy, directive, and general supervisory functions. The Board shall appoint a chief executive officer who shall be responsible to the Board and shall perform such functions as the Board may determine.

Mr. President, I ask unanimous consent to have subsections (b), (c), (d), (e), and (f) of section 4 inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

(b) The terms of office of the Directors first taking office after the enactment of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year after the date of enactment of this act. A successor to a Director shall be appointed in the same manner as the original directors and shall have a term expiring 6 years after the expiration date of the term for which his predecessor was appointed, except that a Director appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Vacancies in the Board, so long as there be two Directors in office, shall not impair the powers of the Board to act, and two Directors shall constitute a quorum for the transaction of the business of the Board.

(d) Each Director shall be a citizen of the United States and shall receive a salary at the rate of $17,500 a year. When required by their official duties to be away from their official headquarters, Directors may be paid their actual traveling expenses and a per diem allowance not to exceed $10 in lieu of subsistence.

(e) All members of the Board shall be persons who profess a belief in the feasibility and wisdom of this act. No Director shall, during his continuance in office, be engaged in any other business, or have a financial interest in any public-utility company engaged in the business of generating, transmitting, distributing, or selling power to the public, or in any holding company or subsidiary company of a holding company as these terms are defined in the Public Utility Holding Company Act of 1935.

(f) In December of each year, the Board shall submit to the President for transmission to the Congress a report covering the activities of the Administration during the preceding fiscal year.

Mr. MORSE. Mr. President, there are no limitations on the power of the board of directors, no provision that there shall be any local representation with voting power in determining policy.

The States and counties have tremendous interest in the water, tremendous interest in the forests, in the wildlife, and in the land. They have tremendous interest in such important questions as to where the dams shall be built. Have they been given a voice in the determination of those questions of policy? Not at all. But the Administration is perfectly aware of the importance of this issue among the people of the Pacific Northwest, because there has been a strong opposition to S. 1645 in its present form by reason of the fact that it does not give to the local people of the Pacific Northwest a voting representation in the determination of policy.

What has been done by those who framed the bill? Well, I think they have put a sop in it. They have put in a section which they think may lull the people of my section of the country into a false sense of security regarding the question of a voting voice in the determination of the policies respecting these projects. That sop is section 5, which provides:

SEC. 5. The Administration shall seek the advice, assistance, and participation of the people of the region and their State and local governments and organizations, public and private, to the fullest practicable extent, in the formulation and execution of programs designed to carry out the purposes of this act. To this end, the Administration shall make arrangements for consultation and interchange of views with appropriate representatives of State and local governments, of the agricultural (including reclamation and irrigation), labor and business interests, and of the general public of the region. The Administration shall make arrangements for such consultation and interchange of views with respect to all phases of its activities and at all appropriate places throughout the region, and shall establish such advisory boards and councils (including at least boards or councils concerned with irrigation and reclamation, power, fishery resources, and navigation, as may be necessary or appropriate to achieve the objectives of this section. Any advisory board or council may submit for inclusion in the annual report of the Board its comments in summary form on those policies of the Administration with which it is concerned, and such comments shall be included in the annual report. For the periods during which they consult with the Administration away from their regular places of work, such representatives and members of such boards and councils may receive their actual traveling expenses and a per diem allowance not to exceed $10 in lieu of subsistence.

Not one word in that section vests in the people of the Pacific Northwest any voting representation in determining the policies of these projects. All that section does is to throw out the sop, "We will listen to you. We will let you file your advice in reports. Why, we will even set up some advisory boards and we will pay you a little expense money." But when they get all through with the advice, Mr. President, the three directors of CVA appointed by the President of the United States and responsible only to the President of the United States under this bill, can throw their reports in the waste paper baskets or at least into the files for the accumulation of dust.

I say that is not good enough, Mr. President, to satisfy the people of the Pacific Northwest, and I say I am convinced that once the people of my section of the country come to understand what, after all, is the empty gesture of section 5 they will not trade their rights to maintain some control over the natural resources of the Pacific Northwest for the privilege of consulting and advising with three Presidential appointees, appointed by the President of the United States, who, under this act, are given full authority, including the right to exercise an arbitrary authority if they deem fit, and when they do, there is nothing the people of my section of the country can do about it.

There are those who say, "After all the bill is modeled after the TVA." Well, Mr. President, I have never objected to the experimentation of the TVA in the Tennessee Valley. I want to say that the Tennessee Valley is not the Columbia Valley. I want to say it does not follow that because an experiment is being conducted in the Tennessee Valley it necessarily should be the common pattern for all the river valley developments in the country. I think every Member of the Senate, including the gentlemen from the South, will take judicial notice of the fact that there are vast differences among and between the cultures and the mores of our people in the different sections of the country. In the Pacific Northwest we are dealing with a population which as a whole does not have the same cultural background and economic background the people of the Tennessee Valley have—I mean to make no invidious comparison when I say that, but I am simply stating a sociological fact. It is true that our people do have differences of attitude, culture, and mores in the different parts of the country.

In my section of the country a high degree of individualism and frontier independence characterizes our people. There is a strong tendency to cling to these principles of local participation in the democratic processes about which I am talking tonight. Great numbers of them do not like the idea, and I am sure more of them will not like the idea once they come to understand that it is imbedded in this bill, of giving to three commissioners such sweeping bureaucratic control over the economic livelihood of the people of the Pacific Northwest.

Mr. President, if that were my only objection to the bill it would be reason enough, so far as I am concerned, for the position I have taken that I would not vote for the bill in its present form. I will not vote for any legislation affecting the administration and the management of these projects that does not provide within its terms a cooperative arrangement between the local governments and the Federal Government which gives to the people and the local governments a representation in actually determining policy.

I do not propose tonight to submit in detail my affirmative answer to this

problem. I am not one of these Republicans who constantly criticize everything the Administration does, but never come forward with a constructive program of their own in answer to the need which the particular issue has created. There is a need here that must be met, and the need is the need of efficient and economical administration of these projects which have already cost many millions of dollars and will cost many more millions of dollars before they are completed.

I feel that every Representative of the Pacific Northwest in Congress ought to insist upon the formulation and development of some affirmative answer to the question, "What are you going to do about eliminating the waste, overlapping, and inefficiency which already characterize the Federal agencies which are administering projects already built, and will undoubtedly continue in connection with the new projects if you do not enact some legislation which seeks to eliminate such waste and inefficiency?"

I am at work on an answer, and I shall propose it before my campaign is over. The problem is obviously a complex one, and the answers are not easy to work out. It is easy for me to stand here tonight and criticize this bill, but it is much more difficult—and how well I recognize it—for me to offer a substitute for this bill; but I am going to offer one. I shall say tonight only that it is going to be along the lines of a cooperative State and Federal corporation for administering these projects, which will give to the Federal Government and the State governments an active representative voice in determining policy.

Some of the lawyers who are such strong proponents of the CVA are already rendering curbstone opinions that that is not possible under our Constitution. I think it is, Mr. President; and I shall be perfectly willing, as the debate proceeds, to assume the burden of showing that under our Constitution it is possible to have a cooperative State and Federal corporation, governmental in nature, for the administration of these projects, which will give the citizens of the United States as a whole and the citizens of the communities directly affected by the projects a representative voice in the determination of policy. I say that some such final solution must be arrived at, because we certainly cannot justify the building of projects and then administering them as wastefully and inefficiently as the Hoover Commission reports have already pointed out is the case.

But the long-time solution, the solution to which the high Democratic official to whom I referred earlier in my remarks tonight referred, is some time off. That official told me the other day that it was at least 3 years away. It will require at least 3 years to get legislation in perfected form which will be approved by the Congress. In the meantime there are some first steps which we can and should take if we are to avoid giving to three men the sweeping powers which section 6 of this bill gives to the commissioners. Listen to this:

SEC. 6. (a) The Administration shall have succession in its corporate name; may adopt and use a corporate seal which shall be judicially noticed; may adopt, amend, and repeal bylaws; may sue and be sued in its corporate name without regard to the provisions of title 28, United States Code, section 507; and may settle and adjust claims held by it against other parties or persons and by other parties or persons against it, for which purpose the Administration shall have, with respect to claims within the scope of title 28, United States Code, chapter 171 (Tort Claims Procedure), the functions assigned to the Attorney General by that chapter.

(b) Subject to the policies, conditions, and limtiations stated in this act—

I have already pointed out that the limitations are inconsequential. The bill is characterized by its sweeping powers, not by its limitations.

Subject to the policies, conditions, and limitations stated in this Act, the Administration is authorized and directed to construct, operate, and maintain projects (including stand-by facilities), and to carry out activities, necessary for the promotion of navigation (except for channel and harbor improvement work in tidal waters tributary to the Pacific Ocean); for the control and prevention of floods; for the conservation and reclamation of lands and land resources; for the development and conservation of forest, mineral, and fish and wildlife resources; for the generation, transmission, and disposition of electric energy; for the execution of such other responsibilities as are vested in the Administration by or pursuant to this act.

That is one of the clauses which lawyers refer to as a catch-all, a general clause, an omnibus clause. As the history of our Washington bureaus shows, there is always a creeping and growing tendency on the part of bureaucrats to read into such language more and more power, far beyond even the imagination of Congress at the time it enacts such legislation.

Returning again to section 6:

And, in connection with any of the foregoing, for the development and conservation of recreational resources and for the promotion of sanitation and pollution control: *Provided*, That in the location, design, and construction of any dam or other facility, or any series of dams or facilities, the Administration shall endeavor—

Note the language, Mr. President, "shall endeavor." It does not say that anything can be done about it if it does not do so. The language is "shall endeavor"—

to foster, protect, and facilitate the access of all anadromous fish to and from their spawning areas throughout the region.

(c) To the extent found necessary or appropriate in carrying out the foregoing subsection, or other provisions of law, but subject to the conditions and limitations herein stated, the Administration is authorized and shall have the power—

(1) to acquire real and personal property, including any interest therein, by purchase, lease, condemnation, exchange, transfer, donation, or otherwise, and to sell, lease, exchange, or otherwise dispose thereof, including donations incident to experimentation, demonstrations, or other similar uses (without regard to section 3709 of the Revised Statutes, as amended); and to obtain services by contract, donation, or otherwise: *Provided, however*, That the Administration shall have no power to condemn any water right except as it may be appurtenant to land acquired incident to the construction of dams, reservoirs, or other projects or facilities.

That would be most of the water rights, Mr. President. Let me say to the farmers of my State vitally concerned with water rights in our streams that the exercise of the power in that section over water rights is a power which I think their representatives ought to have a voice in exercising. That power over water rights should not be limited, as the section which I have just read limits it, to three Presidential appointees over whom those farmers would have no direct control, such as they would have in determining who should represent the local and State governments on the board of directors of a cooperative State and Federal corporation. That is the sort of administration toward which I think we should work, for the determination of water-right policies which shall flow from any management system which is established by way of legislation for the control, administration, and operation of these projects.

There are other broad powers. The section provides that these Presidential appointees shall have power—

(2) to make and carry out arrangements for the protection, alteration, reconstruction, relocation, replacement, or removal of railroad tracks, highways, bridges, mills, ferries, electric-light plants, and any other properties, enterprises, and projects, which have been or are to be destroyed, flooded, otherwise damaged, or endangered, as the result of any projects or activities of the Administration.

Thus, Mr. President, we can go through this entire section 6.

Without taking further time to read from the bill, I ask unanimous consent to have the entire bill printed at this point in the RECORD, as part of my remarks.

There being no objection, the bill (S. 1645) to reorganize and consolidate certain Federal functions and thereby secure their more effective administration by establishing a Columbia Valley Administration to assist in the achievement of unified water control and resource conservation and development on the Columbia River, its tributaries, and the surrounding lands, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the "Columbia Valley Administration Act."

DECLARATION OF POLICY

SEC. 2. (a) It is hereby declared to be the policy of the United States that the relevant powers and activities of the Federal Government in the Columbia Valley region shall be so organized, directed, and administered as to assist to the greatest possible extent in achieving the full and unified conservation, development, and use of the water, land, forest, mineral, fish and wildlife, and other natural resources of the region, for the purpose of fostering and protecting commerce among the several States, strengthening the national defense, developing the lands and preserving the property of the United States, and promoting the general welfare. The term "region" as used in this act shall mean those portions of the Columbia River, its tributaries, and its watershed areas which are within the boundaries of the United States, and those portions of the States of Washington and Oregon (except the Klamath River and Goose Lake Basins) which are not within such watershed areas.

(b) In carrying out this policy—

(1) the Federal programs, projects, and activities in the region shall be effectively coordinated with related national policies and programs;

(2) the advice, assistance, and cooperation of the people of the region and their public and private organizations shall be sought

and relied upon to the fullest practicable extent;

(3) the cooperation of the Dominion of Canada and its Provinces and other political subdivisions shall be sought to the end that the development and conservation of the natural resources of the region and adjacent areas in Canada may be properly integrated;

(4) the doctrine of beneficial consumptive use of water shall be recognized, and in the event of any conflict between the purposes for which the waters of the region may be used, preference shall be given to atomic energy requirements for national defense and to domestic, irrigation, mining, and industrial purposes.

CREATION OF ADMINISTRATION

SEC. 3. (a) To assist in carrying out the purposes of this act, there is hereby created a body corporate with the name "Columbia Valley Administration" (referred to in this act as the "Administration"). The Administration shall be an instrumentality of the United States under the general supervision of the President.

(b) The Administration shall maintain its principal office at a convenient place in the region.

(c) The Administration shall be held to be an inhabitant and resident, within the meaning of the laws of the United States relating to the venue of civil suits, of any judicial district, in whole or in part, within the region in which the Administration carries on activities at the time of the commencement of suit: *Provided*, That the Administration may be sued in the district court of the United States for any such district without regard to the amount in controversy. Any proceeding brought against the Administration in a court of any State may be removed by the Administration to the district court of the United States for the district in which such proceeding is pending, and, to effect such removal, it shall not be necessary that any other party or parties defendant join in the petition for removal.

BOARD OF DIRECTORS

SEC. 4. (a) The management of the Administration shall be vested in a board of three full-time Directors, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chairman of the Board shall be designated by the President. At least two of the Directors shall be bona fide residents of the region at the time of appointment, and each Director shall maintain his residence in the region. The Board shall be responsible for policy, directive, and general supervisory functions. The Board shall appoint a chief executive officer who shall be responsible to the Board and shall perform such functions as the Board may determine.

(b) The terms of office of the Directors first taking office after the enactment of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year after the date of enactment of this act. A successor to a Director shall be appointed in the same manner as the original Directors and shall have a term expiring 6 years after the expiration date of the term for which his predecessor was appointed, except that a Director appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Vacancies in the Board, so long as there be two Directors in office, shall not impair the powers of the Board to act, and two Directors shall constitute a quorum for the transaction of the business of the Board.

(d) Each Director shall be a citizen of the United States and shall receive a salary at the rate of $17,500 a year. When required by their official duties to be away from their official headquarters, Directors may be paid their actual traveling expenses and a per diem allowance not to exceed $10 in lieu of subsistence.

(e) All members of the Board shall be persons who profess a belief in the feasibility and wisdom of this act. No Director shall, during his continuance in office, be engaged in any other business, or have a financial interest in any public-utility company engaged in the business of generating, transmitting, distributing, or selling power to the public, or in any holding company or subsidiary company of a holding company as these terms are defined in the Public Utility Holding Company Act of 1935.

(f) In December of each year, the Board shall submit to the President for transmission to the Congress a report covering the activities of the Administration during the preceding fiscal year.

STATE AND LOCAL PARTICIPATION

SEC. 5. The Administration shall seek the advice, assistance, and participation of the people of the region and their State and local governments and organizations, public and private, to the fullest practicable extent, in the formulation and execution of programs designed to carry out the purposes of this act. To this end, the Administration shall make arrangements for consultation and interchange of views with appropriate representatives of State and local governments, of the agricultural (including reclamation and irrigation), labor and business interests, and of the general public of the region. The Administration shall make arrangements for such consultation and interchange of views with respect to all phases of its activities and at all appropriate places throughout the region, and shall establish such advisory boards and councils (including at least boards or councils concerned with irrigation and reclamation, power, fishery resources, and navigation) as may be necessary or appropriate to achieve the objectives of this section. Any advisory board or council may submit for inclusion in the annual report of the Board its comments in summary form on those policies of the Administration with which it is concerned, and such comments shall be included in the annual report. For the periods during which they consult with the Administration away from their regular places of work, such representatives and members of such boards and councils may receive their actual traveling expenses and a per diem allowance not to exceed $10 in lieu of subsistence.

GENERAL POWERS

SEC. 6. (a) The Administration shall have succession in its corporate name; may adopt and use a corporate seal which shall be judicially noticed; may adopt, amend, and repeal bylaws; may sue and be sued in its corporate name without regard to the provisions of title 28, United States Code, section 507; and may settle and adjust claims held by it against other parties or persons and by other parties or persons against it, for which purpose the Administration shall have, with respect to claims within the scope of title 28, United States Code, chapter 171 (Tort Claims Procedure), the functions assigned to the Attorney General by that chapter.

(b) Subject to the policies, conditions, and limitations stated in this act, the Administration is authorized and directed to construct, operate, and maintain projects (including stand-by facilities), and to carry out activities, necessary for the promotion of navigation (except for channel and harbor improvement work in tidal waters tributary to the Pacific Ocean); for the control and prevention of floods; for the conservation and reclamation of lands and land resources; for the development and conservation of forest, mineral, and fish and wildlife resources; for the generation, transmission, and disposition of electric energy; for the execution of such other responsibilities as are vested in the Administration by or pursuant to this act; and, in connection with any of the foregoing, for the development and conservation of recreational resources and for the promotion of sanitation and pollution control: *Provided*, That in the location, design, and construction of any dam or other facility, or any series of dams or facilities, the Administration shall endeavor to foster, protect, and facilitate the access of all anadromous fish to and from their spawning areas throughout the region.

(c) To the extent found necessary or appropriate in carrying out the foregoing subsection, or other provisions of law, but subject to the conditions and limitations herein stated, the Administration is authorized and shall have the power—

(1) to acquire real and personal property, including any interest therein, by purchase, lease, condemnation, exchange, transfer, donation, or otherwise, and to sell, lease, exchange, or otherwise dispose thereof, including donations incident to experimentation, demonstrations, or other similar uses (without regard to section 3709 of the Revised Statutes, as amended); and to obtain services by contract, donation, or otherwise: *Provided, however*, That the Administration shall have no power to condemn any water right except as it may be appurtenant to land acquired incident to the construction of dams, reservoirs, or other projects or facilities;

(2) to make and carry out arrangements for the protection, alteration, reconstruction, relocation, replacement, or removal of railroad tracks, highways, bridges, mills, ferries, electric-light plants, and any other properties, enterprises, and projects, which have been or are to be destroyed, flooded, otherwise damaged, or endangered, as the result of any projects or activities of the Administration;

(3) to conduct economic, scientific, and technologic investigations and studies, to establish, maintain, and operate research facilities, and to undertake experiments and practical demonstrations;

(4) to utilize any of its powers to carry out such measures for the coordinated conservation, development, and use of the natural resources of the region and adjacent areas in Canada as may be agreed upon between the Governments of the United States and the Dominion of Canada;

(5) subject to provisions of law specifically applicable to Government corporations, to determine the necessity for and the character and amount of its expenditures and the manner in which they shall be incurred, allowed, and paid;

(6) to enter into such contracts and agreements, and to take such actions, as may facilitate the exercise of the powers now or hereafter conferred upon it by law.

(d) The Administration may, or when directed to do so by the President shall, construct or operate any of its projects or conduct any of its activities through or in cooperation with other departments and agencies of the United States; and it may do so through or in cooperation with States, counties, municipalities, cooperatives, individuals, educational, and scientific institutions or other bodies or agencies, public or private. The Administration is authorized to use its funds in carrying out such joint and cooperative arrangements. Departments and agencies of the United States are hereby authorized to participate in the construction or operation of such projects or the conduct of such activities on terms mutually agreeable to the department or agency involved and the Administration.

(e) The Administration shall carry out its construction work by contract so far as practicable: *Provided*, That nothing herein shall be construed to prevent the Adminis-

tration from undertaking construction work directly in case of emergency or unusual circumstances, in cases where no reasonable bids are received from contractors, or where necessary to provide steady employment for maintenance crews.

(f) Title to all property, with the exception of that owned by the United States and entrusted to the Administration as agent of the United States, shall be taken in the name of the Administration: *Provided*, That the title to real property acquired in the name of the Administration shall be subject to approval by the Attorney General, but the Administration may prior to approval of title by the Attorney General use such property for any purpose or in any manner permitted by the provisions of this act. Conveyances of real and personal property, or interests therein, shall be in the name of the Administration or the United States of America, depending on the holder of the title, and may be by warranty deed, bill of sale with warranty of title, or otherwise, which may be executed by such person or persons as the Board may designate.

(g) All condemnation proceedings on behalf of the Administration shall be had in the name of the Administration. In such proceedings, and with respect to any property which the Administration is authorized to condemn pursuant to this section, the Administration shall have the rights conferred upon the United States by the act of August 1, 1888 (25 Stat. 357), as amended, and by the act of February 26, 1931 (46 Stat. 1421), the provisions of both of which are hereby declared to be applicable to proceedings brought by the Administration to the same extent as though it were expressly mentioned therein, except insofar as they are inconsistent with this subsection: *Provided*, That the Administration shall (the provisions of section 6 (a) hereof notwithstanding) be represented by the Attorney General, or an attorney or attorneys acting under his authority (which attorneys may be employees of the Administration), in all court proceedings brought for the purpose of property condemnation.

COORDINATION OF FEDERAL PLANS AND PROGRAMS FOR RESOURCE DEVELOPMENT

SEC. 7. (a) The Administration shall be responsible for preparing such multiple-purpose and unified plans and programs for the conservation, development, and use of the natural resources of the region as may be useful to the President and the Congress in guiding and controlling the nature, extent, and sequence of Federal programs, projects, and activities in the region, and in coordinating them with related national policies and programs.

(b) The Administration shall prepare such plans and programs after considering pertinent existing surveys and plans, conducting such additional surveys and investigations as may be necessary, and obtaining the advice and assistance of appropriate Federal, State, and local agencies, educational institutions, and private organizations and persons.

(c) Such plans and programs shall, among other things provide for—

(1) the conservation and use of the waters of the region in order to reconcile and harmonize to the greatest practicable extent, consistent with section 2 (b) (4) of this act, the requirements for navigation, flood control, power, agriculture, reclamation, commercial and sport fishing, public health, pollution control, recreation, and other purposes;

(2) fostering the use of the lands of the region for the purposes for which they may be best suited, the most efficient conservation and sustained-yield management to assure the protection of watersheds and the permanent and increasing usefulness of cultivated lands, grazing lands, and forests, and the occupancy and use of the flood plains in the region to minimize damage by floods;

(3) fostering the development and improvement of cultivated, grazing, and forest lands by irrigation, drainage, clearing, reforestation, reseeding, or otherwise;

(4) the conservation, management, and rehabilitation of birds, fish, and other wildlife through the development, protection, and management of such wildlife and their habitat, and the control of losses from disease or other causes;

(5) fostering the use of the mineral, forest, land, water, fish, and other resources of the region to assure a balanced and stable economic development;

(6) the establishment and maintenance of recreational areas and facilities, including wilderness areas, and the protection of scenic and scientific values.

(d) Such plans and programs shall, among other things, set forth—

(1) the nature, extent, general location, sequence, and timing of major projects and activities recommended;

(2) the method by which such major projects and activities are proposed to be undertaken including the arrangements recommended or agreed to for joint and cooperative action by the administration, other Federal agencies, and State, local, and other agencies;

(3) with respect to each major proposed Federal project or activity, evidence that such project or activity is economically sound and in the public interest, including, where appropriate, estimates of costs and benefits, of the allocation of costs to the various purposes to be served, and of amounts to be repaid by the beneficiaries.

(e) The administration shall, in cooperation with other Federal agencies concerned, prepare and submit annually to the President in connection with its budget program a statement and explanation of the anticipated program, for the current year and such ensuing periods as the President may determine, for the initiation and prosecution by the Administration and other Federal agencies of all major Federal projects and activities having to do with the conservation, development, and use of the natural resources of the region.

TRANSFER OF PROJECTS, PROPERTY, AND FUNCTIONS

SEC. 8. (a) It is the policy of this act that the establishment of the administration and the commencement of its activities shall be so scheduled and managed as to result in no delay in the execution of present authorized programs for the conservation, development, and use of the resources of the region. At such time or times as the President may determine, but in no event more than 6 months after the assumption of office of the third member of the first Board of Directors of the Administration to take office, all properties under the jurisdiction of the Bonneville Power Administrator, Department of the Interior, all civil projects now operated, constructed, or authorized to be constructed in the region by the Corps of Engineers, Department of the Army (except for channel and harbor improvement work in tidal waters tributary to the Pacific Ocean), and all projects now operated, constructed, or authorized to be constructed in the region by the Bureau of Reclamation, Department of the Interior, together with all property, real and personal, including dams, locks, powerhouses, transmission facilities, and equipment used in connection with or incident to the foregoing, and all functions, powers, duties, and responsibilities in connection therewith now exercised by the Department of the Interior, the Department of the Army, or any officials of either Department, shall be transferred to the Administration. The Administration shall construct or complete such of the foregoing projects and facilities as are not completed and shall administer all of the foregoing projects and facilities in accordance with the purposes and policies of this act.

(b) All contractual obligations of any department or agency from which a transfer is made under subsection (a), pertaining to the projects, properties, functions, powers, duties, and responsibilities transferred, shall be assumed by the Administration. In connection with any transfer under subsection (a), (1) the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the projects, properties, functions, powers, duties, and responsibilities transferred; (2) the continuing fund established pursuant to section 11 of the Bonneville Project Act; and (3) any balance in the special fund receipt account into which revenues from the sale of electric energy by the Bonneville Power Administrator are payable pursuant to Executive Order No. 8526, dated August 26, 1940, shall be transferred to the Administration. All funds transferred hereunder shall be available for expenditure in carrying out the purposes of this act in the same manner and to the same extent as all other funds of the Administration: *Provided*, That such funds may be expended by the Administration, subject to such limitations as may be prescribed by any applicable appropriation act, during such period as may elapse between their transfer and the approval by the Congress of the first subsequent budget program of the Administration.

DISPOSITION OF ELECTRIC ENERGY

SEC. 9. (a) The Administration is authorized to dispose of electric energy, not used in its operations, to purchasers within economic transmission distance of the Administration's facilities, on such basis as will (1) encourage the widest possible use of available electric energy at the lowest possible rates to consumers, particularly domestic and rural consumers, consistent with operation of the power system on a self-liquidating basis; (2) provide adequate markets and outlets therefor; (3) prevent the monopolization thereof by limited groups; and (4) provide a power supply for essential national defense requirements. To these ends the Administration shall acquire, construct, operate, maintain, and improve electric transmission facilities (including substations) and other structures and facilities to bring electric energy available for sale from its projects to existing and potential markets and to interconnect such projects with other public and private projects, and it is authorized to enter into contracts or arrangements upon suitable terms for the purchase of mutual exchange of electric energy, for the use of transmission facilities, and for the purchase, sale, or storage of water incident to the generation, transmission, and disposition of electric energy.

(b) The Administration, in contracting for the disposition of electric energy, shall at all times gives preference and priority to Federal agencies for their own consumption only, to States, their agencies, instrumentalities, or political subdivisions, or agencies of two or more States (in this act called public agencies), and to cooperative and other organizations organized or administered not for profit but primarily for the purpose of supplying members with commodities or services as nearly as possible at cost (in this act called cooperative agencies): *Provided*, That for the purposes of this section, people and communities within economic transmission distance shall have reasonable opportunity and time, as determined by the Administration, to acquire, purchase, or construct the necessary facilities for the use or distribution of such electric energy, or to create

or finance such public or cooperative agencies.

(c) The Administration is authorized to enter into contracts for the sale or disposition of electric energy at wholesale, whether for resale or direct consumption. Each contract entered into under this section (1) shall be for a term of not to exceed 20 years from the date of the making of such contract, (2) shall (in the case of a contract with any purchaser, other than a public or cooperative agency, who resells the bulk of the electric energy purchased) contain appropriate provisions authorizing the Administration to cancel the contract in whole or in part upon not more than 5 years' notice in writing whenever in its judgment there is reasonable likelihood that part of the electric energy supplied under such contract will be needed to satisfy the requirements of agencies entitled to preference and priority under this act, and (3) may contain such other terms and conditions (including provisions to insure that resale to the ultimate consumers shall be at rates and on conditions which are reasonable and nondiscriminatory) as the Administration may deem appropriate for carrying out the purposes of this act.

(d) Schedules of rates at which electric energy will be contracted for sale shall be established by the Administration from time to time at levels which in the aggregate will produce from estimated sales of electric energy revenues at least sufficient to cover (1) the operation, maintenance, and all other costs of generating, transmitting, and disposing of such electric energy, including among such costs depreciation on the depreciable properties included in the construction costs allocated to such generation, transmission, and disposition, plus amortization, over a reasonable period of years, of the nondepreciable properties included in such construction costs, and including interest payable pursuant to section 12 of this act, and (2) any additional amounts which may be required to repay the advances used to pay costs allocated to irrigation and assigned for repayment from power revenues. In order to distribute the benefits of transmission system integration and to promote the equitable distribution of electric energy, rate schedules may provide for uniform rates, or rates uniform throughout prescribed transmission areas.

(e) In order to facilitate the disposition of electric energy in accordance with this act—

(1) the Administration is authorized to acquire (but not by condemnation), operate, maintain, extend, and improve electric utility systems or properties which are principally in the region, and properties and assets reasonably incidental thereto or to the acquisition thereof: *Provided,* That before it may acquire any such system or property, the Administration shall determine that the major portion of the distribution facilities to be acquired can be promptly disposed of to public or cooperative agencies at a price or prices which, together with the value of the facilities retained by the Administration, is equal to or in excess of the price paid by the Administration for the system or part thereof;

(2) the Administration is directed to sell or otherwise dispose of any distribution facilities so acquired, and any improvements thereof, to any public or cooperative agency, as speedily as such sales or other disposition can be reasonably consummated. In the event it is necessary temporarily to retain and manage any part or parts of such facilities, the Administration in doing so may adopt and follow such business practices (including entering into leases or management contracts) as in its opinion are common and accepted in the utility business, notwithstanding any provision of law relating specifically to the employment of Government personnel or to any other Government practices and procedures.

RECLAMATION PROCEDURES

SEC. 10. (a) No provision for work of irrigation in or under this act shall be construed as affecting or intended to affect or in any way to interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used for domestic, irrigation, mining, or industrial purposes, or any vested right acquired thereunder, and the Administration, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing in this act shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided,* That the right to the use of water acquired for irrigation under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right: *Provided further,* That nothing in this subsection shall limit the authority of the Administration to acquire property for its authorized purposes in the manner specified in section 6, subject to the conditions and limitations therein stated.

(b) The Administration is authorized to construct, operate, and maintain projects for the reclamation of lands in the region. Reimbursement therefor shall be made by the water users, and public lands within such projects shall be disposed of, in accordance with the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof and supplementary thereto) so far as such provisions are consistent with this act and are otherwise applicable.

(c) The Administration shall plan and carry out its reclamation activities consistent with national agricultural policies and so as to stabilize the agricultural economy of the region, to make more secure the tenure of existing settlers on the land and protect their ability to make repayment as provided by law, and to assure the highest relative benefits from the water and land resources for the region as a whole.

(d) The Administration shall establish the maximum size of farm units within each project for the reclamation of lands in accordance with its findings as to the area sufficient in size to constitute an economic family farm or adequately to supplement family grazing or dry farming operations on adjacent lands, but no farm unit shall contain more than 160 or less than 10 acres of irrigable land, except that any nominal quarter section comprising more than 160 acres of irrigable land may be included in one farm unit. No benefits from any such project shall be made available to the owners of lands whose individual holdings exceed the maximum area so prescribed by the Administration until and unless such owners shall have agreed, for and in behalf of themselves, their heirs, executors, and assigns, by contracts in form, substance, and legal sufficiency satisfactory to the Administration to sell such part of their lands as may exceed the maximum area so prescribed by the Administration at the appraised fair value thereof, without reference to or increment on account of the construction of the project: *Provided,* That the provisions of this subsection shall not be applicable to the Columbia Basin project to the extent that they are inconsistent with the Columbia Basin Project Act, nor to lands owned by or held in trust for any tribe, band, or group of Indians.

(e) In connection with projects for the reclamation of Indian lands undertaken by or transferred to the Administration, it shall have the authority granted to the Secretary of the Interior by, and such projects shall be subject to, the provisions of the act of July 1, 1932 (ch. 369, 47 Stat. 564), relating to the deferment of irrigation charges.

(f) In connection with reclamation projects, the Administration may acquire (but not by condemnation) and improve lands for disposition to persons desiring to settle thereon. Such lands shall be disposed of to settlers in economic family farm units, determined in a manner consistent with subsection (d) of this section, under contracts which, in the judgment of the Board, will return in a reasonable period of years the appraised value of the land and improvements, including structures and facilities, consideration being given in such appraisals to the earning capacity of the property. The veterans preference provisions of section 4 of the act of September 27, 1944, as amended (58 Stat. 747, 748), shall apply to the disposition of lands acquired under this subsection.

ALLOCATIONS AND ACCOUNTS

SEC. 11. (a) The Administration shall make a thorough investigation of (1) the costs of constructing or acquiring all dams, reservoirs, steam plants, electric or water transmission systems, buildings, or other facilities constructed or acquired by or transferred to the Administration for its management and control, including the land on which such facilities are constructed (herein called "construction costs"), and (2) the costs of operating and maintaining such facilities, and of carrying on the other activities of the Administration (herein called "operating costs"). Such costs shall be allocated among the various purposes served by the facilities and activities having regard to the interrelationship of the various facilities and activities: *Provided,* That the costs of water-control projects shall be allocated among the following purposes only: (1) Irrigation; (2) generation, transmission, and disposition of electric energy; (3) municipal and miscellaneous water supply; (4) flood control; (5) navigation; (6) preservation and propagation of fish and wildlife; and (7) other purposes, if any, to which costs may be allocated under the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto). Costs with respect to facilities and activities serving only one purpose shall be allocated to that purpose. Costs with respect to facilities and activities serving more than one purpose shall be equitably allocated among such purposes.

(b) The allocations of construction costs and the periods and rates of depreciation and of amortization of repayment obligations under section 12 (f) of this act, as determined by the Administration, shall be submitted to the President, and when approved by him such allocations and depreciation and amortization schedules shall be used thereafter in keeping the books and records of the Administration: *Provided,* That subsequent reallocations and other revisions may be made, in the same manner, as necessary. Pending such approval by the President, the Administration's tentative allocations and depreciation and amortization schedules shall be used in keeping the books and records of the Administration.

(c) The Administration shall, within 5 years from the date of enactment of this act, submit to the President for transmission to the Congress a statement of the allocations of construction costs and depreciation and amortization schedules with respect to all facilities constructed or acquired by or transferred to the Administration and which have been completed prior to or during the period covered by such statement. The Administration thereafter shall include in its annual report for each fiscal year a similar statement incorporating such other facilities as have been completed during the preceding fiscal year.

(d) The Administration shall at all times maintain complete and accurate books of account, including with respect to its generation, transmission, and disposition of electric energy, accounts kept as provided by

section 303 of the Federal Power Act, as amended.

FINANCING AND REPAYMENT PROVISIONS

SEC. 12. (a) Appropriations are authorized for the purposes and functions of the Administration, and the Administration shall obtain its funds, as provided in this section.

(b) The Administration shall be a wholly owned Government corporation under section 101 of the Government Corporation Control Act, as amended, and its transactions and operations shall be subject to control as provided in that act.

(c) The Administration shall not initiate construction of any major water-control or electric-generating project or major transmission line into a new service area or undertake any major new type of activity authorized by this act unless such project or activity has been included in the annual budget program, or amendment thereof, approved by the Congress: *Provided*, That in connection with such projects and transmission lines there is hereby authorized to be made available to the Administration, at the time of initiation, contract authority in the amount shown in the budget program as necessary to complete construction.

(d) There is hereby established in the Treasury a Columbia Valley Administration Fund which shall consist of (1) such amounts as the Congress may from time to time appropriate thereto, which appropriations are hereby authorized, (2) such amounts as may be paid into the fund by the Administration as hereinafter provided, and (3) amounts received by the Administration in connection with any transfer under section 8 of this act or other provision of law.

(e) Upon request by the Administration, the Secretary of the Treasury is authorized and directed to make advances to the Administration from the fund in such amounts as the Administration may deem necessary to meet (1) construction costs (as defined in sec. 11 (a)) to be incurred in connection with projects or facilities wholly or partly of a revenue-producing nature and (2) operating costs (as defined in sec. 11 (a)) to be incurred in connection with activities predominantly of a revenue-producing nature. There shall be added to and deemed a part of such advances amounts equal to the unamortized balances of the reimbursable investment in projects transferred to the Administration.

(f) Advances, or parts thereof, used by the Administration to pay costs allocated to generation, transmission, and disposition of electric energy, to municipal and miscellaneous water supply, and to such other purposes (except irrigation) as the Administration determines to be predominantly revenue-producing shall be fully repaid to the fund, over a reasonable period of years, with interest as hereinafter provided. Advances, or parts thereof, used to pay costs allocated to irrigation shall be fully repaid to the fund, over a reasonable period of years, without interest: *Provided*, That the share to be repaid by the water users shall be limited to such amount as the Administration determines is not in excess of their ability to repay, and the balance of such advances shall be assigned for repayment from other sources of revenue. Advances, or parts thereof, used to pay costs allocated to other purposes shall not be subject to repayment. The amount of advances outstanding shall be reduced by (1) payments to the fund made by the Administration, and (2) amounts equal to the advances which are not subject to repayment: *Provided*, That adjustments in the amounts of advances outstanding shall be made as necessary to reflect allocations of costs made pursuant to section 11.

(g) The Administration shall pay interest on each outstanding advance, as required pursuant to subsection (f) of this section, at such rates as may be determined by the Secretary of the Treasury to be appropriate in view of the terms for which such advances are made available to the Administration: *Provided*, That adjustments in the amount of interest paid or payable shall be made as necessary to reflect allocations of costs made pursuant to section 11. Interest paid on advances used to pay costs allocated to revenue-producing purposes other than irrigation may be applied to reduce outstanding advances used to pay costs allocated to irrigation and assigned for repayment from other sources of revenue to the same extent that interest on the construction investment allocated to power may be used to repay costs allocated to irrigation and assigned for repayment to power revenues under the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto).

(h) Receipts of the Administration for each fiscal year, derived from projects and activities for which advances are authorized, may be used for payment of the costs incurred in connection with such projects and activities. The Board shall appraise at least annually the Administration's necessary working capital requirements, and after providing out of such receipts for such requirements, it shall pay into the fund such receipts remaining. Such payments shall be applied first to reduce the amount of advances outstanding, and any remaining payments shall be covered into the Treasury as miscellaneous receipts. All other receipts of the Administration shall be covered into the Treasury as miscellaneous receipts.

(i) Appropriations are authorized for payment to the Administration in the form of lump-sum payments, to be accounted for as general funds of the Administration, in such amounts as may be necessary to meet costs to be incurred for specific projects and activities which are included in the annual budget program but for which advances are not authorized: *Provided*, That the costs of such specific projects and activities shall not exceed the amounts of the lump-sum payments therefor: *Provided further*, That the lump-sum payments shall be expended only upon certification by a duly authorized certifying officer designated by the Administration, and the responsibilities and liabilities of such certifying officer shall be fixed in the same manner as those of certifying officers under the act of December 29, 1941 (55 Stat. 875), as amended.

(j) The Administration is authorized to combine into one depository account all of its moneys from whatever source derived.

(k) The Administration shall contribute to the civil-service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the civil-service retirement system applicable to the Administration's employees and their beneficiaries. The Administration shall also contribute to the employee's compensation fund, on the basis of annual billings as determined by the Federal Security Administrator, for the benefit payments made from such fund on account of the Administration's employees. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Administration into the Treasury as miscellaneous receipts.

PAYMENT IN LIEU OF TAXES

SEC. 13. (a) It is the policy of this act that the finances of the State governments and subdivisions thereof shall not be impaired through the removal of taxable property from their tax rolls or through the creation of special requirements for State and local government services. In administering this section the Administration shall be guided by the general objective of avoiding, insofar as feasible, inequities between State and local taxpayers on the one hand, and Federal taxpayers on the other, in the distribution of governmental costs and burdens.

(b) The Administration, upon application made on behalf of any State or subdivision thereof, shall make payments in lieu of State and local property taxes ad valorem with respect to its real property and its tangible personal property with fixed situs: *Provided, however*, That such payments shall not be made with respect to property, or any improvements thereon, which has never been subject to such taxes, unless the United States or any agency or instrumentality thereof has been required, prior to the acquisition of such property by the Administration, under any statute, or agreement authorized by any statute, to make payments in lieu of taxes thereon or to pay any portion of the revenue derived therefrom or from its use or products, in which case payments as required by this section shall be made on such property, but not on any improvements thereon made subsequent to acquisition by the United States or any agency or instrumentality thereof. In determining the amount of any payment to a State or subdivision thereof, the Administration shall be guided by (1) the average amount of such taxes, if any, levied upon the property in the last 2 years during which the property was privately owned; (2) the current level of property tax rates and assessed valuations; (3) the average amount of the last two annual payments, if any, under the provisions of any statute, or agreement authorized by any statute, previously applicable, which required the United States or any agency or instrumentality thereof to make any payments in lieu of taxes thereon or to pay any portion of the revenue derived therefrom or from its use or products; (4) the amount of increases in taxable values and other benefits arising from the activities of the Administration; (5) the special requirements for State and local government services arising from the activities of the Administration; (6) the provision by the Administration, as an incident to its activities, of any services usually provided by State or local governments; and (7) any other relevant facts.

The payments provided for in this paragraph shall be paid to the respective officers or agencies of the taxing authorities to which taxes would be paid had the property remained in private ownership, or to which payments would be made pursuant to law except for enactment of this act, for distribution in the same manner and in the same proportions as the taxes or other payments in lieu of which the payments herein required are made or in such other manner or proportion as may be determined pursuant to State law.

(c) The Administration may make payments to State or local governments to help defray the expense of any special requirements for State and local government services arising from the activities of the Administration. In determining the necessity for and amount of any such payment, the Administration shall take into account (1) the amount of additional expense incurred by the State or local government in meeting these special requirements, (2) any payments in lieu of taxes made pursuant to paragraph (b) hereof, (3) the provision by the Administration, as an incident to its activities, of any services usually provided by State or local governments, and (4) any other relevant facts.

(d) The provisions of any other statute requiring the United States or any agency or instrumentality thereof to make any payments in lieu of taxes on property or improvements thereon, or to pay any portion of the revenue derived from such property or its use or products, shall be inapplicable to any property or activities of the Administration after the date of acquisition of such property by the Administration.

(e) For the purposes of this section, property owned or acquired by the United States and used or held by the Administration shall be deemed to have been acquired by the Administration.

(f) The payments authorized under this section are in lieu of taxation and the Administration, its property, franchises, and income are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision or district thereof. The determination by the Administration of the necessity of making any payments under this section and of the amounts thereof shall be final.

(g) The Administration shall, not later than 5 years after the enactment of this act, submit to the President for transmission to the Congress a report on the operation of the provisions of this section, including (1) a statement of the amount and distribution of payments made hereunder; (2) an appraisal of the effect of the operation of the provisions of this section on State and local finances, the benefits of the program of the Administration to the States receiving payments hereunder, and the effect of such benefits in increasing taxable values within such States; and (3) such other data, information, and recommendations as may be pertinent to future legislation.

PROCUREMENT OF SUPPLIES AND SERVICES

SEC. 14. All purchases and contracts for supplies or services, except for personal services, made by the Administration shall be made after advertising, in such manner and at such time sufficiently in advance of opening bids, as the Administration shall determine to be adequate to insure notice and opportunity for competition: *Provided, however*, That advertisement shall not be required when (1) the Administration determines that immediate delivery of the supplies or performance of the services is required by an emergency or to assure continuous operation; or (2) parts, accessories, supplemental equipment, minor extensions or additions, or services are required for supplies, facilities, or services previously furnished, constructed, or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $1,000; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the Administration may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, plant, equipment and facilities, skill, experience, record of integrity in dealing, previous record of performance and compliance with specifications, and ability to furnish repairs and maintenance services, and the time of delivery or performance offered.

PERSONNEL PROVISIONS

SEC. 15. (a) The Administration shall, without regard to the civil-service laws and the Classification Act of 1923, as amended, except the Veterans' Preference Act of 1944 to the extent that it otherwise is applicable, employ and fix the compensation of such officers, employees, attorneys, agents, and consultants as are necessary for the transaction of its business, define their duties, require bonds of such of them as the Board may designate, the premiums for which shall be paid by the Administration, and provide a system of organization to fix responsibility and promote efficiency. Subject to the provisions of this act, the Administration is authorized to deal collectively with its employees through representatives of their own choosing and is authorized to enter into written or oral contracts with such employee representatives.

(b) Employees of the Administration shall have rights with respect to security of tenure reasonably comparable to those provided by the civil-service laws, and shall be protected to substantially the same extent as persons subject to such laws. Employees acquired by transfer from other establishments or agencies of the United States shall retain all pay, leave, and retirement credits which they held at the time of such transfer, and in case they subsequently are retransferred to positions under the civil-service laws, shall be credited for the purpose of seniority with the time spent as an employee of the Administration.

(c) In the employment, selection, classification, and promotion of officers and employees of the Administration, no political test or qualification shall be permitted or given consideration, but all such employments and promotions shall be given and made on the basis of merit and efficiency. It shall be unlawful for the Board to make or assist in the making of or cause to be made any employment, selection, classification, or promotion of any officer or employee of the Administration on the basis of or because of any political qualification or test, and if any director violates this provision he shall be removed from office by the President. Any officer or employee of the Administration who is found to be guilty of a violation of this subsection shall be removed by the Board.

(d) The benefits of the act of September 7, 1916 (39 Stat. 743), as amended, relating to compensation for employees of the United States suffering injuries, shall extend to persons given employment under the provisions of this act; and the right to benefits under such act of September 7, 1916, as amended, shall be exclusive and in place of any and all other liability of the Administration and the United States to pay damages or workmen's compensation to such persons, or to the dependents, next of kin, or legal representative of such persons, or to any person otherwise entitled to recover damages, on account of injury or death within the purview of such act.

(e) Subsections 1426 (j), 1606 (e), and 1607 (m) of the Internal Revenue Code, as amended, and subsection 209 (p) of the Social Security Act, as amended, are amended by (1) striking the words "Bonneville Power Administrator" wherever they appear therein, and substituting therefor the words "Columbia Valley Administration"; (2) striking the word "Administrator" wherever it appears therein without prefix, and substituting therefor the word "Administration"; (3) striking the words "a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities" wherever they appear therein, and substituting therefor the words "(1) a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of the Administration's properties and facilities, or (2) an employee retained or hired in connection with interim operations under section 9 (e) of the Columbia Valley Administration Act"; and (4) adding at the end of each such subsection the following new sentence: "As used in this subsection, the term 'Columbia Valley Administration' shall be deemed to include the Bonneville Power Administrator, with respect to services performed, prior to the effective date of the transfers pursuant to section 8 (a) of the Columbia Valley Administration Act, by a laborer, mechanic, or workman as an employee performing service for such Administrator in connection with construction work or the operation and maintenance of electrical facilities."

(f) Subsection 1606 (e) of the Internal Revenue Code, as amended, is further amended by striking the words "who for the purpose of this subsection is designated an instrumentality of the United States,".

(g) Subsection 209 (p) (2) of the Social Security Act, as amended, is further amended by striking the word "he" wherever it appears therein, and substituting therefor the word "it."

(h) The provisions of the act of March 3, 1931 (46 Stat. 1494), as amended, shall apply to all contracts in excess of $2,000 to which the Administration is a party and which require the employment of laborers or mechanics in the construction, alteration, maintenance, or repair of its buildings, dams, locks, or other structures or facilities, except that the powers of the Comptroller General of the United States thereunder with respect to payment of amounts withheld from contractors shall be exercised by the Administration with respect to funds within its control. In the determination of such prevailing rate or rates, due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees.

(i) The Administration is authorized to request the assistance and advice of any officer, agent, or employee of any executive department, independent office, or agency of the United States to enable the Administration the better to carry out its powers successfully. The executive departments and independent offices and agencies of the United States are authorized to make such officers, agents, and employees available to the Administration with or without reimbursement upon terms mutually agreeable to such department, independent office, or agency and the Administration.

INDIAN LANDS

SEC. 16. (a) The Administration may exercise any of its powers under this act, including the power of condemnation, with respect to Indian lands or property, irrespective of the manner in which title to such lands or property is held: *Provided, however*, That no condemnation proceeding shall be instituted with respect to Indian lands or property unless and until bona fide negotiations shall have continued between the Administration and the owner or owners of such lands or property for a period of at least one year without reaching mutual agreement. In the event the Administration acquires any Indian lands or property, or receives by transfer any lands or property of the United States utilized for Indian purposes, the Administration shall make available to the Bureau of Indian Affairs such sums as the Administration, with the approval of the Secretary of the Interior, determines to be requisite for rehabilitating and relocating the Indians displaced by such acquisition or transfer, and for replacing facilities, the usefulness of which to the Indians has been destroyed or impaired through the operations of the Administration, where the moneys paid for the lands would otherwise be inadequate to accomplish such purposes. The said sums together with moneys paid by the Administration for Indian lands acquired by it, other than lands individually owned without restrictions upon alienation, payments for which shall be made directly to the owner, shall be available, without further appropriation, for expenditure by the Bureau of Indian Affairs in rehabilitating and relocating the Indians so displaced; in replacing the facilities no longer useful to them; in acquiring for their benefit, by purchase or otherwise, lieu lands to replace the lands acquired by the Administration; in reestablishing Indian cemeteries, tribal monuments and shrines; and for such other purposes as are authorized by law. Lieu lands so acquired shall be held in the same status as those from which the funds were derived and shall be nontaxable until otherwise provided by the Congress.

(b) Except as expressly provided in this section, nothing in this act shall be construed to abrogate, limit, or otherwise affect any right to the use of water vested in or reserved to any tribe, band, or group of Indians or any individual Indian, or any legal obligation of the United States or any agency thereof to any tribe, band, or group of Indians or any individual Indian.

REPEALER AND SAVINGS PROVISIONS

SEC. 17. (a) All acts or parts of acts in conflict herewith are hereby repealed to the extent of such conflict. Effective as of the date the transfers authorized by section 8 (a) of this act become effective, the act of August 20, 1937, entitled "An act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes" (50 Stat. 731), as amended, is hereby repealed.

(b) Nothing in this act shall be deemed to repeal or supersede the provisions of any treaty or to impair any obligations thereunder.

SEPARABILITY PROVISIONS

SEC. 18. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

CONSTRUCTION OF ACT

SEC. 19. This act shall be liberally construed to carry out the purposes of Congress to provide for the disposition of and make needful rules and regulations respecting Government properties entrusted to the Administration, provide for the national defense, improve navigation, control destructive floods, and promote interstate commerce and the general welfare.

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Mr. MORSE. Mr. President, what do we find when we complete our analysis of the powers thus proposed to be given to the three Presidential appointees, under section 6 of this bill? I say what we find is that the bill would give those three men, appointed by the President of the United States, the arbitrary power, to all intents and purposes, to determine the economic policies which shall prevail in the Pacific Northwest.

Thus, I say to these Democratic politicians within the CIO in the State of Oregon that I am proud of the fact that no pressure from them will ever get me to agree to vote for a measure which seeks to vest in three bureaucrats the arbitrary power which could be practiced, if they wished to exercise it, under the terms of this CVA bill. I have said before on the floor of the Senate, and I repeat it now, Mr. President, that what we have to watch out for are procedures which would permit of the exercise of arbitrary, capricious, abusive power. If we find that the procedure proposed would allow such abusive practices, then the time to stop them is before the legislation is enacted.

That is one reason why I will not vote for this bill. I will not vote for it, because I see in section 6 the serious danger of unchecked, arbitrary, capricious power which the bill would place within the possession of three men. To my mind, Mr. President, the sound principle that our Government is a government of laws, not a government of men, is no empty platitude. To my mind, that principle of government carries with it an obligation on my part, as long as I am in the Senate of the United States, to oppose any measure which seeks to give to mere men the power which section 6 of this bill would give to the Presidential appointees under it, because I am satisfied that under the provisions of this bill three men could so abuse that power that, to all intents and purposes, they could administer the law so that the Government which would flow from it would be a government of men, not a government of laws.

No, Mr. President; not with my vote will the bill pass, even if my objections to it result in the opposition of the politicians within the CIO in the State of Oregon.

I am satisfied I am so dead right, as a matter of sound constitutional principle, on this point, Mr. President, that I believe that, given the time, the members of the CIO are going to see that I am right; and that when they walk into the voting booths, come next May and next November, they are not going to follow the advice of the Democratic politicians within the CIO in my State that they should vote against me because I will not put my stamp of approval on a proposed law which contains a section such as section 6 of this CVA bill, a section which, in my judgment, would take from the people of my State—from the workers in my State, from the farmers in my State, from every consumer in my State—what I think is a precious heritage and right in self-government.

Mr. President, I could go on and point out other criticisms I have for that bill; but I shall keep just a little political curiosity aroused in my State in regard to those objections, because I shall discuss those objections as the campaign proceeds. I have many more to this bill.

I hope the great rank and file of the voters of my State, who are not to be found among the extreme proponents of CVA or among the extreme opponents of CVA, will continue to take the position, which I am presently taking, that we should proceed with the hearings on this bill and should proceed to develop all the facts; and the hearings should be held out in that region. When the record is complete, and when we see the strengths and the weakness of this bill, let us then, in a spirit of doing what is best for the people themselves and what is best for the country as a whole, work out a piece of legislation which will protect the principles of government which I have sought to defend here tonight, and which will at the same time give us an efficient and an economical administration of these projects.

The senior Senator from Washington [Mr. MAGNUSON] and the junior Senator from Washington [Mr. CAIN], as well as the senior Senator from Oregon [Mr. CORDON] and myself, for months have been urging early hearings by the Senate committee in the field, in the States of Washington, Oregon, Idaho, and Montana. We thought those hearings were going to start immediately after the adjournment of this session of Congress; in fact, I know the Senator from Alabama [Mr. SPARKMAN], who has been very cooperative in this matter, has been trying to do his very best to get a schedule of such hearings set; and I thought the tentative arrangement was that very soon after this session of Congress adjourns, these hearings would be held in our section of the country. So I was no little disappointed when I read in the newspaper yesterday that it had been decided to postpone the hearings on CVA in the Pacific Northwest until some time after the first of the year. I think that is rather interesting. I am sure the Senator from Alabama would like to proceed with those hearings before January 1, because he has told me so. But now they are not going to have them.

Mr. President, you and I know that come the first of the year, with the Congress in session, it will be difficult to get any hearings out in the field, because the type of hearings we need in the field are extensive hearings; they are hearings that will permit the Senate committee that is sent there to conduct the hearings to call before it all the various groups and interests which have a vital concern in the proposed CVA law for our section of the country.

Mr. President, this law in a very real sense will determine the economic well-being of thousands of the people of the Pacific Northwest. It is a law that affects their daily economic living. They must have a voice in the determination of its policy, they should be allowed to voice their objections to it and their reasons for supporting it. I want every group in my State, those for and those against it, and those who merely have questions to ask, to have an opportunity to be heard on it. I think there are more of those who merely have questions to ask in my State than there are in both the groups that are for and those that are against it. The great majority of my people have many questions they want to ask about it, because they have much doubt about it. Under our system of government and in accordance with our basic principle of the right of our citizens to petition their Government, there ought to be extensive hearings. But, with the postponement of the hearings until at least sometime after the first of the year, Mr. President, you and I know there cannot possibly be extensive hearings while Congress is in session; and we are going into session immediately after the first of the year. I wonder why the change in administrative policy? I wonder whether it is possible, Mr. President—I wonder whether I am unkind in suggesting the possible suspicion that the sudden lack of interest in having the hearings may be due to the fact that there are at least some among the administration, not in the Senate but downtown, who think that by postponing the hearings they will have a better

chance of keeping this as a politically hot issue in Oregon during the course of my campaign? We shall see, if that is their strategy, what sort of political dividends it pays. I do not think it will pay any dividends. The smartest thing the administration could do would be to get busy as fast as it can to give the people of my State a hearing on the bill, and then proceed to modify the bill in accordance with what the facts brought out in those hearings will show.

I am perfectly satisfied, Mr. President, that when the Sparkman committee goes into the Pacific Northwest to conduct hearings, the factual data it will collect, the views and opinions it will receive from the various groups in my State and the other States of the Pacific Northwest will cause it to come back and propose thorough revision of Senate bill 1645. They ought to proceed to do it, and do it quickly. I tonight renew in behalf of myself and my colleague the senior Senator from Oregon, an offer of the full cooperation of the two Senators from Oregon to the administration in doing everything we can to facilitate the holding of such hearings in the State of Oregon. We again invite the administration to proceed at the earliest possible date with those hearings, so we may make a record of the facts and points of view that will be brought out in those hearings in respect to Senate bill 1645, which I have already had printed in the RECORD.

Mr. President, we not only should proceed with those hearings, and proceed to work upon the final piece of legislation which it must be admitted needs to be passed—at least some legislation needs to be passed—but there are some immediate steps we can take in regard to assuring greater efficiency and more economic administration of the projects already in existence; and these recommendations can very well be adopted now, with the idea in mind of applying them to projects and developments yet to be completed. There is an immediate step we can take in regard to assuring the American people that we are going to administer the projects with a greater efficiency and with less waste than has characterized some of our Government operations to date. I refer, of course, to the Hoover Commission reports and recommendations in respect to the various Federal agencies that have jurisdiction over the river-development projects.

Tonight, I want to make myself very clear on that. To the Senate and to the people of my State I say the presumption is in favor of the Hoover Commission recommendations regarding the reorganization of the executive branch of our Government. I intend not only to give those recommendations the benefit of the presumption but I intend at every opportunity that is given me in the Senate to vote for those recommendations, unless—and I emphasize the word "unless"—clear evidence can be advanced showing that any particular recommendation of the Hoover Commission pertaining to the proposed reorganization of the executive branch of our Government is not in the public interest. The work of the Hoover Commission has been of such outstanding merit that the burden of proof rests on those who say we should not adopt the proposals of the Hoover Commission for the reorganization of the executive branch of our Government.

Thus, Mr. President, I recommend to the Members of my party in the Congress of the United States that we make the Hoover reports a part of the Republican program for the development of greater efficiency and more economical practices in the affairs of our Government.

I am at a little loss to understand why some of my Republican brethren, with regard to some of these recommendations, are parties to movements to prevent their going into operation. Of course there are parts of these recommendations that impinge on the toes of some economic interests in our respective States. We all know that. But I refuse to believe, Mr. President, that in the Senate of the United States there is any considerable number of Members who will not place the welfare of the entire Nation ahead of and above the selfish economic interests of some particular group in their States that may be crying about the effects that some one of these recommendations may have upon their particular selfish interest. There are such selfish interests in my State. I have received much pressure mail and conversations from persons in my State who think the Army engineers are sacrosanct and that nothing must be done in the slightest direction of affecting the Army engineers as the proposals of the Hoover Commission affect them. I have replied that, having studied the Hoover reports, I shall vote for the Hoover recommendations which affect the Army engineers, because I do not know of anything in them which in any way would damage the Army engineers. There are those persons who say, "We must keep the Army engineers empowered with exactly the same authority they presently have in connection with public-works projects, because they need the practice and the training which the construction of these projects gives them, in case we go to war."

Of course the answer is that there is not one line in the Hoover Commission reports in respect to the Army engineers which in any way could take away from them any of the practice they need in building these projects. They will get just as much practice, but they will not have the same arbitrary power they now exercise in determining what projects are going to be built and what projects are going to be recommended to be built. We know what happens. They make their recommendations and go to the Bureau of the Budget, and many times the Bureau of the Budget turns them down. Does that stop the Army engineers from, nevertheless, proceeding in the Congress, through powerful friends they have, to try to get through their recommendations for the building of certain projects and not building other projects? Of course, when they make reports to the Congress they point out that the Bureau of the Budget disapproves, or that such and such a recommendation does not have the approval of the President, but, nevertheless, they go ahead, and we all know it, and use those means which they have come to use very effectively in getting Congress to take favorable action upon their recommendations, even though the administration has turned them down.

I say, Mr. President, that that is not an example of the greatest efficiency in our Government. I am inclined to think that Herbert Hoover, who certainly knows engineering problems, and who certainly cannot be charged with bias against engineers, has made very sound recommendations with respect to the merger of certain jurisdictional powers now existent in the Army engineers with the proposed new public works department which his report recommends.

Therefore, Mr. President, without taking the time to read it, and so it can be available as an easy reference in connection with the position I am taking with respect to the Hoover Commission reports, I ask unanimous consent to have printed at this point in my remarks certain sections of the recommendations of the Hoover Commission. I do so, Mr. President, because I want the people of my State who read this speech to know exactly what I mean when I say I stand for the adoption of the Hoover Commission recommendations in respect to public-works projects. I want them to see, as they read these specific recommendations in connection with the argument I have made tonight, that I am offering something very affirmative as a first step to be taken in bringing about a greater efficiency and economy in the administration of these projects.

I want to say to the Republican Party that if we would make this program of the Hoover Commission a part of our program, as a party, for improvement in efficiency and the more economical operation of our Government, we would have, on this point at least, an answer to those cynics who say, "What does the Republican Party actually stand for, affirmatively? It is always against everything. For what does it stand?" Here is part of my answer in respect to this particular subject matter. I think the Republican Party ought to stand for the adoption of the Hoover recommendations with respect to the development of these great resources and the administration of the projects which are built in connection with that development.

Therefore I ask unanimous consent to have printed at this point in the record that section of the Hoover Commission reports headed "High-lighting," dealing with the Department of Agriculture, beginning on page 55 and extending to page 59.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

VI. DEPARTMENT OF AGRICULTURE

(NOTE.—Page citations to the Commission report entitled "Department of Agriculture" are preceded by the symbol "DA"; those to the task force report Agriculture Activities, which was printed as appendix M, by the symbol "M.")

The Government's agricultural activities have grown tremendously. In the last 20 years the Department of Agriculture has expanded from about 22,000 employees to over 82,000, and expenditures have increased from about $25,800,000 to $834,000,000 in the fiscal year 1948. (DA-1.)

The major objective of the Department of Agriculture is to promote the Nation's welfare through an improved economic and social status for the farm home and the farm life. The numerous reorganizations undertaken in the Department since 1941 indicate the difficulty of establishing an organization structure sufficiently comprehensive and flexible to meet changes in public policy without disrupting its essential unity. Such an organization the Department does not now have. (DA-2; M-xiv.)

1. The Department of Agriculture has grown to its present size without sufficient integration of its parts. It is in many ways a loose confederation of autonomous bureaus with a strong tendency to develop independent programs with considerable overlapping and duplication. (DA-3.)

Twenty or more different offices, bureaus, services, and administrations report directly to the Secretary. Obviously this creates a tremendous task of management that is beyond the capacity of the Secretary's Office, regardless of the number of assistant secretaries. (M-xiii.)

2. There are agricultural activities in other parts of the Government which overlap and duplicate those in the Department of Agriculture. (DA-3; M-xiii.)

The inspection of agricultural products for the protection of the consumer and the farmer is scattered through many agencies of the Government, and the resulting confusion required producers and manufacturers to comply with regulations issued by agencies of two or more departments or administrations. (DA-4.)

Twenty-one laws regulating labeling, advertising, and purity of food and drugs are administered by various Government agencies, such as several bureaus and administrations in the Department of Agriculture, the Food and Drug Administration and the Public Health Service of the Federal Security Agency, the Federal Trade Commission, and the Bureau of Internal Revenue. Among the results of such diversity of administration are conflicting standards and unnecessary duplication of activities at both the Washington and field levels. A few random examples of confusion are:

Requirements for labeling and advertising of foods and drugs should be substantially identical; the same misrepresentations are likely to occur in both labeling and advertising and should be dealt with at the same time. Labeling is handled by the Federal Security Agency and advertising by the Federal Trade Commission with diverse requirements enforced through diverse procedures. Many chemicals have multiple uses. Insecticides or rodenticides are regulated under the Federal Security Agency, while insecticides, fungicides, and rodenticides are inspected also by the Department of Agriculture. Likewise, single-use products such as disinfectants, mold preventives, or products for treatment of fungicidal skin diseases, may fall within both Departments. Viruses, serums, and toxins for human use are regulated by the Federal Security Agency, while their animal uses are regulated by Agriculture. Voluntary standards for grading fruits, vegetables, and other agricultural products to facilitate trade transactions are extended by the Department through educational processes to the consumer, and yet are at variance with standards for foods developed for consumer protection by the Federal Security Agency. Adulteration of meat and other food products falls under the Meat Inspection Act administered by the Department of Agriculture and also under the food and drugs laws administered by the Federal Security Agency. There are innumerable illustrations of what happens to the producer. As a result, a manufacturer of a rat poison containing strychnine must comply with regulations of the Department of Agriculture, while the same or another manufacturer of a pharmaceutical product using strychnine as a drug must comply with regulations administered by the Federal Security Agency. (DA-22-23; M-53-54.)

Long-continued friction between the Bureau of Reclamation in the Department of the Interior and the Department of Agriculture has marked the planning and operation of irrigation projects. At times, as in 1945, proposed programs have gone to Congress before the Department of Agriculture knew about them. (DA-20-21.)

There has been a long and wasteful conflict and overlap between certain soil-conservation, range, forest, and allied services due to the division of their functions between the Department of Agriculture and the Department of the Interior. One of the most important areas of duplication relates to the management of the forest and range lands of the public domain. The Forest Service, the Bureau of Land Management, and, in some areas, the Soil Conservation Service operate on adjacent or intermingled Federal land areas under different policies. Many ranchers run their livestock on both the national-forest pastures and lands in public grazing districts. They must obtain separate permits with different terms and conditions from the different Federal agencies, and their grazing resources and livestock plans must be reviewed by each agency. (DA-24-25.)

A similar situation prevails on Federal forest lands. The Forest Service and the Bureau of Land Management administer these lands under different policies. A striking case is the intermingled or adjacent timber on some 2,500,000 acres scattered in checkerboard fashion along both sides of the Willamette Valley. On these lands, the Bureau of Land Management conducts a program of forest management which parallels but differs in important details from the one long in force on the intermingled national forests. Two sets of regional and local forest officers carry on these duplicating activities. (DA-25.)

The conflict extends to payments made to local governments in lieu of taxes. The Bureau of Land Management at present must return 50 percent of gross revenues from certain lands to local governments, while the Forest Service is required to return only 25 percent of the gross revenues from the national-forest lands. (DA-25.)

3. There is wasteful overlapping and duplication not only in the Department of Agriculture itself but also between it and State and county services. The field organization of the Department is not integrated; few of the Department's agencies maintain joint or common field stations. The farmer must consequently deal with many separate agencies, which too often follow conflicting policies. (DA-3; M-xiii.)

The Cooperative Extension Service, which was established as a medium for carrying educational programs to the public, has often been bypassed by departmental agencies whose parallel work in educational fields reaches into the counties and to individual farms. (DA-3; M-xiii.)

State governments operate effective agriculture departments, but in recent years the United States Department of Agriculture has not taken full advantage of these organizations and has thereby produced some duplication of effort at local levels. (DA-13.)

There are many separate Federal field services at the county level. These include the Soil Conservation Service, Extension Service, Farmers Home Administration, Production and Marketing Administration with its conservation-payment program and school-lunch program, Farm Credit Administration through its Production Credit Associations and National Farm Loan Associations, and the Rural Electrification Administration. In addition, the Forest Service may be represented by Federal-State farm forest management advisers; the Bureau of Animal Industry by specialists on animal-disease-eradication programs, and the Bureau of Entomology and Plant Quarantine by others who work on plant-disease eradication and insect control. Separate from those of the Department of Agriculture, representatives of the Veterans' Administration are usually present to administer the on-farm industrial training program for veterans. Farm labor representatives of the Federal-State Employment Service may also be in the field at the county level. (DA-14.)

A few examples of duplication of activities at the county level are: In a single cotton-producing county in Georgia, 47 employees attached to 7 distinct and separate field services of the Department of Agriculture were working with 1,500 farmers. A fruit and grazing county in the State of Washington has 184 employees of separate field services working with some 6,700 farmers. A dairy county in Maryland has 88 employees attached to these field services working with less than 3,400 farmers. In these and other counties, representatives of each agency frequently advise the same farmers on the same problems. Farmers are confused and irritated, as climaxed in one Missouri county where a farmer recently received from five different agencies varying advice on the application of fertilizer on his farm. (DA-13-14.)

4. The Department has established a multitude of advisory committees of farmers, at a cost exceeding $5,000,000 a year. These local committees, instead of serving in an advisory capacity to coordinate or bring the different programs together into a unified program that envisages the farm as a whole, have multiplied in number, their members tending to become Federal employees of the uncoordinated agencies, with administrative functions. (DA-3-4, 14-15; M-xiii-xiv.)

The task force recommends that only one committee be set up in each county and that each be purely advisory on program formulation and operation. The estimated costs of such committees for the entire Nation need not exceed $700,000. (DA-15.)

5. The present systems of budgeting, treatment of intradepartmental funds, and earmarking of recurring funds have the cumulative effect of obscuring bureau expenditures and of promoting waste. (DA-4.)

A study of the costs of the bureaus in the department demonstrates how misleading and confusing is the present system of reporting in the Treasury combined statements. Because the intradepartmental transfers of funds are excluded from the Treasury report, the true cost of an individual bureau cannot be determined until such transfers are recorded in the budget document 2 years after the money has been spent. (M-xv.)

The practice of canceling Commodity Credit Corporation notes as an offset to the Corporation's losses, rather than restoring them by appropriations, conceals the true picture of costs, since the Treasury combined statements now report t' e restoration of capital by cancellation of notes as a public-debt transaction, not a budget expenditure. (M-xv.)

Some years ago, Congress granted to the Department of Agriculture the use of 30 percent of certain customs receipts for various purposes. Under this arrangement, both the responsibility of Congress for appropriations and Government accounting are obscured. (DA-19.)

6. The services and policies of the various farm-credit agencies overlap. Their organization is contrary to sound banking principles. Some of them make loans which require costly individual supervision. (DA-4.)

The Government has an investment of about $2,000,000,000 in these agencies. The administrative costs of these agencies to the

Federal Government might be reduced by more than $36,000,000 and much larger sums could be saved by better organized lending activities. (DA-20.)

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD the section of the Hoover Commission report dealing with the Department of the Interior, beginning on page 82 and extending to page 89.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

1. The Department has been steadily stripped of functions at one time established within it, and has lost much of its significance. With the widening of Federal policy in the field of labor, there has been a growing tendency to set up specialized labor services outside of the Department, either as independent establishments or as subordinate units of other related agencies, thus causing a diffusion of labor functions throughout the Government. (DL-1, 4.)

The United States Employment Service was transferred in 1939 to the Federal Security Agency, where it has remained except for the period from 1945 to 1948.

The Immigration and Naturalization Service was transferred to the Department of Justice in 1940.

Except for its labor functions, the Children's Bureau was transferred to the Federal Security Agency in 1946.

The Labor-Management Relations Act of 1947 transferred the conciliation activities of the Department to an independent Federal Mediation and Conciliation Service. (DL-1.)

2. On the other hand, two small units, the Bureau of Veterans' Reemployment Rights and the Office of International Labor Affairs, were established in the Department in 1947. (DL-2.)

XIV. DEPARTMENT OF THE INTERIOR

(NOTE.—Page citations to the Commission report entitled "Department of the Interior" are preceded by the symbol "DI"; those to the task force report "Natural Resources," which was printed as appendix L, by the symbol "L"; those to the task force report "Public Works," which was printed as appendix Q, by the symbol "Q.")

The organization of a department dealing with natural resources and public works was proposed by the Joint Congressional and Presidential Committee on Reorganization of 1924, again in a Presidential message in 1932, and again by the President's Committee on Administrative Management in 1937. Had such a department been created 25 years ago, hundreds of millions of dollars would have been saved to the public over these years. Today it is a complete necessity, in order to secure coordinated policies in these fields and eliminate disastrous conflicts and overlaps which cost the taxpayers enormous sums annually. (DI-1, 17.)

The magnitude of the problem is indicated by the fact that approximately 100,000 persons (plus other thousands employed by the contractors) are employed in the agencies which would be grouped together to deal with natural resources and public-works construction. Their 1949 appropriations exceeded $1,300,000,000. To complete the works now in construction will call for over $5,500,000,000. Projects authorized by Congress but not yet started will call for $7,300,000,000 more. In addition to these totals of over $15,000,000,000, there are projects contemplated which exceed $30,000,000,000. (DI-1-2.)

These staggering sums, especially in view of the increasing tempo of construction, call for the most intensive scrutiny of fundamental objectives, specific policies, and administrative arrangements with respect to this phase of the Federal Government's activities. In the past, projects have been carried through which should never have been undertaken at all; others have been wastefully constructed without regard to important potential uses; still other have been premature. Bad accounting methods have consistently underestimated costs. Inadequate basic data, interagency competition, and local political pressures bear the primary responsibility for this extravagance and waste. (L-16, 3.)

WATER RESOURCES

There are glaring defects in the organization of water development and use services. Under conflicting laws, rival Federal agencies compete for taxpayer money in what often appear to be premature and unsound river-development projects, duplicating each other's surveys and bidding against each other for local support at national expense. (DI-26; L-1.)

1. There is no effective agency for the screening and review of proposed projects to determine their economic and social worth. There is no effective review of the timing of the undertaking of these projects in relation to the economic need or financial ability of the Nation to build them. (DI-26.)

Some effort has been made by the Bureau of the Budget to review and coordinate projects, but this clearance procedure has not been adequate. For one thing, project reports are submitted for review only after they are completed and long after plans have been publicized. It is then too late for effective coordination, for eliminating unfeasible projects, or for reconciling conflicting plans of the Army Corps of Engineers and the Interior's Bureau of Reclamation. The Corps of Engineers generally makes no effort to change a completed report when informed by the Budget Bureau that the report is not in accord with the President's program. It submits the report to Congress with its favorable recommendation, but accompanied by a statement as to the advice received from the Budget Bureau. (L-26-27.)

The Budget Bureau does not have the staff to make a thorough review of all proposed projects. Two professional staff members have to review all public-works projects under Executive Order 9384. Confronted with the completed, conflicting plans of two development agencies, working from the vaguest sort of statutory and administrative standards of feasibility and of benefit-cost evaluation, and operating with two professional staff members, the Budget Bureau as now staffed obviously cannot provide an adequate review. (L-27.)

Of 436 reports by the Corps of Engineers recommending Federal improvements, the Budget Bureau made some reservations or comments on 76. Although it held that 42 of the projects were not in accord with the President's program, the Corps of Engineers submitted reports on all of these with favorable recommendations, and Congress authorized 36 of them. Of the total of 76 projects on which the Bureau had some objection, Congress authorized 62, 7 have either been abandoned or rejected, and 7 have not yet been formally considered by Congress. (L. 98-99.)

One result of inadequate evaluation of projects is illustrated by underestimation of costs when presented to Congress. Some part of underestimation is no doubt due to subsequent increase of costs of labor and materials. But some underestimates by the Bureau of Reclamation—such as, for example, the Colorado-Big Thompson project, which increased from $44,000,000 to $131,800,000; the Hungry Horse project in Montana, from $6,300,000 to $93,500,000; the Central Valley of California, from $170,000,000 to probably over several hundred million dollars—hardly can be explained by increase in labor and material costs. (DI-6.)

2. There is duplication and overlap of effort, as well as conflict of policy, among the agencies concerned with water-resources development, chiefly between the Army Corps of Engineers and the Bureau of Reclamation in the construction of and jurisdiction over projects. (DI-26.)

The activities of the Corps of Engineers and the Bureau of Reclamation have developed under separate statutes based on conflicting policies: the one under navigation law which recognized the right of the Federal Government to control navigation and its obligation to build and pay for the necessary work; the other under reclamation law which is founded on the principle that the Federal Government should plan, finance, and construct major irrigation works in cooperation with States and local groups, but that the various beneficiaries should ultimately repay project costs in full. Inconsistent statutory authority has promoted conflict of jurisdiction between the two agencies. (L-79.)

The original responsibility of the Corps of Engineers for navigation improvements was expanded to cover flood control and other purposes incidental or related to flood protective works. The original responsibiltiy of the Bureau of Reclamation for irrigation was expanded to include other potential by-products of irrigation structures. Thus, one agency working upstream met the other agency coming down. Now we are witnessing the spectacle of both agencies contending for the authorization, construction, and operation of projects in the same river basins; for example, in the Central Valley, Columbia, and Missouri Basins. (L-23.)

Further administrative confusion was created with the creation of the Federal Power Commission, with jurisdiction over applications from private concerns for licenses to develop hydroelectric power on navigable streams and with authority to conduct comprehensive river-basin surveys with a view to determining how maximum benefits could best be attained. Moreover, while the Corps of Engineers was given responsibility for flood protection on the main streams, responsibility for flood protection in the upper watersheds was given to the Department of Agriculture. (L-22-23.)

The conflict of authority between the Corps of Engineers and the Bureau of Reclamation exists only in the 17 Western States, but the situation for the Nation as a whole is also highly confused. The Corps of Engineers is the principal survey and development agency, but has only minor authority in the Tennessee River Basin, where the TVA experiment was set up. Elsewhere the corps must share its authority: (1) on installation of power-generating equipment with the Federal Power Commission; (2) on disposal of all surplus power generated at its projects, with the Secretary of the Interior; (3) on fish and wildlife conservation, with the Fish and Wildlife Service; and (4) on pollution abatement, with the Public Health Service. (L-23.)

Division of responsibility means duplication of surveys and investigations. Elaborate basin-wide surveys and plans have been made in several instances by the Corps of Engineers and the Bureau of Reclamation, in addition to the comprehensive basin surveys made by the Federal Power Commission and the watershed surveys of the Department of Agriculture. (L-23-24.)

Actual duplication of functions, however, is probably less costly than the hurried planning which interagency competition inevitably produces. The Corps of Engineers and the Bureau of Reclamation try to outdo each other. Each tries to stake out claims in advance of the other. Each completes its basin surveys as quickly as possible, and proposes its development plan for authorization. The President and Congress are presented with conflicting proposals prepared by agencies with different water-use philosophies. More dangerous than the duplication is the fact that the agencies are encouraged to compete for the support of local interests by each

offering the beneficiaries a more attractive proposition. Such competition shifts the financial burden from the actual project beneficiaries to the Federal taxpayer. (L-24, 66.)

An example of duplication and conflict may be found in the plans for a project at Hell's Canyon, Idaho. These were duplicated at a cost very roughly estimated at about $250,000 each by the Corps of Engineers and the Bureau of Reclamation. They differed in essential particulars of construction and by over $75,000,000 in cost of erection. (DI-31.)

The agencies sometimes compromise their differences. After sharp clashes over plans for the development of the Missouri Basin, the corps and the Bureau announced complete agreement on the Pick-Sloan plan. Analysis of that plan reveals the fact that it contains many projects which previously had been subject to devastating criticism by one or the other agency. The compromise consisted for the most part in a division of projects, each agency agreeing to forego the privilege of criticizing projects assigned by the agreement to the other. The result is in no sense an integrated development plan for the basin, and there is serious question in this case whether agreement between the two agencies is not more costly to the public than disagreement. (L-24.)

There is an inherent conflict between the most efficient operation of storage dams for the purpose of flood control and of dams used for the generation of hydroelectric power. Flood control requires empty storage space prior to the high-water season, the storage of water during the flood season, and the emptying of the dams during dry spells. The generation of hydroelectric power needs as nearly an even flow of water as possible the year around. And the irrigation cycle, which requires storage of water in the winter months and its release in the summer, conflicts with the continuous flow of water required for electrical operations. As flood control concepts are in the hands of one agency and power concepts in another, there is inevitable conflict of highest importance in design and operation. (DI-26-27.)

3. National water policies have been adopted on a piecemeal basis, without a comprehensive and consistent development policy. (L-20.)

There are no clear standards of project feasibility and of benefit-cost evaluation. Flood-control projects are considered feasible if costs are exceeded by benefits, these being defined in the broadest terms. Feasibility of irrigation projects, on the other hand, is determined on the basis of ability to repay reimbursable costs. There are no legislative standards at all to govern the administrative evaluation of benefits and costs, and the administrative agencies themselves have not developed clear and consistent standards, despite the efforts of several interdepartmental committees. Notwithstanding these lax standards, special legislative authorization is not infrequently given for projects which administrative agencies determine to be not feasible under general statutory provisions. To add to the confusion, different types of projects are considered for authorization by different congressional committees under different legislative procedures. (L-20-21.)

Financial and repayment policies, important for reasons of equity, economy, and interagency relations, are seriously defective. Costs of irrigation, water supply, and power are reimbursable. Flood-control, drainage, and navigation benefits generally are not. Thus a farmer whose land is dry has to pay for improvements resulting from irrigation, while a farmer whose lands are marshy or periodically flooded may receive free benefits from flood-control and drainage improvements. (L-21.)

An added complication lies in the difficulty of allocating project costs among the various project purposes. Serious discrimination among beneficiaries may arise from inequitable cost allocations. (L-21.)

In addition to creating inequities among beneficiaries and a drain on the Federal Treasury, inconsistencies regarding repayment policies also are a source of friction between the Corps of Engineers and the Bureau of Reclamation. The corps, emphasizing navigation and flood control, can offer more "free" improvements than the Bureau, whose projects are primarily for the purpose of irrigation. This difference is intensified by antispeculation provisions and acreage limitations of reclamation projects, than have counterpart in projects built by the Corps of Engineers. (L-21-22.)

4. The division of activities in the area of water development between different agencies has resulted in no adequate provision of hydrologic data. We find ourselves embarking on the most gigantic water projects ever devised, with alarming gaps in our knowledge of the probable behavior of the waters we are trying to control and utilize. So serious are these deficiencies that it is estimated on the basis of experience that the limit of error or ignorance in present water developments is rarely less than 25 percent, and is frequently greater than that. (DI-33; L-18-19.)

Few areas are even adequately mapped for water-development purposes. In the Columbia Basin, for example, less than half of the watershed has been topographically mapped or has had ground-control lines established. Stream-survey and stream-gaging programs have lagged far behind project planning. Conditions in the Missouri Basin are equally unsatisfactory. (L-19.)

The most spectacular form of losses due to lack of adequate hydrologic data is the failure of dams as the result of overtopping by floods. Made cautious by the number of such catastrophes in the past, engineers now tend to overbuild where adequate data are lacking, and as a result we have an increasing number of elaborate spillways, power plants, and water-supply systems. Losses from overbuilding of structures are less spectacular than those that occur from underbuilding, but may turn out to be even more costly. (L-19.)

5. The hydroelectric and steam power operations of the Government have attained great magnitude. It is estimated that by 1960 the Government will have 172 plants with a capacity of about 20,233,637 kilowatts. Transmission lines now exceed 14,000 miles. (DI-20-21.)

The total installed electrical generating capacity in the Nation in June 1947 owned by private enterprise, municipalities, and the Federal Government was about 52,000,000 kilowatts. Allowing for increased installation of private and municipal plants during the next 5 years, plants of the Federal Government will be producing probably 15 to 20 percent of the power supply of the whole country by that time. (DI-21.)

6. Prior to 1936 the States were required to contribute to flood control, but the removal of this condition in 1938 in respect to reservoir projects has, in effect, imposed the whole burden upon the Federal Government and at the same time removed effective restraints on projects of doubtful feasibility. (DI-37.)

LAND AND MINERAL RESOURCES

The public domain embraces more than 400,000,000 acres in the continental United States, of which about 85 percent are large holdings set apart by special acts of Congress for the conservation of their resources. Within their boundaries are found some of the Nation's finest timber stands, invaluable mineral deposits, millions of acres of grazing land, large quantities of wildlife, and scenery of outstanding beauty. Except in the case of national parks and some national monuments, most public lands must, in the interests of good land management, be made subject to several (multiple) uses: forestry, grazing, recreation, fish and wildlife protection, and so forth. All of the major agencies administering public lands—the Forest Service, the Indian Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management—are faced with the problem of applying the multiple use principle of land management. Divided jurisdiction over respective land uses, however, has lead to many inter-agency conflicts. (L-40, 184, 215.)

1. One of the most important areas of duplication in Government organization relates to management of the forest and range lands of the public domain. The Forest Service, the Bureau of Land Management, and, in some areas of the West, the Soil Conservation Service, operate adjacent or intermingled Federal land areas under differing statutory and administrative policies. (L-42.)

The Forest Service of the Department of Agriculture and the Bureau of Land Management of the Department of the Interior both have extensive forest holdings under their jurisdictions. They maintain parallel forest administrations in the same area where forest lands are adjacent and of the same type. (L-189.)

A similar situation applies in the management of range lands by these two agencies. Both agencies have established duplicating organizations and overlapping facilities. Different administrative rules and regulations applying to the same kind of lands have contributed to public confusion and irritation. Ranchers who must deal with both agencies are required to obtain separate permits with different terms and conditions, under different rules at different offices, often at different locations. (L-42, 190, 195.)

2. Adequate records and surveys are indispensable to efficient land-management programs. Yet the Federal Government has been laggard in the surveying and classification of large areas of the public domain. Moreover, there are more than 60 Federal agencies which, incidental to their regular operations, have responsibility for acquisition, administration, or disposal of Federal lands. From the standpoint of over-all organization, it would seem advisable to have at least a record of all public-land holdings in one agency. (L-46-47.)

3. There are some 25 agencies in the Government which have to do with mineral resources. They involve extensive duplication, much of which could be avoided by a consolidation and a more systematic source of information and advice. (DI-44.)

PUBLIC WORKS

Recent studies show that over $100,000,000,000 will be required to insure reasonably adequate public facilities in the Federal, regional, State, and municipal fields. One Government economist, basing his figures on apparently reliable estimates issued by the various Federal departments engaged in public works, lists the cost of bringing our present highways up to a reasonably workable system at $30,000,000,000; public buildings at $12,000,000,000; recreational facilities at $7,000,000,000; regional development work at $11,000,000,000; and sanitation, water supply, and similar facilities at $6,000,000,000. (Q-7.)

1. Major public building construction is now carried on by many departments or agencies of the Federal Government, involving an expenditure estimated in the 1950 budget of some $1,200,000,000. The placing of such work in one department would secure more adequate technical supervision; link such work with other major construction; eliminate competition for labor and materials within the Government; and plan construction work to meet the economic situation. (DI-41.)

2. Experience in the last depression brought home to Federal and local officials the importance of advance planning for future emergencies. During the depression years 1932–38, the public-works-relief program cost $24,000,000,000, of which $18,500,000,000 were Federal funds. Because of lack of advance plans, worth-while projects were delayed or abandoned, while makeshift devices were resorted to in an effort to minimize "boondoggling." To date considerable progress has been made by the Federal Works Agency on a shelf of plans for future use, although aggregating nothing like the total required. At present we have available through Federal, State, and local appropriations a reservoir of projects estimated to cost about $5,000,000,000. (Q–4–6.)

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in my remarks, following the material in connection with the Department of the Interior, the summary of recommendations of the Hoover Commission starting on page 113 and extending to page 115, dealing with the Department of Agriculture.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

VI. DEPARTMENT OF AGRICULTURE

ORGANIZATION

1. "In general, we recommend an extension of the functional organization of the Department and a better grouping of activities related to the same major purpose" (p. 5).

2. "We recommend that the present positions of Under Secretary and Assistant Secretary be retained and that an additional Assistant Secretary and an Administrative Assistant Secretary be added" (p. 8).

3. "We recommend a thorough overhaul of the organization of the Department, at State, county, and farmer levels" (p. 13).

4. "We recommend that Department of Agriculture councils comprising representatives of the several departmental services in each county be organized to exchange information on their programs" (p. 15).

5. "In view of the widespread activities of the State governments in agriculture, the commission recommends that, except in the most unusual circumstances, activities that are services to individual farmers should be administered in the field by departmental employees through offices based on the States as units. The services at county levels and to farmer units should be so merged as to reduce the number of duplicating and unnecessary employees, with due regard to avoiding divided authority" (p. 16).

6. "We recommend the establishment of one State council in each State, and one county council in each agricultural county, as aids to orderly operations in the field" (p. 16).

PROGRAMS AND POLICIES

7. "In the future, new Federal agricultural research stations should generally be established only where existing joint Federal-State facilities cannot be developed to fill the need" (p. 17).

8. "We recommend that conservation payments to a farmer should be restricted to those which will bring about the adoption of complete and balanced conservation programs on his farm" (p. 17).

9. "We recommend that adjustment programs with respect to commodities and commodity groups should be operated on a stand-by, rather than a continuous, basis" (p. 18).

10. "To obtain economy and efficiency, this Commission recommends that inspection costs on farm products, when imposed for the benefit and protection of the general public, be paid by the Federal Government. Inspection and grading services primarily for the benefit or protection of producers or processors should be paid for by the producers or processors" (p. 18).

11. "We recommend that customs receipts now allotted directly to the Department be paid into the Treasury and that direct annual appropriations be made by the Congress for specified purposes" (p. 19).

12. "We recommend that the Department of Agriculture be required to report to the President and the Congress on all irrigation or reclamation projects about their use or timeliness" (p. 21).

TRANSFER OF FUNCTIONS

13. "This Commission recommends that all regulatory functions * * * relating to food products be transferred to the Department of Agriculture and that those relating to other products be placed under a reorganized Drug Bureau administered by the Public Health Agency" (p. 23).

14. "Our three task forces on agriculture, natural resources, and public works all urgently recommend the consolidation of these agencies [i. e., the Forest Service, Bureau of Land Management (Interior Department), and Soil Conservation Service]. It has been urged for many years by students of government. The Commission agrees with this recommendation" (p. 26).

15. "This Commission believes that logic and public policy require that major land agencies be grouped in the Department of Agriculture. It recommends that the land activities of the Department of the Interior, chiefly the public domain (except mineral questions) and the Oregon and California revested lands be transferred to the Department of Agriculture and that the water development activities (except the local farm supply of water) be transferred to the Department of the Interior" (p. 26).

MANAGEMENT SURVEY

16. "We recommend that on completion of the organization of the Department, as contemplated in this report, the Secretary of Agriculture institute immediately a comprehensive management survey to determine further savings, and to eliminate facilities, stations, and offices that duplicate facilities and work otherwise conducted by the Department or the States" (pp. 26–27).

VII. BUDGETING AND ACCOUNTING

THE BUDGET

1. "We recommend that the whole budgetary concept of the Federal Government should be refashioned by the adoption of a budget based upon functions, activities, and projects: this we designate as a 'performance budget'" (p. 8).

2. "We recommend to the Congress that a complete survey of the appropriation structure should be undertaken without delay" (p. 13).

3. "We recommend that the budget estimates of all operating departments and agencies should be divided into two primary categories—current operating expenditures and capital outlays" (p. 16).

4. "We recommend that it is in the public interest that * * * the President should have authority to reduce expenditures under appropriations, if the purposes intended by the Congress are still carried out" (p. 17).

OFFICE OF THE BUDGET

5. "Commission recommends that the review and revision by the Estimates Division of the Office of the Budget be done from the first to the final stages in conjunction with representatives of the Administrative Management and Fiscal Divisions" (p. 23).

6. "The Commission recommends the development of much closer relations between the constituent divisions of the Office of the Budget and with such agencies as the President's personal staff, the Treasury Department, the Economic Adviser, and the National Security Resources Board" (p. 26).

7. "In dealing with the budgets of the executive departments and agencies, the Office of the Budget should place much greater emphasis on the developing of policies and standards to govern the preparation of estimates, and on the development of adequate budget work in the departments themselves, and comparatively less on the review by its own staff of the details of departmental estimates. * * * Further emphasis should be placed on the management research function, particularly as it affects the field services" (pp. 28–29).

8. "The Commission recommends that the President be given the means and authority to supervise all publications of the executive branch and that he delegate this authority to a responsible official in the Office of the Budget" (p. 30).

Mr. MORSE. Mr. President, I ask unanimous consent to have printed, following the last insertion, that part of the Hoover Commission report dealing with the recommendations as to the Department of the Interior, beginning on page 124, and extending to page 127.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

XIV. DEPARTMENT OF THE INTERIOR

REVIEW AND COORDINATION

1. "There is no adequate check in the Government upon the validity or timing of development projects and their relation to the economy of the country. We, therefore, recommend the creation of a board of impartial analysis for engineering and architectural projects which shall review and report to the President and the Congress on the public and economic value of project proposals by the Department. * * * The board * * * should be appointed by the President and be included in the President's office" (pp. 2–4).

ORGANIZATION

2. "We recommend that the Department of the Interior should be thoroughly reorganized along more functional and major purpose lines" (p. 7).

3. "We recommend that the agencies listed below should be transferred to other offices or departments to which they are functionally more closely related: (a) The Bureau of Indian Affairs to a new department for social security, education, and Indian affairs. (b) The Bureau of Land Management (except minerals) to the Department of Agriculture. (c) The Commercial Fisheries from the Fish and Wildlife Service to the Department of Commerce" (pp. 7–8).

4. "We recommend that the following agencies related to the major purposes of the Department be transferred to it: (a) Flood control and rivers and harbors improvement from the Department of the Army. (b) Public-building construction from the Federal Works Agency. (c) Community services from the Federal Works Agency. (d) Certain major construction to be assigned on behalf of other agencies * * *" (pp. 8–10).

5. "We recommend that the top officials of the Department in addition to the Secretary and his personal assistants should be: (a) Under Secretary and his personal assistants. (b) Two Assistant Secretaries, as at present. (c) Additional Assistant Secretary. (d) Administrative Assistant Secretary. (e) Solicitor" (p. 12).

6. "We recommend that * * * the Administrative Assistant Secretary preferably be appointed from the career service" (p. 13).

7. "The Commission * * * recommends that all officials below the rank of Assistant Secretary be appointed by the Secretary, preferably from the career service" (p. 13).

8. "We recommend as logical and practical the following major purpose assignments of the reorganized department functions: Water development and use services, building construction services, mineral resources services, recreation services, territories and possessions" (pp. 15–16).

9. "For * * * many reasons * * * we recommend that the rivers and harbors and flood-control activities of the Corps of Engineers be transferred to the Department of the Interior and that any Army engineers who can be spared from military duties be detailed to the Department in positions similar to those which they now hold in the Corps of Engineers" (p. 35).

WATER DEVELOPMENT ACTIVITIES

10. "We recommend a clarification and codification of the laws pertaining to the Bureau of Reclamation" (p. 36).

11. "The Commission recommends that a Drainage Area Advisory Commission be created for each major drainage area, comprising representatives of the proposed Water Development and Use Service of the Department of the Interior, the proposed Agricultural Resources Conservation Service in the Department of Agriculture, and that each State concerned should be asked to appoint a representative. The purpose of these drainage boards should be coordinating and advisory, not administrative" (p. 38).

12. "The Commission * * * recommends that the responsibility for negotiating international agreements continue with the State Department, but that all construction be made a function of the Water Development and Use Service" (p. 38).

13. "The Commission is convinced that the Department of Agriculture should play a more significant role with respect to irrigation than has been the case in the past. Therefore, we recommend that no irrigation or reclamation project be undertaken without a report to the Board of Impartial Analysis by the Department of Agriculture" (p. 39).

MINERAL RESOURCES

14. "We recommend that, in connection with its financing, the Reconstruction Finance Corporation should secure reports from the proposed Mineral Resources Service of the Department of the Interior" (p. 45).

15. "The tin smelter at Texas City, Tex., * * * should be allied with the Research and Technical Services of the Bureau of Mines in the Mineral Resources Service. We recommend that this enterprise should be operated by the Bureau of Mines" (p. 45).

XV. SOCIAL SECURITY—EDUCATION

INDIAN AFFAIRS

New department

1. "We recommend that a new department to administer the functions set forth in this report be created and headed by a Cabinet officer" (p. 6).

2. "We recommend that—the Department's top—officials be appointed by the President and confirmed by the Senate, but that all officials in the Department below the rank of Assistant Secretary be appointed by the Secretary" (p. 9).

Social security

3. "We recommend that, as soon as the integrated new Department develops a more unified approach to grants-in-aid, the Children's Bureau be divested of grant functions and the Bureau shifted to a general staff capacity to the Secretary" (p. 17).

4. "The Eighth Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund has stated: '* * * There is need for a review of the old-age and survivors insurance program covering not only the benefit formula, the coverage of the system, and the scope of protection afforded, but also contributions and financial policy.' We recommend that such a review be made" (p. 22).

5. "At the present time there are several contributory retirement systems operating within the Federal Government. * * * We recommend that a study be made to determined whether these systems * * * should be merged" (pp. 23–24).

6. "The Commission recommends the retention of the Railroad Retirement Board in its present status" (p. 26).

Education

7. "There are those who believe that * * * various educational programs should be concentrated in the Office of Education. This Commission believes, however, that these educational programs must be administered by the agencies whose functions the particular programs serve to promote" (p. 32).

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in my remarks material taken from the task force report on public works, appendix Q, prepared for the Commission on Organization of the Executive Branch of the Government, January 1949, beginning on page 1 and extending to page 26.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

I. REPORT OF CHIEF CONSULTANT

OCTOBER 21, 1948.

Hon. HERBERT HOOVER,
Chairman, Commission on Organization of the Executive Branch of the Government, Washington, D. C.

DEAR MR. PRESIDENT: While the staff and consultants as well as the distinguished advisers who have been invited to join the Public Works Task Force are by training and experience particularly interested in major public and quasi-public works, we have tried conscientiously to bring to our study and report sufficient detachment and objectivity to make our conclusions valuable to the Organization Commission, and consistent with the findings of the various other task forces whose functions to some extent overlap and even conflict with ours.

FUNCTIONS OF THE PUBLIC WORKS TASK FORCE

We are neither propagandists nor special pleaders for a Works Department, but are called upon to give disinterested patriotic advice to the Commission on the basis of our experience. It is not our duty to tap the political barometer, anticipate opposition not based on merit, and offer compromises to conciliate possible opponents of critics. This is the province of the Commission, not of its technical advisers.

We have heard the comment—which obviously comes from uninformed sources—that this task force was organized and committed in advance to some sort of governmental engineering heaven in which one group of professional men would have a department to themselves, with direct access to the President and Cabinet. Nothing could be further from the truth. We are all busy people, attempting to render a public service without bias.

The fact is that the same captious criticism could be made of the Department of Justice because it is composed largely of lawyers, the Department of Defense because it has a concentration of men trained in the military profession, the Department of State because it is composed largely of diplomats and foreign officers, the Labor Department because more and more it represents labor, the Commerce Department because it represents business, the Department of the Treasury because it has a concentration of accounts, or the Department of Agriculture because it is run by those who are trained in farming.

Any logical consolidation of public and related works will involve many professions other than engineering. Consolidation of works functions in a new department of Cabinet rank is either a good thing in the public interest, or it is not. Lugging in extraneous and irrelevant arguments contributes nothing to a decision on the merits.

Congress recognized the value of centralizing public works in the reorganization and streamlining of its congressional committees in 1946, when 48 committees of the House were reduced to 19, and 33 committees of the Senate were reduced to 15. There is today only one Public Works Committee in the House and one in the Senate, where previously these functions were scattered among half a dozen miscellaneous committees. The same logic should prevail in the executive branch of the Government.

GENERAL CONSIDERATIONS

In spite of world events and the general tendency to increase National Government powers and activities—a tendency which must in the long run be reflected in the structure, personnel, and functioning of our own Federal Government—we have proceeded upon the assumption that this should continue to be a country of private enterprise, and that National Government here should not compete or interfere needlessly either with local administration of the States and municipalities or with private initiative and enterprise. Ours is a rather inflexible system of delegated executive Government compared to a totalitarian autocracy on the one hand and to the sensitive British parliamentary system on the other. Today ours is the oldest surviving Democratic and Republican government in existence. It is true that the makers of our Constitution could not have anticipated all the strains and trials to which our Government has been subjected, but it is astonishing how far into the future they were able to look and how valid their basic philosophy is today.

It is not necessary to change the fundamental principles on which our Government rests. Your Commission is called upon only to modernize both structure and operation within the framework provided by the fathers of the Constitution, and particularly in the wing which houses the executive branch.

The President does not under present laws and practices have an organization which can meet these requirements. He is harassed and overworked; he lacks power over agencies in his branch of the Government and cannot command complete loyalty. He is in a considerable measure held responsible for confusion and waste beyond his control.

An unfortunate result of the present scattering, independence, and irresponsibility of numerous agencies in the executive branch of the Government is that these agencies establish their own personal relationships with Congress, and thus drive a wedge between the executive and legislative branches of the Government. Another tendency, manifest since about 1932, has been to make the office of the President at the White House a sort of catch basin for all sorts of new agencies and officials outside of the Cabinet and not ordinarily included among the immediate secretarial and administrative staff of the President.

The main purpose of the reorganization of the executive branch of our Government, therefore, is to provide a responsible, economical Government, with the President as the real instead of the nominal head, and with a rearrangement of departments and personnel such that the President will be free to deal with major problems of all sorts, and will not be burdened unduly with administrative detail. Agencies of Government outside of the Cabinet circle, conflicting with established departments and only theoretically reporting to the President, should be brought into proper relation with the major departments headed by the President's Cabinet advisers. It is, no doubt, too

much to expect that Cabinet officers will be selected solely on account of their ability to manage the great departments of Government without reference to geography, politics, etc., but it certainly should be possible to make selections within a framework of expert and professional requirements based upon administrative responsibilities.

NATIONAL DEFENSE AND DEMOCRATIC GOVERNMENT

Unfortunately the battle for sound democratic government in a republic is not to be won by slogans. The triumph of the democratic principle is a fine objective. So are efficiency and economy. The two are not always synonymous and when the logical and inevitable slogan of national defense, "Win at any cost," is added, we have introduced an objective which is essentially undemocratic and wasteful. The reconciling of these three objectives is our big problem in what remains of the twentieth century. This fact was brought home by the spawning of more or less independent alphabetical agencies before and during World War II, coupled with the inevitable necessity of establishing a small inside war cabinet because of the impossible number of administrative heads of important agencies.

It must be admitted that in preparation for possible war, and of course in the actual conduct of war, many normally and ordinarily sound principles of both business and Government organization must yield to the common sense, special logic, personalities, pressures, and other exigencies of the moment. Nevertheless, the aim should be to reorganize the functions under the President so that they can be operated well at all times, and to avoid the hysterical creation of all sorts of new alphabetical agencies whenever an emergency arises.

Whatever world conditions may be, and whether war is remote or threatening, we are entering a highly competitive age in which our world responsibilities are becoming more exacting and pronounced. We are approaching an era in which, if we are to avoid totalitarian government, we must bring into the executive branch the best brains we can muster and provide these brains with the powers, facilities, organization, leeway, and encouragement so that they can function with something approaching the atmosphere of the best and most efficient private enterprise.

ADVANCE PLANS FOR DEPRESSIONS AND PUBLIC WORKS

Even among persons familiar with public finance, there are few who realize the tremendous obligations which the Federal Government must assume to stimulate employment, promote recovery, and prime the pump of private enterprise in times of recession and depression. The obligations are quite inescapable and it must be asumed that they will recur from time to time in the economic cycle. The advance planning and promotion of public works for such periods should be recognized as a continued responsibility of the Federal Government, working in cooperation with States and municipalities. It is senseless to proceed on the theory that every major slump in business and employment is an unexpected divine visitation not to be anticipated and to be dealt with only on the basis of ineffective, wasteful, and hastily improvised emergency measures.

Full realization of the economic interdependence of the world will no doubt cushion the shocks of the cyclical bad times. Meanwhile, the depth, dimensions, and duration of a depression can be greatly reduced by intelligent advance planning which will both control inflation in periods of boom and reduce deflation in times of recession. An uncontrolled, prolonged depression can run Government into the red almost as far as a war without even providing full employment for its duration.

During the depression of 1932 to 1938 the huge sum of $24,000,000,000 represented the total cost of the public-works-relief program; of this, $18,500,000,000 were Federal funds; the balance, State and local. These funds were of course raised from current revenues as well as through borrowing.

Let us break down some of the figures aggregating this staggering total. Of the $24,000,000,000 total, $16,000,000,000 was spent on work relief including the WPA, the CWA, the FERA, the CCC, and other alphabetical manifestations of made work. The balance of $8,000,000,000 was spent on loan-and-grant projects of the RFC and the PWA. The cost per capita per year for labor and equipment was $1,000 for WPA projects and $3,000 or more for PWA projects. A total of 8,500,000 individuals obtained employment at one time or another during the period of the program throughout the Nation. In New York City alone over 700,000 persons were employed throughout the 7-year period, reaching a peak in 1935 of 260,000 at one time. At this peak over 80,000 individuals worked on the New York City Park Department program alone.

Because of lack of advance plans worthwhile projects were delayed or abandoned. The money was there, the men were ready to go to work, but the blueprints were not available. In New York City the park department hastily assembled an emergency technical staff of 2,500 individuals in order to prepare plans and inspect the work of its relief program. Throughout the Nation makeshift devices were resorted to in an effort to minimize boondoggling and find skilled work for skilled labor. This led to all sorts of freakish permutations. For example, skilled laborers in New York and other cities were not permitted to work more than an average of 5 days a month in order to keep within the $84 maximum permitted per month. This meant recruiting crews of three and even four shifts in order to carry on the operation without interruption. Some of these men were not even eligible for relief and some had other jobs.

All intelligent students of government prefer permanent, wholly or partly long-range self-supporting improvements. Theoretically WPA is cheaper per man but practically it is a poor way of employing people. PWA on the other hand promotes the employment of indirect labor in the mine, the factory, and in transportation. Throughout the chaos of all these alphabetical agencies the RFC stands out as a shining example. Its guiding principle was the use of every conceivable means to put a project on a loan-and-grant basis before resorting to a straight grant and the performance of as much of the work as possible by contract as distinguished from force account.

If all the brains, energy, and ingenuity of private enterprise are brought to bear, and if labor is offered fair rewards, industry will no doubt be prepared to take up much of the slack which necessitates Government depression spending. It is inconceivable, however, that all needed employment in bad times can be provided by business.

Public works admittedly can take care of only a fraction of the depression-employment problem, but it is an extremely important fraction. It is a marginal area in which men out of work will stew around helplessly unless the Government is ready to meet their problems.

Few States and municipalities are geared to turn out detailed postwar public-works plans and specifications within any reasonable time, even assuming they know what they want to do and have public as well as official opinion back of their program. With a few notable exceptions they lack sufficient regular engineering design forces. Most of them are opposed to hiring private firms, consultants, and experts.

There is a complete misunderstanding in most quarters as to the practical difficulties of designing major public works. Even though private consulting firms are used, the time required is from 6 to 18 or more months depending upon the complexity of the problems. These firms, although they pay more and have greater flexibility, also have trouble in finding additional competent men especially where there is a sudden demand.

Another difficulty lies in scheduling public improvements, as distinguished from designing them. Scheduling means fixing the order of advertising and letting contracts, so as not to interfere with each other. Such scheduling must depend upon the anticipated availability of material, equipment, bidders, and inspectors. If too many public works projects are started at the same time in one neighborhood there would be serious interference with traffic, business, and ordinary living conditions. There are not enough contractors to guarantee real competition if too many contracts are advertised at once, and not enough men in certain skilled trades.

There is not a State, city, or municipal subdivision in the country which can, on its own, finance a depression-construction program sufficient to make a real dent in the employment problem. Federal assistance is required. The alternatives are greatly increased soldier bonuses, pensions, insurance, and other allotments, another WPA program on a very large scale; an American security program approaching the British scale recommended by Sir William Beveridge, but in terms of American money and on the basis of our enormously higher scale of living, and finally, as a last resort, home relief and the straight dole with all of its crushing implications of failure and futility.

Idleness and home relief are the worst depression expedients; made work is a shade better; genuine needed, durable, public improvements afford honest, dignified employment and permanent benefits; works which are wholly or partly self-supporting are at the very top of the list. These distinctions are palpable, and smart advance planning always will have them in mind.

Their experience in the last depression brought home to Federal and local officials the importance of advance planning for future emergencies. To date considerable progress has been made by the FWA on a shelf of plans for future use, although aggregating nothing like the total required. At present we have available through Federal, State, and local appropriations a reservoir of projects estimated to cost about $5,000,000,000, although many States have not taken full advantage of Federal advance planning funds, nor provided appropriations of their own for this purpose.

The theory that the volume of construction undertaken by the Federal Government should bear a close relation to the national production index is practical only with many reservations. Only projects which are not indispensable or urgent but which are desirable but not at the moment essential can be put on the shelf of plans. Municipalities cannot hold back vital sewer and incinerator, housing, school, hospital, health, transportation, and other "must" projects until there is a depression. In certain instances it may be possible to tie the shelf of plans to the national production index insofar as projects which can be postponed are concerned. That is precisely the kind of study which should be made by the Division of Planning in the proposed Department of Works. Unfortunately the purely automatic accounting devices and formulas to control public spending which have all the charm of simplicity, exactness, and ease simply don't meet the human, the unexpected, and the political contingencies as they arise.

Doubts have been expressed as to the validity of advance plans after a lapse of several years and the question of obsolescence has been raised. Experience has, however, taught us that if the projects are selected intelligently and represent a continuing need, and if the plans are made by competent technicians and checked after the preliminary stage, there is no reason to anticipate any substantial loss through obsolescence, variations in taste, new inventions, and higher standards. Even if 15 percent of some designs must be revised, advance planning is fully justified. Projects ideal for advance planning purposes include streets, slum clearance and low rental housing, roads and highways, hospital and other buildings, sanitation and water supply projects, airports, port facilities, recreation, and the huge regional development programs which include the improvement of navigation, flood control, reclamation, power, and irrigation projects.

Recent studies show that over $100,000,000,000 will be required to insure reasonably adequate public facilities in the Federal, regional, State, and municipal fields. One Government economist, basing his figures on apparently reliable estimates issued by the various Federal departments engaged in public works, lists the cost of bringing our present highways up to a reasonably workable system at $30,000,000,000, public buildings at $12,000,000,000, recreational facilities at $7,000,000,000, regional development works at $11,000,000,000, and sanitation, water supply and similar facilities at $6,000,000,000. Motor vehicle registrations today total 39,000,000 and it is estimated that this will increase to 45,000,000 in 5 years. The great increase in the production of motorcars, trucks, and buses does not make sense if we do not make plans for the repair, expansion, and modernization of our highway system, including so-called throughways, expressways, and parkways in congested areas and adequate parking facilities.

Normal public works activities of the Federal Government involve 200,000 employees and annual expenditures of $3,000,000,000. Any realistic analysis of the enormous sums needed to bring our public works up to date, to prepare advance plans, and to pay for programs for recessions, establishes in our opinion a strong and almost indisputable case for a single consolidated Federal Works Department of Cabinet rank.

CIVILIAN DEFENSE—ANOTHER ARGUMENT FOR A UNIFIED WORKS DEPARTMENT

In preparing civilian defense programs and in planning for protection against wartime bombing, evacuation of population, and other emergencies, there is need of a single Federal agency to plan for and cooperate with local governments in providing the facilities to meet these emergencies. It is entirely within the realm of possibility that future city planning will have to be guided to some extent as to concentration of strategic industries, plant dispersion, transportation, roads, and location of airports by anticipated war contingencies.

The official records of the United States Strategic Bombing Survey as to the effect of the atomic bombs on Hiroshima and Nagasaki emphasize certain signposts of danger and stress the need of shelters and other civilian defense works as well as active military defense. While there is no need of becoming hysterical on this subject or suggesting that we disband our cities and go underground it would be foolish to ignore these signposts entirely and do our advance planning without these lessons in mind.

No doubt the Department of Defense is best equipped to outline the dangers to be guarded against, but it is not organized to determine the changes in civilian public works to meet these dangers. As the matter now stands, under the present organization of the executive branch of the Federal Government, problems of this kind will continue to be met by improvisation.

As an illustration of the desirability of a competent, centralized Works Department let us recall the confusion which resulted during the war in congested war-industry areas. The Army and Navy became so disturbed over housing, transportation, sanitary, recreation, and numerous other problems in these congested areas that a special study was made looking toward a single program which would bring under one direction the conflicting efforts of numerous Federal, State, local, and other agencies which were attempting to wrestle with these problems. Obviously, if there had been a single Works Department, this Department would have been responsible for assisting local officials in the solution of these wartime problems.

The Works Department would also be of great assistance to the National Security Resources Board in its task of planning and organizing resources essential for the national security. The Secretary of Works should be added to the membership of this Board.

SCIENTIFIC RESEARCH AND REPORTING

The functions of the Coast and Geodetic and Geological Surveys and of the Bureau of Mines and Bureau of Standards which involve engineering, physical and related observation and research, testing standardization, and report belong logically in the same Cabinet department and are distinctly works activities. Considering the huge sums which are spent annually on works and developments of a public or quasi-public nature, and the rapid, current technological advances, inventions, and discoveries in this field, disproportionately small sums are spent on applied as well as basic research in the interests of both immediate and ultimate efficiency and economy. The establishment of a major research division in a consolidated Department of Works should go far toward remedying this neglect. No doubt some research would continue to be carried on in other divisions of such a department, but most of the efforts in this direction would more and more be concentrated in the research division.

ATOMIC ENERGY COMMISSION

The functions of the new Atomic Energy Commission are primarily to unite the scientific brains of our universities with the know-how of great corporation research laboratories under Government auspices and to produce weapons of war, new forms of power, and incidental byproducts useful in medicine and many other fields. War for the time being comes first; the harnessing of atomic energy to supply power is tremendously important but manifestly a long way off; and medical and additional uses may be expected to develop currently. Both laboratory and manufacture of atomic products are fraught with dangers as well as benefits and entire communities with all their people, plans, and works are more and more vitally affected.

The evils of separation of such an agency from the President, the Cabinet, Congress, and from the ebb and flow of public opinion, are so great, however, that serious reflection will show that there must be a closer tie with the Executive chosen by the people to govern them, and through the Executive with the other branches of Government and the electorate. It would seem possible to resolve this particular phase of the problem by providing for a compromise under which one or more Cabinet officers or their representatives would at all times be ex officio members of each of the technical agencies, and in this way to provide for the flow of current information to and from the Executive and the harnessing of the new scientific agencies to the traditional administrative ones.

For these reasons we favor representation on the Atomic Energy Commission of the Secretary of Works as well as the Secretary of Defense.

CONSOLIDATION OF FUNCTIONS RELATING TO WATER CONTROL AND DEVELOPMENT

A fair consideration of the consolidation of water control and development functions must begin with a detached and objective study of the Interior Department. This Department began in the frontier period and its purpose was to open up and promote new western territory. The considerations which from time to time have governed the selection of Secretaries of the Interior by the various Presidents reflect confusion as to the kind of talent required in the head of the Department which more and more calls for qualifications ordinarily associated with public works. We do not know the extent, limits, and duration of our most important natural resources measured by modern demands, and we are therefore equally ignorant of the need for development of existing resources or encouragement of substitutes and imports. Certainly, some Cabinet official supported by highly expert advisers should speak with familiarity and authority in the Cabinet on this immensely vital subject.

The name "Interior" has made less and less sense as time has gone on, and as all sorts of other functions, such as insular affairs, including the future of Alaska, Hawaii, Puerto Rico, and the Virgin Islands were added. Other Interior Department activities such as the functions of the Bureau of Land Management would be more at home in the Department of Agriculture, except as to engineering service which might well be a duty of the public works and engineering administration, however organized.

An argument can be made that the Bureau of Fish and Wildlife should go into the Department of Agriculture but the close relationship between the national park and recreation program and the Fish and Wildlife Service indicates that this service might better be included in the central works agency. The Office of Indian Affairs is similarly unrelated to other Interior Department offices. When all functions not properly placed in the Department of the Interior are redistributed, little remains but incomplete public works functions, and the way is clear for a consolidation with a Department of Works. Placing in one agency reclamation and conservation arbitrarily and artificially separated from the various agencies devoted to rivers and harbors work, the TVA, flood control, and power development, has made it impossible for the Interior Department to function either as an integrated works agency or as a genuine department of development.

We considered carefully a partial consolidation of public works in a division or bureau in the Department of the Interior. This is regarded by us as the least satisfactory of the various alternatives to the present scattered agencies. Shoveling Federal responsibilities of growing importance into an outmoded department as one of its bureaus would only bolster up an organization which palpably becomes a shell in any genuine and honest redistribution of Federal functions. For this reason we discarded this idea.

Public projects which involve the impounding and distribution of water may include water supply, flood control, irrigation, navigation, and private, public, quasi-public, and mixed power development at the source with distribution over transmission lines. Such projects may also run into the field of recreation. Not only publicly and privately owned lands may be needed but also parks, Indian reservations, and other lands held under special conditions. The question is bound to arise as to which of these objectives is the main one and this, in turn, involves conflict and often compromise between and

among the numerous agencies, Federal, regional, State, and local, which are called into play.

After careful consideration our task force agreed unanimously that the Tennessee Valley Authority should be included in the Department of Works as an integral part of the Division of Water Control and Development. We see no fundamental difference between this agency and others of a similar character included in this Division. There are two alternative methods of transferring the TVA to the Department of Works. Under one, a managing director would be set up; under the other, the present three-man board would be transferred bodily. We prefer the first alternative, but if the second should be decided upon, we believe the three-man board should be appointed by the Secretary. One of the members should be chairman and chief executive and should be appointed at large. The other two should be qualified persons residing in the Tennessee Valley region. They should have reasonably long, overlapping terms. In the proposed legislation we have indicated the second alternative, namely, the transfer of the board as a unit.

A well-selected, expert, central engineering group, representing the President and respected by Congress and the country generally, as well as by scientists and technicians, would be invaluable in passing initially on disputed projects like the Nicaragua Canal, Florida ship canal, St. Lawrence seaway and power installation, Missouri Valley development, and Passamaquoddy. Untold sums have been spent already for plans and hearings and, in the case of Passamaquoddy and the Florida ship canal, for actual construction. It is true that each of these projects involves other considerations besides engineering, such as diplomacy, local politics, trade, shipping, defense, and banking, but the basic test of feasibility remains an engineering matter.

It would be worth a great deal to the country to have a thorough factual, unbiased report by the sea-green incorruptibles of the engineering profession on all major construction projects, especially if such a report were couched in plain, ordinary Anglo-Saxon English, understandable by the average layman. We have therefore recommended, as a most important feature of the Division of Water Control and Development in the new department, a board of three experts to be known as the Board of Impartial Analysis. The members of this Board would be appointed by the Secretary of Works and they would be responsible for a complete detached investigation of all aspects of every major proposal affecting water development and control, promotion, and conservation of natural resources. At the same time, the banking aspects of such projects should be commented on by the Secretary of the Treasury and in this way all technical and financial considerations would be covered fully.

CENTRAL ENGINEERING ADVICE TO DOMESTIC AND FOREIGN LOAN AGENCIES

The proposed Works Department would offer centralized engineering advice not only in the domestic loan field but also in the field of foreign loans. This is another strong argument for its establishment. Such engineering service could be furnished to the Export-Import Bank, RFC, and other loan agencies which for banking guidance should lean upon the Department of the Treasury. The Works Department also would be in a position to cooperate with loan agencies and the Treasury to stimulate the financing, wholly or partially by revenue bonds, of large engineering projects here or abroad, in times of depression as well as prosperity.

The use of the central engineering staff on loan projects should not preclude or even interfere with the employment of a small staff of engineering executives and consultants by the loan agencies themselves.

SPECIAL PROBLEMS RELATING TO THE ASSIGNMENT OF ARMY, NAVY, AND AIR FORCE ENGINEERS

While the Department of the Interior grew in a haphazard way, other agencies functioning in the same general sphere preempted parts of the field and have clung to their possessions with pleas which are sometimes convincing, but usually only plausible or even specious. Some of the current arrangements between engineering agencies and services, including especially the Bureau of Reclamation and the Army engineers, smack of collusion rather than cooperation, and of neat devices to avoid competition in getting into the congressional "pork barrel."

The Army engineers continue to control part of the rivers and harbors and flood-control spheres at a time when reclamation in the broad sense, power development, and other phases of engineering work involving rivers and harbors should be part of the same program. To make matters more complicated, this function is shared by other agencies, some of them wholly outside of the Cabinet and, for all practical purposes, beyond the reach and purview of the President himself. It is also a curious fact that a good deal of river and harbor work under the Army engineers is, if anything, a Navy function, with no relation to Army strategy but with some bearing upon navigation. Other phases of this work have no real relation to either the Army or the Navy and involve questions only of aid to private, or at any rate, commercial, development and usage.

The argument that river and harbor work can be directed only by the Army engineers becomes even more absurd when it is realized that less than 200 Army engineers are involved and that the remainder of the personnel under their control, numbering over 30,000, are civilians who supply most of the detailed knowledge and continuing direction. If the Army engineers supply unusual ability and obtain invaluable training by contact with this responsibility, there is no reason why the same and even better results cannot be obtained by assigning them and corresponding officers of the Navy and Air Forces, on a proper, dignified, and respected basis, to a central, consolidated Works Department.

The Secretary of Defense temporarily should assign to the Secretary of Works engineer officers of the Army, Navy, and Air Force who would direct and be engaged in public-works tasks commensurate with their rank and experience. In this way, particularly, junior officers would obtain varied training and experience. The Secretary of Defense would continue, as he does now, to prescribed regulations relating to service, rotation of duties, and promotion of these engineer officers, with full power to withdraw them from the Department of Works during times of emergency. The Corps of Engineers of the Army would continue in close contact with the best civilian engineering brains in the country to perform functions of a military engineering nature under the Secretary of Defense. Only the civil functions of the corps would be transferred to the Works Department under the proposed plan.

This subject is far too important to be approached from the point of view of old-school-tie tradition. A detached and scientific spirit is required. There have been recent reports of efforts on the part of the Corps of Engineers to preserve the old system and even to reach out for the work of the Bureau of Reclamation. Dams, of course, involve all kinds of considerations—flood control, power development, reclamation, conservation, recreation, and navigation; not to speak of Federal, regional, and State quasi-public and private financing. It is inconceivable that these and related subjects would be placed in the Department of Defense, which is already a very big institution.

QUESTION OF AN EXCLUSIVE ENGINEERING SERVICE DEPARTMENT

We have canvassed a new Works Department of Cabinet rank with only service and research as distinguished from operational functions. We believe too much emphasis can be placed upon the benefits of a complete consolidation of engineering activities for service to other departments only and almost exclusively in the interest of better budget making and economy; that is, on a single exclusive engineering advisory agency which permits no engineering services to be rendered elsewhere in any other department or establishment.

In all frankness, it must be stated that there are arguments against any wholly exclusive Government service agency, not only in the field of public works but in other fields, such as law. There is a tendency on the part of highly centralized service agencies to give insufficient attention, interest, and ingenuity to the solution of peculiar and unusual problems of other departments, and thus to furnish these other departments advice and facilities which do not meet their needs fully. Problems referred in a routine way to a mere service agency must take their turn. There is also a disposition in service agencies to measure results by percentages rather than by intrinsic needs.

Therefore we believe that other departments whose engineering needs can in the main be met by the proposed central public works force could continue to have a few engineering advisers of their own to insure proper consideration of their needs and smooth cooperation with the central engineering agency.

These considerations indicated to us that if we overemphasize the benefits of a single exclusive engineering service agency, and one which has no responsibilities whatever for operation and administration, we may establish a form of government which merely parallels and even duplicates functions of the Budget Bureau and performs more perfectly on paper than in practice.

The chief arguments against a new purely engineering service department are: First, that it does not make intelligent provision for operation of public works which would be entrusted to other departments such as operation of public buildings after they are constructed, management of power and reclamation projects after they are completed, maintenance of national roads and parks after they are constructed, and similar cases; and second, that it represents an arbitrary separation of design, construction, and operating phases of big public undertakings which belong together in one place from the point of view of logic, efficiency, and economy.

It seems to us altogether unlikely that the people would support and the Congress would establish a major department of government headed by a Cabinet officer to discharge only service engineering functions. Under these conditions such a service agency would either degenerate into a mere bureau in the Interior Department or would be a minor and completely uninfluential and independent establishment like the present Federal Works Administration.

THE FEDERAL-AID QUESTION IN THE FIELD OF PUBLIC WORKS

It is difficult to conceive of a valid argument against a consolidation of public works which will bring together in one agency the officials responsible for Federal aid for highways, airports, and housing. These are not operating functions. They involve the distribution of Federal money for projects of national significance and the setting of standards which will insure uniformity, and

permit taking full advantage of current technical improvements.

The arguments against Federal aid in certain engineering fields seem to us to rest on theoretical rather than pragmatic reasoning. Admittedly Federal highway aid is indispensable to the less populous and wealthy States. It is justified for regional and national thoroughfares and for a program of defense highways and access roads such as the one promulgated in the last war. States like New York hardly can be expected to contribute to others and to get nothing in return. The assertion that a comparatively wealthy State like New York contributes 25 percent or more of Federal taxes and gets back only 10 percent and therefore would be better off if it paid for all its own roads does not stand analysis, unless we propose to repeal, wholly or in part, Federal taxes, such as the income tax, and substitute local ones. Similarly the contention that States and municipalities pay a huge fee for "brokerage" in connection with Federal aid, is not provable in the case of highways, where central expert service and the establishment of national standards are worth all they cost. More Federal as well as State experimentation and research is needed in the field on lighting and marking roads, in types of pavement surface, and in disabled car shoulders. We must have more study of parking facilities, especially in cities, and of bus terminals; and we must decide to what extent private enterprise can provide the answers. We are being choked to death by traffic and certainly it is a lot cheaper to meet this problem by modernizing our street and highway system than by completely decentralizing urban communities, the only theoretical alternative.

If we come to the 500-pound, 5-passenger, 100-miles-an-hour-on-one-gallon-of-gas plastic car, purchasable at every good filling station at $500, where will we be with our roads? There is no sense in building trucks too big and heavy for the roads and roads too flimsy for the trucks, and in loading trucks and busses with heavy freight and passengers better carried on rails. Why should the manufacturer's interest stop at the salesroom and the highway engineer's concern begin there?

Public officials, on the other hand, must think of the roads of tomorrow, of advanced highway design, and of improved materials, methods, and equipment, without which the new passenger cars, trucks, and busses are worthless. We must have some idea of what production the industry has in mind in order to be able to schedule road construction and repair intelligently.

Much has been said about transcontinental highways, but figures have proven that there is not as yet any substantial amount of transcontinental as distinguished from regional and local travel, excepting, of course, a few main routes from coast to coast and from Canada to the Gulf.

Most of our travel originates and ends in cities and when we bypass the cities we simply duck around the entire problem and thrust it upon crowded communities which cannot meet it without help. Standards for ordinary streets, country highways, and secondary roads are fairly well established. It is the congested urban and suburban main artery that requires our clearest thinking and best judgment, and both Federal and State aid.

Every American wants a durable, cheap car, and he looks to the automobile industry to provide it. He won't wear that car out quickly on a broken and obsolete road system. He wants good roads and expects the Federal Government to help pay for them.

How shall our highway improvements be financed? Some will be paid for out of matched Federal and State funds; some by bond issues; some out of license and gas taxes; some out of other current taxes; and some by assessment. Others will be wholly or partly self-liquidating by means of tolls and other service charges. For many years the American public paid tolls on turnpikes as well as bridges and ferries. But the backbone of our new national highway system cannot be made out of toll roads. It will be devised and financed on a joint, cooperative Federal, State, and city basis.

We already have substantial Federal matched moneys for design of postwar highways, and the more progressive States and municipalities are taking advantage of these inducements and supplementing them with funds of their own. The Federal program will be sound and successful as long as Federal highway officials continue to allow it to develop locally, do not interfere with local initiative, and demand only that the projects be feasible and the work well done. If there should be an attempt to run the entire national highway system from Washington, local initiative and support would disappear. We would then have the same cumbersome, overmanned, bureaucratic Federal machine in the domain of public roads which we now have in many other fields. There is no better example of nonpolitical, effective, and prudent Federal, State, and local cooperation than that afforded by the Public Roads Administration for almost 30 years under the respected leadership of Commissioner Thomas H. MacDonald.

How much can we afford to spend on our new arteries? There is no use hiding the figures. An ordinary four-lane concrete highway runs to $275,000 a mile without counting the right-of-way. A typical rural section of four-lane parkway with only a few grade-separation bridges costs $400,000 a mile; a typical suburban section of four-lane parkway, $700,000 a mile; a mixed urban traffic artery with six lanes, $1,250,000 a mile; a six-lane city parkway or expressway through expensive and often built-up areas, $3,500,000 a mile; arterial improvements with six lanes and a service road along built-up water front, involving reconstruction of plants and industrial and commercial structures, at least $4,000,000 a mile; elevated expressways with surface lanes below in cities average about $5,000,000 a mile.

Another road problem is railroad grade crossings. There is a curious assumption, not substantiated by either the courts or common sense, that the elimination of such crossings is something separate and apart from modern highway construction. The United States Supreme Court has recognized the fact that the automobile and not the train has caused the danger at such crossings; the elimination of railroad crossings is therefore primarily a highway problem which requires Federal as well as State aid. A large part of the problem of elimination of dangerous railroad grade crossings is transcontinental or regional in origin, and on that basis alone is entitled to substantial Federal aid. New York State has gone out in front to meet this problem through large State bond issues, but even in this State nothing like a complete job can be done without Federal aid. Most States are unable to make a dent in the program with local funds. Efforts to make the railroads pay the bulk or a large percentage of the total costs have generally failed, and result only in prolonged and usually futile litigation instead of construction.

There is no generic distinction between a big bridge and a little one; and toll or free the bridge is an integral feature of the road system and should be planned as such. Similarly, at water gaps too wide to be spanned by bridges, large, steady, fast auto ferries should be just as much the road engineer's concern as culverts, drainage, or curbs. North and south Michigan are tied together by the Mackinac Ferry, run by the State Highway Commission.

A better argument can be made against public and quasi-public housing subventions in normal times than in an emergency period following a great world war, a period in which housing shortages, scarcities, and high prices are directly attributable to the war itself, and in which the immediate solution is beyond the powers and means of States and municipalities. Arbitrary administrative separation of the FHA from other Federal housing and building functions, because FHA is an insuring underwriting agency, seems to us unsound. FHA insurance of loans on what is virtually a 100-percent basis is essentially indistinguishable from slum-clearance loans and grants, and from the administrative point of view is closely related to all forms of national control over building standards, construction materials, and public building. Sound financial advice to FHA on all banking as distinguished from building aspects of FHA underwriting can be assured by placing the Secretary of the Treasury on the National Housing Council.

All Federal housing activities should be in one division in a works department, because they require honest analysis by one set of experts who know the building business from the ground up and, as to subsidized dwellings, the precise income groups which require Federal emergency help. Incidentally, one of the most scandalous difficulties arising out of the housing emergency lies in the different and varying methods of cost accounting used by the FHA, the PHA, the HOLC, and Veterans' Housing. As a result, costs are not at all comparable, and many are hidden. It is impossible to get a true picture of construction financing, because there is lacking one overhead agency to coordinate, compare, and analyze these cost figures on an honest uniform basis.

There is no real analogy between a farm loan and a housing loan. One is a loan for business expansion to men who have a business which they know, the other is a subvention to help families who know nothing of the business of building to enable them to put a roof over their heads.

Certainly the Federal Government is responsible for providing permanent housing for veterans and their families now temporarily quartered in quonset huts and leftover wartime demountable houses. The whole thing is an emergency matter which will be alleviated within 10 years. It is nonetheless too vital a matter to be kicked around by competing and overlapping executive agencies and congressional committees.

Although highways and emergency housing may seem more vital, Federal subsidies are needed for airports. The flying industry is still in its infancy. It is in poor financial condition and vitally related to the national defense program. Moreover, regional locations, specifications, and standards for airports need Federal aid. Most of the air lines are in serious financial difficulties, and these will continue even if fares, postal and freight rates are raised. The place of airports in the proposed centralized public-works organization should be much the same as that of public roads. The new Department would take over the airport construction program but would have nothing to do with control of air travel and airways or regulatory and other forms of administration. These are matters for the Department of Commerce to continue to regulate and supervise.

The subject of Federal aid is not to be disposed of by catch phrases. Generally speaking, Federal aid on a matched basis is preferable to complete Federal aid without State or local contributions, because genuine local interest and concern are manifest only when the local citizen knows he has to pay part of the cost out of local taxes. Somewhere between the extreme Socialist philosophy of

Beveridge with his cradle-to-grave national concern for every individual and his contempt for American States' rights and municipal home rule on the one hand, and, on the other, the Bourbon philosophy of some of our own American reactionaries which would leave everybody to shift for himself, lies the sound middle-of-the-road pragmatism which bids the Federal Government supplement the State and locality to raise the general level of the Nation in a limited number of fields in which such aid cannot sap the vitality of the State nor cripple the initiative of the individual. All conservative students of the subject agree that we should keep Federal aid within strict bounds, and that only sufficient subventions should be made from the Federal Treasury to enable the States and their subdivisions to achieve definite purposes of national significance. Competition between Federal, State, and municipal governments in the same tax fields should gradually be eliminated to the end that double and treble taxation will disappear and States and local governments will have additional sources of legitimate revenue to meet their own obligations.

It is obviously silly to be dogmatic about the precise dimensions of the proper Federal-aid fields. The whole problem, like that of establishing social equality, is one of evolution. All virtue does not lie in the States, nor all good government and true economy in the grass roots and villages. Grass-roots and sidewalk taxpayers may be able to watch carefully and perhaps intelligently the dimes that go into local school taxes, but they are no authorities on atomic research. Nor can we safely assume that crossroads wiseacres know all the answers to other international and scientific riddles. The concept of weak Federal Government supported by strong States has no more validity than that of a gigantic national bureaucracy undermining the States and subjugating the municipalities. Our own native common sense will dictate the compromises which will preserve our American system and still meet changing world conditions.

THE CASE AGAINST A CABINET DEPARTMENT OF TRANSPORTATION

The allocation of highways, airports and canals, waterways, pipe lines, and other facilities to a new Department of Transportation seems to us unwise and undesirable. Many of the Federal functions in this field involve regulation of private enterprise and quasi-judicial functions. For example, public highways in a Transportation Department might require a certificate of convenience and necessity for every road and Federal regulation of every individual flivver driver. Bitter controversies, delay, and confusion in road building would result with no ultimate advantage even to the railroads. The same logic applies to airport and waterway construction. Air travel and the transportation of freight by air do not seriously compete with the railroads and will not for some time. No possible advantage to the public can be secured by attempting to consolidate Federal planning and supervision in these two distinct fields merely because they are both forms of transportation.

As to waterways, it is only necessary to remember that some of our largest seaports are in fact not seaports at all but rather harbors on rivers usually reached by approach waterways. The ship canal at Houston, the Mississippi River at New Orleans, Puget Sound at Seattle, the Columbia River at Portland, and the Delaware River at Philadelphia are examples. Placing these approach rivers and canals in a Department of Transportation because of possible competition with the railroads would be a ridiculous piece of doctrinaire legislation. No doubt the public service aspects of rail and perhaps air-line transportation have been overshadowed by quasi-judicial regulation, but this overlooked aspect of transportation does not justify the establishment of a new and unnecessary Department of Transportation.

PROBLEMS OF PERSONNEL, INCENTIVES, AND COMPENSATION

Where engineering activities are concerned, and no matter how the new Department of Works is organized, the traditional tendency to build up a large permanent civil-service force, in the absence of a foreseeable and continuing need, should be opposed and counteracted. Civil-service forces in many Government engineering bureaus invite justified criticism of unnecessary multiplication of permanent personnel and overhead expenses for specific projects which would be better and more cheaply designed and supervised on a consulting fee basis. We need competent top engineers in civil service, but it is only human nature for the rank and file who are paid out of limited project funds to string out the work and make it last as long as possible. Adoption of a policy to retain qualified engineers engaged in private practice, for specific purposes on a fee basis would expedite work, reduce overhead costs, afford an opportunity to secure specialized personnel for such specialized work and would encourage professional pride without weakening the esprit de corps of the permanent civil-service personnel.

Adequate salaries and competent personnel are vital to the proper functioning of any organization. Salaries in the Federal Government, always notoriously low, have not kept up with those in large-scale private enterprise, and it is often impossible to obtain the best qualified people to accept or continue in positions of responsibility with the Federal Government. The number of employees in any Government department should be kept at a minimum but the best people should be obtained and held by adequate pay and other rewards and inducements. We do not recommend a large technical staff to plan, design, construct, and operate public works. On the contrary, we strongly recommend an adequate staff and the employment of outside consultants for special tasks as they arise. Substantial savings in cost of design and construction will result.

We should aim at a department with the smallest reasonable number of regular employees. Employees of professional training and rank should be absolutely first-rate people, on a par with the best in private employment, and competent to engage and direct the activities of consultants and contractors in private business. It should be noted that in World War II, military and related establishments more and more adopted the practice of employing outside consultants for specific tasks of limited duration. They got away from the old practice of building up an immense permanent civil-service staff for projects performed better, more quickly, and more cheaply by private corporations. Among such corporations should also be included university and other research groups; laboratories and research units of large corporations as well as engineering, architectural, and other professional firms. The Federal Government will enjoy the up-to-date services of engineers on the latest developments in their particular fields. It will permit the selection of professional firms familiar with the particular problems of the locality, physical difficulties at the site, problems of local building codes, and questions of availability of local labor.

As Government expands rapidly into fields hitherto preempted by private enterprise the need of first-class talent in Federal agencies becomes ever greater and the deficiencies more glaring. The most ambitious find greater rewards elsewhere and it is extraordinary not that we do not attract more of them into public service but that considering the drawbacks we have so many. It is important to provide incentives for Government service such as pensions and other benefits which make it attractive. It must be remembered that large progressive private corporations also offer pensions as an inducement; no longer is this an exclusive Government characteristic of public employment. The privilege of working for the Government is its own reward but even that argument cannot be labored too much.

PLAN RECOMMENDED

Our task force studied and analyzed every reasonable arrangement and consolidation of the functions of public works presently scattered throughout the various Cabinet departments and independent offices. We narrowed the area of possible controversy by exchange of information and informal conferences with other task forces and through the secretariat. We concluded that the only plan of integration, which would accomplish the results aimed at in the law establishing the Commission on Reorganization, would be a genuine complete integration in a new major Department of Works of Cabinet rank of all scattered engineering and related functions, including operational as well as service and research functions. Under this plan there would be a reorganization and consolidation of what is left of the Interior Department with Public Works after various functions now discharged by the Interior are redistributed to Agriculture and elsewhere. In place of the Interior Department this would result in a new Department of Works headed by a Cabinet officer.

We have given some thought to the appropriate name of the proposed new department. This comprehensive function of Government might be described by the word "Works" or "Development" rather than by the meaningless word "Interior," or the limited term "Conservation." Traditionally our major departments have a single name, and there should be a good reason for departing from this sound practice. Moreover it is the connotative, not the denotative meaning of a word in such a context which ultimately gives it significance. We therefore recommend the single name "Works" for the proposed new department, preferring it to the name "Development" largely because the latter, although arresting and significant, carries with it some implications of speculation, spending, and private business enterprise which might be misunderstood.

PROPOSED DIVISIONS OF THE DEPARTMENT OF WORKS

The proposed initial organization of the Department of Works is shown on chart I, and a list of present agencies to be absorbed, other agencies to which engineering services would be rendered, etc., appears on page 24, following chart I [not printed]. The division of the functions within the Department should, however, be as flexible and unfettered by statutory restrictions as possible in order to permit future adjustments dictated by actual experience.

It is necessary to provide, immediately by law, for the top officials of the Department. The Department should be headed by a Secretary of Works, who would be a member of the President's Cabinet, to be appointed by the President with the advice and consent of the Senate. In order to relieve the Secretary of administrative details and leave him free to devote his energies to matters of policy, an Under Secretary should be provided, to be appointed by the President with the advice and consent of the Senate. It is recommended that four Assistant Secretaries be provided, to be appointed by the Secretary, preferably without Senate confirmation. Many qualified persons might be willing to undertake public service if they were assured of immediate appointment without the added burden of confirmation.

It is recommended that the salary of the Secretary be $25,000 a year, the Under Secretary $20,000 a year, and the Assistant Secretaries $15,000 each per year. These salaries are substantially greater than those now in effect. At the present rates of compensation no person of the necessary qualifications can afford to accept a Governmental position of this sort without substantial private means. Many persons of great ability are prevented from entering Government service on this level. The salaries proposed are, of course, substantially less than those paid for comparable duties outside the Government, yet they are believed to be large enough to attract able men.

PROPOSED LEGISLATION

Reorganization of the type here proposed necessarily involves the ultimate amendment of many specific laws relating to existing administrative agencies and projects. In order to expedite the reorganization process, it is proposed that there be presented to the Congress an interim administrative code providing for the continuance of existing functions and regulations within the framework, intent, and spirit of the new organization. A draft of such a law appears in the appendix. This draft is modeled to a considerable extent on the interim executive department's law used in the State of New York at the time of the reorganization of its scattered departments and offices, a device which served admirably to insure the continuity of Government while the detailed statutory revisions were being codified.

A draft of a bill establishing a department of works also appears in the appendix. This provides for the appointment and compensation of the Secretary, Under Secretary, and four Assistant Secretaries; for the transfer of the various agencies to be absorbed within the new department, including the distinctly civilian functions, personnel and property of the Corps of Engineers and its chief. Certain powers of appointment which are conferred upon the Chief of Engineers by treaty over various boards of control, the members of which consist of both Canadian and United States personnel, are left with the Chief of Engineers. It is recommended that, as opportunity presents itself, these powers also be transferred to the new department.

CONCLUSION

This report represents the practically unanimous conclusions of our entire group, including advisers and consultants. All of us are happy to be part of this enterprise and to make our small contribution to the efforts of a representative Commission under your distinguished leadership. We share the general public confidence in your ability to bring about constructive results. An unparalleled opportunity is presented at this time, following a Presidential election, and with the beginning of a new administration, to bring our executive establishment up to date so that it can meet the challenge of domestic needs and world leadership.

ROBERT MOSES.

EXISTING AGENCIES TO BE ABSORBED

Division of Planning and Scientific Research:
Bureau of Mines (Interior).
Geological Survey (Interior).
Coast and Geodetic Survey (Commerce).
National Bureau of Standards (Commerce).
Division of Oil and Gas (Interior).
Division of Water Control and Development:
Rivers and Harbors (Army).
Flood Control (Army).
Panama Canal (Army).
Bureau of Reclamation (Interior).
Bonneville Power Administration (Interior).
Southwestern Power Administration (Interior).
Division of Power (Interior).
Tennessee Valley Authority.
Division of Roads, Airports, Parks, and Indian Affairs:
Public Roads Administration (FWA).
National Park Service (Interior).
Fish and Wildlife Service (Interior).
Alaska Railroad (Interior).
Bureau of Indian Affairs (Interior).
Division of Housing and Buildings:
Housing and Home Finance Agency.
Public Buildings Administration (FWA).
Bureau of Community Facilities (FWA).
Commission of Fine Arts.
Division of Territorial Government:
Division of Territories and Island Possessions (Interior).

ENGINEERING SERVICES TO AGENCIES IN OTHER DEPARTMENTS

National Advisory Committee for Aeronautics.
Civil Aeronautics Administration (Commerce). (Airport construction program to be transferred to Department of Works.)
Bureau of Prisons (Justice).
Public Health Service (FSA).
Veterans' Administration.
Coast Guard (Treasury).
Soil Conservation Service (Agriculture).
Forest Service (Agriculture).
Bureau of Land Management (Interior).
Rural Electrification Administration (Agriculture).
Reconstruction Finance Corporation.
Export-Import Bank.
District of Columbia.
Atomic Energy Commission.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point those portions of the Hoover Commission report to Congress, March 1949, minus the graphs and charts, starting on page 1 and extending to page 49.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

I. THE DEPARTMENT OF THE INTERIOR

We propose that the Department of the Interior be given more clearly the mission of development of subsoil and water resources. As these activities require large public works, we recommend that other major public works also be managed by this Department.[1]

The organization of a department somewhat along the lines we recommend, and in which would be concentrated the major construction activities of the Federal Government, was proposed by the Joint Congressional and Presidential Committee on Reorganization of 1924, again in a Presidential message during 1932, and again by the President's Committee on Administrative Management of 1937. A partial accomplishment was represented in the Federal Works Agency, established in 1939 and embracing a number of these activities. Had such a department been created 25 years ago, hundreds of millions of dollars would have been saved to the public over these years. Today it is a complete necessity.

The magnitude of the problem is indicated by the fact that 1949 appropriations, for the agencies which we propose to bring together, exceed $1,300,000,000. To complete the works now in construction will call for over $5,500,000,000, and projects authorized by the Congress but not yet started will call for $7,300,000,000 more. In addition to these totals of over $15,000,000,000, there are projects contemplated which exceed $30,000,000,000. Approximately 100,000 persons are now employed in these agencies, plus other thousands by the contractors. (See chart.)

Phases of this problem have been investigated for this Commission by our task forces on public works, natural resources, and agricultural activities.

The Commission has the duty of assessing the weight of the recommendations of these able men, reconciling their differences and working out a pattern of action.

BOARD OF IMPARTIAL ANALYSIS

There is no adequate check in the Government upon the validity or timing of development projects and their relation to the economy of the country.

Recommendation No. 1

We, therefore, recommend the creation of a Board of Impartial Analysis for Engineering and Architectural Projects which shall review and report to the President and the Congress on the public and economic value of project proposals by the Department. The Board should also periodically review authorized projects and advise as to progress or discontinuance. The Board should comprise five members of outstanding abilities in this field and should be appointed by the President and included in the President's office.[2 3 4]

This board should review projects not only from a technical point of view but also in their relation to the economy of the country.

Some effort has been made by the Office of the Budget to review projects but it has been without adequate staff and support. Forty-two projects objected to by the Office were nonetheless presented to Congress by the sponsoring agencies and 36 were authorized. The need for more exhaustive investigation and report than that provided by the Office of the Budget is indicated by the statement of our task force on natural resources, quoted below:

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[1] Separate report: Vice Chairman Acheson, Commissioners Pollock and Rowe have submitted a separate report recommending a Department of Natural Resources.

[2] Further views: "I consider there should be two boards of impartial analysis, one for the engineering projects, the other for architectural projects, and they should be located in the Department of the Interior and not in the President's office. The character of projects is wholly different and requires different skills, and we should not burden the President with more duties. Moreover, the purpose is to review these projects before they reach the Office of the Budget and not afterward. This device is proposed as a brake upon harebrained projects from the departments and on the log-rolling of projects in the Congress. To put this agency in the President's office is to mobilize both these forces on the President's doorstep." (Herbert Hoover, Chairman.)

[3] Further views: "I agree that there should be some unit with authority to review projects and to advise the President thereon. I do not believe, however, that the Commission's report justifies the creation of the new Board of Impartial Analysis which would take the place of the unit in the Bureau of the Budget that has handled this review up to the present. The report indicates that the unit in the Bureau of the Budget has been without adequate staff and support, but it does not show how the new Board could function more effectively than the unit now in existence if adequate staff and support were provided the present unit. To prove the ineffectiveness of the unit in the Bureau of the Budget, the report refers to the fact that 36 of 42 projects turned down by the Bureau of the Budget were nevertheless authorized by Congress. Certainly this Commission does not mean to recommend the creation of a Board of Impartial Analysis which would have supreme power—including authority to disapprove congressional action." (James Forrestal, Commissioner.)

[4] NOTE.—The decision to place the Board of Impartial Analysis in the President's office was made after the Commission's initial report was submitted to the Congress, and this unit, therefore, should be considered as supplementary to those already included in our report on general management of the executive branch.

"This clearance procedure has not been as effective as it ought to be * * * project reports are submitted for review only after they are completed and long after plans have been publicized. It is then too late for effective coordination, and generally even too late to prevent authorization by Congress of projects found not feasible or not fully reconciled. The Corps of Engineers generally makes no effort to change a completed report when informed by the Budget Bureau that the report is not in accord with the President's program. The corps submits the report to Congress with its favorable recommendation, but accompanied by a statement as to the advice received from the Budget Bureau. Furthermore, the Budget Bureau does not have the staff to make a thorough review of all projects. * * * Finally, the task of review is vastly complicated by the presentation of conflicting plans or views by the Corps of Engineers and the Bureau of Reclamation. Confronted with the completed, conflicting plans of two development agencies, working from the vaguest sort of statutory and administrative standards of feasibility and of benefit-cost evaluation, and operating with two professional staff members, the Budget Bureau as now staffed obviously cannot provide a fully adequate review. * * *

"To the end that only economically feasible projects shall be instituted by the resource agencies and especially by the Water Development Service, the establishment * * * of a Board of Coordination and Review with responsibility for reviewing and coordinating plans for each major project from the time it is first proposed; for making certain that only projects which are economically and socially justifiable are recommended for approval; and for assuring effective participation by all Federal and State agencies concerned during the formative stage. * * *

"In the past, projects have been carried through which should never have been undertaken at all. Others have been wastefully constructed, and without regard to important potential uses. Still others have been premature. Bad accounting methods have consistently underestimated costs. Inadequate basic data, interagency competition, and local political pressures bear the primary responsibility for this extravagance and waste. * * *

"Corrections are relatively easy when plans are gestating, but when they have been perfected by an agency * * * it is often impossible to obtain the revisions which joint investigation or early review could achieve."

One result of inadequate evaluation of projects is illustrated by underestimation of cost when presented to the Congress. Some part of underestimation is no doubt due to subsequent increase of costs of labor and materials. But some underestimates by the Bureau of Reclamation—such as, for example, the Colorado-Big Thompson project, which increased from $44,000,000 to $131,800,000; the Hungry Horse project in Montana from $6,300,000 to $93,500,000; the Central Valley of California from $170,000,000 to probably over several hundred million—hardly can be explained by increases in labor and material costs.

Our task force on public works strongly supports these views:

"It would be worth a great deal to the country to have a thorough, factual, unbiased report by the sea-green incorruptibles of the engineering profession on all major construction projects, especially if such a report were couched in plain, ordinary Anglo-Saxon English, understandable by the average layman. We have therefore recommended, as a most important feature of the * * * new department, a board of three experts to be known as the Board of Impartial Analysis."

II. BASIC STRUCTURE OF THE DEPARTMENT

It has been recommended by some of our task forces that the Department of the Interior be abolished and replaced by a new department. The Interior Department is a century old in national life and has served in many of these fields. Aside from sentiment, the cost of merely changing its name would be considerable. The laws and authorizations under which it acts would require much disentanglement. And there is conflict as to what a new name should be, i. e., Natural Resources, Works and Resources, or Public Works. Altogether it seems to the Commission that a reorganization of the present Department would be preferable.

Recommendation No. 2

We recommend that the Department of the Interior should be thoroughly reorganized along more functional and major purpose lines.

This involves the transfer of certain agencies from the Department and the incorporation of certain agencies within it.

Recommendation No. 3

We recommend that the agencies listed below should be transferred to other offices or departments, to which they are functionally more closely related:

(a) The Bureau of Indian Affairs to a new department for social security, education, and Indian affairs.[4a]

(b) The Bureau of Land Management (except minerals) to the Department of Agriculture.[5 6]

(c) The Commercial Fisheries from the Fish and Wildlife Service to the Department of Commerce.[6 7]

Recommendation No. 4

We recommend that the following agencies related to the major purposes of the Department be transferred to it:

(a) Flood Control and Rivers and Harbors improvement from the Department of the Army.[8 9]

(b) Public Building Construction from the Federal Works Agency.[10 6]

(c) Community Services from the Federal Works Agency.[6]

(d) Certain major construction to be assigned on behalf of other agencies of the Government, except where carried on by grants-in-aid programs.[8]

OVER-ALL DEPARTMENTAL MANAGEMENT

We have urged in our first report[11] that the foundation of good departmental administration is that the Secretary shall have authority from the Congress to organize and control his organization, and that congressional grants of independent authority to subordinates be eliminated.

Under our recommendations made elsewhere, we propose a new form of performance budget for all departments.[12] We also propose that the Department keep its own administrative accounts as prescribed by an Accountant General in the Treasury and subject to an approval of such system by the Comptroller General and audit by him.[12] The Commission also recommends that all personnel recruitment should be decentralized into the Department (except possibly in some lower grade positions common to all departments and agencies), subject to standards and methods of merit selection to be proposed by the Department, but with the approval and enforcement of the Civil Service Commission.[13] The Commission likewise recommends elsewhere that the procurement of supplies peculiar to the Department should be decentralized into the Department under standards and methods established by the proposed Office of General Services. Items of common use will of course be handled by the latter office.[14] Further, we propose that the Department should strengthen its management research unit, working in cooperation with a comparable staff unit under the Office of the Budget.[12]

DEPARTMENTAL STAFF

In making the following recommendations as to the assignment of officials and the service grouping of agencies, we are proposing no inflexible rules. The responsibility for these assignments should lie with the Secretary. Parts of such organization are already in force.

[4a] The reasons are discussed in our report on social security, education, and Indian Affairs.

[5] The reasons are discussed in our report on agriculture. Dissent, "I do not agree with this recommended transfer of the Bureau of Land Management to the Department of Agriculture. Not only do I believe that this Bureau should remain in the Department of the Interior, but I feel that the Forest Service, presently in the Department of Agriculture, should be transferred to the Department of the Interior. These two agencies should be consolidated preferably in the Department of the Interior, which traditionally has been the Department in our executive branch most concerned with the development and conservation of our natural resources. The Department of Agriculture, on the other hand, has been more interested in production than in conservation and its functions relating to natural resources should be transferred to the Department of the Interior." (James Forrestal, Commissioner.)

[6] Dissent: Dissent of Vice Chairman Acheson, Commissioners Pollock and Rowe appears in a separate report.

[7] The reasons are discussed in our report on the Department of Commerce. Dissent: "I do not agree with this recommended transfer of the commercial fisheries from the Fish and Wildlife Service to the Department of Commerce. Basically, this is a question of conservation and the Department of the Interior is traditionally committed to conserve our natural resources whereas the Department of Commerce is more interested in their production and exploitation for business purposes." (James Forrestal, Commissioner.)

[8] Dissent: Dissent of Commissioners John L. McClellan and Carter Manasco.

[9] Abstention: Commissioner James Forrestal has abstained from participation in the discussion and formulation of this recommendation, and others relating to the Corps of Engineers, because of his relationship, as Secretary of Defense, to the Corps of Engineers in the National Military Establishment.

[10] Dissent: "I do not agree with this and subsequent recommendations which would transfer to the Department of the Interior the responsibility for the construction of all public buildings. In my opinion the role of the Department of the Interior is the development and conservation of natural resources. To make it a construction agency would violate recommendation 2 in which we recommend that the Department 'be reorganized along more largely functional and major purpose lines.'" (James Forrestal, Commissioner.)

[11] Report on General Management of the Executive Branch.

[12] Report on Budgeting and Accounting.

[13] Report on Personnel Management.

[14] Report on an Office of General Services; Supply Activities.

Recommendation No. 5

We recommend that the top officials of the Department in addition to the Secretary and his personal assistants should be:

(a) Under Secretary and his personal assistants.

(b) Two Assistant Secretaries, as at present.

(c) Additional Assistant Secretary.

(d) Administrative Assistant Secretary.

(e) Solicitor.

The purpose of creating an Administrative Assistant Secretary is to provide more effective direction of the following departmental staff services:

(a) Financial office (accounting and budgeting).

(b) Personnel.

(c) Supply.

(d) Management research.

(e) Publications.

(f) Liaison with Congress.

The officials in charge of these services should not have operational duties. Those duties must lie with the division or bureau administrators. These staff officers must needs be linked in their work with the similar officials upon the President's staff. In the case, however, of the financial officer, he must coordinate his work with that of the Accountant General in the Treasury and with the Office of the Budget.

APPOINTMENTS

Recommendation No. 6

We recommend that all officials of the rank of Assistant Secretary and above be appointed by the President and confirmed by the Senate.

We recommend, however, that the Administrative Assistant Secretary preferably be appointed from the career service.

It is essential in building up capable administrative staff in all departments that opportunities for promotion of capable administrative career employees be made as wide as possible.

Recommendation No. 7

The Commission therefore recommends that all officials below the rank of Assistant Secretary be appointed by the Secretary, preferably from the career service.

MAJOR PURPOSE GROUPING OF AGENCIES PROPOSED FOR DEPARTMENT

Recommendation No. 8

We recommend as logical and practical the following major-purpose assignments of the reorganized Department functions:

Water Development and Use Services

Reclamation.

Rivers and harbors improvement.

Flood control.

Bonneville Power Administration.

Southwestern Power Administration.

Division of Power.

A study should be made as to separation of certain general-survey activities from the Federal Power Commission and their inclusion in this Department.

Building Construction Services

Public building construction.

Community services.

Major land construction work on behalf of Coast Guard in the Department of Commerce.

Hospital construction on behalf of other departments, except in cases where carried on by grants-in-aid programs.

Civilian airport construction on behalf of the proposed Bureau of Civil Aviation of the Department of Commerce, except in cases where carried on by grants-in-aid programs.

In none of these fields would the Department operate after construction is completed. Moreover, it is not proposed to absorb all construction into the Department solely because it is technical work. Many other agencies will need routine engineering and architectural staffs. We propose for the Department of the Interior only the preparation of plans, awarding of contracts, and supervision and inspection of major construction.

Mineral Resources Services

Geological Survey.

Bureau of Mines.

Division of Oil and Gas.

Administration of mineral leases, title records, and reservations.

Leasing of mineral lands (those functions now in the Department of Agriculture).

Investigations into natural gas resources, from the Federal Power Commission.

Government tin smelter at Texas City, Tex., from the Reconstruction Finance Corporation.

An advisory function to a score of Federal agencies dealing with minerals, to be established, for better information and elimination of duplicate staffs.

Recreation Services

Public parks and monuments.

Wildlife and game fishing.

Territories and Possessions

It is proposed that the Division of Territories and Island Possessions remain in the Department until some policy is determined by the Congress on the question of our administration of overeas areas. This problem will be treated in our report on the Administration of Overseas Affairs.

III. OUR REASONS FOR THESE PROPOSALS

The over-all reasons for these recommendations are:

(a) The grouping of those agencies related to the development of natural resources and construction, according to their major purposes, to secure coordinated policies in these fields.

(b) Elimination of disastrous conflicts and overlaps which cost the taxpayers enormous sums annually.

(c) Provision of a center for more energetic development in water and mineral resources.

(d) Establishment of a center for collection of fundamental data upon which water conservation works should be based.

(e) Provision of a center for coordination of State and Federal action in these fields.

(f) Provision for a center in the Government where engineering advice can be obtained by other agencies of government.

(g) Provision for the Congress of an overall view of the major construction activities of the Government.

(h) Elimination of competition for construction labor and materials.

(i) Provision of a center for planning and action of Federal construction to be coordinated with the ebb and flow of employment.

Amplification of these major proposals is given in the following sections of this report.

PLANNING AND ADMINISTERING CONSTRUCTION TO AID IN PREVENTING UNEMPLOYMENT

A further reason for these proposals lies in the need for long-view planning to meet the ebb and flow of employment.

In times of great employment in private construction, the Government should reduce its work (except for emergency needs) so as not to inflate costs and should save its construction for times of unemployment. Our task force on public works states:

"The advance planning and promotion of public works for such periods of slack employment should be recognized as a continued responsibility of the Federal Government, working in cooperation with States and municipalities. It is senseless to proceed on the theory that every major slump in business and employment is an unexpected Divine visitation not to be anticipated and to be dealt with only on the basis of ineffective, wasteful, and hastily improvised emergency measures. * * *

"Public works admittedly can take care of only a fraction of the depression employment problem, but it is an exceedingly important fraction; it is the marginal area in which men out of work will stew around helplessly unless the Government is ready to meet their problem."

At the present time there is a short supply of construction labor and materials. They are urgently needed for national defense, for housing, and for current construction in private industry. In these circumstances the agencies enumerated here should carry on the minimum nonpostponable work, should undertake no new projects, but should have blueprints ready for use when unemployment creates a need.

BETTER ORGANIZATION IN WATER DEVELOPMENT AND USE

The Federal Government's interest in the development of our water resources has been constant since the foundation of the Republic.

At its beginnings, practically all transport was by water. River and canal improvement loomed large in Government interest. With the growth of the railways, the shallow draft channels on canals and rivers became less important.

The development, in modern terms, of our water resources begins with the present century. The systematic deepening of river and lake channels, and the expansion of intercoastal canals, show an increase in annual traffic carried over them to some 22,000,000,000 ton-miles at the present time. Destructive floods have been lessened by great levee systems, alternate channels, and headwater storage.

The systematic development of irrigation and reclamation began with the Reclamation Act of 1902. Up to 1930 these works were primarily comprised of the easier or less complex types of projects, furnishing water to some 2,790,000 acres of land. Up to that time, some 17 small hydroelectric plants had been built by the Government as an adjunct to irrigation dams with a total installed electrical generating capacity of about 226,000 kilowatts. All of these electrical byproduct enterprises were operated by irrigation districts or under lease.

Changed pattern of development

With the Hoover Dam in 1930, there began an enlargement of the water development concept. This new concept entailed the storage of water by large dams which would serve the multiple purposes of navigation, flood control, irrigation, and byproduct hydroelectric power.

In setting up the financial organization of these multiple-purpose projects, the Federal Government has established certain policies. Because flood control and navigation do not produce revenues, the portion of the capital cost attributable to them has been set aside as irrecoverable. Because other features, including irrigation, power, and domestic water, do produce revenue, a portion of the outlay is allocated in various amounts as recoverable by the Government.

The following are the active agencies engaged in this field:

Bureau of Reclamation.

The Army Corps of Engineers.

The Bonneville Power Administration.

The Southwestern Power Administration.

Scope of electric operations

These operations by the Government, including those also of the Tennessee Valley Authority, have attained great magnitude.

By June 30, 1947, there had been constructed or purchased 46 hydroelectric and 10 steam power plants of an installed generating capacity of 4,909,582 kilowatts. There were 37 additional plants in construction with a capacity of 8,481,400 kilowatts.

Construction authorized by the Congress contemplates 79 more plants of a capacity of about 6,842,655 kilowatts. Thus in, say 1960, when these 172 plants are in full operation, they will have a capacity of about 20,233,637 kilowatts.

The transmission lines now exceed 14,000 miles.

The total installed electrical generating capacity in the Nation in June 1947, owned by private enterprise, municipalities, and the Federal Government, was about 52,000,000 kilowatts. Allowing for increased installation of private and municipal plants during the next 5 years, plants of the Federal Government will be producing probably 15 or 20 percent of the power supply of the whole country by that time.

The total expenditure of the Federal Government on these multiple-purpose projects is roughly estimated at $3,700,000,000 as of June 30, 1948. Probably $4,000,000,000 will be required for completion of those in construction and authorized. Beyond the abovementioned plants already authorized, there are several hundred other possible plants listed as feasible. They may or may not be constructed. The further plants thus listed, if constructed, would involve an expenditure of over $35,000,000,000 and would have an installed generating capacity about equal to the whole of the actual capacity of the country in June 1947.

The multiple-purpose dams constructed or planned are situated in many States. Those of the Corps of Engineers are in 37 States, in every part of the country—New England, the Middle West, the South, and the Mountain and Western States. The Bureau of Reclamation projects lie in 17 States, in the Western, Mountain, and Southwestern areas. These services have projects in 14 of the same States. Other Government agencies, such as the Tennessee Valley Authority or Bonneville Power Administration, have projects which will produce or distribute hydroelectric power in many of the same States in which either the Bureau of Reclamation or the Corps of Engineers, or both, operate.

THE BUREAU OF RECLAMATION

The Bureau of Reclamation has constructed, or now has under construction, and operates or manages multiple-purpose projects directed mainly to electric power and irrigation purposes. These projects have supplementary effects upon flood control and navigation.

The installed capacity of electric power in these projects is at present about 1,465,400 kilowatts and projects in construction or authorized, 4,181,837 kilowatts.

The Bureau of Reclamation, which employs about 17,000 persons, was created in June 1902. Its original financial support was derived from the disposal of public lands in 16 Western States and Territories (and, after 1906, Texas), and was to be used for irrigation and reclamation of arid lands in those States. In 1920, Congress added the royalties and ether income received by the Government from certain minerals, including oil, in the public domain. In the same year Congress provided that 50 percent of the Government receipts from water-power licenses for use of public lands should be added to the Reclamation Fund.

Our task forces estimate that, from the inception of the fund until June 30, 1949, the fund will have received from the United States Treasury a total of over $1,234,000,000, and from sales of public lands and its hydroelectric power, irrigation, and other revenues, a total of over $546,000,000, or an aggregate sum of over $1,777,000,000. The financial statements of the fund do not permit full analysis, but it appears that, by June 30, 1949, the reclamation fund will have expended on construction of projects up to date over $1,530,000,000; and further great sums are required to complete works already under construction.

Irrigation

As we have said, at the time the great multiple-purpose projects were inaugurated the easier projects of irrigation had been largely completed and were furnishing water to about 2,790,000 acres. In the 18 years since that time, about 1,500,000 acres of additional soil have been brought under irrigation with perhaps 550,000 acres more benefiting indirectly from the water supplied by the multiple-purpose projects.

The Congress, in setting up the irrigation system, provided that the farmers should repay the costs of the system without interest added to the cost during construction, or subsequent interest on the cost. Experience has shown, however, that even with this indirect subsidy of interest, these projects, on the average, do not pay out, as the capital cost is too great (with a few exceptions) for the farmers to bear. It is simply accepted that the national advantage of more farm homes and more national productivity are advantages which will offset Government losses.

UNITED STATES ARMY CORPS OF ENGINEERS

This agency engages in flood control and rivers and harbors improvements. Since 1902, the Government has appropriated over $6,000,000,000 and actually expended over $5,000,000,000 on these projects. The recommended appropriation for fiscal year 1950 is $754,423,700. The estimated cost of completion of authorized projects is about $3,200,000,000. The staff for civilian functions consists of some 200 Regular Army engineers, about 9,000 civilian engineers, and some 41,000 other employees.

In improvement of flood control and navigation the Corps of Engineers has constructed, and is engaged in constructing, numbers of multiple-purpose dams of which electrical power is one important byproduct. These installations thus become Government business enterprises of importance. The business of marketing the power from Engineer Corps installation in certain instances is managed by the Department of the Interior, as in the cases of Bonneville Power Administration and Southwestern Power Administration. Generally this is the case in the Western and Southwestern States.

Outside these areas the engineers have under construction or authorized about 20 hydroelectric power plants of a total installed capacity of over 1,400,000 kilowatts and a total cost of over $500,000,000, a portion of which costs will be assigned to power.

Defects in organization of water development and use

There are glaring defects in the organization of these services in the Government.

(a) There is no effective agency for the screening and review of proposed projects to determine their economic and social worth. There is no effective review of the timing of the undertaking of these projects in relation to the economic need or financial ability of the nation to build them. We have dealt with this subject earlier.

(b) There is duplication and overlap of effort, and policy conflicts exist between the Army engineers and the Bureau of Reclamation in construction of, and jurisdiction over, projects.

(c) There is an inherent conflict between the most efficient operation of storage dams for the purpose of flood control and of dams used for the generation of hydroelectric power. Flood control requires empty storage space prior to the high-water season, the storage of water during the flood season, and the emptying of the dams during dry spells. The generation of hydroelectric power needs as nearly an even flow of water as is possible the year around. And the irrigation cycle, which requires storage of water in the winter months and its release in the summer, conflicts with the continuous flow of water required for electrical operation. As flood-control concepts are in the hands of one agency of the Government and power concepts in another, there is inevitable conflict of the highest importance in design and operation, which can be solved only by a consolidated administration.

(d) There is considerable doubt as to the proper assignment of capital costs as between irrecoverable costs attributable to flood control and navigation, on the one hand; and recoverable capital to be reimbursed from reclamation and sale of water and power, on the other.

(e) The Federal laws in respect to the Bureau of Reclamation, embracing some 803 pages, are indefinite, complex, and contradictory.

(f) There is no uniformity of principles guiding congressional authorization of these projects. Some are authorized under the reclamation acts, some under the flood control acts, and some projects have been created by individual legislation.

(g) In their hydroelectric power and irrigation aspects, these agencies are essentially Government business enterprises. They are subject to many deficiencies and they lack flexibility of management, budgeting, accounting, and audit which successful business enterprises require.

Elimination of disastrous conflicts and overlaps

One of the major reasons for grouping these agencies into the Department of the Interior is the elimination of disastrously wasteful conflict.

Our task force on Natural Resources discusses the conflicts on water development and use as follows:

"The function of river development is a multiple-purpose one, cutting across many of the unifunctional agencies. Experience has shown that parceling out river development responsibilities among these functional agencies produces endless confusion and conflict. A plan for the development of a river basin cannot be devised by adding together the special studies and the separate recommendations of unifunctional agencies concerned respectively with navigation, flood control, irrigation, land drainage, pollution abatement, power development, domestic and industrial water supply, fishing, and recreation. These varied and sometimes conflicting purposes must be put together and integrated in a single plan of development. * * *

"Under conflicting laws, rival Federal agencies compete for taxpayer money in what often appear to be premature and unsound river development projects, duplicating each other's surveys and bidding against each other for local support at national expense. * * *

"The Corps of Engineers and the Federal Power Commission have broad and overlapping survey authority, on a Nation-wide basis, while a third agency, the Bureau of Reclamation, was having its survey authority extended in scope in the western States where the public domain was concentrated. * * *

"Enactment of the Flood Control Act of 1936 marked the beginning of a new era of administrative confusion. In that act primary responsibility for flood protection on the main streams was assigned to the Corps of Engineers, and in the upper watersheds to the Department of Agriculture. The most serious consequence from the standpoint of organization was not the division of flood-control responsibility between the Corps of Engineers and the Department of Agriculture, but the effect on relations between the corps and the Bureau of Reclamation. As the corps' original responsibility

for navigational improvements was expanded to cover flood control and other purposes incidental or related to flood-protective works, and the Bureau's original responsibility for irrigation was expanded to include other potential byproducts of irrigation structures, the one agency working upstream met the other coming down. Now we are witnessing the spectacle of both agencies contending for the authorization, construction, and operation of projects in the same river basins, for example, in the Central Valley, Columbia, and Missouri Basins. * * *

"Division of responsibility means duplication of surveys and investigations. Elaborate basin-wide surveys and plans have been made in several instances by the Corps of Engineers and the Bureau of Reclamation, in addition to the comprehensive basin surveys made by the Federal Power Commission and the watershed surveys of the Department of Agriculture. * * *

"Jurisdictional jealousy is inevitable, and costly as well, so long as such organization separation is practiced. Friction therefrom operates as a perpetual drag on efficiency and as a stimulator of group and sectional competition for favor and undue influence. Without more inclusive operating units, plans are made which see only parts of the whole situation, and wasteful expenditure of funds results, while the total objective which might have been attained is only partly realized."

Attempts have been made to secure coordination through interdepartmental committees, but the Natural Resources Task Force states:

"No effective method has been found for reconciling conflicting opinions and programs. * * *

"The [interagency] committees have failed to solve any important aspects of the problem * * * because the dominant members, the corps and the Bureau, have been unwilling to permit interagency committees to settle their differences. The result has been neglect or avoidance by the committees of virtually all major areas of interagency conflict, and concentration instead on technical studies and publicity. * * *

"The development agencies sometimes compromise their differences. After sharp clashes over plans for the development of the Missouri Basin, the corps and the Bureau announced complete agreement on the Pick-Sloan plan. Analysis of that plan reveals the fact that it contains many projects which previously had been subjected to devastating criticism by one or the other agency. The compromise consisted for the most part in a division of projects, each agency agreeing to forego the privilege of criticizing projects assigned by the agreement to the other. The result is in no sense an integrated development plan for the basin, and there is serious question in this case whether agreement between the two agencies is not more costly to the public than disagreement. * * *

"Each of the two major development agencies, the Corps and the Bureau, not unnaturally tries to stake out claims in advance of the other. Each completes its basin surveys as quickly as possible, and proposes its development plans for authorization. The Executive and the Congress are presented with conflicting proposals prepared by agencies with different water-use philosophies. The plans of the Corps of Engineers are built around navigation and flood-protection features, those of the Bureau of Reclamation around irrigation, with power development and other allied purposes given some consideration by both. Desirable though it would be, it is difficult to forestall authorization until thorough analysis has been made * * * once project plans are announced and publicized such powerful local pressures are usually generated that development cannot be postponed. Occasionally, however, interagency disputes have the opposite effect of retarding worth-while developments for many years, as in the case of the Kings River project in the Central Valley of California. * * *

"The existence of a number of survey and development agencies has encouraged the perpetuation of special-purpose policies and has accentuated statutory inconsistencies. Varying administrative standards of feasibility, benefit-cost evaluation, and cost allocation have added to the confusion in these areas. Interagency rivalry has fostered a sort of Gresham's law with respect to Federal financial policies, the tendency being for higher standards of repayment by State, local, and private beneficiaries to be replaced by lower. * * *

"This particular overlap of authority exists not only in the 17 Western States, but the situation for the Nation as a whole is also highly confused. The Corps of Engineers is the principal survey and development agency, but has only minor authority in the Tennessee River Basin, where the Tennessee Valley Authority experiment was set up. Elsewhere the corps must share its authority (1) on installation of power generating equipment with the Federal Power Commission; (2) on disposal of all surplus power generated at its projects, with the Secretary of the Interior; (3) on fish and wildlife conservation, with the Fish and Wildlife Service; (4) on pollution abatement, with the Public Health Service. * * *

"In addition to creating inequities among beneficiaries and a drain on the Federal Treasury, inconsistencies regarding repayment policies also are a source of friction between the Corps of Engineers and the Bureau of Reclamation. The corps, emphasizing its primary responsibility for navigation and flood control, can offer more 'free' improvements than the Bureau, whose projects are primarily for the purpose of irrigation. This difference is intensified by antispeculation provisions and acreage limitations that are established features of projects built under reclamation laws and that have no counterpart in projects built by the Corps of Engineers under flood control and navigation laws. * * *

"There is simply no escaping the fact that so long as the present overlapping of functions exists with respect to the Corps of Engineers, the Bureau of Reclamation, and the Federal Power Commission, costly duplication, confusion, and competition are bound to result. It has been demonstrated time and again that neither by voluntary cooperation nor by executive coordination can the major conflicts be ironed out."

An example of duplication and conflict may be found in the plans for a project at Hell's Canyon, Idaho. These were duplicated at a cost very roughly estimated at about $250,000 each by the Corps of Engineers and the Bureau of Reclamation.

They differed in essential particulars of construction and by over $75,000,000 in cost of erection.

We have pointed out the inherent conflict in use of reservoirs for flood control and their use for power or irrigation. The greatest power development requires the most even flow of water possible. The greatest flood prevention use is to empty reservoirs prior to the flood season and soon thereafter. With the Reclamation Service in control of one function of some reservoirs and the Army Corps of Engineers in charge of others, there can be only continued friction. The consolidation of these agencies is the only remedy. An inquiry into the disastrous flood at Portland, Oreg., in 1948, might show the nature of this conflict in the use of reservoirs.

The question of employment of military engineers

It is contended that the conduct of rivers, harbors, and flood control by the Army engineers has a value in their military training or an economy in Government. Upon this subject our task force on public works, which weighed it carefully, says:

"The argument that river and harbor work can be directed only by the Army engineers becomes even more absurd when it is realized that less than 200 Army engineers are involved and that the remainder of the personnel under their control * * * are civilians who supply most of the detailed knowledge and continuing direction. If the Army engineers supply unusual ability and obtain invaluable training by contact with this responsibility, there is no reason why the same and even better results cannot be obtained by assigning them and corresponding officers of the Navy and Air Forces, on a proper, dignified, and respected basis, to a central consolidated works department.

"The Secretary of Defense temporarily should assign to the Secretary of the Interior engineer officers of the Army, Navy, and Air Force who would direct and be engaged in public-works tasks commensurate with their rank and experience. In this way, particularly, junior officers would obtain varied training and experience. The Secretary of Defense would continue, as he does now, to prescribe regulations relating to service, rotation of duties, and promotion of these engineer officers, with full power to withdraw them from the Department of the Interior during times of emergency. The Corps of Engineers of the Army would continue in close contact with the best civilian engineering brains in the country to perform functions of a military engineering nature under the Secretary of Defense. Only the civil functions of the Corps would be transferred to the Works Department under the proposed plan.

"This subject is far too important to be approached from the point of view of old school-tie tradition. A detached and scientific spirit is required."

Our task force on natural resources supports these views:

"Painful as the operation may be, the case for a unification of functions of the Corps of Engineers and the Bureau of Reclamation is so overwhelming that it ought to be effected without further delay. The training provided in peacetime for * * * Army engineers at present utilized on this civilian program can surely be secured in some far less costly fashion—perhaps by arrangement with the new Water Development Service or in various installations of the Armed Services themselves. There is a real question in any event as to how far these water resources activities are useful in training for wartime problems."

Lack of hydrologic data

This division of agencies in the area of water development between different departments has resulted in no adequate provision of hydrologic data. There are great deficiencies in the fundamental data which have resulted, and are resulting, in great losses to the country. The consolidation of water services is essential to remedy this grevious situation.

Our Task Force on Natural Resources states:

"The really disturbing thing is that so little progress has been made in obtaining reliable hydrologic data in advance of project planning and construction. Though the necessity for more adequate data has long been recognized, we find ourselves embarking on the most gigantic water projects ever devised with alarming gaps in our knowledge of the probable behavior of the waters we are trying to control and utilize. So serious are these deficiencies that it is estimated on the basis of experience that the limit of error or ignorance in present water developments is rarely less than 25 percent, and is frequently greater than that.

"Present knowledge of the relationships among precipitation, run-off, evaporation,

ground-water movement, soil condition, vegetal cover, transpiration, etc., is far from complete, but our greatest shortcoming has been the failure to provide sufficient funds for the utilization of rain gages, snow surveys, stream-flow measurements, evaporation stations, run-off and erosion studies, ground-water observation wells, water-quality analyses, and other established methods of obtaining data essential to the planning and construction of river development projects. Continuous application of these techniques over a period of years is required to furnish reliable data, yet not infrequently the first intensive efforts to apply them are coincident with the commencement of a project study. Few areas are even adequately mapped for water development purposes. In the Columbia Basin, for example, less than half of the watershed has been topographically mapped or has had ground control lines established. Stream survey and stream-gaging programs have lagged far behind project planning, notwithstanding the fact that development agencies have transferred considerable funds to data-collecting agencies and have frequently undertaken surveys themselves. Conditions in the Missouri Basin are equally unsatisfactory.

"Losses due to lack of adequate hydrologic data have always been heavy and may reach staggering figures during the next few years. The most spectacular form which such losses take is the failure of dams as a result of overtopping by floods. In a large proportion of the important dam failures of this kind structures were built too weak or too small because of lack of sufficient information as to precipitation, run-off, stream flow, etc. Made cautious by the number of such catastrophes in the past, engineers now tend to overbuild where adequate data are lacking, and as a result we have an increasing number of overelaborate spillways, power plants, and water-supply systems. Losses from overbuilding of structures are less spectacular than those that occur from underbuilding but may turn out to be even more costly.

"Siltation of reservoirs due to absence of sufficient data concerning sedimentation is another common form of loss. Many river development works have failed to function as expected or are doomed to early failure due to loss of storage capacity for power production and other purposes. In some cases siltation has necessitated the raising of dams at considerable expense. * * *

"Overextension of irrigation systems, arising from lack of dependable data as to amounts of available water, has resulted in many costly failures."

Recommendation No. 9

For the many reasons above, we recommend that the Rivers and Harbors and Flood Control activities of the Corps of Engineers be transferred to the Department of the Interior and that any Army engineers who can be spared from military duties be detailed to the Department in positions similar to those which they now hold in the Corps of Engineer.[15]

BUSINESS ASPECTS OF MULTIPLE-PURPOSE PROJECTS

There are many reforms in finance, budgeting, accounting, and business management which are urgently needed in the conduct of the electrical and irrigation aspects of water development. The responsible officials cannot effect these reforms under the present laws.

The subjects are dealt with in reports of the Commission on Budgeting and Accounting, and on Government Business Enterprises, where we make specific recommendations.

There is great confusion in the laws governing the Bureau of Reclamation generally.

Recommendation No. 10

We recommend a clarification and codification of the laws pertaining to the Bureau of Reclamation.

ORGANIZATION AND PLANNING UPON A DRAINAGE BASIN BASIS

A further reason for unified organization of water development agencies is to permit the determination of policies upon a watershed basis.

Our task force on natural resources says:

"In the mangement of our great rivers, the coordinated development of whole river basins with their watershed tributaries is peculiarly essential. * * *

"The (water development) service would have a clear responsibility to devise for each river basin a plan of development designed to achieve the maximum benefits, after weighing all uses and interests. It would be charged with the responsibility for the Federal part in planning, constructing, and operating river development projects. * * *

"There should be regional decentralization of the Water Development Service and the Forest and Range Service, by river basins where practicable, to facilitate grass roots decisions, interservice cooperation, and local participation in planning."

In addition to unification of Federal water development agencies, the relation to, and participation of, the States in water development needs enlargement. As said, the unit of water development is the drainage area. Within it are the multiple purposes of navigation, flood control, irrigation, hydroelectric power, municipal and industrial water supply, and the problems of pollution. The governments of the States involved not only are interested, but also, for some purposes, should be called upon for contribution to expenditure. Nor can too much emphasis be laid upon any one of these multiple uses of water to the prejudice of other States. Moreover, State laws govern water rights.

Prior to 1936 the States were required to contribute to flood control, but the removal of this condition in 1938 in respect to reservoir projects has, in effect, imposed the whole burden on the Federal Government and at the same time removed effective restraints on projects of doubtful feasibility.

In order to bring about coordination of State interest and the different Federal agencies as well, the following recommendation is made:

Recommendation No. 11

The Commission recommends that a Drainage Area Advisory Commission be created for each major drainage area, comprising representatives of the proposed Water Development and Use Service of the Department of the Interior, the proposed Agricultural Resources Conservation Service in the Department of Agriculture, and that each State concerned should be asked to appoint a representative. The purpose of these drainage boards should be coordinating and advisory, not administrative.

INTERNATIONAL BOUNDARY STREAMS

With respect to international boundary streams, our task force on natural resources states:

"There may be instances in which it will be desirable to have joint action by the Water Development Service and the State Department in view of the latter's responsibility for negotiating agreements. Insofar as the State Department is necessarily involved in planning and operation, it should utilize the facilities of the Water Development Service wherever practicable and should effect careful coordination with the Service so that the plans for the development of the national and international sections of streams are not in conflict. The Water Development Service, in turn, should clear all construction and operation plans for international streams with the State Department for conformity with international agreements."

Recommendation No. 12

The Commission shares these views and recommends that the responsibility for negotiating international agreements continue with the State Department, but that all construction be made a function of the Water Development and Use Service.

REVIEW OF IRRIGATION PROJECTS BY THE DEPARTMENT OF AGRICULTURE

Our task force on natural resources recommends:

"Serious friction can be avoided, it is believed, if the following general principles are adopted: (a) The Water Development Service should not engage in basic agricultural research; (b) the Water Development Service should not provide irrigation farmers with the type of services ordinarily furnished by the Department of Agriculture; (c) the Water Development Service should be required by statute to obtain and consider the views of the Department of Agriculture with respect to the agricultural feasibility of water projects before making it own determination."

The Commission is convinced that the Department of Agriculture should play a more significant role with respect to irrigation than has been the case in the past.

Recommendation No. 13

Therefore, we recommend that no irrigation or reclamation project be undertaken without a report to the Board of Impartial Analysis by the Department of Agriculture.[16]

IV. BETTER ORGANIZATION IN BUILDING CONSTRUCTION

Major public construction is now carried on by many departments or agencies involving an expenditure, recommended in the 1950 budget, of some $1,300,000,000. As stated above, our reasons for placing this work in one department are (a) to secure more adequate technical supervision; (b) to link such work with other major construction; (c) to eliminate competition for labor and materials within the Government; and (d) to plan construction work to meet the economic situation.

Our task force on public works recommends that all Government housing agencies be brought into this Department. We do not approve of including housing activities as they involve mostly lending operations and are, in part, of an emergency nature. These housing agencies are not directly engaged in major construction activities. However, if any of the housing agencies should undertake actual extensive construction for the Federal Government, this construction should be the responsibility of the Department of the Interior.

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[15] Abstention: Commissioner James Forrestal has abstained from participation in the discussion and formulation of this recommendation, and others relating to the Corps of Engineers, because of his relationship, as Secretary of Defense, to the Corps of Engineers in the National Military Establishment.

[16] Further views: "I fail to see the significance of this recommendation which would not permit any irrigation or reclamation project to be undertaken without a report to the Board of Review by the Department of Agriculture Obviously, it is not intended to give the Department authority superior to the Board, and under the broad terms of recommendation 1, the Board would necessarily have to consider the views of all departments including Agriculture." (James Forrestal, Commissioner.)

V. BETTER ORGANIZATION IN MINERAL RESOURCES SERVICES [17]

Our Task Force on Natural Resources states:

"Consumption of minerals in the United States has been steadily on the upgrade. The total value of domestic mineral products was $367,000,000 in 1880 and $8,143,000,000 in 1945. The fuel minerals, coal, natural gas, petroleum and its products increased in value from $120,000,000 in 1880 to $5,212,000,000 in 1945. The advent of the automobile brought in a remarkable increase in the consumption of petroleum the total value of which was $32,000 in 1859, $120,000,000 in 1907, and $2,033,000,000 in 1944.

"National industry in the past has been securely based on large and companion iron and coal deposits. The production of iron ore was only 15,000,000 long tons in 1889. It rose to 52,000,000 in 1907 and over 100,000,000 tons in 1947. Likewise the production of bituminous coal rose from 80,725 tons in 1824 to a peak of 620,000,000 tons in 1944.

"Cutting across minerals, water, and even some organic resources is the need for unified attention to the energy resources base of our economy. There is at present no department assigned to watch out for the consistent conservation and development of water power, oil, gas, and coal. No one is advising Congress, the President, and the operating agencies on changes in Federal policy required to conserve the more valuable or nonreplaceable energy substances and to increase the availability of the perpetual use or more plentiful and cheaper forms of energy."

We have need for more extensive geological explorations, for more research into improved methods of mining and recovery, for more adequate management of the Government relations to title leases, royalties, reservations, etc.

We have need for study leading to revision of our mining laws, some particulars of which are outlined in the report of our task force on natural resources.

There is grave need for a center of mineral services in order to develop mineral resources, to advise on broad national policies, to administer the Government leases and mineral reservations, to recommend revision of mineral laws, and to advise other agencies of the Government.

There are some 25 agencies in the Government which have to do with mineral resources. They involve extensive duplication, much of which could be avoided by a consolidation and a more systematic source of information and advice. The Reconstruction Finance Corporation and the National Security Resources Board are important cases in point.

The Reconstruction Finance Corporation has large powers to make loans to organizations engaged in mining, milling, and smelting of ore, and to make loans for the development of lode, ledge, or veins.

Recommendation No. 14

We recommend that, in connection with its financing, the Reconstruction Finance Corporation should secure reports from the proposed Mineral Resources Services of the Department of the Interior.

The tin smelter at Texas City, Tex., is a Government enterprise now conducted by the Reconstruction Finance Corporation. This is an intensely technical operation which should be allied with the research and technical services of the Bureau of Mines in the Mineral Resources Services.

Recommendation No. 15

We recommend that this enterprise should be operated by the Bureau of Mines.

The National Security Resources Board is engaged in stock piling and development of mineral production. They should avail themselves at all times of the advice of the Minerals Service.

VI. RECREATION SERVICES

BUREAU OF NATIONAL PARKS

As to the national parks, our task force on natural resources states:

"On the whole, there has been little duplication in the administration of recreational resources. However, much remains to be done in integrating recreational policies relating to the national forests and national parks, and in integrating national recreational policies with State park and forest programs. There has been some conflict between the Forest Service and the National Park Service over boundaries. There could be closer cooperation between the National Park Service and the Forest Service in custodial supervision of monuments within the national forests. There could likewise be more consistency in operational policies concerning camp sites, tourist cabins, commercial enterprises, and other public facilities."

BUREAU OF FISH AND WILDLIFE

We have recommended elsewhere the transfer of commercial fisheries to the Department of Commerce and given our reasons in the report on that Department. Other functions of this Bureau remain in Interior.

CONCLUSIONS AND SAVINGS

The Commission believes that the foremost obstacles to consistent Government policies and efficient functioning of these agencies will be removed by their unification as proposed above.

We can present no accurate estimate of the savings to be made by this reorganization of functions. In preventing unwise projects and disastrous conflicts and by securing coordinated policies, they should amount to large sums.

Mr. MORSE. Mr. President, in closing, I want to say that I have sought tonight to outline in general my basic attitudes and viewpoints with respect to the problems which confront us in the Pacific Northwest insofar as the need for some legislation for and coordination of the administration of the various departments which have jurisdiction over these Federal projects is concerned.

Mr. President, I stress again that we cannot safeguard the principles of representative government in the Pacific Northwest unless the Federal Government and the States work out together a cooperative program along the line of a cooperative State and Federal corporation, governmental in nature, for the administration of these projects. That ought to be our ultimate goal, but in the meantime let me say to all the people of my State that the first two steps we should take are to proceed without delay to complete these projects, and to urge this administration to get the projects covered in the so-called Army Engineers-Bureau of Reclamation Report No. 308, and as provided for in Senate bill 2180, built at the earliest possible time, and as a second step, proceed without delay as a Congress to put into legislative form the recommendations of the Hoover Commission in respect to this general problem.

Mr. President, I am satisfied that if we do that we will have performed not only a great service for the people of my section of the country, but we will have taken a significant step toward the maintenance of these principles of representative government for which I have pleaded tonight.

Mr. CAPEHART. Mr. President, I have listened very attentively for the last 3 hours to the able address of the junior Senator from Oregon, and I wish to congratulate him. My only regret is that there were not more Senators on the floor, and likewise that every American could not have listened to his address. I recommend that he have it printed and mailed out as widely as he possibly can.

I likewise desire to welcome the Senator from Oregon to the fraternity of Senators opposed by the leadership of the CIO. I assure him that that fraternity is not a secret organization. It is very, very widely advertised. In my State, for example, they are holding meetings regularly. Some of the leadership of the CIO have the slogan, "Anybody but CAPEHART," and I am certain that from now on they are going to have a slogan "Anybody but MORSE."

There is no question that the Senator from Oregon qualifies to join this fraternal organization of Senators opposed by the leadership of the CIO because, as he said in substance in his speech, he knows no man's collar, he is for labor when they are right and against them when they are wrong; he is for businessmen when they are right and against them when they are wrong. Nobody can dictate to him as to how he votes. He follows his conscience, and votes for that which he believes is for the best interests of all the people of the United States.

Mr. President, I believe that is the qualification and is the philosophy of those of us who belong and have belonged for some time to the fraternal order of Senators opposed by the CIO leaders who are opposed to anyone who dares to differ with them on a single subject. There can be no question about that.

I know of no one in the United States who has been a better friend of labor than has the junior Senator from Oregon. Yet, we discover tonight that because he has been opposed to a certain piece of legislation which the CIO apparently favors, they now, if they have not already declared their opposition to his renomination and reelection, may well do so.

I want to say to the able Senator from Oregon that he need not be discouraged. I agree with what he said in his speech, that the people of America, the rank and

[17] Further views: "To my mind the greatest defect of the Commission's report and that of the supporting task force is the inadequacy of the treatment of petroleum as a natural resource. This defect cannot be explained away solely on the ground that there are no organizational problems involved. The natural resources, particularly those of petroleum, in the submerged coastal lands are admittedly very important but at present there is no Federal agency authorized to manage these resources which are within the domain of the Federal Government. It is for this reason that I joined with Attorney General Clark and Secretary of the Interior Krug in recommending to both the Eightieth and Eighty-first Congresses, the enactment of a management act to provide for the orderly administration of Federal mineral resources in the submerged coastal areas. This legislation has been introduced in the Eighty-first Congress as S. 923." (James Forrestal, Commissioner.)

file of labor, always appreciate an honest public servant, one who votes his conscience, one who cannot be dictated to by anyone. I am confident, after having served 4½ years with the able Senator from Oregon, that he is of that caliber. My personal opinion is that the best recommendation the Senator from Oregon can have is the fact that he takes issue at times not only with the CIO leadership but the leadership of the bankers and the businessmen and all other groups in America.

What the Nation needs above everything else in its Senators and Representatives is men and women who have the courage to vote their convictions, to vote for that which they feel is best for all the people, irrespective of what any small group or large group in America may think about it.

It is my personal opinion that if this Nation should fall—and I am certain it is not going to fall—it will fall because we have in the Congress of the United States men and and women who are dictated to by some pressure group in America.

I congratulate the able Senator from Oregon, and again I welcome him into our fraternal order of Senators who are opposed by the leadership of the CIO, and I prophesy not only his renomination, but likewise his reelection.

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

Mr. CAPEHART. I yield.

Mr. MORSE. I will say to the Senator that I appreciate very much what he has said about me. I thank the Senator for his statement, and I compliment him upon his very fine statement of the principles which should actuate and govern all Members of the Senate of the United States in doing our duty. He has contributed very much to the statement of principles of representation I have tried to set forth tonight.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. TAFT. Mr. President, in my opinion the Senate should consider at once the proposed amendments to the Displaced Persons Act of 1948 reported by the Judiciary Committee without recommendation.

I am opposed to referring this bill back to the Judiciary Committee, even though the committee is directed to report it again in January. The Displaced Persons Act became law on June 25, 1948. Many of the amendments now proposed were considered by both Houses of Congress at that time. They were considered again at the special session in 1948. They have been widely discussed in Congress and throughout the country since this Congress met on January 3, 1949. Extensive studies have been made and several Senators have traveled to Europe to visit the camps. In my opinion there has been ample time, and the only real reason why amendments have not been reported is that the subcommittee considering the matter is opposed to liberalizing the provisions of the 1948 act. Surely that must be clear to anyone who considers all the circumstances. That subcommittee and the Judiciary Committee itself, as well as Members of the Senate, have, of course, a perfect right to oppose all amendments. But the matter is now before the Senate, and I can see no possible need for further study before the Senate acts.

Mr. President, I think it is extremely important that action be taken now. It is said that no more displaced persons will be admitted during the next 3 months. That may be true, but the sooner the act is amended and the Commission gets to work under the new act, the closer we will be to a solution of one of the most serious problems in Europe today.

I have always felt that the United States should do its share in solving that problem, and I am inclined to believe that the number of persons provided by the new act, namely, 339,000, more nearly represents the American share than the figure of 205,000 in the present act.

I have also felt that the cut-off date of December 22, 1945, contained in the present act excluded from the classification of displaced persons many people who probably belonged in that classification. Certainly they had been actually admitted to the displaced-persons camps in Europe, and to exclude them now seems to me a clear discrimination. I voted last year to extend the date to April 21, 1947. I have some doubt about extending it further than that date, but I should be glad to consider the arguments that may be presented for the House date of January 1, 1949.

While I do not feel that the provisions giving some preference to farm workers, and to persons from the Baltic States, were discriminatory, I am inclined to believe that it would be better to adopt the amendment which requires simply that there shall be no discrimination among different groups in selecting persons for admission.

There are other amendments which, after the experience we have had, seem desirable to eliminate red tape and enable the general policy to be carried out more quickly. I would vote for the House bill in its present form, although there are some matters which I would prefer to amend. In any event, Mr. President, I wish to reiterate the importance, to thousands of unfortunate persons, and to a solution of one of the most difficult problems in Europe, of our considering this bill at the present time and passing it in such form as the Senate approves.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. LONG in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BREWSTER. I move that the Senate now stand in recess.

The motion was agreed to; and (at 10 o'clock and 13 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Saturday, October 15, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 14 (legislative day of October 13), 1949:

MILITARY LIAISON COMMITTEE TO THE ATOMIC ENERGY COMMISSION

Robert LeBaron, of the District of Columbia, to be chairman of the Military Liaison Committee to the Atomic Energy Commission.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment and promotion in the Regular Corps of the Public Health Service:

To be senior assistant sanitarians (equivalent to the Army rank of captain), effective date of acceptance:

Richard F. Clapp
Samuel M. Rogers
Joseph L. Minkin

Senior assistant nurse officers to be nurse officers (equivalent to the Army rank of major):

Marjorie W. Spaulding	Mary A. Rice
Walborg S. Wayne	Gertrude L. Anderson
Esther Kaufman	M. Lois McMinn
Catherine M. Sullivan	Anne M. Leffingwell
Margaret E. Willhoit	M. Dolores Howley
Gladys C. Guydes	Helen N. Buzan
Emijean Snedegar	K. Barbara Dormin
Edith M. Hettema	

To be senior assistant sanitary engineers (equivalent to the Army rank of captain), effective date of acceptance:

Keith S. Krause	Ernest C. Tsivoglou
James H. Crawford	Charles R. Bowman
Ray Raneri	Joseph H. Coffey
Harold Romer	Donald D. Gold

To be assistant sanitary engineers (equivalent to the Army rank of first lieutenant), effective date of acceptance:

Ronald G. Macomber	Marvin L. Granstrom
Donald A. Pecsok	James B. Coulter

To be junior assistant sanitary engineers (equivalent to the Army rank of second lieutenant), effective date of acceptance:

Paul W. Eastman, Jr.	Richard D. Coleman
John T. Chambers, Jr.	Roy O. McCaldin
David H. Howells	Sumner G. Hyland
Robert L. Harris, Jr.	Frank A. Bell, Jr.
Sidney S. Lasswell	Ralph J. Black

Assistant surgeons to be senior assistant surgeons (equivalent to the Army rank of captain):

Robert Hanan	David H. Solomon
Charles W. Whitmore	Albert L. Patrick
John V. Osborne	Herman H. Gray
Ernest V. deMoss	Sidney Ketyer
John H. Waite	

Junior assistant nurse officer to be assistant nurse officer (equivalent to the Army rank of first lieutenant):

Marion E. O'Neil

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Walter F. Cornnell	Daniel S. Pregnall
Elliott Wilson	Robert J. Oddy
Bernard T. Kelly	Virgil W. Banning
Harry W. Taylor	Richard W. Wyczawski
Karl W. Kolb	Fred J. Frazer
Stoddard G. Cortelyou	Franklin B. Nihart
William H. Souder, Jr.	Howard A. York
Andre D. Gomez	David Ahee
George B. Kantner	Edward V. Finn
Harry T. Milne	Windsor V. Crockett, Jr.
Tolson A. Smoak	

Victor J. Croizat
Ernest C. Fusan
Charles E. Warren
Roy J. Batterton, Jr.
Earl E. Anderson
Robert D. Taplett
Wilson F. Humphreys
Victor J. Harwick
Earl A. Cash
Herbert F. Woodbury
Wade H. Hitt
Phillip B. May
Robert H. Houser
Paul M. Jones
Tillman N. Peters
Allen T. Barnum

The following-named officers of the Marine Corps for permanent appointments to the grade of major:

John S. Chambers, Jr.
Charles J. Keen
John D. Lines, Jr.
Gilbert Percy
Thomas H. Hughes, Jr.
Eugene G. McIntyre
Austin Wiggins, Jr.
Robert W. Hengesbach
Joseph P. Lynch
Albert L. Clark
Gerard M. Shuchter
Edwin E. Shifflett
Paul H. Kellogg
James H. Phillips
Paul L. Pankhurst
Lynn E. Midkiff
Judson C. Richardson, Jr.
Charles H. Woodley
Richard Hey, Jr.
George P. Blackburn, Jr.
Ben L. Hoover
Edwin H. Simmons
Edgar D. Webber
David W. Bridges
George W. Carrington, Jr.
Thomas M. Fields
Richard H. Jeschke, Jr.
John P. McNeil
Ralph J. Parker, Jr.
Arthur M. Hale
Robert A. Scherr
Grover C. Williams, Jr.
John A. Hood
William E. Vance
Murray Ehrlich
John V. C. Young
Claude L. Whitlock
Leslie Menconi
Warren B. Partain
Steve J. Cibik
James L. Jones
Robert C. Woten
Warren H. Keck
James P. Treadwell
Elzia M. Cable
Robert E. Lorigan
Albert M. Roebuck
Donald V. Nahrgang
Harold T. Clemens
Roy H. Thompson
Robert S. Wilson
Michael F. Wojcik
John Marston, Jr.
Eugene J. Robinson
Dennis P. Casey
Samuel "C" Roach, Jr.
William L. Gunness
Robert L. Rathbun
Thomas J. Cushman, Jr.
John J. Windsor
Thomas M. Forsyth, Jr.
Willis L. Fairbanks
Robert F. Steinkraus
John Skinner, Jr.
Elswin P. Dunn
Robert H. Brumley
Oscar C. Hauge, Jr.
Walter W. Turner
William D. Armstrong
George M. Warnke
Wesley R. Christie
Charles H. LeClaire
George W. Ellis, Jr.
Fred E. Haynes, Jr.
William L. Bates, Jr.
Robert M. Calland

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

James M. Jefferson, Jr.
Vivian M. Moses
Henry K. Bruce
Phillip G. Dyer
Raymond Dewees, Jr.
Norman L. Hamm
Robert F. Shields
James H. Magill
Frederick J. Helling, Jr.
Clark E. Merchant
Paul M. Ruffner
Harris L. Whynaught
Charles A. House
James H. Rinehart
Charles E. Dove
Ernest I. Melin
John N. Orr
Robert M. Healy
James C. Harrington
Harry D. Stott
LeRoy C. Barton
Gaylord C. Greenfield
James McDaniel
Milford V. Seaman
George W. Piland, Jr.
Leland R. Smith
Vernon F. Ball
James L. Lillie, Jr.
Ernest A. Mitch
Henry Hart
Lester G. Harmon
Gene "W" Morrison
William C. Carlson
Roger M. Sanders
Thomas E. McCarthy
George W. Callen
David H. Kennedy
William L. Traynor
Robert E. Woerner
Kevin Cochrane
Boyd "M" Phelps
Robert W. Lebo
Bryce Howerton
William C. Bell
William E. Zane
Archie J. Clapp
Donald A. McMillan
Carl Coon
Ray D. Rushlow
Richard E. Oderwald
Richard M. Taylor
Walter E. Magon
James H. McRoberts
John G. Heidrick
Russell G. Arndt
Joseph W. Malcolm, Jr.
Carl M. Viner
James V. Holcombe
Alden McBarron
Albert W. Simmons
Charles B. Armstrong, Jr.
Murray O. Roe
Clifford W. Buckingham
Byron M. Burbage
Richard M. Moore
Karl B. Witte
Edward J. Geishecker
Royce M. Williams
Walter T. McMillin
Frank P. Moran
Arthur R. Causer
James C. Frew
John L. Read
Jack E. Perry
Benjamin A. Fornonzini, Jr.
William T. Witt, Jr.
Thomas A. Coleman
Alfred F. Garrotto
George T. Lovelace
Rupert C. Wesley, Jr.
Charles L. Schroeder
Howard C. Veach
John McManus
Dean Wilker
Dellwyn L. Davis
Thomas E. Archer
Robert J. Larsen
George W. Ross
Burks A. Via
Gordon V. Hodde
Willard D. Collup
Doil R. Stitzel
Cleveland C. Barry
William R. Morrison
Arnold B. Capps
Dwight F. Johns, Jr.
Ralph P. Mawyer
Frank E. Seabeck
Elbert F. Veuleman
Thomas M. Sagar
Jack Dunlap
Edward Eisenhardt
Homer B. Pettit, Jr.
Edward D. Oglesby
Charles J. Irwin, Jr.
Lewis J. Cox
Clarence E. Schwaneke
John C. Johnston
Eugene N. Bennett
John N. Wester
Darrell L. Ritter
Raymond R. Davis
William H. Quick III
Howard D. Campbell, Jr.
Marvin R. Russell
Johnnie C. Vance, Jr.
Charles E. Gocke, Jr.
Dewey H. Jackson
Robert "L" Willis
John M. Whitcomb
Emmons S. Maloney
Warren L. MacQuarrie
William G. Mars, Jr.
Albert F. Dellamano
William Farrell
Harry E. Nevill
John A. Browne, Jr.
William E. Culp
James W. Brayshay
David S. Reid III
Kenneth W. Maust
Clyde H. Slaton, Jr.
William "J" Webster
Delmer O. Morris
Henry N. Schwendimann
Oliver W. Curtis
John Strickland, Jr.
Frank M. Hepler
Oliver O. Arnold
Wendell M. Waskohm
William F. Guss
Robert R. Roy
Harding H. Holloway
Robert E. Wellwood
Thomas C. Billings
David O. Takala
Byron J. Costello
Arvene J. Kugler
John T. Molan
James K. Johnson
Robert W. Baker
Mont L. Beamon
Rodney D. McKitrick
Don M. Hinshaw
Leonard A. Miller
Brett E. Roueche
Joseph O. Lynch
Walter Sienko
Paul "F" Bent
Paul L. Hirt
John D. Ross
James A. Feliton
Ralph M. Sudnick
Charles W. Fitzmaurice
Edward J. Orem
Robert E. McNew
Welby W. Cronk
Homer E. Tinklepaugh
Joseph R. Arnaud
William H. Anderson
William E. Barber
Phillip A. Terrell, Jr.
Harold "E" Bryant
John Urell
James Aldworth
Robert S. Hemstad
Byron H. Beswick
Joseph E. Blattman
Kenneth A. Matheson
Thomas J. Johnston, Jr.
Richard C. Browning
John L. Herndon
Laurence J. Stien
Richard B. Fielder
Claude O. Barnhill, Jr.
Thomas J. Norman, Jr.
Walter W. Vatcher
William "L" Beach
John F. Cox
John J. Leogue
William E. Brown

The following-named officer of the Marine Corps for permanent appointment to the grade of captain for limited duty:

Edwin M. Clements

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

Emil L. Turner, Jr., Chandler, Ariz., in place of J. I. Cooper, transferred.

CALIFORNIA

Frederick H. Meyer, Clearlake Oaks, Calif., in place of E. B. Clark, resigned.

Erwin R. Lang, La Crescenta, Calif., in place of Pauline New, retired.

Alice E. Wyman, Nuevo, Calif., in place of O. J. Hanzlik, deceased.

Richmond D. Atkeson, Sierra City, Calif., in place of Alba Cox, retired.

COLORADO

Frances M. Ver Straeten, Laporte, Colo., in place of E. A. Holtz, resigned.

CONNECTICUT

Joseph S. Kovaleski, Pequabuck, Conn., in place of P. I. Olie, deceased.

ILLINOIS

Pearl Caswell, Ashland, Ill., in place of W. G. Gerbing, resigned.

James C. Davidson, Orland Park, Ill., in place of A. J. Toelle, deceased.

Joseph J. Sawicki, Posen, Ill., in place of J. J. Smaron, declined.

Amor A. Lauer, Sublette, Ill., in place of A. W. Butler, resigned.

INDIANA

Donald L. Stanford, Brookston, Ind., in place of W. G. Smith, resigned.

John F. Huffer, Mulberry, Ind., in place of J. E. Lehr, transferred.

IOWA

Clement P. McKenna, Oto, Iowa, in place of C. R. Mead, resigned.

Daniel V. Lawler, Wall Lake, Iowa, in place of Walter Ward, resigned.

Thomas M. McNally, Waterloo, Iowa, in place of J. H. Fitzgerald, retired.

KANSAS

Donald L. Zeigler, Hoisington, Kans., in place of T. H. Boyle, resigned.

KENTUCKY

James R. Trimble, Adairville, Ky., in place of B. F. Bailey, retired.

Gladys S. Lindon, Blue Diamond, Ky., in place of E. S. Fugate, resigned.

Daniel Boone Logan, Pineville, Ky., in place of J. A. McCord, retired.

LOUISIANA

Carlos J. Turner, Dry Prong, La., in place of B. N. Eubanks, transferred.

Lucie D. Wanersdorfer, Lettsworth, La., in place of I. E. Mounger, retired.

MARYLAND

Lionell M. Lockhart, Capital Heights, Md., in place of M. E. Acree, removed.

MASSACHUSETTS

Mary V. Meagher, Middleton, Mass., in place of E. H. Leary, resigned.

Frederick H. Bearse, South Chatham, Mass., in place of F. K. Lynch, retired.

Samuel J. Martineau, South Vernon, Mass., in place of H. L. Laplante, deceased.

MICHIGAN

Beatrice C. Wright, Fairgrove, Mich., in place of S. G. MacFarlane, transferred.

Vernon C. White, Wells, Mich., in place of C. J. McCauley, retired.

MINNESOTA

Ray A. Harris, Jr., Angora, Minn., in place of J. E. Essila, resigned.

Howard I. Trana, Henning, Minn., in place of Carl Von Ohlen, transferred.

MISSOURI

Shannon K. Rhinehart, Houstonia, Mo., in place of M. E. Staples, deceased.

NEBRASKA

Roy Cecil Plants, Loup City, Nebr., in place of C. F. Beushausen, retired.

NEW JERSEY

Frank B. Harker, Lawrenceville, N. J., in place of M. E. Carroll, retired.

William H. Claypoole, Mount Holly, N. J., in place of J. A. Wolfrom, resigned.

Edward Collins, Stelton, N. J., in place of S. E. Burke, retired.

NEW YORK

Fred R. Davidson, Altmar, N. Y., in place of Mayme Meegan, resigned.

Bernard J. Buchal, Copenhagen, N. Y., in place of C. L. Ryel, resigned.

John F. Mahoney, Elizabethtown, N. Y., in place of J. T. O'Donnell, resigned.

George I. Kowalczyk, Florida, N. Y., in place of M. F. Villamil, retired.

Florence L. Emery, Howes Cave, N. Y., in place of Jennie Young, deceased.

John F. Wheeler, Philadelphia, N. Y., in place of R. E. Purcell, retired.

William L. Farley, Watertown, N. Y., in place of F. J. McCarthy, deceased.

William E. Shirk, Yorktown Heights, N. Y., in place of W. A. Quigley, resigned.

NORTH CAROLINA

Jesse J. Barbour, Benson, N. C., in place of J. T. Morgan, transferred.

NORTH DAKOTA

Norman V. Simmons, Glenburn, N. Dak., in place of Mildred Peck, resigned.

OHIO

Oliver W. Hook, Bellbrook, Ohio, in place of C. F. Schwartz, retired.

Albert A. Dete, Glenmont, Ohio, in place of W. P. Guenther, deceased.

OKLAHOMA

John W. Bonar, Fargo, Okla., in place of R. M. Hubbert, resigned.

Louis P. Broadway, Oilton, Okla., in place of J. P. Todd, transferred.

PENNSYLVANIA

Cleon R. Wyland, Barnesboro, Pa., in place of D. J. Murphy, retired.

Andrew J. Remish, Bentleyville, Pa., in place of Frank Bertcvich, transferred.

John O. Ream, Jr., Berlin, Pa., in place of Howard C. Philson, resigned.

Aaron S. Myers, Bird in Hand, Pa., in place of H. V. Miller, transferred.

Carlon B. DeHaven, Blue Bell, Pa., in place of E. D. Jervis, resigned.

Joseph G. Kibble, Derry, Pa., in place of C. H. Cullen, deceased.

Mary C. Reed, Dunbar, Pa., in place of D. W. Rankin, deceased.

Blanche D. Kilburn, Holtwood, Pa., in place of A. L. Winters, deceased.

John J. McGrath, Houtzdale, Pa., in place of P. A. Saupp, resigned.

Charles W. Wishart, Millsboro, Pa., in place of S. R. Wilson, resigned.

Charles A. Broughton, Morris, Pa. Office became Presidential July 1, 1944.

Henry A. Eisenman, Venus, Pa., in place of W. M. Betz, resigned.

Wilbur M. Hodgson, Webster, Pa., in place of D.. R. Ayers, resigned.

Florence Layman, Willow Street, Pa., in place of E. N. Nolt, resigned.

SOUTH CAROLINA

Cecelia W. Nixon, Cherry Grove Beach, S. C. Office established June 16, 1948.

John A. Richardson, Cross Hill, S. C., in place of Conway Dial, retired.

E. Calvin Clyde, Jr., Effingham, S. C., in place of W. B. Gillespie, retired.

James H. Lovelace, Glendale, S. C., in place of C. E. Crocker, resigned.

Mary L. Long, Pomaria, S. C., in place of M. H. Graham, deceased.

Harry J. Gillespie, Senaca, S. C., in place of J. F. Mason, resigned.

Rosa E. Bridgeman, Whitney, S. C., in place of W. H. Bishop, resigned.

SOUTH DAKOTA

Ray C. Bonzer, Hecla, S. Dak., in place of G. I. Honsey, deceased.

Albert J. Maass, Jr., Yale, S. Dak. Office became Presidential July 1, 1948.

TEXAS

William L. Butler, Karnes City, Tex., in place of W. R. Seale, resigned.

Bruno H. Morisse, Nordheim, Tex., in place of L. C Neutzler, deceased.

Marion L. McElveen, Rockport, Tex., in place of E. B. Friend, resigned.

WASHINGTON

Lester L. Spangler, Orting, Wash., in place of E. M. Snook, deceased.

WEST VIRGINIA

Anna R. Ruiz, Dehue, W. Va., in place of Mary Mariano, resigned.

Paul E. Miller, Jr., Kearneysville, W. Va., in place of F. O. Trump, retired.

Robert F. Wildey, Tams, W. Va., in place of G. L. Wilcoxon, retired.

Hazel I. Jackson, Wharton, W. Va., in place of R. B. Calmes, resigned.

Charles A. Wilson, Widen, W. Va., in place of L. S. Gibson, deceased.

Florence M. Raines, Winding Gulf, W. Va., in place of S. B. Davis, resigned.

WISCONSIN

Arthur T. Gibbs, Bancroft, Wis., in place of F. G. Hutchinson, transferred.

Melvin I. Kennedy, Montford, Wis., in place of H. J. O'Brien, transferred.

Carl A. Lundborg, Prentice, Wis., in place of P. H. Laughrin, retired.

Milton E. Raditz, Salem, Wis., in place of Jossie Loescher, retired.

Robert H. Homb, South Wayne, Wis., in place of D. M. Kading, resigned.

WYOMING

Alma Lukas, Kortes Dam, Wyo. Office established July 16, 1947.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 14, 1949

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of heaven and earth, whose light is the way of blessing, be Thou our teacher, inspiring us to use our powers for the noblest ends. Make us to understand that no man liveth unto himself and no man dieth unto himself. To meet the temptations of each day is to be strengthened for the conflicts of tomorrow. If we live well today, we shall be prepared to live better tomorrow.

Thou who wert sent to this world with a divine mission, send us forth to interpret in politics, in commerce, and in reform those truths which will make clear the righteous duty and responsibility of our fellow countrymen. Promote every plan which means greater stability to our free institutions and richer blessings to all our people. In Thy holy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On October 13, 1949:

H. R. 3734. An act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes.

On October 14, 1949:

H. R. 3191. An act to amend the act approved September 7, 1916 (ch. 458, 39 Stat. 742), entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, by extending coverage to civilian officers of the United States and by making benefits more realistic in terms of present wage rates, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 368. Joint resolution further amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing joint resolution, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. BRIDGES, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2383. An act to give effect to the International Wheat Agreement signed by the United States and other countries relating to the stabilization of supplies and prices in the international wheat market; and

S. Con. Res. 60. Concurrent resolution to print as a document a manuscript entitled "A Decade of American Foreign Policy: Basic Documents, 1941–49," relating to American international relations.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 134. Joint resolution to amend the National Housing Act, as amended, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2296) entitled "An act to amend and supplement the act of June 7, 1924 (43 Stat. 653), and for other purposes."

FEDERAL FIREARMS ACT

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6212) amending section 5 of the Federal Firearms Act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the Federal Firearms Act, approved June 30, 1938 (52 Stat. 1252; U. S. C., 1946 ed., title 15, sec. 905), is amended by striking out "SEC. 5" and substituting therefor "SEC. 5. (a)" and by adding a new subsection designated "(b)" as follows:

"(b) Any firearm or ammunition involved in any violation of the provisions of this act or any rules or regulations promulgated thereunder shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of such code shall, so far as applicable, extend to seizures and forfeitures incurred under the provisions of this act."

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

BUREAU OF NARCOTICS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6213) to authorize the reimbursement to the appropriations of the Bureau of Narcotics of moneys expended for the purchase of narcotics.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is this a unanimous report of the committee?

Mr. DOUGHTON. It is a unanimous report of the committee. It is recommended by the Treasury Department and is necessary for the administration of the Narcotics Act.

Mr. MARTIN of Massachusets. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 28, 1928, chapter 266 (45 Stat. 374; U. S. C., 1946 ed., title 31, sec. 529a), is hereby amended by adding at the end thereof a paragraph reading as follows:

"Moneys expended from appropriations of the Bureau of Narcotics, Treasury Department, for the purchase of narcotics, including marihuana, and subsequently recovered shall be reimbursed to the appropriation for enforcement of the narcotics and marihuana laws current at the time of the deposit."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX ON DISTILLED SPIRITS

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5486) to amend certain provisions of the Internal Revenue Code to permit the use of additional means, including stamp machines, for payment of tax on distilled spirits, modify loss allowances for distilled spirits, for the transfer and redistillation of spirits, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Pennsylvania explain the bill?

Mr. EBERHARTER. I may say to the distinguished minority leader that this measure has the unanimous support of the members of the Ways and Means Committee. It has the endorsement of the industry, both the industrial-alcohol industry and the beverage industry. It has the wholehearted support of the Bureau of Internal Revenue and the Treasury Department.

The purpose of this bill is to amend certain provisions of the internal revenue laws relating to distilled spirits to effect a streamlining of the tax payment and handling thereof. It is an entirely practical bill. It has the approval of the Treasury Department and I am assured that it is concurred in by all segments of the distilling industry, including the industrial-alcohol people. In addition, the bill will not create any hazards to the revenue and the Treasury Department is of the opinion that although certain of the provisions may entail slight losses of incoming revenue, there will be a lessening of the cost of the administrative work incident to the tax payment of distilled spirits.

Distilled spirits produced in a registered distillery and intended for storage in bond for maturing are drawn from cisterns in the distilleries into wooden barrels, and the quantity of distilled spirits in each package is marked thereon and entered in appropriate records. The distiller is liable for the tax on all of the spirits entered into the barrel, to be paid upon the withdrawal of the barrel from bond, less the tax on such losses as are remitted under the law. Section 2901 of the Internal Revenue Code contains a table of amounts of allowable losses from barrels due to leakage and evaporation, plus certain general classes of losses which are allowable in their entirety when the loss occurs otherwise than by leakage or evaporation. Prior to removal from bond each barrel must be gaged to determine the quantity of spirits therein, plus the quantity lost, on which tax must be paid. This means that each barrel must be handled separately. This separate handling entails the determination of the taxable spirits in respect of each barrel, the entering of the necessary data upon a form provided for the purpose, the computation of the tax due on each barrel, the computation of the total amount of tax due, the preparation by the collector of internal revenue of a stamp for each and every barrel indicating the amount of tax paid thereon, the endorsement of each such stamp by a United States storekeeper-gager, the affixation to each barrel of the stamp prepared therefor, and the removal of that stamp when the tax-paid spirits are removed from the barrel. The bill would terminate this costly and cumbersome method of paying the tax on the basis of each barrel, by eliminating the provisions of section 2901 having to do with the allowance of losses and substituting in lieu thereof a requirement that tax shall not be collected in respect of distilled spirits lost or destroyed in bond, except in cases of theft where there is fraud, or of voluntary destruction without the written permission of the Commissioner in each case. It would seem to be but fair that the tax should be collected only on such distilled spirits as are removed from internal-revenue bonded warehouses for entry into the channels of commerce. We have done the same heretofore for the brewer and he now pays only on that which is actually removed for consumption or sale. The amendment just discussed will permit the dumping of all barrels of like spirits which the distiller desires to remove at any one time into a single tank, there to be gaged in the composite mass and a determination made of the total tax due. This will save considerable time and labor both of industry and the Government officers.

Another provision of the bill following logically is one concerning tax-stamp machines. It is proposed to give to the Treasury Department the authority to make provision for the installation of machines at points of tax payment which will print stamps covering the tax due to the Government at any one time. It is inherent in the proposal that such tax-stamp machines as will be operated on the premises of the tax-paying distiller will be so equipped and set up that there will always be a prepayment to the Government of a sufficient amount of money to cover any tax payment for which the distiller desires a stamp. This will not change the present system as to the requirement that tax money will always be paid to the Government by the tax-paying distiller before any distilled spirits are removed from bonded premises. Under the present system when the tax due on a package has been determined by gage, it is necessary to send the tax money and the gage data, for preparation of the stamps, to the collector of internal revenue who may be at a distant point. Use of the tax-stamp machine will eliminate these steps and save considerable time on the part of the distiller and his employees.

In 1936 the internal-revenue laws were amended to provide that registered distilleries might produce distilled spirits of any desired proof provided such spirits were reduced in the cisterns of such distilleries to a proof of not more than 159. Such spirits could be used only for beverage purposes. When the need for alcohol became great in the early days of World War II, section 2883 of the Internal Revenue Code was twice amended so as to provide first for the removal of spirits of any proof from one distillery to another or to an industrial-alcohol plant for further redistillation and secondly for the withdrawal of any spirits of 160 proof for industrial purposes. This bill will effect the repeal of the wartime amendments, and restore the statute to the prewar status of providing for production in registered distilleries for beverage purposes only, while retaining some of the wartime privileges of operation which have proved expedient.

Mr. MARTIN of Massachusetts. And it will save some administrative costs?

Mr. EBERHARTER. It is estimated by the Revenue Bureau that it will save $92,000 in administrative costs the first year, and annually thereafter, $127,000.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2800 (a) (1) of the Internal Revenue Code is amended by the addition of two paragraphs designated "(A)" and "(B)" to read as follows:

"(A) Payment of tax as to domestic spirits: The tax on distilled spirits produced in the United States, to be paid upon withdrawal from bond, and the tax on rectified spirits produced in the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or other devices and apparatus, including but not limited to storage, gaging, and bottling tanks and pipe lines, as the Commissioner with the approval of the Secretary shall prescribe.

"(B) Penalties: Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which may be required under this section with intent to evade the internal-revenue tax imposed upon distilled spirits and rectified spirits, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of $5,000 and shall be fined not more than $10,000 or be imprisoned not more than 5 years, or both, and any machine, device, equipment, or materials used in violation of this section shall be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law."

SEC. 2. Section 2877 (a) of the Internal Revenue Code is amended to read as follows:

"(a) Requirement: The storekeeper-gauger assigned to any distillery shall, in addition to all other duties required to be performed by him, keep such records and submit such reports as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe."

SEC. 3. Section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

"SEC. 2901. LOSS ALLOWANCES.

"(a) Extent: No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected—

"(1) Theft: In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

"(2) Voluntary destruction: In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the distiller, warehouseman, or other person responsible for the tax, obtained the written permission of the Commissioner for such destruction in each case.

"(b) Proof of loss: In any case in which spirits are lost or destroyed, whether by theft or otherwise, the Commissioner may require the distiller or warehouseman or other person responsible for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the distiller or warehouseman or other person responsible for the tax to establish to the satisfaction of the Commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

"(c) Refund of tax: When, in any case where the tax would not be collectible by virtue of subsection (a), but such tax has been paid, the Commissioner shall refund such tax. Nothing in section 2901 as hereby amended, or as heretofore amended, shall be construed to authorize refund of the tax where the loss occurred after the tax was paid.

"(d) Insurance coverage: The abatement or refund of taxes provided for by subsections (a) and (c) in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

"(e) Transfer of duties: For transfer of powers and duties of Commissioner and his agents, see section 3170."

SEC. 4. Section 2901, as amended by this act, shall apply to any claim for taxes which may accrue after the effective date of this act. Claims for taxes or tax penalties that accrued on or before the effective date of this act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment by this act.

SEC. 5. Section 2903 (a) of the Internal Revenue Code is amended to read as follows:

"(a) Requirements: Whenever any distilled spirits deposited in the internal revenue bonded warehouse have been duly entered for withdrawal for bottling in bond before tax-payment or for export in bond, such spirits shall be dumped, gaged, bottled, packed, and cased in the manner which the Commissioner, with the approval of the Secretary, shall by regulations prescribe. The bottling of distilled spirits in bond shall be conducted in a separate portion of such warehouse which shall be set apart and used exclusively for that purpose. For convenience in such process any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized. The tax on the distilled spirits bottled in bond shall be paid upon the actual quantity of spirits withdrawn from bond except as otherwise provided in section 2901 of the Internal Revenue Code."

SEC. 6. Sections 2844 (a), 2882 (a), 2887, and 2915 (a) of the Internal Revenue Code are amended by striking out the words "of wine gallons and", "wine gallons and", "of gauge or wine gallons, and", "of gauge or wine gallons and", "and wine", "of gauge or wine gallons," and "gauge or wine gallons, or" wherever they appear in said sections; section 2886 (a) of the said Code is amended by striking out "wine gallons," in the eighth line of the second paragraph thereof; section 2861 (a) of the said Code is amended by striking out the words "an engraved" in the sixth line thereof and substituting therefor the letter "a"; section 2802 is amended by striking out subsections (a), (c), and (d) (1) and by redesignating subsections "(b)", "(d)" and "(e)" as "(a)", "(b)", and "(c)", respectively, and by redesignating paragraphs "(2)" and "(3)" of subsection "(d)" as paragraphs "(1)" and "(2)" of subsection "(b)"; and section 2884 (a) is amended by striking out the word "Whenever" in the first line thereof and substituting therefor the words "Except as may otherwise be required under section 2800 (a) (1) (A), whenever."

SEC. 7. Repeal clause: Sections 2906 and 3302 of the Internal Revenue Code and all other laws or parts of laws in conflict herewith are hereby repealed: *Provided, however*, That nothing contained herein shall be construed as repealing any law applying to the collection of taxes imposed on distilled spirits imported into the United States, except alcohol that is imported and deposited in an alcohol bonded warehouse pursuant to section 3125, Internal Revenue Code.

SEC. 8. Section 3112 (b) of the Internal Revenue Code is amended to read as follows:

"(b) Payment of tax: The provisions of section 2800 (a) (1) (A) and (B) relating to the tax payment of distilled spirits by stamp and to the penalty and forfeiture provisions applicable to the violations therein set forth shall, so far as applicable, extend to and include the tax payment of alcohol produced in the United States or imported in accordance with the provisions of section 3125."

SEC. 9. Section 2883 of the Internal Revenue Code, as amended, is amended to read as follows:

"SEC. 2883. Transfer of Spirits at Registered Distilleries.

"(a) Requirements: Subject to the provisions of existing law, spirits of 160° of proof or more produced at registered distilleries, including registered fruit distilleries (such registered distilleries and registered fruit distilleries being referred to hereafter as 'distillery' or 'distilleries'), may be transferred by means of pipe lines from receiving cisterns in the distillery direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced or located contiguous thereto, and be warehoused in such storage tanks, or they may be withdrawn from the receiving cisterns, without, or after reduction in proof, into approved containers and transferred to any internal revenue bonded warehouse for storage therein, or they may be tax-paid in such approved containers in the cistern rooms of distilleries without being entered into an internal revenue bonded warehouse. Such spirits may be drawn into approved containers from storage tanks in an internal revenue bonded warehouse. Spirits of 160° of proof, or more, may be transferred in bond in tank cars from cistern rooms of distilleries or from storage tanks in an internal revenue bonded warehouse and be deposited in storage tanks in any internal revenue bonded warehouse. Such spirits in tanks in internal revenue bonded warehouses distilled at or above 190° of proof may be reduced to not less than 111° prior to being drawn into packages. Such spirits, upon tax payment, may be withdrawn in approved containers, including pipe lines to contiguous premises, for use for beverage purposes only. Except as provided in subsection (c) hereof and section 2916, such spirits may not be withdrawn for denaturation.

"(b) Transfer of fortifying spirits: Fortifying spirits of 160° of proof or more may be transferred by pipe line from registered fruit distilleries and receiving cisterns in such distilleries to the fortification rooms of contiguous wineries or to storage tanks in the internal revenue bonded warehouse located on the distillery premises where the spirits were produced, or from such storage tanks to the fortification rooms of contiguous wineries.

"(c) Transfer of rum for denaturation: Rum of not less than 150° of proof may be transferred by pipe line for denaturation from receiving cisterns in the cistern room of any distillery to a denaturing bonded warehouse on the distillery premises or to storage tanks situated in the internal revenue bonded warehouse located on the distillery premises, or from such storage tanks to a denaturing bonded warehouse on the distillery premises.

"(d) Transfer of gin: Gin of any proof may be transferred in bond by means of pipe lines from receiving cisterns in distilleries

direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Such gin may, upon tax payment, be transferred by pipe line to a contiguous tax-paid bottling house or rectifying plant.

"(e) Redistillation of spirits: Distilled spirits of any proof may be transferred from a distillery or an internal revenue bonded warehouse to any distillery for redistillation upon a showing of the need therefor: *Provided*, That only spirits of 160° of proof or more may be transferred by pipe line to a distillery for redistillation from storage tanks in an internal revenue bonded warehouse located on such distillery premises or located contiguous thereto: *Provided further*, That spirits of any proof may be transferred by pipe line for redistillation from receiving tanks in a distillery to a contiguous distillery. Upon removal of distilled spirits to any distillery for redistillation, the consignee distiller shall assume the liability for the payment of the tax on the spirits from the time they leave the internal revenue bonded warehouse or distillery, and the tax liability on the producing distiller or the internal revenue bonded warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax and liens shall become the liability of the consignee distiller: *Provided further*, That upon redistillation the redistilled spirits shall be treated the same as if the spirits had been originally produced by the redistiller and all prior obligations as to taxes and liens shall be superseded. Sections 2800 (a) (5) and 3250 (f) (1) shall not apply to the redistillation of spirits removed under the provisions of this section.

"(f) Regulations: The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gaging, storing, redistillation, and transportation of the spirits; the records to be kept and returns to be made; the size and kind of containers to be used; the marking, branding, numbering, and stamping of such containers; and the kind of bond and the penal sum thereof.

"(g) Effect on other laws: Nothing contained in this section shall be construed as restricting or limiting the provisions of other sections of the internal-revenue laws relating to internal revenue bonded warehouses, distilleries, and bonded wineries.

"(h) Transfer of duties: For transfer of powers and duties of Commissioner and his agents, see section 3170."

SEC. 10. Effective date: The amendments made by this act shall become effective on the first day of the first month which begins 6 months or more after the date of the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to insert in the RECORD just prior to the action taken on the bill, a statement outlining in detail what the measure provides.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TAXATION OF PERSONAL FINANCE COMPANIES

Mr. LYNCH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6073) to amend section 501 (b) (6) of the Internal Revenue Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. LYNCH. Mr. Speaker, the purpose of this bill is to amend that portion of the tax law having to do with personal holding corporations, particularly to bring in accord the tax law with the more subsequent State legislation that has developed in connection with personal finance corporations. The report has the unanimous approval of the Committee on Ways and Means, and has also received the approval of the Treasury Department insofar as it affects the tax laws.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. LYNCH]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 501 (b) (6) of the Internal Revenue Code is amended to read as follows:

"(6) A licensed personal finance company under State supervision, 80 percent or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law, if (A) at least 60 percent of such gross income is lawful interest (i) received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $300), (ii) computed only on unpaid balances, and (iii) not payable in advance or compounded, and (B) the loans to a person who is a shareholder in such company during such taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2) outstanding at any time during such year do not exceed $5,000 in principal amount."

SEC. 2. Effective date: The amendment made by section 1 shall be applicable with respect to taxable years beginning after December 31, 1948.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER BETWEEN TENNESSEE AND MISSOURI

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6109) granting the consent of Congress to a compact or agreement between the State of Tennessee and the State of Missouri concerning a Tennessee-Missouri Bridge Commission, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. McGREGOR. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Mississippi would explain the bill.

Mr. WHITTINGTON. Mr. Speaker, this bill gives the consent of Congress to a compact between the States of Tennessee and Missouri for the construction of a bridge across the Mississippi River. The terms of the compact are in accord with the General Bridge Act of 1946.

The bill contains an amendment to prevent the issuance of bonds that would be exempt from Federal income taxes. The bill as amended meets the approval of the Department of the Army and of the General Services Administration and was unanimously reported by the Committee on Public Works. The report of the committee contains a full explanation of the bill.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. RANKIN. At what point is this bridge to be constructed?

Mr. WHITTINGTON. At a point near Caruthersville, Mo., and a comparable point on the Tennessee or opposite side.

Mr. RANKIN. In the southern part of Missouri?

Mr. WHITTINGTON. Yes, in what is called southeast Missouri. I may add that the pending bill was introduced by the gentleman from Missouri [Mr. JONES]. An identical bill was introduced on the same day by the gentleman from Tennessee [Mr. COOPER], who is agreeable to the passage of the pending bill.

Mr. RANKIN. This may enable us to get a TVA power line across the Mississippi to serve the farmers in southern Missouri.

Mr. McGREGOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the compact or agreement set forth below, and to each and every term and provision thereof: *Provided*, That nothing herein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad, highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of the aforesaid compact or agreement or otherwise affected by the terms thereof: *And provided further*, That after the costs of the bridge have been amortized, such bridge shall thereafter be maintained and operated free of tolls:

"COMPACT BETWEEN TENNESSEE AND MISSOURI

"CREATING A TENNESSEE-MISSOURI BRIDGE COMMISSION

"Article 1

"There is hereby created a Tennessee-Missouri Bridge Commission (hereinafter referred to as the commission) which shall be a body corporate and politic and which shall have the following powers and duties:

"1. To plan, construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or near Caruthersville, Mo., at a point deemed by the commission as most suitable to the interests of the citizens of the States of Tennessee and Missouri in accordance with the provisions of an act of the Seventy-ninth Congress,

second session, of the United States entitled "The General Bridge Act of 1946";

"2. To purchase, maintain, and, in its discretion, to operate all or any ferries across the Mississippi River within 25 miles of the site selected for the bridge;

"3. To contract, to sue and be sued in its own name; to purchase or otherwise acquire, hold, and dispose of real and personal property;

"4. To acquire by proper condemnation proceedings such real property as may be necessary for the construction and operation of the bridge and the approaches thereto;

"5. To issue bonds on the security of the revenues derived from the operation of the bridge, and ferries for the payment of the cost of the bridge, its approaches, ferry or ferries, and the necessary lands, easements, and appurtenances thereto including interest during construction and all necessary engineering, legal, architectural, traffic surveying, and other necessary expenses. Such bonds shall be the negotiable bonds of the commission, the income of which shall be tax-free. The principal and interest of the bonds, and any premiums to be paid for their retirement before maturity, shall be paid solely from the revenues derived from the bridge and ferries;

"6. To establish and charge tolls for transit over such bridge and ferries in accordance with the provisions of this compact;

"7. To perform all other necessary and incidental functions.

"Article II

"The rates of tolls to be charged for transit over such bridge and ferries shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintenance, repairs, and operation (including the approaches to the bridge) under economical management, and also to provide a sinking fund sufficient to pay the principal and interest of the outstanding bonds. All tolls and other revenues derived from facilities of the commission are hereby pledged to such uses.

"Article III

"The commission shall keep an accurate record of the cost of the bridge and of other expenses and of the daily revenues collected and shall report annually to the governor of each State setting forth in detail the operation and transactions conducted by it pursuant to this agreement and any legislation thereunder.

"Article IV

"When the bonds have been retired, the part of the bridge within the State of Tennessee shall be conveyed to the State of Tennessee, and that part within the State of Missouri to the State of Missouri, and the high contracting parties to this compact do hereby agree that thereafter the bridge shall be free of tolls and shall be properly maintained, operated and repaired by the two States as may be agreed upon.

"Article V

"The commission shall consist of 10 members, 5 of whom shall be qualified electors of the State of Tennessee and shall reside in Dyer County, or counties adjacent thereto, Tennessee, and 5 of whom shall be qualified electors of the State of Missouri and shall preside in Pemiscot County, or counties adjacent thereto, Missouri. The Tennessee members are to be chosen by the State of Tennessee, and the Missouri members by the State of Missouri in the manner and for the terms fixed by the legislature of each State, except as herein provided.

"Article VI

"1. The commission shall elect from its number a chairman and a vice chairman, and may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications and duties.

"2. Until otherwise determined by the legislatures of the two States no action of the Commission shall be binding unless taken at a meeting at which at least three members from each State are present and unless a majority of the members from each State present at such meeting shall vote in favor thereof. Each State reserves the right hereafter to provide by law for the exercise of the veto power by the governor thereof over any action of any commissioner appointed therefrom.

"3. The two States shall provide penalties for violations of any order, rule or regulation of the commission, and for the manner of enforcing same.

"Article VII

"The commission is authorized and directed to proceed with the planning and construction of the bridge and the approaches thereto as rapidly as may be economically practicable and is hereby vested with all necessary and appropriate powers, not inconsistent with the constitution or the laws of the United States or of either State, to effect the same, except the power to assess or levy taxes.

"Article VIII

"In witness thereof, we have hereunto set our hands and seals under authority vested in us by law."

[SEAL] (Signed) J. E. TAYLOR,
Attorney General of Missouri.
[SEAL] (Signed) M. R. ROWLAND.
[SEAL] (Signed) S. P. REYNOLDS.
[SEAL] (Signed) N. W. HELM.
[SEAL] (Signed) ROY H. BEELER,
Attorney General of Tennessee.
[SEAL] (Signed) E. W. EGGLESTON.
[SEAL] (Signed) W. N. ESTES.
In the presence of:
(Signed) G. S. WRIGHT.
(Signed) CHARLES F. WAYLAND, Jr.

With the following committee amendment:

Page 1, line 5, insert "That any obligations issued and outstanding, including the income derived therefrom, under the terms of the compact or agreement, and any amendments thereto, shall be subject to the tax laws of the United States: *And provided further.*"

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Speaker, I wish to say that an identical bill was introduced by the gentleman from Tennessee [Mr. COOPER] and by the gentleman from Missouri [Mr. JONES].

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENTS ON PURCHASE OF AUTOMOBILES FOR CERTAIN DISABLED VETERANS

Mr. RANKIN. Mr. Speaker, I call up the conference report on the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; and I ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1394)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

J. E. RANKIN,
A. LEONARD ALLEN,
OLIN E. TEAGUE,
Managers on the Part of the House.

CLAUDE PEPPER,
LISTER HILL,
WAYNE MORSE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to such amendment, namely:

The bill as passed by the Senate was restricted to veterans of World War II. The Committee on Veterans' Affairs, House of Representatives, in reporting the bill added veterans of World War I and left the other provisions of the bill unchanged. The conference agreement provides for the acceptance of the bill as passed by the House, with World War I and World War II veterans who meet the qualifications of the bill, eligible for specially equipped automobiles.

JOHN E. RANKIN,
A. LEONARD ALLEN,
OLIN E. TEAGUE,
Managers on the Part of the House.

Mr. RANKIN. Mr. Speaker, the Senate, as will be seen from the reading of the statement, has accepted our amendment.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FLORIDA KEYS AQUEDUCT

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 489) to authorize the refund to the Florida Keys Aqueduct Commission of the sum advanced for certain water facilities, and for other purposes.

Mr. ARENDS. Mr. Speaker, reserving the right to object, and I shall not, will the gentleman from Florida explain the bill?

Mr. SIKES. I shall be pleased to.

At the beginning of the war it was found necessary in order to secure a supply of fresh water for the naval base at Key West that a pipe line be extended downward along the Florida Keys and fresh water pumped through that pipe line. The Florida Keys Aqueduct Commission took over the responsibility of the operation of the line and the Navy has been buying water from the pipe line. This has not operated satisfactorily to all users, however, and now the Navy is prepared to take over this pipe line and op-

erate it; charge the city of Key West for the water it uses, and pay the money already received to the RFC to apply on the indebtedness on the pipe line.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) upon such terms and conditions not inconsistent with this act as may be satisfactory to the Secretary of the Navy and to the Board of Directors of the Reconstruction Finance Corporation and to the Florida Keys Aqueduct Commission, the Secretary of the Navy is authorized to cancel the agreement entered into by the Department of the Navy on March 18, 1941, pursuant to authority contained in title III of the First Supplemental National Defense Appropriation Act, 1941 (54 Stat. 608), with the Florida Keys Aqueduct Commission, a public agency of the State of Florida (hereinafter referred to as "the commission"), for the construction, operation, and maintenance of a water-supply system and a water-distribution system to serve Federal Government and other consumers in the Florida Keys.

(b) Such cancellation shall be conditioned upon—

(1) the surrender to the Department of the Navy of all right, title, and interest, if any, of the commission in and to the water-supply system constructed or in the course of construction in accordance with such agreement and to the receipt of water under the existing provisions of such agreement;

(2) the payment by the Department of the Navy to the commission of the sum of $1,096,392.91, which sum is the amount heretofore paid by the commission to or for the account of the Department of the Navy pursuant to such agreement; and

(3) the furnishing by the commission of satisfactory assurances that such sum will be employed by the commission to retire bonds heretofore issued by the commission under the terms of a trust indenture, dated September 1, 1941, between the commission and the First National Bank of Miami, Fla.

(c) There is hereby authorized to be appropriated to the Department of the Navy, out of any moneys in the Treasury not otherwise appropriated, not more than $1,096,392.91 for disbursement pursuant to subsection (b) (2) of this section.

SEC. 2. Upon cancellation of such agreement of March 18, 1941, the Secretary of the Navy shall enter into an agreement which may thereafter be amended from time to time by the parties thereto, whereby the Department of the Navy will supply water from such water-supply system to the commission under such terms and conditions and for such compensation as the Secretary and the commission shall determine to be proper. Of the proceeds received for any such water so supplied, an amount representing the cost to the Government of supplying such water may be credited to the appropriation or appropriations currently available for the supply of such water and any remaining balance shall be covered into the Treasury to the credit of miscellaneous receipts. No agreement or amendment of an agreement shall be entered into by the Secretary of the Navy under the authority of this section or section 3 of this act until such time as the Secretary or a representative of the Secretary designated by him has consulted with the Armed Services Committees of the Senate and of the House of Representatives with respect to all details of such agreement or amendment of an agreement.

SEC. 3. In order to safeguard the rights of the commission and the Reconstruction Finance Corporation pertinent to agreements heretofore made by the commission in connection with the leasing of facilities for the distribution of water or in connection with the issuance of its bonds payable from the revenues from the sale of water, the commission and the Secretary of the Navy may, in lieu of canceling the agreement of March 18, 1941, and entering into a new agreement as provided in sections (1) and (2) of this act, amend the agreement of March 18, 1941, to accomplish the purposes of this act: *Provided*, That the amended agreement shall provide for the same conditions as are imposed by clauses (1), (2), and (3) of subsection (b) of section 1. From time to time, further amendments or new agreements regarding the water supply may be made, when deemed desirable by the Secretary and the commission, and that all other provisions of this act shall be equally applicable in the event of amendment of the agreement of March 18, 1941, as in the event of its cancellation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN EMPLOYEES OF THE PANAMA CANAL

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2226) relating to the compensation of certain employees of the Panama Canal.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. O'TOOLE. Mr. Speaker, this bill provides for the payment of additional compensation to policemen, firemen, and school teachers employed by the Panama Canal. The salaries of these people have been fixed according to the compensation paid similar employees of the District of Columbia. In view of the fact that additional compensation has been granted to these employees of the District of Columbia, this bill is necessary to grant the same consideration to the policemen, firemen, and school teachers of the Panama Canal.

The bill has been approved by the Senate, also by the Director of the Budget and all the other interested agencies.

Mr. MARTIN of Massachusetts. Has it been approved by the House committee?

Mr. O'TOOLE. Yes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

Mr. SCRIVNER. Mr. Speaker, reserving the right to object, I think the House will be interested in learning that all of the 11 Communists on trial in New York have been convicted.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Governor of the Panama Canal is authorized to grant additional compensation to policemen, firemen, and school teachers employed by the Panama Canal, corresponding to the additional compensation granted to similar employees of the District of Columbia by the act entitled "An act to increase the compensation of certain employees of the municipal government of the District of Columbia, and for other purposes," approved June 30, 1949, as of the first day of the first pay period which began after June 30, 1948.

SEC. 2. No retroactive compensation shall be payable by reason of the enactment of this act in the case of any person who is not an employee of the Panama Canal on the date of enactment of this act, except that such retroactive compensation shall be paid a retired employee for services rendered between the first day of the first pay period which began after June 30, 1948, and the date of his retirement.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY APPROPRIATIONS FOR THE FISCAL YEAR 1950

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Joint Resolution 368 further amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes, with Senate amendment thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows: Line 7, strike out "October 10, 1949" and insert "January 16, 1950."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, I wish the gentleman would explain this bill and tell us what he proposes to do in reference to the Senate amendment.

Mr. CANNON. Mr. Speaker, this resolution is, in effect, the sixth continuing resolution at this session of the Congress. The fifth continuing resolution was passed by the House and messaged to the Senate on October 1. It provided for an extension of appropriations until October 10. That date has now passed.

The other body ignored the resolution until today when it messaged over the resolution with an amendment which extends the date to January 16, 1950.

Mr. Speaker, a sixth continuing resolution breaks all records in the history of Congress for delay by the other body in the passage of supply bills.

The House passed and sent to the Senate all annual supply bills prior to April 15. Now, at this late date, October 14, there still remains the Military Establishment appropriation bill to be disposed of.

The Committee on Appropriations met this morning and directed me to submit an mendment to the Senate amendment changing the date in the Senate amendment from January 16, 1950, to October 18, 1949.

The extension which the Senate amendment asks affects the national security and would delay for a quarter of a year the proposed acceleration of the military program. It would mark time on the defense program at a very critical period in our international relations.

The House, therefore, feels that the adjustment of the differences between the two Houses should be reached by next Tuesday, and that October 18 should be the latest date to which continuation of

the present appropriations should be extended.

Mr. TABER. Mr. Speaker, it is apparent from what the gentleman has said that there has been no appropriation in effect for either the Army or any other agency affected by one of these bills. It is further apparent that the Senate having failed to act on this resolution by October 10 will fail to act on this one. The thing that I do not understand is that the Department seems to have been fully satisfied to go along without any money, because there has not been a peep out of them in all that time.

I withdraw my reservation of objection, Mr. Speaker.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the chairman of the Committee on Appropriations if there was any trouble getting the sesquicentennial fund through the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CANNON moves that House concur in the amendment of the Senate with an amendment as follows: Strike out "January 16, 1950" and insert in lieu thereof "October 18, 1949."

The SPEAKER. The question is on the motion offered by the gentleman from Missouri, [Mr. CANNON].

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 109, noes 4.

So the motion was agreed to.

A motion to reconsider was laid on the table.

CONVEYANCE OF LAND IN ARIZONA TO LILLIAN I. ANDERSON

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 76) to authorize the Secretary of the Interior to convey a certain tract of land in the State of Arizona to Lillian I. Anderson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Arizona explain the bill?

Mr. MURDOCK. This bill conveys fee simple title to a tract of 5 acres of land on the Hualapai Indian Reservation to the wife of a missionary who has lived on the land for the last 30 years and is now living on the land.

Mr. MARTIN of Massachusetts. The committee is unanimous in reporting the bill?

Mr. MURDOCK. The committee is unanimous in reporting the bill out favorably. It has passed the Senate.

Mr. MARTIN of Massachusetts. Is the Department in favor of the bill?

Mr. MURDOCK. It has a favorable report, yes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to Lillian I. Anderson, of Valentine, Ariz., without consideration, the following-described tract of land in the Hualapai Indian School Reserve, Mohave County, Ariz.: That tract of land, seven hundred and thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka & Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River Meridian, containing five and five one-hundredths acres more or less, which tract is more particularly described as follows:

Beginning at a heavy steel railroad rail embedded in the ground along the southeasterly two hundred foot right-of-way boundary line of the Atchison, Topeka & Santa Fe Railway, from which, the southeast corner of section 10, township 23 north, range 13 west, Gila and Salt River Meridian, Mohave County, Ariz., bears north thirty-five degrees, fifty-five minutes east four thousand two hundred and fifty feet more or less, and from which, the four inches by four inches wood marker for United States 66 Highway station 1406-45A on the northwesterly boundary of the State highway right-of-way bears south seventy-one degrees thirty-seven minutes west, a distance of three hundred seventy and two-tenths feet; thence south twenty-four degrees fifty-eight minutes west along the said southeasterly right-of-way boundary of the Atchison, Topeka & Santa Fe Railway, a distance of two hundred and ninety feet to a point marked by an iron pipe, and thence two hundred and ninety feet more along this same course being a total of five hundred and eighty feet from the place of beginning to the southwest corner of the parcel of land being described marked by an iron pipe; thence, at right angle to the first course, south sixty-five degrees two minutes east a distance of three hundred feet to the southeast corner of the parcel of land marked by an iron pipe; thence north twenty-four degrees fifty-eight minutes east, and parallel to the first course, a distance of seven hundred and thirty feet to the northeast corner of the parcel of land marked by an iron pipe; thence, north sixty-five degrees two minutes west, a distance of three hundred feet to the northwest corner of the parcel of land marked by an iron pipe, being a point of intersection with the southeasterly boundary of the Atchison, Topeka & Santa Fe Railway right-of-way; thence south twenty-four degrees fifty-eight minutes west, along the southeasterly right-of-way, a distance of one hundred and fifty feet to the place of beginning.

SEC. 2. The Hualapai Tribe of the Hualapai Reservation, Ariz., acting through its tribal council, is hereby authorized to release to the United States any claim which it may have to the above-described tract of land, or on account of the holding or disposition thereof by the United States. In the absence of such a release, the quitclaim deed provided for in this act shall not convey any interest in said tract of land which is held by the United States in trust for said tribe, or the disposition of which would prejudice the rights of the United States or said tribe as against each other.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YUMA PROJECT, ARIZONA

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1542) to authorize the withdrawal of public notices in the Yuma reclamation project, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. MURDOCK. This bill cancels certain penalties on water applications on the Yuma project in the State of Arizona.

Mr. MARTIN of Massachusetts. As I understand, it just brings that project onto an equality with projects that came in later?

Mr. MURDOCK. That is correct.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (1) for the purpose of encouraging the filing of water-right applications on lands within the Yuma reclamation project by the reduction or elimination of increases in construction charges imposed by the provisions of section 9 of the Reclamation Extension Act (act of August 13, 1914, 38 Stat. 686, 689), the Secretary of the Interior, in his discretion, may from time to time withdraw or modify by public notice any public notice or public notices applicable to said project issued under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto); and (2) for the additional purpose of making such adjustments with reference to water-right applications and other contracts affected by such increases as, in his judgment, are equitably required by reason of action taken under (1) above, the Secretary may by public notice make such modifications of water-right applications and contracts with water users' associations and others then in effect on said project as he may deem advisable and equitable: *Provided*, That nothing contained in this act shall be construed to amend section 4 of the Reclamation Extension Act aforesaid. Credits arising from a reduction or elimination of increases, in construction charges allowed by the Secretary hereunder shall be without interest and shall be applied at an equal rate per annum against construction charge installments thereafter to become due or, if and to the extent that such credits exceed such installments, as advance payments on operation and maintenance charges due or to become due: *Provided*, That no reduced rates or credits accruing pursuant to this Act in favor of any landowner during any period while he holds in single ownership in excess of 160 acres of irrigable land, upon which land the construction charges have not been paid in full, shall be allowed but such owners during the period of such excess ownership shall pay construction and other charges without credits or reductions allowable under this section.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE CURRENT ECONOMIC SITUATION

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Speaker, on the 10th of October our distinguished colleague the gentleman from Pennsylvania [Mr. RICH] referred to an address by Hon. Edward H. Foley, Under Secretary of the Treasury, in which he said:

> It seems to me they are patterning after Hitler in the propaganda they are feeding the American people, and they are becoming drunk with power.

The gentleman from Pennsylvania was referring to a statement from that address which read:

> The Nation's financial situation is one of unparalleled strength.

These charges of Hitler propaganda are strong words. I took occasion to look up the speech of the Under Secretary, and I found it to be seven pages in length.

In it he said that the banks of America are sound, that business under private enterprise is well run, that the industrial production in this Nation is increasing, that the brilliant performance and the technological advances by industry are creating new jobs, that there is no panic in the Nation, and that we are returning to a normal competitive condition.

One sentence in the entire seven pages of this address, which was called a Hitlerite bit of propaganda, referred to the financial condition of the United States Treasury. This sentence read:

> Above all, the financial soundness of the United States Government—which is today the fulcrum of world stability and world peace—is beyond question.

That certainly is not Hitlerite propaganda.

I am inserting under the consent of the House, the entire speech by Under Secretary Foley, in the Appendix of the RECORD for the examination and information of the membership of this House.

THE COMMUNIST TRIAL

Mr. QUINN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUINN. Mr. Speaker, the announcement just made that the 11 national officers of the Communist Party have been convicted is a most important one, because this verdict firmly establishes the fact that the Communist Party, United States of America, has for its purpose the overthrow of the Government of the United States by force and violence.

United States Attorney John F. X. McGohey, the Federal Bureau of Investigation, and all witnesses who testified for the Government in this important case are to be congratulated. Special praise should be given to Judge Harold Medina for his patience in this case and for giving to these defendants as Americans a fair and impartial hearing according to the best traditions of the United States of America.

Mr. CLEMENTE. Mr. Speaker, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from New York.

Mr. CLEMENTE. Mr. Speaker, I should like to add my words of commendation to those of Congressman T. VINCENT QUINN, my able and worthy colleague from New York, who played a part in the preparation of this trial when he was the First Deputy Attorney General under Tom Clark. The events of the Communist trial for the past nine months have emphasized more than ever the danger to our liberty which springs to life during the slightest relaxation of that eternal and self-sacrificing vigilance that keeps men free. We should all firmly resolve that this great Nation of ours, patriotically protected in this instance by such great men as the patient Judge Harold Medina, the firm and determined John F. X. McGohey, and the true Americans, the members of the jury and the witnesses, shall not be lost to traitors corrupting from within as well as invaders from without. We are eternally grateful to these men and women who are most worthy of the trust placed in them and to those in similar positions of trust who will continue to expose the true character of these organizations and individuals to all the American people.

For God and country we should all renew our pledge of allegience to consolidate the victory won by the conviction of these 11 Communists and to give every assistance to our governmental agencies in order that they might use their full resources for the battle still ahead.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Mississippi.

Mr. RANKIN. I wish also to add my word of commendation and to say now that the courts of Washington ought to wake up and prosecute this Negro Robeson for coming down here last night and holding a Communist meeting in Washington in which he denounced Members of Congress.

EXTENSION OF REMARKS

Mr. CLEMENTE asked and was given permission to revise and extend his remarks.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. O'HARA of Illinois asked and was given permission to extend his remarks in two instances; in one to include resolutions unanimously adopted at a mass meeting of the Polish-Americans in the city of Chicago, and in another to include an article by Prof. J. Fred Rippy on American investments in Latin America, notwithstanding the fact that it exceeds the limit set by the Joint Committee on Printing and is estimated by the Public Printer to cost $277.50.

Mr. RODINO asked and was given permission to extend his remarks in two instances.

A MEMORIAL TO FRANKLIN DELANO ROOSEVELT

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, the memory of man ofttimes is short. The noble and great deeds of leaders sometimes are forgotten, particularly in times where events are pressing on the mind of man.

There exists in Washington no adequate or permanent national memorial to the late Franklin Delano Roosevelt, elected four times as President of the United States. The late Mr. Roosevelt became President on that dark depression day of March 4, 1933, and during his years in the White House brought this country through a period of economic distress and safely through a war that threatened the lives and liberties of peoples all over the earth.

We all know that the American people and peoples in many other countries feel a deep debt of gratitude to Mr. Franklin Delano Roosevelt for the long and meritorious service he rendered this Nation and the peace-loving nations of the earth.

Therefore, I am introducing today a joint resolution in the House and Senator CLAUDE PEPPER, of Florida, is introducing an identical resolution in the Senate to create a Franklin Delano Roosevelt Memorial Commission for the purpose of formulating plans for the construction of a permanent memorial to that great American leader in the city of Washington.

EXTENSION OF REMARKS

Mr. KLEIN asked and was given permission to extend his remarks in the RECORD in four instances, in each to include extraneous matter.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD in two instances, in each to include extraneous matter.

PROPOSED LIQUIDATION OF STATE RURAL REHABILITATION CORPORATIONS

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I take this time to call attention to the Members of the House that the bill (H. R. 2392) providing for the liquidation of State rural rehabilitation corporations, and for other purposes, will come up later today. I believe it would be very desirable if the Members of the House during the interval would give a little attention to this particular bill because

it may affect some of your States as severely as it will affect my State. It seems to me this bill calls for the dissipation or at least prohibits Federal use of about $50,000,000 worth of assets. I think that is considerable money. I think it is something that all of the Members who are interested in saving money and making the proper use of these funds would be interested in looking into. This program is now being administered by the Farmers Home Administration.

The SPEAKER. The time of the gentleman from Minnesota has expired.

EXTENSION OF REMARKS

Mr. CROOK asked and was given permission to extend his remarks in the RECORD on the subject of the integrity of Poland should be protected, and to include therewith a letter and a resolution from the Polish Falcons Z. B. No. 1 in South Bend, Ind.

Mr. FURCOLO asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. DOLLINGER asked and was given permission to extend his remarks in the RECORD.

THE ARMED SERVICES

Mr. KRUSE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KRUSE. Mr. Speaker, I feel compelled to rise at this time to say a word about the hearings now being held before the Committee on Armed Services. Some very able leaders of our military have given some very revealing and profound testimony to the members of that committee.

I sincerely hope that every Member of the House of Representatives will read every single word of the testimony that has been introduced. I know we have a very fine Committee on Armed Services in the House, but I think the matter is so important that every Member of this House should make himself thoroughly familiar with the statements that have been made.

The SPEAKER. The time of the gentleman from Indiana [Mr. KRUSE] has expired.

UNIVERSITY OF DAYTON

Mr. BREEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BREEN. Mr. Speaker, the Ohio bipartisan congressional delegation join with me today in extending congratulations and best wishes to the University of Dayton on the occasion of its one hundredth anniversary.

The University of Dayton, in its one century of existence, inspired by its motto "For God and Country," has marched step by step over a remarkable pathway of progress.

To the members of the Society of Mary who have guided the school's destiny for the past century, and to the scores of laymen who have given the university stanch support during the years, we wish to specifically express our pride and appreciation.

To Father George Renneker, S. M., president of the University of Dayton, we, as the United States Representatives from the great State of Ohio, wish to pay a personal salute for his leadership in his chosen field. Under his guidance and directorship the university has established a reputation of great renown, and today is rightfully recognized as one of America's finest universites. We know, too, that the alumni of the University of Dayton can be justifiably proud of their alma mater, a school with a glorious past, a living present, and an incalculable future.

EXTENSION OF REMARKS

Mr. McGRATH asked and was given permission to extend his remarks in the RECORD.

Mr. MURDOCK asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in three instances and to include extraneous matter.

Mr. TOWE asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

PHILIPPINE NATIONAL ELECTION

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, the first national election since the Philippines became a republic will be held next month, November 8. At that time, in a free election, they will select their President for a 4-year term. The Philippine people have earned this right. They are now entitled to a President of their choice.

I am concerned, however, Mr. Speaker, about events in the Far East, in view of changing conditions. As part of our containment policy against Russia, the Congress authorized an appropriation of $75,000,000 to be used by the President in the Orient. We recall press reports to the effect that Mr. Truman assured President Quirino on his recent visit here that he would not go home empty-handed. In view of that statement, I hope our President will make no decision on Philippine assistance until after that election.

Attention is called to the fact, Mr. Speaker, that in the coming election one of the presidential candidates was the puppet President of the Philippines during Japanese occupation. I mean no injustice to him in pointing out that he declared war on the United States. Possibly he was forced to make such a declaration by the Japanese, but the fact is that he did so. It is conceivable that if money were allocated to the Philippines now and candidate Laurel was elected, such funds would be used by a former puppet President who only a few years ago declared war against us. So far as I know, we have no positive assurance that, if elected, Laurel would care to cooperate with the United States.

Mr. Speaker, I have abiding faith in the Philippines. It is a strong bastion for liberty and freedom in the Far East. The Filipinos are devoted Christians; they are peace loving; and they are honest and industrious. Our interest in the Philippines dates back to the days of William Howard Taft, their first American civil governor, who set the standard for colonial administration by insisting that Filipinos be treated as equals. Thus a strong spiritual tie was established between Filipinos and Americans which has withstood the test of war. When Japan struck, President Quezon immediately pledged General MacArthur the entire resources of the Philippines. Filipino soldiers fought valiantly side by side with our wonderful heroes of Bataan. During the long and painful occupation, the Philippine population remained loyal to us. Many risked their lives and fortunes to make life a bit more bearable for our prisoners whom the Japanese were torturing and slowly starving to death.

Laurel, the puppet President, declared war against us but not a single Filipino fought against the American Army of liberation. Here in the Philippines we have man's best attainment in human relations. Nothing must be done to weaken this successful experiment in understanding and cooperation; rather, our mutual trust must be strengthened with the advance of time.

SALE OF MATERIAL AT FORT BENNING MILITARY RESERVATION, GA.

Mr. PACE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2895) to authorize the sale of select base material, at the Fort Benning Military Reservation, to Muscogee County, State of Georgia, for use on county roads.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. PACE. Mr. Speaker, this is a bill to authorize the War Department to sell to Muscogee County, Ga., some gravel on Fort Benning Military Reservation, on lands that are not used for any purpose, for the building of roads.

Mr. ARENDS. As I understand, this is a unanimous report from the committee?

Mr. PACE. It is.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, the Secretary of the Army is hereby authorized to sell to the county of Muscogee, State of Georgia, such amounts ot select base material as may be available at the Fort Benning Military Reservation, and as may be surplus to the foreseeable needs of the reservation, at the rate of 5 cents per cubic yard, for use on county roads.

SEC. 2. The term "select base material" as used herein shall be construed to mean such

clay, sand, gravel, and topsoil as can be excavated by operating a borrow pit at an average depth of 3 feet.

SEC. 3. The purchaser shall assume all responsibility for damage due to contaminations or other military activities and shall not hold the Government of the United States liable for damages of any description.

SEC. 4. No select base material shall be removed subsequent to December 31, 1951.

SEC. 5. Any contract that may be entered into for the sale of select base material under the authority of this bill shall be revocable at will by the Secretary of the Army.

SEC. 6. The purchaser, as excavation in any area is completed, shall be required to level, drain, and fertilize that area to the satisfaction of the commanding general, Fort Benning, and, upon the completion of such leveling, draining, and fertilizing, to plant kudzu crowns on such area at the rate of 500 to the acre.

SEC. 7. The boundaries of the area lying immediately south of the Macon Highway and west of Randall Creek, from which area select base material may be removed, shall be designated by the commanding general, Fort Benning, or by his duly appointed representative.

SEC. 8. The proceeds from the sale of select base material shall be covered into the general funds of the United States Treasury.

With the following committee amendments:

On page 1, line 9, after the word "roads", insert "under such terms and conditions, which shall include those terms set out in section 2, as he may deem advisable."

Page 2, line 12, strike out "1951" and insert "1955."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALE OF CERTAIN SHIPYARD FACILITIES AT ORANGE, TEX.

Mr. COMBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the House joint resolution (H. J. Res. 373) relating to the sale of certain shipyard facilities at Orange, Tex.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. COMBS]?

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman explain the resolution?

Mr. COMBS. Mr. Speaker, briefly, the resolution would authorize the War Assets Administration, on behalf of the United States, to convey to the Consolidated Western Steel Corp. certain shipyard facilities at Orange, Tex., constructed by the Government during the late war, on property belonging to the steel corporation. An offer of $1,001,000 has been made for this purchase. It is strongly recommended by the War Assets Administration that the sale be made in the interest of national security, because of a security clause which will require the purchaser to maintain the facility, without expense to the Government, for 5 years. It is the only sale available, and will save the Government more than half a million dollars over what the facilities would bring for scrap.

The resolution was referred to the Committee on Expenditures in the Executive Departments and, by a unanimous vote of the committee, reported out favorably on last Wednesday. Copies of the resolution and committee report are available.

Mr. ARENDS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the resolution, as follows:

Whereas the General Services Administration now holds for disposition certain shipyard facilities at Orange, Tex., declared surplus by the Navy Department; which facilities were constructed during the war on land belonging to the Consolidated Steel Corp. at a total cost of $8,235,000; which facilities were operated during the war by Consolidated Steel Corp. in the construction of naval vessels; which facilities were closed down at the end of the war and have since remained idle; and

Whereas Consolidated Western Steel Corp., successors to the Consolidated Steel Corp., is now the owner of the lands upon which said facilities are located and has the right, under the contract with the Government under which said facilities were constructed, to require their removal upon 60 days' notice; and

Whereas it is vital to the national defense that the facilities be maintained and to the extent practicable operated and kept in good condition; and

Whereas Consolidated Western Steel Corp. in a written offer dated May 18, 1949, submitted to War Assets Administration its offer to purchase the Government-owned facilities for a cash price of $1,001,000; and

Whereas the Munitions Board in connection with said proposed sale has imposed a "national security clause" on the facility, under the terms of which the facility will be maintained for the purposes of national defense by the proposed purchaser for a period of 5 years without cost to the Government; and

Whereas if the proposed sale is not consummated the facility will have to be scrapped at a possible loss to the Government in excess of $500,000 and in addition will destroy the facility so vitally needed for national defense; and

Whereas the proposed sale will result in the employment in excess of 1,000 workers in the operation thereof by the proposed purchaser; and

Whereas the War Assets Administration has strongly recommended a consummation of such sale to the Consolidated Western Steel Corp.; and

Whereas under the provision of section 207 of the Federal Property and Administrative Services Act of 1949, the Attorney General is required to give an opinion as to whether or not, so far as he can determine, the disposition of property would tend to create a situation in violation of the antitrust laws; and

Whereas said provision may have the effect of preventing the consummation of said proposed sale; and

Whereas it is in the public interest and in the interest of the national security and the national economy that said sale be consummated; and

Whereas every effort has already been made to dispose of the facilities in place without success, and it will therefore be necessary to certify such facilities as undisposable in place pursuant to Public Law No. 883, Eightieth Congress, unless the proposed sale is consummated: Now, therefore, be it

Resolved, etc., That, notwithstanding any other provision of law, the Administrator of General Services is hereby authorized and directed to consummate, on behalf of the United States, the sale of said facilities to the Consolidated Western Steel Corp. in accordance with its offer of May 18, 1949, and in accordance with the national security clause imposed with respect to said facilities by the Munitions Board.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 5 minutes today following the legislative business of the day and to include therein a newspaper article.

EXTENSION OF REMARKS

Mr. HAND asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and in each to include editorial comment.

Mr. HARDIE SCOTT asked and was given permission to extend his remarks in the Appendix of the RECORD and to include therein an excerpt from the annual report of the Pennsylvania Securities Commission.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. HILL asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper article.

Mr. SCUDDER asked and was given permission to extend his remarks in the Appendix of the RECORD and include a poem entitled "The Last Encampment."

REMOVAL OF STORES AND FUEL ON TERMINATION OF BARE-BOAT CHARTERS

Mr. ALLEN of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALLEN of California. Mr. Speaker, I wish to supplement the colloquy which appears on page 14043 of the CONGRESSIONAL RECORD of October 6, 1949, during the time that the House was considering the conference report on the bill (H. R. 5300) making appropriations to supplement deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes. The colloquy had to do with amendment 31 relating to the United States Maritime Commission and the obligations of bareboat charterers upon the termination of their charters.

On October 13, 1949, the gentleman from Virginia, the Honorable SCHUYLER OTIS BLAND, addressed a letter to me commenting on the colloquy and expressing his own views concerning the subject, with which I am in accord. In order that the record may be complete, I include the letter to which I have referred as a part of these remarks. The letter is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT
MARINE AND FISHERIES,
Washington, D. C., October 13, 1949.

Hon. JOHN J. ALLEN., Jr.,
House of Representatives,
Washington, D. C.

DEAR MR. ALLEN: When H. R. 5300 came before the House of Representatives, I was confined at home under the care of my doctor.

My fear of inequitable administration by the Maritime Commission of the provisions requiring bare-boat charterers of Government vessels to remove for their own account and at their own expense stores and fuel and to pay certain survey items was caused by the fact that I did not believe the wording of the section was sufficiently specific.

I am glad to see that in response to your questions on the floor of the House on October 6, Mr. TABER, of New York, has clarified definitely that the provisions do not apply to vessels under charter at the time of the passage of the act on October 6. I heartily support the position outlined by Mr. TABER to you that the provisions in H. R. 5300 with respect to chartering provisions are to be applied only to vessels delivered under charter in the future, and that vessels now under charter are not affected at the time of their redelivery from charters now in existence governing the vessels' handling. I heartily support this stand, as otherwise rules would be changed in the middle of the game and cause particular injustice and really substantial losses to small operators, for there are many angles in the matter not apparent except to those who are practically experienced in the handling of vessels, which could well dissipate substantial portions of the assets of the smaller companies.

I note with pleasure also from the CONGRESSIONAL RECORD that the position mentioned above as outlined in the House is taken by Senator MAGNUSON of Washington, who is chairman of the subcommittee of the Senate Interstate and Foreign Commerce Committee handling maritime matters. It is made clear by him that the provisions with respect to stores, oil, etc., are prospective only and do not apply to any vessel under charter at the time of the passage of the act nor to those vessels when or as they are redelivered.

Mr. MAGNUSON's remarks make it clear that the expense of removing the items and any losses incurred would, of course, be treated as redelivery expenses, to be taken into account in the adjustment of charter hire under existing charter agreements.

In view of these clarifying statements, I feel reassured as to the fairness and equity of the provisions. May I take this occasion to record my appreciation to you and the gentleman from New York for clearing up this ambiguity in the RECORD during my absence.

This record will now furnish the Maritime Commission with a clear and unmistakable indication of congressional intent, which it can be taken for granted will be followed by the Maritime Commission in the handling and administration of redeliveries of vessels now under charter.

Very truly yours,

S. O. BLAND, *Chairman.*

SAFETY OF THE GREAT LAKES

Mr. POTTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. POTTER. Mr. Speaker, last month we were all shocked by the burning of the Canadian Great Lakes passenger ship *Noronic.*

Since that fire I have become greatly concerned over our apparent lack of fire safety precaution on some of our lake passenger vessels. As a result of some investigation, Mr. Speaker, I have prepared and am today introducing a joint resolution which authorizes the President to invite Canada to join with us to establish a joint American-Canadian commission consisting of three members from each country to study navigation safety problems and to recommend to each country action which will better protect the passengers on these vessels.

GOVERNMENT REORGANIZATION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, at the conclusion of my remarks I shall ask further unanimous consent to extend in the Appendix of the RECORD a complete report on the congressional action up to date on the various recommendations of the Commission on the Reorganization of the Executive Branch of the Government, better known as the Hoover Commission report. I have had many requests from Members of the House to make this information available, and I am sure that most of the Members will want to read this report. It will be found in the Appendix of the RECORD.

Mr. Speaker, I ask unanimous consent that I may be permitted to extend my own remarks in the Appendix of the RECORD and include the document referred to.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GOVERNMENT EXPENDITURES THIS YEAR

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McGREGOR. Mr. Speaker, the Federal Government must substantially reduce its spending or it is only a question of time until the country is thrown into bankruptcy.

The Federal debt is approximately $256,000,000,000. From July 1, 1948, to July 1, 1949, the Government spent approximately $43,000,000,000. This is almost exactly the same sum spent by President Woodrow Wilson during the entire 8 years of his administration, including all the money he was required to spend in financing World War I. The Truman administration expenditures during the past 4 years aggregate $180,000,000,000 which is approximately the same sum spent by all Presidents of the United States from the inauguration of George Washington up to and including the first 12 years of the Franklin D. Roosevelt administration.

During the first 3 months of this fiscal year, this administration went further in debt by $1,500,000,000, which unless changed will mean an additional indebtedness of $6,000,000,000 for this fiscal year. If revenues decline, our income will be materially reduced—and the records prove that consumer income—total wages and salaries of American workers—decreased $2,900,000,000 in this quarter.

One would think with this situation prevailing, all departments of the Federal Government would cooperate in a determined effort to reduce spending to the extent that the budget could be balanced and sizable payments made on the public debt. But such is not the case. Some of us in Congress have worked hard and are strong advocates for economy, but President Truman and some Members of Congress are strong advocates of still greater Government spending. Proposals fostered and recommended by the President and some Members of Congress, if adopted, would cost the country hundreds of billions of dollars over a period of years. They have consistently insisted that the Federal Budget cannot be reduced—and have demanded that Congress pass a new tax bill that will add additional taxes on the shoulders of our people of $4,000,000,000 per year. Proposals for lavish Government spending are cleverly devised. They appeal for public support by providing for the distribution of enormous sums of cash to millions of persons who are also voters.

President Truman has said he will defeat Congressmen and Senators in 1950 who will not agree with his program. In other words, the President wants a Congress he can control—a rubber-stamp Congress. If this is done, there will be a crash some of these days that will make the depression of the 1930's look pale by comparison.

We must stop this program of tax and tax and spend and spend.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[Mr. CANNON addressed the House. His remarks appear in the Appendix.]

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1950

Mr. KERR, from the Committee on Appropriations, reported the bill (H. R. 6427) making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes (Rept. No. 1439), which was read a first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. TABER reserved all points of order on the bill.

Mr. KERR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6427) making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes; and pending that motion, Mr. Speaker,

I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6427, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KERR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is the second supplemental appropriation bill for the fiscal year 1950. It is the last appropriation bill for this session of Congress. We had hoped, of course, that the first supplemental would be the last, but it did not turn out that way.

To summarize the bill, I might say that the total of the supplemental budget estimates received and considered by the committee is $1,064,633,695.41. The total recommended in the bill is $1,038,506,380.41, a reduction of $26,127,315 in the budget estimates.

Many of the items are the result of recently enacted legislation which we generally have toward the end of every session. This year, because of the length of the current session, these items were considered and included in a supplemental bill. Ordinarily, we would have had these same items to deal with during the following session of the Congress.

Of the total recommended in the bill, $909,010,000, or the full amount of the budget estimates, is for the mutual defense assistance program—sometimes called the military assistance program—and other national defense items. The remainder, $129,496,000, and some odd dollars, is for other activities. It is in these other activities that the total savings of something over $26,000,000 was effected.

The following is a list of some of the major or more significant items contained in the bill:

First. Mutual defense assistance, $814,010,000 together with an additional $500,000,000 in contractual authority. Of this amount $211,370,000 is for military assistance to Greece and Turkey, $27,640,000 is for assistance to Iran, the Republic of Korea and the Republic of the Philippines. An additional $75,000,000 is for assistance to China, to be expended at the discretion of the President.

Second. Employees' compensation fund, $10,000,000, of which $4,000,000 is the result of additional workload and $6,000,000 to carry out the provisions of H. R. 3191, recently enacted.

Third. Grants for hospital construction, $25,000,000. This amount is to be used for liquidating a part of contractual authority previously authorized.

Fourth. Public Buildings Administration, $26,520,000. Of this amount, $10,000,000 is for the renovation and improvement of federally owned buildings outside of the District of Columbia, which work was recently authorized by the Congress, and $12,000,000 is for the acquisition of sites and preparation of plans for public buildings outside of the District of Columbia, also just recently authorized by the Congress. An unbudgeted item of $3,500,000 is included for the construction of an office building in Suitland, Md., to house the Census Bureau.

Fifth. Bureau of Community Facilities, $16,000,000. Of this amount, $8,000,000 is for advanced planning of non-Federal public works recently authorized in S. 2116. For the same purpose, the bill carries an additional amount of $17,000,000 in contract authority. Under this same heading the bill includes $7,000,000 for the maintenance and operation of schools located in Federal reservations and in other areas whose school facilities are burdened because of Federal activity.

Sixth. Veterans' Administration, for medical, hospital, and domiciliary services, $15,000,000, to be derived from nonobligated balances. The amount of $17,500,000 in new appropriations was requested for this purpose.

Seventh. Department of Defense, $63,000,000. Of this amount, $32,000,000 is for military construction, Army, in accordance with recently enacted legislation; $30,000,000 for increase and replacement of naval vessels, made necessary because of increased rates of expenditures; $10,000,000 for public works, Navy; and $20,000,000 for acquisition and construction of real property, Air Force, the last two items in connection with military needs in Alaska and on Okinawa.

Eighth. Department of Interior, for various activities, $3,614,000.

Ninth. Post Office Department, $43,765,000. Of this amount, $15,692,000 is for foreign air-mail service and $22,564,000 for domestic air-mail service, both items resulting in the main from rate increases granted by the Civil Aeronautics Board and the Interstate Commerce Commission.

Mr. TABER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill provides for $1,038,000,000, of which $814,000,000 is for the military assistance item provided for by the authorization bill which passed this House 2 or 3 weeks ago. It represents $500,000,000, the full amount of authorization in cash for the Atlantic Pact group, and $314,000,000 for other items, including $75,000,000 in connection with China, $27,000,000 in connection with Iran, the Philippines, and Korea, and $211,000,000 for military assistance to Greece and Turkey.

The bill also includes $224,000,000 for regular governmental purposes. There is included a very large figure for the Navy and some figure for the Army in connection with housing.

Frankly, I cannot see how we can continue to appropriate such enormous sums of money.

Perhaps the most astounding statement that we have read in recent weeks was Mr. Truman's announcement that he was going to raise the average income of the people from $1,350 per family to $3,500 per family.

The objective of that increase is very subtly concealed. The Truman program calls for enormous increases in spending. It calls for so many more expenditures that our deficit for the current fiscal year is bound to be $5,500,000,000. In order to help create the inflation, increase the poor man's taxes, and reduce his purchasing power, I understand the Truman administration is working on a scheme to increase the price of gold and devalue the dollar.

This will make us suckers for the foreign gold producers.

Now, a family with $1,350 income has no income tax to pay if there are three exemptions available. If there are three exemptions available and the family income is $3,500 there is a tax of $228.

It is obvious that the inflation Mr. Truman is trying to promote is for the deliberate purpose of raising the tax take-out of the poor people in America.

The withholding tax for the fiscal year 1948, during a large portion of which the tax cut of 1948 was in effect, was the largest in our history and the tax take at the present time is holding up to practically the same figure that it was last year, in spite of the unemployment that has existed since the early spring of 1949.

What does this mean?

That the President has been able by increased wages and increased prices to increase the amount that the poor man has to pay to the Government and to get a tax increase without getting a tax raise from Congress.

The poor man will be no better off with the inflation that will be necessary to increase his income. In others words, the prices will be raised more than his wages. His tax will be raised enormously and the resulting picture will be that the poor man will be worse off.

These big figures and these wild statements on the part of Mr. Truman are being made for the deliberate purpose of fooling the workingman into believing that because he gets more wages he will better his position.

As a matter of fact because of the increased tax that will be taken out of him and the increased price that he will have to pay he will get less than he had before.

The workingman and the farmer are being deceived by Mr. Truman. He is promoting a philosophy of government which will destroy our free-enterprise system and will hurt especially the workingman and the farmer. We are right on the brink of disaster as a result of enormous spending.

This Congress is going to appropriate at least $5,000,000,000 more money than it did last year.

We have repeatedly, in the House, tried to prevent increases in appropriations. We have had roll calls on conference reports and we have had the spectacle of almost all of the Democratic members of the Committee on Appropriations voting for the increased amounts when none of these increased amounts has been justified in the slightest degree.

Talking economy and not voting economy accomplished nothing for the people of the United States.

Will the American workingman wake up before it is too late? Will the American farmer come to realize how he has been bilked and deceived by Mr. Truman into an inflation that will destroy him? It gives him some grand privilege:

First. It lets him pay more than double what he used to pay for everything he buys.

Second. It lets him contribute a very large percentage of his income toward taxes and the Government.

Let the farmer and the workingman look at what they have to pay now for clothes, let the farmer check up on the prices he used to pay for agricultural machinery.

I have checked in the Congressional Library, through newspaper advertisements and I know whereof I speak. Food and clothes are away out of sight, transportation rates, railroad rates, bus rates, and truck rates are away above what they used to be and we have nothing to show for what Mr. Truman has been doing for the people except that it has continuously reduced what they have available for themselves after they have paid his taxes and the increased prices of the things they have to wear and to eat.

This is part of that expansive program.

To my mind we are approaching it without proper consideration. My information is that there is nothing in this military-assistance bill to the Atlantic Treaty group which they could not make better themselves, or just as well, as we.

There are $2,000,000,000 of counterpart funds held under ECA which could be used for the purpose of permitting them to make arms for themselves. If they are ever going to be put on their feet, we should encourage them to get on their feet instead of spending this money. I do not refer to these smaller items, like the Greece-Turkey picture, the Iran picture, the Philippine picture, or any of the other smaller items.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. TABER. Mr. Chairman, I yield myself three additional minutes.

In this $500,000,000 of funds—and there is $500,000,000 of contract authorizations in addition to that—it seems to me we should show some intelligence and some sense of responsibility to the people of the United States, and we should take a position which will result in those people being encouraged to get on their feet instead of trying, as we are doing in this particular instance, to prevent them getting on their feet. We have some obligation to them. They have some obligation to us. Already there has been provided upwards of $27,000,000,000 since the end of the war, in one way or another, for these countries. If we are to go ahead, regardless of their needs and regardless of our own financial situation, and get ourselves into a position where we can do nothing to help them to help themselves and the world, we are not doing them a favor. I wish we could have an approach to a sense of responsibility on the part of the Congress in meeting this situation. Frankly, it disturbs people who look ahead and try to think. It disturbs people who have been trying for years and years to give of themselves to the public service for the preservation of those things which Americans have been taught to hold dear.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The gentleman has referred to something like $2,000,000,000 of counterpart funds that have arisen through the operations of ECA, and which are available for expenditure in those ECA countries. I am fearful that there are very few Members of Congress who understand exactly to what the gentleman was referring when he referred to the $2,000,000,000 worth of counterpart funds. I would like to have the gentleman take time enough to make a statement in that regard in explanation of just what those funds are and their availability for expenditure in ECA countries to purchase the very items which it is anticipated will be furnished those countries through manufacturing here in the United States.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TABER. Mr. Chairman, I yield myself six additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for six additional minutes.

Mr. TABER. Mr. Chairman, this upward of $2,000,000,000 of counterpart funds can best be described this way: They are the proceeds of sales which these countries have gathered into their treasuries and are subject to expenditure only with the approval of the ECA in those countries. They represent the money that has been paid to those countries for the food, clothing, and other things that the United States through the ECA has sent over to them. These items are available for use in each of those countries to the extent that funds are available, and there are other funds that are coming in all the time as the result of the sale of those goods to their own people.

The counterpart funds are being used currently for permanent improvements in those countries to a certain extent, with the approval of the ECA. They are being used to a certain extent for some of the administrative expenses of the United States in connection with the administration of the ECA and in connection with the operations of our ambassadorial staffs and that sort of thing, perhaps for the pay of local employees; that is, citizens of those countries. They are available for any activities of this character that the ECA may authorize. I hope I have answered the gentleman's question.

Mr. KEEFE. May I ask the gentleman this question? These funds, of course, represent deposits in this special fund in the currencies of the respective nations that are the beneficiaries under the ECA program, and do not represent dollars as such; in England they represent pounds sterling; in France they represent francs; and so on; they would be available for expenditure in those countries for the manufacture of anything needed for the protection of those countries. Is not that true?

Mr. TABER. That is correct.

Mr. KEEFE. Provided the country itself and the representatives of ECA arrive at a prior agreement for the disposition of those funds.

Mr. TABER. That is right; that is correct.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SCRIVNER. Is it not also true that some of these counterpart funds are being used in those respective nations to pay off their bonded indebtedness? In other words, we tax our people to buy the goods that are sent over; those nations sell them to their people, but with the money they receive they are paying off their debt; they are paying off their debt with our money. That is the report of the ECA Commission.

Mr. TABER. If that is in the report, then it is correct; I do not have that knowledge.

It is about time for our people and for this Congress to begin to look to the future to see what we are headed for. If we do not keep ourselves in hand and do the right thing we are not going to be in a position to help the rest of the world. We must look ahead. I realize that anyone today who looks ahead is called a reactionary; anyone who plans to try and make the future of America better, to preserve free enterprise, and free institutions, and an opportunity for our people is frowned upon in certain quarters. It is really time for our people and for the Congress to begin to look ahead and to meet our responsibilities.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KERR. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, the charge that was made last Monday by the Foreign Minister and delegate of the Soviet Ukraine in his appearance before the United Nations General Assembly Special Political Committee that Francis Cardinal Spellman, of New York, had given $30,000 to Josef Cardinal Mindszenty, of Hungary, to finance a plot against the Communist regime in Hungary on its face is recognized and treated by every fair-minded person as false. While it was unnecessary for Cardinal Spellman to expose publicly its falsity, he has rendered a real service in doing so.

Cardinal Spellman's statement that the several million dollars raised by the Catholics of America for the relief of suffering human beings in a number of countries was spent through accredited agencies to assist all persons without regard to race, color, or creed, shows the purposes for which the money was raised and distributed. We must also, in connection with this recent false and deliberate attack, remember that about 2 years ago Pravda, an official organ and newspaper of the Red reactionary Soviet Union, made an attack of a similar nature against Cardinal Spellman. While Cardinal Spellman is the recipient of this attack, we should recognize it for what it is intended, for propaganda purposes in the Soviet Union and among its

subject or conquered nations, and in the Western World, an appeal to prejudice in the hope thereby to divide the organized creeds and churches of the world. It is simply a part of the world Communist plot to try and divide and destroy the several religions of the western civilization and our civilization itself.

Throughout the world there is fortunately a growing appreciation of the common danger and the purposes of communism to all religions. We know that the clergy of all creeds are subject to persecution, imprisonment, and even death or martyrdom.

Involved in the present world situation is not a difference of governments, either in form or substance. It is more basic than that. It is the fundamental difference of two ways of life. This vital and important fact is overlooked by many persons. It is true that many fine persons who are reacting to this or that emotion or gripe, imaginary or real, or dissatisfaction, or to prejudice, intentional or unintentional, fail to realize this essential fact.

It is the irreligious civilization of communism with its anti-God origin challenging and attacking our religious civilization which has its origin in God Himself. Those are the two distinct ways of life.

While the awakening to the efforts of the enemy of all religions is going on and unity on the moral or spiritual field is developing, it should be more rapid and universal. Communism attempts to impose its ideology by any and all means upon all of the peoples of the world. The imperialistic policies and intentions of the Soviet Union are hidden behind the Communist ideology, and as this ideology spread the imperalistic Soviet Union steps in and takes over.

The spearhead of this ideological world drive is aimed at all religions, in some countries one particular religion, in another country some other one, usually whichever is the strongest in a particular country. But the fact is that all religions are being attacked and our very way of life is being attacked. It is the attempt of irreligious Communists to drive all creeds, and particularly those of the western civilization, under ground. This has already happened in some countries, and it is in the process of taking place in others. With the knowledge of the intent and purposes of communism, with the convincing evidence that we have of its plots and plans for world domination, the moral and spiritual forces of the world should recognize the common danger, and in this emergency unite in the interest that is common to all.

The attack upon Cardinal Spellman, the framed trials and persecutions in certain countries of spiritual leaders and clergy of all creeds, is a part of this conspiracy, and it is aimed at all creeds and at the very way of life that we believe in. For we must remember that the way of life we believe in is a spiritual one, with its origin in God Himself. Just read again the Declaration of Independence to realize this indisputable historical fact so far as our own country is concerned.

It is not my purpose in addressing this House today to defend Cardinal Spellman. He needs no defense against this false charge. Neither is it my purpose to defend any of the clergy of all other creeds who have been attacked, persecuted, imprisoned, or killed; they need no defense, either. The Soviet-Ukraine delegate knew he was, in plain language, a liar when he made the attack on Cardinal Spellman, but he made the attack because he and those who directed him and who believe in their destructive, hateful way of life thought that it might cause a division among Catholics, Protestants, and Jews. It is a part of their tactics to try to divide and rule. It is up to the communicants and members of all creeds to interpret and understand the intent and purpose of this lying attack. The purpose of the Communists is to bring division among us; and what we should do, as the result of interpreting that purpose correctly, is to utilize and bring about more understanding on our part of the common danger and more unity in our ranks.

The old saying, "In unity there is strength," has particular application in these trying days.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SCRIVNER. Mr. Chairman, I take this time to supplement the announcement I made at the outset of the session relating to the refreshing news of conviction of the 11 Communists in New York City. Further news has come that not only are those 11 Communists now residing in jail but the 6 attorneys who were so atrocious in their conduct during the trial are also remanded to jail to keep their clients company.

Those of you who read the Bible, and I am sure most of you do, remember the story of the patience of Job. I think Judge Medina has placed himself up near the level with Job in the patience he has exhibited during all of these months of the conduct of this trial. Any attorney who has any pretense of knowledge of decent courtroom conduct has been ashamed of these men who call themselves lawyers. Their conduct cannot be condoned by any person in any way, shape, or form in the attitude they have taken not only toward the court but in doing so toward the very judicial process and the very nation in which these cases are being tried.

Judge Medina deserves a tribute not only from Congress but from the entire Nation. I would also recommend that if there is any way of doing it he get a 6-month vacation with pay, a well-deserved rest from this arduous task.

Mr. KERR. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, in this measure there are two major items. First, it carries out the instructions of Congress that arms be provided to Europe. This matter has been discussed very thoroughly in both bodies, and both have agreed definitely that we shall be committed to an arms aid program for Europe.

The authorization in itself is scant comfort. This provides the money to put the program into effect. This, Mr. Chairman, is language anybody can understand. We are simply placing in uniform, adjacent to the Rhine, men whose homelands adjoin the Rhine and giving them arms to defend their homes. We are providing a defense line at the Rhine River rather than risk the necessity of having again to gain a costly foothold on the continent of Europe. The former is decidedly the more desirable procedure.

I think it should be stressed, Mr. Chairman, that we are not paying all the cost of rearming Europe. Europe, too, is carrying all that part of the burden that she can. It is estimated that it is going to cost Europe six times as much as the money we are putting into this program.

It is significant that a part of the funds we are providing will go into tooling up the factories of Europe and providing raw materials so that she can continue her own efforts to rebuild her defenses as well as her industry.

I think it should be pointed out further that there is a safeguard in this measure which provides that only $100,000,000 can be spent out of the appropriation until an integrated, coordinated defense program has been developed which will do the job we want done.

The other major item, Mr. Chairman, is the provision for funds for essential construction in Alaska and Okinawa. I do not believe it is necessary to talk to this House about the strategic importance of Alaska to our own defense. I think every Member of Congress knows that Alaska is strategically one of the two or three most important areas under the American flag at this time. It is a natural stepping stone, either for defense or for offense. It should be pointed out that from Alaska we can reach by air, if necessary, all of the parts of Europe that cannot be reached from the northeastern defenses of this Nation. But conversely, and this could be even more important, from Alaska a hostile power with today's aircraft can reach almost any part of this Nation. It is the peacetime link on the northern route to Asia. It is important to us, equally important to any potential foe. Facilities in Alaska for the services are extremely limited. Housing is the worst of all. We know how important it is to men in uniform in peacetime that they have their families with them.

But housing is not all that is important in Alaska. It is necessary to expand our military facilities in Alaska and that includes those of all of the services, the Air Force, the Army, and the Navy. All of them are included in this bill for necessary improvements and extensions.

Okinawa itself is hardly less important, lying as it does on the outer fringe of the series of island stepping stones which were so important to us in World

War II. It now becomes doubly important because Asia, day by day, is slipping away from us. We have to hold Okinawa, but it is needless to do so unless we have the facilities there with which to utilize and defend it. By being in Okinawa in strength we will present a very strong argument for peace in the future in the Pacific.

There is another consideration which should be stressed. That is the destruction of our facilities at Okinawa by hurricanes. Year after year hurricane damage and destruction has cost us millions of dollars. The facilities there are largely temporary wartime structures and they have had to be replaced or repaired time after time. We are now proposing to build permanent facilities in Okinawa. These are but slightly affected by the hurricanes which plague that part of the world.

Consequently permanent structures become a matter of good economy. Within a period of a very few years we will save more than the cost of the facilities proposed in this measure by avoiding repair and replacement costs. Here again all of the services are similarly affected.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mrs. DOUGLAS. Mr. Chairman, I want to take this opportunity to thank the chairman of the Appropriations Committee [Mr. CANNON], the chairman of the subcommittee [Mr. THOMAS], and the members of the committee for including the appropriation of $760,000 for the extension and improvement of post-office facilities at the Terminal Annex Post Office in Los Angeles, which is so desperately needed.

The Terminal Annex Post Office in Los Angeles was built 9 years ago but population growth of the city long ago outran the service capacity of the building. Nine years ago there were 4,000 postal employees in the Los Angeles area; today there are 9,000.

The overcrowding at the Terminal Annex Post Office at Los Angeles has undoubtedly hampered the efficiency of postal service and has been a burden on postal employees who work in the building.

I am grateful to the committee for authorizing this appropriation so that these facilities in the Terminal Annex can be improved.

Mr. KERR. Mr. Chairman, we have no further requests for time and I ask that the Clerk read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

BUREAU OF COMMUNITY FACILITIES

For expenses necessary for carrying out the provisions of the act of August 24, 1949 (Public Law 264), relating to the development of the Territory of Alaska, to remain available until June 30, 1955, $1,000,000, of which not to exceed $125,000 shall be available for administrative expenses, including the purchase of not to exceed two passenger motor vehicles; and, in addition, the General Services Administration is authorized to enter into contracts in an amount not to exceed $4,000,000 for the purposes of this appropriation.

Mr. VELDE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the verdict of "guilty" in the trial of 11 Communists in New York City represents a victory to the American people over the insidious forces which have been and will continue to attempt to establish world domination by Soviet principles, and the destruction of our free-enterprise form of economy.

Having attended a session of the trial, and having watched with admiration the untiring patience and unfailing fairness evidenced by Judge Harold Medina, I believe that he deserves a vote of confidence from the American public for thus exemplifying our American brand of justice. I take this opportunity to do so now.

I sincerely hope that the end of this long trial will be but the beginning of a crusade to wipe out forever the remaining forces of subversion and espionage in the United States of America.

The Communist Party has always operated underground, so to speak, especially to hide its connection with, and control by, Stalin and the Politburo. The "guilty" verdict of the New York jury will probably change the party line for United States Communists, but I cannot see how it can drive them underground farther than they are now.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. VELDE] has expired.

The Clerk read as follows:

For expenses necessary to carry out the provisions of the act of September 10, 1949 (Public Law 306), relating to assistance to certain local school agencies, $7,000,000, of which (a) not to exceed $100,000 shall be available for administrative expenses thereunder, including personal services in the District of Columbia until June 30, 1950; (b) not to exceed $25,000 shall be available for similar administrative expenses during the period July 1 through September 30, 1950, incident to the liquidation of obligations incurred prior to July 1, 1950; and (c) $50,000 shall be available exclusively for the payment of accumulated and accrued leave, until December 31, 1950.

Mr. JACKSON of Washington. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JACKSON of Washington: On page 7, line 16, insert the following new paragraph:

"The Housing and Home Finance Administrator is hereby authorized to purchase, with funds appropriated pursuant to section 3 of Public Law 52, Eighty-first Congress, notes or other obligations issued by the Alaska Housing Authority to obtain funds for its general overhead expenses in the development of a program pursuant to the authority conferred under said section: *Provided*, That the total amount of such notes or other obligations shall not exceed one-half of 1 percent of such appropriated funds."

Mr. KEEFE. Mr. Chairman, I make the point of order against the amendment that it is legislation upon an appropriation bill.

Mr. JACKSON of Washington. Mr. Chairman, I wish the gentleman from Wisconsin would withdraw his point of order. I concede that it is legislation on an appropriation bill, but it is something that is very vital and very necessary, if we are going to get housing in Alaska. The Delegate from Alaska [Mr. BARTLETT] is here, and will be pleased to explain the details of this matter.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. ROONEY. Does this language entail the expenditure of any additional funds?

Mr. JACKSON of Washington. It does not. It clarifies Public Law No. 52 that was adopted earlier this summer. It gives to the Housing and Home Finance Agency authority to guarantee obligations in connection with the operation and overhead expense of the Alaska Housing Authority, not to exceed $50,000, all of which will be repaid to the Housing and Home Finance Agency.

The situation is very critical, I may say to the gentleman from Wisconsin; and I hope that he will withdraw his point of order, under the circumstances.

Mr. KEEFE. I should be very glad to hear from the Delegate from Alaska with respect to this matter.

Mr. Chairman, I reserve my point of order to enable the gentleman from Alaska to explain the situation.

Mr. BARTLETT. I shall be happy to explain to the gentleman from Wisconsin the situation which exists. The Territorial Legislature, to put it briefly, appropriated $250,000 for the Alaska Housing Authority. Had that money been available we would not have needed this amendment.

Several new tax laws were passed by the last Alaska Legislature; each of those laws was attacked in court, and each is still under consideration by the court. As a result, the money has now flowed into the territorial treasury in the volume that had been expected; consequently the Territorial Board of Administration had to freeze certain territorial funds, including part of the appropriation for the Alaska Housing Authority.

This amendment will allow the Administrator of Housing and Home Finance to advance up to $50,000 out of the $10,000,000 heretofore appropriated by the Congress to the Alaska Housing Authority to get this program under way. It will be repaid by the territorial government to the Federal Government. I cannot make a flat prediction as to how long that may take, but certainly in the next 6 or 8 months at the outside.

Mr. KEEFE. Do I understand the gentleman to say that the difficulty arises because acts of the legislature of Alaska have been under attack in the courts, and that the funds voted by the Territorial Legislature have been frozen so that the local territorial housing authority has not been able to function? By this amendment we would be authorizing $50,000 of Federal funds in the nature of an advance to enable them to function.

Mr. BARTLETT. That is true.

Mr. KEEFE. Is that a proper understanding of the situation?

Mr. BARTLETT. Except that the housing authority legislation has not been attacked; revenue legislation is what has been attacked.

Mr. KEEFE. Without that revenue legislation there would be no money with which to repay this out of territorial funds?

Mr. BARTLETT. There will be certain money advanced from other tax laws heretofore in effect. The appropriations were made on the basis of the new tax laws. Certainly the credit of the Territorial government which does not owe a dollar and cannot owe a dollar under law, is sufficient and has always been good enough to guarantee that this money will be repaid. I believe it would not be more than 8 months before that occurred.

Mr. KEEFE. I may say to the gentleman from Alaska, Mr. Chairman, that I am somewhat familiar with the situation that exists in Alaska with respect to the critical need for housing. I do not want to take any position that would in any way interfere with the orderly processes of putting into effect in Alaska this program which is designed to provide very critically needed housing.

Does the gentleman from Alaska mean to say that unless this $50,000 is made available to the housing authority in Alaska through the medium of the amendment which has been proposed by the gentleman from Washington, that that program will be impeded and held up until judicial determination is made as to the tax laws that have been passed which provide the funds to implement the work of the local housing authority?

Mr. BARTLETT. I say that the program would be delayed and very seriously delayed; we might not be able to start a full program next spring when we should. If this program were adopted we could do so and have much housing constructed by next fall.

Mr. KEEFE. What provision is there in existing law to provide for the repayment of these appropriated funds to the United States Treasury?

Mr. BARTLETT. My understanding is that if the advance is made by the Administrator of Housing and Home Finance that the terms of the advance will provide specifically for repayment of the money so advanced.

Mr. KEEFE. Mr. Chairman, under those circumstances I withdraw the point of order.

Mr. BARTLETT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was agreed to.

The Clerk read as follows:

Appropriations under the head "Repair facilities, Navy", shall not be available for expenditure after June 30, 1950, except for payment of claims certified under the Surplus Fund—Certified Claims Act of 1949. Any unexpended balances remaining on said date shall revert to the Treasury in the manner provided by said act for lapsed appropriations and the account shall be abolished.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word to ask the chairman of the committee a question.

Mr. Chairman, on page 5 of the bill under General Services Administration there is an item of $3,500,000 for the construction of a temporary office building at Suitland. If I understand correctly, it is the purpose of the committee in authorizing and appropriating for the construction of that temporary office building to provide facilities for the Bureau of Census in connection with the taking of the 1950 census. Am I correct?

Mr. THOMAS of Texas. That is correct.

Mr. WHITTINGTON. I am at a loss to understand the use of the word "temporary" there. What type of office building would be constructed under that term "temporary"?

Mr. THOMAS of Texas. I am like the gentleman, I do not understand why they used the word "temporary" when they say the building will last for 40 or 50 years.

Mr. WHITTINGTON. I agree. The word "temporary" should be stricken from the bill. It is misleading. I understand the building in construction will be similar to the Munitions Building on Constitution Avenue. Applications have been submitted to the House and Senate Committees on Public Works for a Census Office building. Applications are pending now. Applications were made during the last Congress for a building that would cost in the neighborhood of $10,000,000 and this Congress for a $11,500,000 building. It was the position of the House Committee on Public Works that if a temporary building was to be utilized, why not use some of the temporary buildings down here on the Mall or some of the temporary buildings on the Potomac River. We were advised that the purposes required not merely a temporary building but a permanent building so that they could store or protect from fire records that may otherwise be destroyed. It is surprising now to find in this bill provision for a temporary building in view of our investigation and in view of the fact our committee did not report a bill. However, I understand that the word "temporary" really means a permanent building that will last 40 or 50 years and it will protect from fire and may be used for storing records to protect from fire.

Mr. THOMAS of Texas. They call it temporary, I may say to the gentleman, but it is not temporary in our ordinary understanding of the term.

Mr. WHITTINGTON. What would be the type of construction?

Mr. THOMAS of Texas. It will have a solid concrete floor, with steel trusses or supports and brick walls. It will not be a finished fine building, they say, but it will last from 40 to 50 years.

Mr. WHITTINGTON. As I understand it under the terms of this bill these funds may be spent without regard to section 3709 of the Revised Statutes which means this work can be done on a cost-plus basis and without regard to competitive bids?

Mr. THOMAS of Texas. Yes; in order to get the building completed by the time the 1950 census is taken.

Mr. WHITTINGTON. Personally, I can understand how the committee was situated. However, we have had that same situation in which we have been asked repeatedly to waive the requirements for competitive bidding.

I repeat that it is reassuring that a really fireproof brick building with concrete floors will be constructed and that the type of construction will last for 40 or 50 years. It strikes me that the word "temporary," as I repeat, means permanent, inasmuch as the census records are not only expensive, difficult to replace, but it would delay the census if they were destroyed by fire.

I am informed by a member of the committee handling the bill that the building will be of a similar type of construction to the Munitions Building on Constitution Avenue, as I have stated. I think this most important. I trust that, notwithstanding the waiver of competitive bids, it will be economically constructed. I have every confidence in Mr. Reynolds, the Commissioner of Public Buildings, and the General Services Administration.

Mr. THOMAS of Texas. It was just a matter of necessity, and I agree with the gentleman that it should not be done as a general rule.

Mr. WHITTINGTON. I do not see why, with due deference to the administration, they cannot make plans and get bids submitted competitively for this type of construction in times of peace.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POST OFFICE DEPARTMENT

(Out of the postal revenues)

DEPARTMENTAL SERVICE

Salaries

For an additional amount for "Office of the Postmaster General," $17,000.

Mr. MILLER of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I call the attention of the House to the fact that this bill contains an appropriation of some $38,250,000 to meet the cost in the field service of the Post Office Department for the general rate increases granted by the Civil Aeronautics Board and the Interstate Commerce Commission to air lines and railroads. This is a necessary sum.

We are faced with a huge deficit in the Post Office Department now, and the Committee on the Post Office and Civil Service has been struggling with a rate increase bill that will jar many of you, and the repercussions it will create will be many, when it comes on this floor. But here is an instance where the Post Office Department exercises no control over its expenditures. This money is necessary, but the rates are fixed by the Interstate Commerce Commission and the Civil Aeronautics Board on their authority, and it is an expense that the Post Office Department must accept and must be charged with. It is part of the hidden subsidies, as pointed out in the report of the Commission on Organization of the Executive Branch of the Government, the so-called Hoover Commission. These subsidies should be made

directly to the air lines and to the railroads and not hidden under the guise of postal service so that the postal service continually comes in for the criticism, an unjust criticism, that is not due it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

For an additional amount for "Vehicle service," $5,000,000.

Mr. BARRETT of Pennsylvania. Mr. Chairman, I ask unanimous consent to return to page 5 in order to offer an amendment.

Mr. KERR. I object, Mr. Chairman.

Mr. BARRETT of Pennsylvania. Mr. Chairman, I move to return to page 5 so that I may offer an amendment.

The CHAIRMAN. That motion is not in order at this time.

The Clerk read, as follows:

TITLE II—CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in House Document No. 366, Eighty-first Congress, $733,241.42, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than 30 days after the date of approval of this act.

Mr. CHUDOFF. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seventeen Members are present, a quorum.

The Clerk read as follows:

TITLE III—REDUCTIONS IN APPROPRIATIONS

UNITED STATES MARITIME COMMISSION

Funds available under the title "Working Fund, United States Maritime Commission (Navy and War Departments)", are hereby reduced in the amount of $30,500,000, and funds available under the title "Working Fund, United States Maritime Commission, War Shipping Administration Functions, December 31, 1946", are hereby reduced in the amount of $800,000, such amounts to be carried to the surplus fund and covered into the Treasury immediately upon approval of this act: *Provided*, That the United States Maritime Commission, the Department of the Navy, and the Department of the Army shall not be required to effect further inter-agency or intra-agency transfers of funds on account of obligations for ship construction, acquisition, conversion, reconversion, repair, or similar work ordered and performed under said titles prior to the fiscal year 1949: *Provided further*, That balances remaining under said titles shall be available until June 30, 1950, for payments to other than governmental agencies on account of obligations properly incurred under said titles.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the bill before us is designated as the second supplemental appropriation bill of 1950. It carries gross appropriations of $1,000,000,000 plus. In the closing hours of this session of the Eighty-first Congress we are being asked to appropriate in excess of another $1,000,000,000, on the assumption and theory that these items are supplemental appropriations and vitally needed.

There may be some of these items that are vitally needed, and it may be that this appropriation bill is here, as the committee has indicated, because the House has continued in session for such a long period of time. Normally this matter would have been considered in the second session of the Eighty-first Congress, but these departments just cannot wait. They have to have their money now. If there ever was a case where the editorial writers of this country could tear this Congress apart for its absolute subservience to the executive branch of the Government, this is the case as indicated in the bill now before us.

We pride ourselves and it is said here on the floor of Congress time and again that we are the greatest deliberative assembly in the world. I wonder if we are. I am coming to the belief that as time passes on we are just becoming more and more simply the stool pigeons of the executive departments of Government.

There is not an item in this bill which was not sent up by the executive departments of Government already printed, with the language already made up, laid before the subcommittees, as well as before the particular subcommittee of which I am a member since we considered some of the items in this bill, and thrown at us cold with not a single moment's knowledge or notice as to what was going to be asked for until the committee met.

On one of these items the committee would not have time if it took 3 or 4 days simply to read and understand what the justifications were which were submitted by the executive department. Yet the thing was banged through—bang, bang, bang—just like that, without even the members of the subcommittee themselves, to say nothing of the full committee and the Members of the Congress, knowing whether or not those supplementary estimates were necessary.

I want to register a protest against that type of legislating as far as appropriating bills are concerned. You no longer have any voice in the matter—you think you have, but you do not. You are accepting these bills as written in the departments. They throw their justifications at the committee without any previous notice and you subserviently accept them and report them to the Congress. You are asked to pass upon them when there are not 10 Members of the House who have knowledge of all the items contained in this billion dollar appropriation bill. I think it is a crying shame. The people of the country ought to know the procedure of the Committee on Appropriations of the Congress in the matter of handling many of these items which, in the aggregate amount to a billion dollars. It is because of that very fact that I cannot vote for this bill. I cannot vote for a bill which contains item after item designated as a supplementary appropriation when it is not a supplementary appropriation at all.

I will tell you what is going to happen. These are the entering wedges.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to address the House for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Chairman, we must understand that some of these departments have already concluded their budget hearings for 1951. Others are presently presenting their estimates for 1951 before the Bureau of the Budget. While those hearings are going on we are passing this bill making supplementary appropriations for 1950. When you get the 1951 budget estimates you are going to see that you will have a tremendously increased budget as a result of what you are doing here today.

We were told in the subcommittee with respect to one of these items, for instance the additional expenditures for the Wage and Hour Division, that it is only a small item. It is $84,000. But it, in turn, requires an additional $11,000 for the Solicitor of the Labor Department. This is for the next 6 months of the fiscal year 1950. We were told that they had already completed their hearings before the Bureau of the Budget for 1951, and the amount that will be in the 1951 budget will be greatly in excess, or double, the amount that you are providing in 1950 for that activity. There was absolutely no showing before the committee there was any immediate necessity for providing such an appropriation. But as a member of the minority, I cannot do anything about it. I am glad to say that one member of the majority felt as I did. So the matter was included in this bill by a tie vote. That is what I am told happened. I imagine there are other items in this bill that are of a similar character. You are letting the executive agencies of Government stick their foot in the door and justify greatly increased appropriations for 1951 when you vote on this bill. I am issuing a warning to you now, when this great monumental bill comes in next year, hark back to what I told you today. Then just go ahead and vote for whatever these departments want. That is what you are doing. They are telling you what to do. You think you are acting as Members of Congress. I am ashamed of the situation myself, to have to make this sort of confession to the people of America. The Congress no longer runs

its own affairs or what should be its affairs under the Constitution, but it is acting as the executive departments tell us how we should act. I cannot go along with that sort of thing.

Mr. O'SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. O'SULLIVAN. How long has this been going on?

Mr. KEEFE. It has been going on ever since I have been a member of the Appropriations Committee. I have protested against it time and time again, but it is like a voice crying in the wilderness, and, with that thing going on, you have seen this tremendous growth of bureaucracy, which you all condemn. You all talk to your constituents and say you want economy; that you want to cut down this bureaucracy, from the President on down, but by the type of action you are taking with these various supplemental and deficiency appropriation bills, you just succumb to the blandishments of the executive departments of the Government, and they are running the show. You are a mere appendage in this thing we call government, when we should stand up here and write these bills ourselves, and not have them tell us what we should give them.

Mr. O'SULLIVAN. Will the gentleman yield further?

Mr. KEEFE. I yield.

Mr. O'SULLIVAN. Was there any voice of dissent raised in the Appropriations Committee about this sort of practice of lump-summing these appropriations?

Mr. KEEFE. Oh, that question has been raised time and time again. But let me tell you something. There is no greater lobby in the United States than the lobby in the executive departments of Government. Every man here knows that to be true. You do not dare do what you think and know is right for fear of the pressure of these executive departments of Government.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. KEEFE] has again expired.

The Clerk concluded the reading of the bill.

Mr. KERR. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 6427, directed him to report the same back to the House, with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. KERR. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KEEFE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KEEFE. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KEEFE moves to recommit the bill to the Committee on Appropriations.

Mr. KERR. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and on a division (demanded by Mr. KEEFE) there were—ayes 27, noes 68.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. KERR. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGALITY OF CERTAIN PRICING PRACTICES

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (S. 1008) to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1422)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1008) to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "(except where such absorption of freight would be such that its effect upon competition will be to substantially lessen competition)"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Omit the matter proposed to be inserted by the House amendment; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: ", and this may include the maintenance, above or below the price of such competitor, of a differential in price which such seller customarily maintains, except that this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppressive, deceptive, or fraudulent practice"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "reliable, probative, and substantial evidence"; and the House agree to the same.

FRANCIS WALTER,
By EARL C. MICHENER,
EARL C. MICHENER,
CLIFFORD CASE,
By EARL C. MICHENER,
Managers on the Part of the House.

PAT MCCARRAN,
Per H. R. O'C.,
HERBERT R. O'CONOR,
ALEXANDER WILEY,
Managers on the Part of the Senate.

STATEMENT

Senate bill 1008 covers two related and yet separate problems pertaining to a competitive economy. First, it deals with the right of an individual seller to absorb freight costs in varying amounts, or to sell at delivered prices, in order to engage in competition in good faith. There has been widespread feeling that sellers should, and to protect plant investments and employment must, be permitted to absorb freight costs or to sell at delivered prices in order to sell their products in competition with more favorably located competitors. The congressional debates indicate little opposition to this part of the bill, and a desire to clarify the legality of competitive freight absorption. The major controversy has centered about certain dicta in the *Cement Institute case* (333 U. S. 683), which the proponents of this bill maintain has thrown a cloud of doubt around the legality of individual freight absorption and use of uniform delivered price systems, while the opponents of the bill contend that the decision left undisturbed the previously prevailing rule.

The bill also deals, however, with the extent to which sellers may lawfully discriminate in price to meet the lower prices of their competitors. Proponents of the bill believe sellers should be permitted to so discriminate whenever they can affirmatively prove that they are doing so in good faith. Real and vigorous competition as well as the public interest can never be adversely affected when sellers are actually competing in good faith. Some believe, however, that sellers should not be permitted to discriminate in price if doing so will take an order away from any other businessman. This is, of course, a tendency toward the elimination of competition, or what the Council of Economic Advisers calls "soft competition." Still others hold views which lie between

those positions. There are also those who appear to be uncertain of the practices which are in fact good faith competition, and who wish to expressly prohibit any price discrimination of a seller to drive out of business a competitor of the favored buyer. Amendments to the bill offered on the floor in the Senate and in the House of Representatives were aimed at protecting competitors against predatory practices.

To prohibit price preferences to drive out of business a competitor of the favored buyer, amendments to sections 2 and 3 of the bill were adopted in the Senate. With a view of accomplishing much the same purpose, but using substantially different language, amendments to those sections of the bill were adopted in the House of Representatives.

These purposes appear from the statements made by the proponents of these amendments, Congressman CARROLL said in support of the House amendment which he introduced:

"I want to tell you that there is no longer the issue before this committee of whether or not we are in favor of freight absorption. I do not pretend to know enough about the difference in philosophy between the basing-price theory and the mill-price theory, but I do know the reason which was advanced for bringing this bill before this body. The distinguished Senator from Wyoming [Mr. O'MAHONEY], the distinguished Senator from Maryland [Mr. O'CONOR], and the distinguished Senator from Pennsylvania [Mr. MYERS] have led us to believe in debate in the Senate, and I agree with them, that the issue was the clarification of certain Supreme Court decisions. How were they going to clarify them? By a legislative declaration overcoming certain dicta in a Supreme Court decision. Now, I can go along with that. That is the clarification of the doctrine that permits freight absorption. Well, I can go along with that. But, why do we have to take another uncalled-for and dangerous step? Why do we have to amend the Robinson-Patman Act, which was expressly designed to protect small business against unfair price discrimination?

"* * * Certainly we in the West recognize that, for example, the sugar industry in order to compete must be able to absorb freight costs. We know that. I do not know that we can entirely abandon the whole pricing zone system theory. I do not think we can. But what we can say is this: Let us keep what little protection there is on the books for the small-business man and for the consumer.

"* * * I do not agree with some of my colleagues who want to discuss the difference in philosophy between the basing-point system and the mill-price system. I think our present economy demands this sort of system, whether it is the basing-point or the zone system or the uniform pricing system. I say you cannot tear it out, root and branch, now. You would create chaos throughout the Nation. But in your desire to clarify, do not injure the small-business man. Do not give way to creation of greater monopolies. This decision would be very, very far-reaching, because if you reject my amendment then what you do is destroy the circuit-court opinion, and you will destroy any consideration of the issue now before the Supreme Court. You will take away from the Supreme Court the right to make a decision under the Robinson-Patman Act as previously outlined. I sincerely hope you will accept this amendment."

Senator KEFAUVER, its sponsor, said in support of the Senate amendment:

"Let me call the Senator's attention to the chart I have here. If A is a large consumer, and is buying something from B at, let us say, $10 a ton, and he is charging all the small customers—X, Y, Z, L, M—$15 a ton, C can come along even though he is at a distance and absorb freight and sell also to A at $10 a ton. If the Federal Trade Commission tried to prosecute C under the Clayton Act the fact that B was charging $10 a ton in his sales to A would be a complete defense. That is the showing that another seller was charging the same price would be a showing of good faith under the language of subsection B of the bill. Is not that true?"

Mr. O'MAHONEY. "No; I am not ready to agree with that statement. I will say to the Senator from Tennessee that I do not believe the present law undertakes to preserve the status quo in any line of business. Without question there are some purchasers of commodities from wholesalers who do not operate as efficiently or as economically as others, and the price at which they have to buy their material may be such as to make it impossible for them, by reason of their inefficiency, to operate at a profit. It is not the purpose of the existing law to compel the preservation in business of those who are suffering because of lack of efficiency."

Mr. KEFAUVER. "Of course, the fact that A may buy in greater quantity or that different conditions may exist has always been a defense in a case before the Federal Trade Commission."

Mr. O'MAHONEY. "And still is."

Mr. KEFAUVER. "And still is. But the fact that the small fellow may be undercut by 50 percent under the present regulation of the Federal Trade Commission is not a defense because it is a discrimination, even though two or more may be selling A at the same price. The reason that is so is that the United States Circuit Court of Appeals, as the Senator well knows, recently, in its January session, held by unanimous opinion—and the case is now before the Supreme Court—that if B is selling A on the basis of $10 a carload, and C starts selling A at $10 a carload whereas they sell the little fellow at $15 a tankload of gasoline or a carload, the mere fact that they are selling A at the same price does not meet the requirements of the Robinson-Patman Act—that is, if there is unfair competition or discrimination, even though they may be selling A at the same price, they are still guilty of violation of section 2 of the Clayton Act, which is the Robinson-Patman Act."

The Congress and the people are committed to the competitive system. We universally adhere to the concept that competition is essential to our economy and must be preserved and maintained in all segments of every industry whose activities are not regulated by the Government as public utilities. Government regulation is the unpleasant alternative to competition.

On July 13, 1949, a member of the President's Council of Economic Advisers intelligently appraised this problem when he told the Committee on the Judiciary of the House of Representatives:

"All competitive effort is burdensome and harmful to those who cannot keep pace, but if we said it must stop short before it hurts anyone we would completely abandon the policy of competition. It is only the unfair methods which we wish to prevent, and it is a very fine line between the vicious and unfair on the one hand and the rugged but fair on the other. * * * Some of us believe that in the particular rulings involved in the pending bill relating to freight absorption and other matters the law and the Commission stepped over the line between unfair methods and those which are of the essence of vigorous competition. It is for that reason that we have surprised some friends whom we have joined in other battles against monopoly by proposing corrective legislation. We have also been sympathetic with the plea of businessmen that if penalties are imposed for the violation of a law prohibiting business policies which have for years been accepted as fair, vigorous competition, the liability should be clearly expressed in the statute and should not be a trap buried under general language so ambiguous that the Supreme Court itself cannot decide what it means. * * * Is it a desirable national policy to tie the hands of the big competitor and thereby make it easier for the small-business man to survive? I have no doubt that Woodrow Wilson and his predecessors would have furiously contested any such proposal. Today, many supporters of the antitrust policy will give hesitant answers. My own is that there is a heavy burden of proof upon him who would temper the storms of competition for the lamb in this manner. He must do more than argue for stability of business. He must make an exceedingly strong case that his proposal will not, by depriving competition of its vigor, deny the people those benefits of larger production, lower costs and prices, and improved standard of living which the Sherman Act was designed to promote" (Dr. John D. Clark, hearing before the Subcommittee on Study of Monopoly Power, July 13, 1949).

A prime difficulty in this problem is an understanding of the meaning of the word "competition." It is one of the key words in section 2 of the Clayton Act. Its meaning, however, has sometimes been strained in order to gain an objective. For example, extremists favoring rigid f. o. b. mill selling have contended that the practice of sellers competing in distant markets through absorbing freight costs to meet the prevailing local price results in a substantial lessening of competition. They contend that when sellers all sell at the same price there is an elimination of price competition automatically and hence a substantial lessening of competition. This reasoning is not always sound. When sellers sell at the same price because they have either expressly or impliedly agreed to do so, they have lessened, if not eliminated, competition. When, however, they sell at the same price because they are in vigorous competition with each other and each finds that he cannot get more for his product than others are getting for like products, competition has not been lessened or injured but is actively at work, assuming an absence of agreement, actual or implied.

Competition is a contest between sellers for the business of a buyer. In such a contest one seller gets the order while other sellers lose the order. That is competition. The seller who did not get the order may feel injured, but that does not mean that competition has been injured. In any competitive economy we cannot avoid injury to some of the competitors. The law does not, and under the free-enterprise system it cannot, guarantee businessmen against loss. That businessmen lose money or even go bankrupt does not necessarily mean that competition has been injured. "Competition," Mr. Justice Holmes observed, "is worth what it cost."

We must always distinguish between injury to competition and injury to a competitor. To promote and protect competition is the primary function of the antitrust laws. However, we cannot guarantee competitors against all injury. This can only be accomplished by prohibiting competition. We can and do, however, prohibit injury to competition. Competition is injured through the seller acquiring monopolistic control of a market, by local price cutting, selling below cost, and in the use of other predatory practices. These practices are prohibited by the antitrust laws.

AMENDMENTS TO SECTION 2

The amendment to section 2 of the bill adopted by the Senate is: "(except where the effect of such absorption of freight will be to substantially lessen competition)".

The amendment to this section adopted by the House of Representatives is: "(except where such absorption of freight would be such that its effect upon competition may be that prohibited by this section)".

The compromise language adopted by the conferees to this section is: "(except where such absorption of freight would be such that its effect upon competition will be to substantially lessen competition)".

It will be observed that the compromise reached by the conferees amounts to a simple fusion of the express language of both of the floor amendments. The words "substantially lessen competition" acquire meaning from the illuminating debates in the present session to which reference has already been made.

AMENDMENTS TO SECTION 3

The amendment to section 3 of the bill adopted by the Senate is: "(other than a discrimination which will substantially lessen competition)".

The amendments to this section adopted by the House of Representatives are—

1. Substitute for the Senate amendment, supra, the following: "(if the discrimination is not such that its effect upon competition may be that prohibited by this section)".

2. Add at the end of the section "and this may include the maintenance, above or below the price of such competitor, of a differential in price which such seller customarily maintains."

In the words of the Assistant Attorney General in charge of the Antitrust Division, the effect of the parenthetical Senate amendment is as follows, and this would be true, a fortiori, of the parenthetical House amendment: "Insertion of this phrase in the bill (S. 1008) has the effect of retaining the rule of *Standard Oil Co.* v. *Federal Trade Commission* (173 F. 2d 210), a decision by the Court of Appeals for the Seventh Circuit which held that good-faith competition is not a defense where the effect would be to lessen competition. While we recognize the competitive problems which arise when one purchaser obtains advantages denied to other purchasers, we do not believe the solution to this problem lies in denying to sellers the opportunity to make sales in good-faith competition with other sellers."

The purpose of the second House amendment to this section is simply to create a uniformity in language between sections 2 and 3 of the bill.

The compromise language adopted by the conferees, added at the end of the section and intended to qualify the entire proviso in that paragraph, is: "except that this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppressive, deceptive, or fraudulent practice."

This language is borrowed from section 1 of the bill, the amendment to section 5 (a) of the Federal Trade Commission Act, and constitutes what the conferees feel is an entirely adequate limitation, certainly one responsive to the fears that have been expressed in Congress by the opponents of the bill.

AMENDMENT TO SECTION 4

The amendment to section 4 D of the bill adopted by the Senate is to define the term "the effect may be" as used in the bill to mean that there is "substantial and probative evidence" of the specified effect.

The amendment to this section adopted by the House of Representatives is to define the term to mean that there is "reasonable probability" of the specified effect.

The compromise language adopted by the conferees to this section is to define the term to mean that there is "reliable, probative and substantial evidence" of the specified effect, which is simply an adoption of the precise language of the Administrative Procedure Act.

Fears have been expressed that one or more of the definitions contained in section 4 might be construed as carrying over into the Clayton Act, as amended, and as applying to, or affecting the construction of, the defined terms as used elsewhere in that act. The conference committee wish to point out that such fears are ungrounded, since the definitions in section 4 are, by the terms of the section, applicable to the defined terms only as used in this Act"; and, therefore, the same or similar terms may appear in portions of the Clayton Act not specifically amended by this act, necessarily remain unaffected. The conference committee in all their deliberations have construed the definitions in section 4 as applying only to the defined terms where they appear in this act. Thus, for example, the definition of the phrase "the effect may be" will apply to this phrase as used in section 2 (b) of the Clayton Act as hereby amended, and as used in the proviso which this act adds to section 2 (a) of the Clayton Act, but will not apply to the same phrase or any similar phrase used elsewhere in section 2 (a) or in any other portion of the Clayton Act.

FRANCIS WALTER,
By EARL C. MICHENER,
EARL C. MICHENER,
CLIFFORD CASE,
By EARL C. MICHENER,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. PATMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 230]

Allen, Ill.	Gwinn	Pfeifer, Joseph L.
Angell	Hall, Edwin Arthur	Pfeiffer, William L.
Auchincloss	Harden	Philbin
Barden	Harvey	Phillips, Calif.
Baring	Hays, Ohio	Phillips, Tenn.
Barrett, Wyo.	Hébert	Poulson
Bentsen	Heffernan	Powell
Bland	Heller	Rains
Blatnik	Hoffman, Ill.	Reed, Ill.
Bonner	Hoffman, Mich.	Reed, N. Y.
Boykin	Jenkins	Regan
Buckley, N. Y.	Jennings	Ribicoff
Bulwinkle	Jonas	Richards
Byrne, N. Y.	Judd	Sadlak
Chatham	Kean	Sadowski
Christopher	Kearney	St. George
Cole, N. Y.	Keating	Sanborn
Coudert	Kee	Sasscer
Crawford	Keogh	Short
Crosser	Kilburn	Smathers
Davies, N. Y.	Larcade	Smith, Ohio
DeGraffenried	Lovre	Smith, Va.
Dondero	Lucas	Taurielio
Donohue	McKinnon	Taylor
Doyle	McSweeney	Thomas, N. J.
Durham	Mack, Ill.	Thompson
Eaton	Macy	Thornberry
Ellsworth	Mansfield	Towe
Elston	Marcantonio	Underwood
Fellows	Mason	Vinson
Fisher	Miller, Nebr.	Walter
Flood	Morgan	Whitaker
Ford	Morton	White, Idaho
Garmatz	Multer	Wier
Gray	Murdock	Wood
Gilmer	Murphy	Woodhouse
Golden	Nixon	Worley
Gorski, Ill.	Patten	
Green	Perkins	
Gregory		

The SPEAKER. On this roll call 316 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

LEGALITY OF CERTAIN PRICING PRACTICES

Mr. CELLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I did not sign this conference report. One of my Democratic colleagues the gentleman from Louisiana [Mr. WILLIS] likewise refused to sign the conference report. We refused to sign the report because we feel that the report does not reflect the wishes of this House. Finally, this conference report, if adopted, I say, beyond peradventure of doubt, would seriously interfere with the antitrust-law enforcement. It would enable offenders against the Robinson-Patman Act to go unwhipped of justice. It would help hobble the Federal Trade Commission. For that reason I refused to sign the report.

The report is signed by the Republican Members of the House conferees, and, by proxy, by one Democratic Member. The gentleman from Pennsylvania [Mr. WALTER], who is on the high seas, sent his proxy by cable.

The conference report says it is not unlawful to absorb freight to meet the equally low price of a competitor in good faith except where such absorption of freight will substantially lessen competition.

The verb "will" is emphasized. In the House Carroll amendment the following language appears: "except where such absorption of freight would be such that its effect upon competition may be that prohibited by this section." The verb "may" is emphasized. There is a great difference between "will" and "may." The use of "will" places an insuperable burden of proof upon the Federal Trade Commission. It must prove its case beyond all shadow of doubt. It must make out an absolutely iron-clad case. The present law, as well as the Carroll amendment, using the word "may," makes discrimination unlawful where the effect is reasonably probable. It involves a less difficult burden of proof. The use of "may" should be retained. The Commission need not then invoke such a hard-and-fast rule.

Further, section 3, as amended in conference, provides a double formula or standard. In accordance with the conference report, when the Commission has proven the forbidden effect on competition, a seller can justify his discrimination by showing that it was made in good faith to meet the equally low price of a competitor. The conferees eliminated the House amendment which would have invalidated this justification where the discrimination substantially lessens competition. Thus good faith in meeting competition is made by the conferees an absolute defense to the charge of price discrimination.

The language added by the conference committee at the end of the section does not limit this defense; for if the seller engages in conspiracy, monopolistic or oppressive practice, fraud, or deception, good faith is necessarily lacking.

The issue raised in this part of the bill is whether, when a seller acts in good faith but lessens competition among his customers by his action, public policy should permit the action or condemn it. The conferees have chosen to permit it.

In doing so, however, they have made section 3 of the bill inconsistent with the previous section. The principle of section 2 (b) of the bill is that where

the Commission proves that freight absorption is certain to lessen competition substantially the practice is forbidden even though it consists only in meeting a competitor's price in good faith. The principle of section 3 of the bill is that this practice, like any other form of price discrimination, becomes lawful regardless of the effect on competition where it is used to meet a competitor's price in good faith. Thus section 3 nullifies the exception that the conference committee has written into the previous section. Taken literally, the two sections together seem to say that the Commission's proof of an offense which takes the form of freight absorption may be sufficient in spite of the seller's good faith but that this good faith shall nevertheless be a complete defense. The effect of the bill on this point is to create rather than remove confusion.

For that reason and the others disclosed I hope that this conference report will not prevail, but that the motion to recommit with instructions to insist upon the Carroll amendment will prevail instead.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. Speaker, as is the case with all legislation, this conference report will not completely satisfy anyone. It does represent, however, in my judgment, the best that can be expected if we are to get legislation on this subject at the present session of Congress. In addition, I believe that it carries out the intent, the chief intent at least, of the House as expressed in the action taken when the matter was first before it and in the debate at that time.

The bill originally sought to do two things. I was in favor of both of them, as I am sure you all know. I now believe however, that it was a mistake to attempt to do two things in one piece of legislation. The result of that mistake has been long delay in an attempt to reconcile the views of the two bodies on the matter.

The conferees come to you with something which they think accomplishes that result, for reasons which I shall endeavor to state to you.

The major purpose of the bill, of course, was to make it unquestionably lawful, in the absence of collusion and certain other practices, to adopt a system of selling at delivered prices. Doubt had been cast upon the validity or legality of that practice by certain dicta in decisions of the Supreme Court. A number of industries as well as a lot of people all over the country felt it was desirable to have the matter clarified by express statute. That was the primary purpose of the bill. It amended the Trade Commission Act and it amended the Robinson-Patman Act for that purpose.

The bill, as it was reported to you by the Committee on the Judiciary in the first instance, also sought to accomplish another purpose, namely, to establish good faith in meeting competition as an absolute defense to the charge of discrimination in price. I was in favor of that at that time. I am still in favor of it as a personal matter. That, however, is beside the point.

This second purpose of the bill brought about considerable controversy and eventually led to the adoption by the House of the so-called Carroll amendments.

In the Senate when the bill came before it, as it did first, the so-called Kefauver amendments had been adopted, limiting the defense of good faith in meeting competition to those cases where competition was not substantially lessened. When the matter came before us in the House the committee recommended against the Kefauver amendments. The House felt otherwise and, as I have said, adopted the so-called Carroll amendments which limited still further the defense of good faith to a charge of price discrimination, not only in cases where discrimination resulted from delivered selling price or basing-point practices but in any price-discrimination case under the Robinson-Patman Act.

The Carroll amendments said it matters not if you have in good faith met competition in selling at one price to one customer and at another to another, if the result is either to substantially lessen competition or to tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them. The House adopted the Carroll amendments. We went to conference.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. CELLER. Mr. Speaker, I yield the gentleman seven additional minutes.

Mr. CASE of New Jersey. Mr. Speaker, the Senate conferees indicated from the very beginning that they were not willing to have the Robinson-Patman Act so very drastically amended. A number of discussions were held. Many weeks passed. Finally a compromise was reached in these respects.

In section 2 (a) of the Robinson-Patman Act the House conferees agreed, in substance, to accept the Senate position. There is a slight change in language, but the conferees' recommendation is, in substance, the provision of the Senate bill. In other words, good faith in meeting competition in the use of delivered prices is not to be a defense if competition is substantially lessened thereby. If there is any difference of opinion as to the merits of that, I must quite frankly say that then there is an issue. That is not the Carroll amendment. It is, in substance, the Kefauver amendment, and it is that because it was perfectly clear to the conferees, I think, that there would be no bill unless on that point the Kefauver amendment was accepted.

Mr. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. CASE of New Jersey. I yield to the gentleman from California.

Mr. JOHNSON. Right near my home town there is a cement mill that sells cement at Reno, about 180 miles from Stockton. Down in Riverside there is another cement mill that is probably 500 miles from Reno. If the Riverside cement plant delivered cement at Reno for the same price and absorbed the difference in freight, would that be contrary to the provisions recommended?

Mr. CASE of New Jersey. Under the recommendations of the conferees that would be lawful if it was done in good faith and not pursuant to a combination, conspiracy, or collusive agreement and did not constitute a monopolistic, oppressive, deceptive, or fraudulent practice.

On the second major difference between the two Houses, this was the issue: Assuming a prima facie case of discrimination is shown by the Federal Trade Commission, what shall be the effect of a showing that the person engaging in the discrimination did so in good faith to meet competition? The House said that it shall not be a defense if competition with either the buyer or the seller or any customer of either, on an individual basis, is lessened. The Kefauver amendment said it shall be a defense unless competition generally is substantially lessened by that practice.

The House—and I will be glad to have the particular attention of the gentleman from Colorado on this, because I am endeavoring to express our conception of his views—the House, as your conferees understood the matter, was concerned not only with the effect on competition generally, but with competition in individual cases. In other words, if a person sold at one price to one person and at another price to another person and did so collusively, or for the purpose of driving out competition, or in the exercise of a monopolistic, oppressive, or fraudulent practice, the House did not want him to get away with that, even though competition generally might not be substantially affected. As your conferees understood the position of the House, competition between specific individuals was the thing you were concerned with if collusion or oppressive, monopolistic, or fraudulent practices were involved.

The House and the Senate conferees, both, agreed not to take the Carroll amendment and not to take the Kefauver amendment. Instead, they put at the end of the paragraph these words:

> Except that this—namely, the defense of good faith in meeting competition—"shall not make unlawful any combination, conspiracy, or collusive agreement or any monopolistic, oppressive, deceptive, or fraudulent practice" engaged in by one individual in his relations with another, regardless of the effect on competition generally.

Those things would be outlawed, even though a person doing them was merely meeting competition in good faith.

So I think you will understand that we were not discarding the House view and that we were not discarding the Senate view of this matter. We were attempting definitely to get at the substance of both views by this language. I believe we have done so insofar as it is possible to reconcile views which at the outset seemed to diverge so far.

I am quite sure that the fears expressed by my distinguished chairman that this would lead to widespread monopoly and all the rest are completely without substantial basis. I am quite

sure that we have protected, even as the majority of the Members of the House felt they should be protected, the rights of small business.

No collusive, monopolistic, oppressive, deceptive, or fraudulent act can be justified by anyone engaging in such an act under the language recommended by the conferees, even though he may be able to show that he was, in good faith, meeting competition. That is completely out.

I do not believe there is any better solution to the problem raised by the differing views of the two Houses than that which the conferees, in complete good faith, have brought in to you this afternoon. I urge that the conferees be supported in the position they have taken and which they recommend that you take.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. Speaker, when this matter came before this body recently I pointed out that the effect of the bill as it came over from the House committee was to emasculate the Robinson-Patman section of the Clayton Act. Now the conferees by their report prove conclusively that such is the purpose of this legislation.

I shall take just a minute to give you the legislative history of this legislation. Many Members of the other body in debate recently said they did not fully understand the effect of this legislation on small business. After the bill was returned to the other body they debated it for 3 days. Twenty-nine Senators voted favorably on a motion to reconsider because they believed there was nothing to confer about. They were in favor of the so-called Carroll amendment.

The able Senator from Tennessee, Mr. KEFAUVER, stated in the RECORD in debate that there was a typographical error in his amendment, that he never intended that the word "will" should be include in his amendment. That is why he is advocating the adoption of the so-called Carroll amendment.

Here is how simple this issue is. As the gentleman from New Jersey [Mr. CASE] has said, they have commingled the issues. There are many of the big steel and cement companies that were concerned about the Cement decision of the Supreme Court. Section 1 of this bill takes care of that. They were not satisfied with that, they added sections 2 and 3 to the bill, to try to amend—more than amend, to emasculate—the Robinson-Patman section of the Clayton Act.

Let me tell you what the effect of this would be. All through antitrust legislation, all through Supreme Court decisions, they have used and construed the words "may be," never the words "shall" or "will." The passage of this bill will shift the burden of proof to such an extent that no cease-and-desist orders will issue under the Robinson-Patman section of the Clayton Act.

Moreover, there is another point I want to make now. There is now pending a case before the Supreme Court of the United States interpreting and construing the Robinson-Patman section of the Clayton Act. This amendment forecloses the consideration of that suit. I stated that previously in debate. Now the conferees report confirms my suspicion. Without trying to impugn the motives of anyone, when this Senate bill came back to this body the gentleman from Louisiana [Mr. BOGGS], the gentleman from Texas and I, yes, and another gentleman from Louisiana [Mr. WILLIS], were going to lead the fight at that time to keep this bill from going to conference because we recognized there are powerful influences at work. We were given positive assurance that the Democratic Members would stand fast on the Carroll amendment. I repeat, I do not want to impugn the motives of anyone—I do not know enough about conference committees and their manner of reporting, but it does seem to me exceedingly strange that a proxy would bypass the chairman of the committee, falling into Republican hands.

There has been exceedingly strange tactics used both in this body and the other body on this piece of legislation. Some of the most powerful groups in the Nation are moving to gut the antitrust legislation of this country. Make no mistake about it. If any of the Members on my side of the aisle can go home and defend themselves before the small business groups and consumers of this country in view of the fact that only a few months ago for the first time in 22 years we plugged a loophole in the antitrust laws and now we are going to open the doors, I just do not see how they can defend their position.

I say in good conscience as a Democrat, I hope the Democratic Party will not be guilty of such an act.

There are so many important issues in the bill that this bill could not possibly be discussed intelligently in the 5 minutes given me. The whole issue is the question of the difference between "may be" and "will." That is what they have done to my amendment. They did not carry out the intent of the House of Representatives. They did not do it in section 2 and they did not do it in section 3. Moreover they have repudiated their own position in section 4. They have gone away from the doctrine of reasonable probability. The House has reversed its position on the doctrine of reasonble probability as a rule of evidence. We have adopted a different rule. Sections 2, 3, and 4 of this bill, gives sweeping changes to the whole Clayton Act and will have a devasting effect, in my opinion, upon antitrust legislation and court decisions.

I sincerely hope when the motion to recommit is made that it will carry, and the conference report be recommitted. If those interested are reasonable they will have legislation so far as I am concerned. But if they are not reasonable, they ought not to have any legislation during this session.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. DAVENPORT. Mr. Speaker, the basing-point system means the sale of a commodity at a delivered price uniform to all buyers throughout the country. We have basing-points in many American commodities. We have it with Hershey bars; we have it with Wrigley gum, and we have it with our Government postage stamps. The purpose of the basing-point system is to even out or average the difference in the cost of distribution among all users. By this system consumers are able to avoid a bill for freight for the long distance from the point of production.

The language used by the Supreme Court in the Cement case in April 1948 was confusing to both businessmen, whose livelihood depended upon its clarification, and the Government, whose job it was to enforce that decision. On reading the decision in the Cement case, it is impossible to tell whether the seller had a right to absorb freight costs even when such an absorption was not accompanied by conspiracy.

The Cement case dragged through the courts for 14 years at a cost of about $3,000,000 to the cement industry and at least $1,000,000 to the taxpayers. The decision which was handed down by the Supreme Court which is purported to prevent monopoly actually creates monopoly. For instance, in Birmingham, Ala., or Wheeling, W. Va., a buyer could only buy from Wheeling or Birmingham and firms could be put out of business by refusing to sell. If the buyer bought outside, his price would be much higher. Under the Supreme Court decision a seller could be as arbitrary as he wanted to be because each dealer would have to deal with the nearest source of supply.

If we vote down the basing-point bill we are voting against the best interests of the American people. In this period of troubled international conditions it is appalling that businessmen upon whom we must rely to maintain high levels of production must themselves be kept in an uncertain frame of mind—I know because I have talked with many of them in the past week back home and they are very much worried about the attacks being made on the basing-point system. Now, the men who invested their money and built the huge steel industries in the eastern States as well as the tens of thousands of workers in the steel plants have good reason to be concerned. If the fight now being waged against the basing-point system is carried out to the full extent it would create ghost towns throughout Pennsylvania, Ohio, and West Virginia. The Pittsburgh steel companies not long ago were sending a solid train of steel every night to Detroit. Now if the steel companies have to quote a flat price plus freight rates there is no question about it that they will not be sending any more solid trains of steel to Detroit every night. The Supreme Court decision on the basing points completely disrupts a tried and successful method of distribution upon which American business has been built. I am told that the basing-point bill which passed the House a few months ago was considerably changed in conference—changed to such an extent that small business would be seriously injured and that the way would be laid wide open for monopolies. I have not been convinced of this. I am going to vote in favor of the conference report.

If we pass the conference report businessmen would then be freed from doubt about the legality of their pricing policy

and the way would be open for permanent legislation later on dealing comprehensively with unsolved problems of competition and price.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS of Louisiana. Mr. Speaker, this legislation was debated on the floor of the House at some length some months ago. At that time the distinguished gentleman from Colorado succeeded in incorporating into the bill the so-called Carroll amendment. That amendment came after a strenuous fight on the floor of the House. That fight was made on this issue and this issue alone, that the Members of the House of Representatives had no objection to the principle which the bill supposedly carried out. That is a clarification of the basing-point procedure, but at the same time the Members of this body were tremendously concerned about using that principle as a vehicle for whittling down the Robinson-Patman Act which, in my judgment, and I believe in the judgment of a majority of the Members of this body, is a milestone in the protection of the small-business interests of America. After that fight was made, the gentleman from Colorado [Mr. CARROLL] offered his amendment, and it was incorporated into the bill by an overwhelming standing vote. When the Carroll amendment was adopted to the basing-point legislation, a great many Members of this body came to both Mr. CARROLL and myself, and to other Members, and made inquiry as to whether or not we felt that the legislation was acceptable with that amendment. We said we thought that it was. Thereupon, when the legislation went to conference, we were assured by one of the ranking Democratic members of the Committee on the Judiciary that that amendment would not be changed.

Now, what do we have before us today? We have a conference report that in many ways is worse than the original of several months ago. I am convinced that the conference bill is considerably worse, from the point of view of small business, than the original legislation.

Mr. CELLER. I will say to the gentleman, the conference report is worse than the original bill.

Mr. BOGGS of Louisiana. I am glad to have that contribution by the distinguished chairman of the committee who, if I remember correctly, supported the original bill. I believe his statement in that regard is very significant.

Now, there is no point in our arguing the merits or demerits of the basing-point system. It may be a good thing. It has been the practice in this country over a period of time. It has worked successfully, and apparently the business enterprises desire that it continue to operate. But shall we use that as a vehicle for cutting out the wholesome restrictions and the protections which have been written into the law by the Robinson-Patman Act?

Now, the thing that they have argued about so much, and apparently the thing about the Carroll amendment which has caused so much consternation— and how it enters into the basing-point system, I do not understand—is the fact that the Carroll amendment refuses to permit good faith as a defense, when the Clayton Act has been violated. So that the Carroll amendment has been whittled down now to the point that good faith is a defense. What does that mean? That means that if one manufacturer sets up a straw man or a dancing partner, as someone has said, and uses him in alleged good faith, then all the little competing fellows who are selling tires, for instance, or drugs, or many other nationally manufactured commodities, find themselves competing with a retail outlet which is selling something at retail less than they could purchase it for at wholesale.

I trust that this conference report will be recommitted.

The SPEAKER pro tempore (Mr. GORE). The time of the gentleman from Louisiana [Mr. BOGGS] has expired.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, it is quite apparent that some effort is being made to put some sort of a partisan appearance on this matter. I trust that it will not succeed. Certainly no one would challenge the democracy of the gentleman from Pennsylvania [Mr. WALTER]. I spell that democracy with a large "D." He did not happen to be here for this conference. He is the author of this bill. He has vigorously supported it. He is certainly an able Member of the House. No one claims that this conference report does not speak his views. That he sent his proxy to a Republican may be a strange circumstance, but if he were for this bill and wanted to get some legislation accomplished, possibly that was the thing that seemed to be necessary under the circumstances.

What is the fact of the matter here? The Congress was up against the necessity of doing something with this great cloud of uncertainty created by certain rules of the Federal Trade Commission and obiter dicta in certain decisions of the Supreme Court. The bill passed the other body and this body overwhelmingly. Certain amendments were placed in the bill designed to be sure that the provisions of our protection of the Robinson-Patman Act could be preserved. They were in slightly different language. The matter went to conference and, as happens all the time in conference action, there was compromise. Incidentally, if we are ever going to get out of this session of Congress we are going to have some conferees compromising on certain legislative matters. These conferees have arrived at a compromise that I hold is a good one.

Let us look further at the question of alleged partisanship. Have you forgotten that it was definitely disclosed here in the vote when we had the bill before us that the Department of Justice was for this bill? A communication from the White House favoring the bill was read. Have you forgotten that the Federal Trade Commission officially said they were for it? And have you forgotten that it was reported that the President's Council of Economic Advisers supported this legislation? Should not that carry some appeal to the people who think that something ought to be done?

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly?

Mr. HALLECK. I yield.

Mr. CELLER. I will yield the gentleman half a minute additional time.

Mr. HALLECK. I yield.

Mr. CELLER. Will the gentleman say that the Federal Trade Commission and the others whom he has mentioned are in favor of the conference report?

Mr. HALLECK. My understanding is that they are in favor of this conference report. The gentleman has been in much better position to determine that than I. If they are not in favor of it they have not made their opposition known. That is as much as I can say about it.

May I say to the gentleman from New York, for whom I have the highest regard—I always hesitate to find myself in disagreement with him, but unfortunately on this occasion we are in disagreement—that there is another thing which I think we might as well get out from under the bushel on this matter: The gentleman from Louisiana said just a moment ago that the Members here apparently are overwhelmingly in favor of doing something to clarify this basing-point situation. I happen to know that the business people all over my State of Indiana are tremendously concerned about it. There are some around here who are against the basing-point principle, who are against freight absorption, but they base their opposition to this bill on the contention that somehow or other this wrecks the Robinson-Patman Act. Again may I say to the membership that when the Robinson-Patman Act was passed I spoke for it; I voted for it; I argued for it here and out in the country, and I believe in it. But no one has been able to show me that this language will in any way interfere with or destroy the protections of the Robinson-Patman Act. To my mind that is just setting up a bogey that is not there to be found. Let me say here again that if in practice after the adoption of this legislation—and I know it is going to be adopted—this conference report is not going to be recommitted, but this is a matter constantly within the bosom of the Congress of the United States. If any of the fears that are here expressed should come to pass, and I deny that they will, then the Congress certainly can move to correct whatever thing may appear then to be wrong.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CELLER. Mr. Speaker, I yield the gentleman one additional minute.

The SPEAKER. The gentleman from Indiana is recognized for one additional minute.

Mr. HALLECK. There has been a lot of talk here about certain language that the conferees inserted in section 3. I have not had time to read it, but that language was in section 1 of the original bill, the section having to do with freight absorption. If it is so bad in section 3 why did not someone discover it when it was there originally in section 1? That just does not make sense to me.

Mr. Speaker, our economy has been built on this practice of freight absorp-

tion. Let me tell you something, you people who are here bleeding for the consumers: You take away the right to absorb freight and you are going to have the consumer prices raised all over this country because the local plant will raise its price just to the point where it is a little bit below the price of its competitor removed from that point plus freight. That has always happened, and it always will happen.

If you want the fellow with a brand-name product—I do not care whether it is soap, hats, lubricating oil, or anything else—to maintain his business over the country, you had better support this conference report and clarify this situation. If you do not want chaos in the country economically, if you want people who are carrying on the business of the land to know how they may operate, then you had better support this conference report. That is the reason economic advisers downtown are insisting that this legislation be adopted.

Mr. Speaker, I say again, I trust that partisanship will not sway anyone's judgment in the consideration of this matter on its merits.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CELLER. Mr. Speaker, I yield myself 1 minute to say that the opponents of this conference report are not opposing freight-rate absorption if it is done under the present statutes.

In the most recent decision in the case of Crown Cork Company against Federal Trade Commission, we have this significant language in the opinion of Chief Justice Parker:

> The practice of freight equalization might be all right if used by the manufacturers individually.

Our quarrel is that we do not want collusive agreements and conspiracies to fix freight rates and charges. That is what we inveigh against. We do not inveigh against the individual absorbing freight.

Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. PATMAN].

BASING-POINT BILL (S. 1008) A PEARL HARBOR FOR AMERICAN SMALL BUSINESS AND CONSUMERS—ANTITRUST LAWS SABOTAGED—STEEL AND OTHER MONOPOLIES WILL OPERATE AS A PRIVATE OPA—PRICE-FIXING TECHNIQUES LEGALIZED WILL COST MORE BILLIONS THAN OUR ANNUAL BUDGET—S. 1008 CONTRARY TO PUBLIC INTEREST WHICH IS THE VITAL TEST OF ANY LAW

Mr. PATMAN. Mr. Speaker, this is the boldest attempt to repeal the antitrust laws that has ever been made since I have been a Member of this great body. No hearings have been conducted on this bill in either the House or the Senate. It is the most far-reaching bill I have ever known to come before the Congress without any hearings of any kind before a congressional committee.

I want you to see this chart here which is very revealing. For the last 2 years and 9 months, when we have been in a seller's market instead of a buyer's market, the profits of the big corporations, the 113 with assets of $100,000,000 or more, have been going along steadily and upward. They have not lost anything. But notice the little corporations down to one-quarter of a million or five million. They have taken a nose dive.

If you vote for this conference report you are voting for the 113 giants and you are voting against the small-business organizations of this country.

Mr. Speaker, today is another Pearl Harbor for American small business and the consumers of the United States. A day of infamy in the history of our antitrust laws.

This is a day when we propose to hand over to big business a charter to fix prices on every pound of food, every household article, every piece of machinery, and everything we buy of any kind, character, quality, or size. Yes, Mr. Speaker, every bite of food we eat, every stitch of clothing we wear, and every article in common use in the United States of America will now have a price tag on it, fixed by the monopolists.

You objected to OPA. You objected to the way OPA set prices during a period of great emergency. You objected to OPA's techniques in fixing such prices. Today, however, we stand here ready to hand OPA powers and more to the robber barons of industry, the trusts, the cartels, the combinations in the restraint of trade, and all of the other forms of monopolistic power that are attempting to strangle our economy.

We speak of isms—we speak of communism, fascism, and socialism in derogatory terms. We stand up and valiantly say that we are for small business and the consuming public. Yet in the same breath some of us may be willing to cast our vote for legislation which will place small business and the consuming public within the hollow of the hands of every monopoly in the United States.

UNITED STATES STEEL MAKES A DEAL

Today, according to the newspapers, the case against the steel companies, brought by the Federal Trade Commission, is this moment the subject of a "deal." Twelve months ago FTC employees completed the record of evidence before an FTC trial examiner. Since that time the steel industry, hoping to escape the charges of collusion and price fixing through a multiple-basing-point system, have entered frivolous motions. These motions were time-consuming. These motions were for the primary purpose of delay. The steel companies, under scrutiny by FTC, hoped that S. 1008, either in the form of a moratorium, or as now constituted, would pass this Congress. A couple of months ago the steel industry lost hope that S. 1008 would become law. The steel industry approached the Commission looking for a "deal." A secret breakfast, as reported in the newspapers, was held at the Carlton Hotel right here in Washington. A scheme was evolved whereby the steel industry would achieve its goal through administrative action by FTC instead of by act of Congress. Thus, the monopolists never give up nor does the steel lobby ever sleep. If price-fixing cannot be done one way, another is tried.

S. 1008 UPSETS ANTITRUST DECISIONS

Every decision of the courts on the antitrust front for many years past will be upset if S. 1008 becomes law. The Cement decision, which took 12 years, will be in the discard. The Standard Oil of Indiana case, recently decided by a Federal Circuit Court of Appeals, in favor of small business and against price discrimination, will be thrown in the waste-paper basket.

The Corn Products case, the Staley case, the first Morton Salt case, and a dozen others patiently fought through to a final decision during the past 25 years, will be interred without ceremony. On this day antitrust laws are in danger. The public interest is imperiled.

It is not a loss for those of us who have fought against the weakening of our antitrust laws. The loss is the loss of the American people. The loss is the loss of the American housewife. The loss is the loss of American small business.

WHY ANTITRUST LEGISLATION?

Why did we pass antitrust legislation in the first place? Was it not to restrain and prevent a few from controlling every article in commerce in the United States? Were not these laws for the purpose of protecting the consumer? Were not these laws meant to protect our whole economy from the rapacious desires of a few? The answer is that our antitrust laws were designed to prohibit, not to permit, practices found to destroy competition. The antitrust laws were designed to prevent evil practices in our trade and commerce. The antitrust laws were designed to prevent combinations in restraint of trade. Our antitrust laws were designed to prevent price discrimination, secret rebates, unearned discounts, and other unfair trade practices.

Our antitrust laws were designed to protect our economy by prohibiting the evil geniuses of industry from taking over our whole business structure. I ask in the name of our American consumers, our small-business institutions, and in the name of our economy itself that this bill be recommitted.

PRICE CONTROL WITHOUT GOVERNMENT SUPERVISION

It would be astonishing if we, as representatives of all the people, would willingly vote for legislation which will allow the price of every article in the United States to be controlled by industry. We do not allow the railroads to make their own freight rates. Our predecessors saw the necessity for placing a restraint upon the railroads, upon public utilities, transportation companies, both local and national, in the fixing of rates. They saw the necessity for passing the Sherman Act, the Clayton Act, and other antitrust legislation.

S. 1008 WILL COST MORE THAN OUR NATIONAL BUDGET

S. 1008, should it become law, in addition to creating monopolies in every line of business in the United States, it will eventually cost the consuming public every year twice or thrice our national budget. When the price-fixing power is placed in the hands of unscrupulous, predatory interests, you can calculate for yourself what the cost will be. I predict there will not be an article in commerce and trade in these United States in the years to come that will not cost far more than it is worth if this permissive,

monopolistic, and infamous bill, S. 1008, becomes the law of the land.

S. 1008 WILL BRING IDENTICAL PRICES AT EVERY DESTINATION

We have all seen how the multiple-basing-point system works in the steel, the cement, and many other industries. We know that identical prices are produced by the basing-point system at every destination, and that competition is eliminated. The Supreme Court has said that identical prices were monopolistic and the basing-point system was "a handy instrument for the elimination of all price competition." Think what it will mean if we have a law on our books that permits price-fixing in every industry in this country.

S. 1008 WILL CAUSE YEARS OF LITIGATION ON ISSUES ALREADY DECIDED

If S. 1008 becomes law, every antitrust case tried in our Federal courts in the last 25 years will be subject to attack. The Pittsburgh-plus, which was a single basing-point system, is restored by S. 1008, so that if desired the steel industry could again sell all steel f. o. b. Pittsburgh. If necessary and desirable, all cement could be sold f. o. b. Northampton, Pa. In other words, any single point in the United States could be picked up as a basing point and every article sold and shipped from any other point would be assessed freight from that particular point.

S. 1008 SAYS "THE SKY'S THE LIMIT" FOR THE PRICE FIXERS

S. 1008 would allow a Nation-wide zoning system of pricing. The United States could be one zone, or they could have 48 zones, 24 zones, or any other number of zones. The change in the law and in the language of the law as it now stands will permit any sort of monopolistic pricing system to be foisted upon the American people. The sky would be the limit. The Federal Trade Commission would find it almost impossible to ever convict anybody of a conspiracy or collusion in fixing prices. S. 1008, as reported by the conferees, cuts the heart out of the Robinson-Patman Act. With this destruction of the Robinson-Patman Act, the small-business interests of this country are left unprotected and the home-town merchants will be subject to cut-throat competition and destruction by the giant chain-store systems of this country.

There is not a good thing in this bill for small business. The only good to be derived from this bill will be that enjoyed by big business. Either we stop these predatory interests now or we acknowledge ourselves to be supine in the face of the greatest fraud ever perpetrated on the American people.

PEOPLE WILL REMEMBER S. 1008 WHEN VOTES ARE CAST

I deny no man the right to vote here as he will on any question. I deny no person the right, on any ground, to cast his or her vote for any candidate or on either side of any issue. Nor do I question the right of any man or woman to present to the voters their qualifications or their stand on any issue. These are inherent principles of our way of life on which we can all agree.

We can all agree as well, that the public interest is paramount in any issue before the Congress. I hope most of us will agree that S. 1008 is not in the public interest. Many of us are convinced of that fact. Many of us are convinced our antitrust laws must be strengthened, not weakened. Every platform of the two major parties for 50 years has carried provisions for the strengthening of our antitrust laws, and here is an attempt to destroy them absolutely, not weaken, but destroy them.

It is an indisputable fact that no Member has ever had the temerity to say that the emasculating vehicle number S. 1008 would add strength to our antitrust laws. I do not recall any Member disputing the fact that small business—the home-town merchant, the home-town manufacturer—will be harmed if S. 1008 becomes law in any form. I do not recall any Member categorically stating that S. 1008 would not be detrimental to every consumer in the United States.

In its present form, as further weakened and emasculated in conference, no plausible excuse can be offered to the Members of this House for the adoption of the conference report. The conference report must be voted down if we are to save our antitrust laws from the greatest debacle in the history of antitrust legislation.

I for one do not want to face my constituency with the lifeblood of our antitrust laws dripping from my finger tips.

CONFERENCE PROVISIONS

What have the conferees done? They have given us the one, two, and three.

First. They have knocked out the Carroll amendment and adopted the Kefauver amendment instead, in one place. This is the amendment to the bill's outright provision that freight absorption shall not be a price discrimination under the Robinson-Patman Act—section 2 of the bill, amending section 2 (a) of the statute.

Second. They have knocked out both the Carroll amendment and the Kefauver amendment, in the other place. Each was a proposed amendment to the bill's outright provision making good faith a complete defense to price discrimination, whether by freight absorption, direct pricing, or any other way—section 3 of the bill, amending section 2 (b) of the statute. The conferees had a sense of guilt at their high-handed veto of both amendments and added some words entirely their own, namely, "except that this does not make lawful any combination, conspiracy," and so forth. But these added words do not limit good faith as a defense since combination and conspiracy could not be in good faith in any event.

Third. For good measure, they have knocked out the reasonable-probability definition substituted by the House Judiciary Committee itself, on the Attorney General's recommendation. The conferees have put in its place not merely the Senate's substantial-and-probative definition, but have added a word of their own, the word "reliable."

In simple language, what have the conferees done?

First. They have knocked out the Carroll amendment and adopted the weaker Kefauver amendment in the offense section—applying only to freight absorption. Here they blow hot, or, I should say, at least warm.

Second. They have knocked out both the Carroll amendment and the Kefauver amendment in the defense, or burden-of-proof section—applying to all price discrimination, not merely freight absorption. Here they blow cold, deadly cold, deadly to the entire Robinson-Patman Act.

Third. Finally, by changing the definition, they have made doubly sure of overturning the entire Robinson-Patman Act insofar as it covers possible, as well as probable effects.

VIRTUALLY NO AMENDMENT LEFT

What does the action of the conferees mean? This also gives us the one, two, and three.

First. It means that even though the Kefauver amendment, weak as it is, still remains in the offense section, it is in great danger of being completely canceled out by the conferees' elimination of any amendment at all in the defense, or burden-of-proof, section. The freight-absorption boys did not have the nerve to knock out both the Kefauver and Carroll amendments in the freight-absorption section itself, so they do that in a subsequent provision.

Second. It means that by knocking out both the Carroll and Kefauver amendments in the defense, or burden-of-proof, section, they have torpedoed the entire Robinson-Patman Act, in order to give the freight-absorption and basing-point boys what they want, by indirection if not directly. Not only the freight-absorption boys, but all price violators under the Robinson-Patman Act will get this marvelous defense. All they have to show is good faith, that they meant no wrong—no matter what the results, short of criminal acts. All the hard-competition giants need to say to the thousands of small-business concerns they will put out of business is "Excuse, please."

Third. It means that the Federal Trade Commission, which acts only by injunction or cease-and-desist order, and not by imposing fines or imprisonment, can no longer do what it is supposed to do under the present law, namely, bring a halt to prospective, illegal price discriminations even in preference to those which can also be reached by criminal action based on the strict proof required in criminal cases.

CARROLL AMENDMENT CLARIFIES

Mr. CARROLL's amendment was so simple that, as he himself said, even a lawyer could understand it. It used no new phrases of its own and merely prohibited where the effect upon competition may be that prohibited by this section. Nothing new was added; there were no new words to construe. All one had to do was to read the words already in the statute, and the existing court decisions. In this connection the Carroll amendment was perfect clarification, the very thing which the basing-point boys say they want. Senator KEFAUVER

lost no time in stating that he preferred Mr. CARROLL's amendment to his own, which had been written in the haste of the Senate battle.

But this is not the kind of clarification the basing-point boys want. This is not the kind of clarification which has been advocated by their silk-stocking lobby outfit, the Council for Clarification of Pricing Practices. Why not? Because this kind of clarification is clear—and clear against them, just as is the Robinson-Patman Act in its entirety together with all the antitrust laws.

Under the Carroll amendment, adopting the existing language of the statute, two things were very clear:

First, the prohibited effect is not merely to substantially lessen competition as provided for in the Kefauver amendment. Also prohibited is the effect to tend to create a monopoly. And also prohibited is the effect to injure, destroy or prevent competition with any person receiving or extending the discrimination, and their customers as well—section 2 (a) of the statute. Strange to say the conferees never even mentioned this very important point in all of their 9-page report.

Secondly, the Carroll amendment adopted the present statutory language, which makes the price discrimination unlawful where the effect "may be" any of the several effects I have just described. The conferees changed this to "will be," as in the Kefauver amendment, ignoring even the present wishes of Senator KEFAUVER himself. Thus the effect, to be prohibited, will have to be certain, rather than reasonably probable. And the conferees make doubly sure of their sabotaging of the Robinson-Patman Act by redefining the term "the effect may be" in section 4 of the bill, as I stated before. Indeed, in redefining section 4, Mr. WALTER voted against his own Judiciary Committee, and, I think, his own prior vote on the committee and his subcommittee.

CLARIFICATION THE BUNK

It can now be seen, once and for all that clarification is the bunk. It is a false issue raised by a highly paid lobby. If we attempt to meet it, as in the Carroll amendment, the attempt is used against us and thrown into our faces. It is for that reason that I am against S. 1008 in any form whatever, but I am certainly against it in the form recommended by the conferees. I am sure that the honorable Members of this House will know how to meet this challenge to their clearly expressed wishes and to their deep belief in the American system of small business, free enterprise, and free competition.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Speaker, I am sure we will all agree that in this Chamber, Republicans and Democrats alike, we are first of all Americans; and we can agree on one other point, that small business in this country, retailers, small manufacturers, and others similarly situated, are the vertebrae of this country, not only economically but socially.

We can also agree that big business is entitled to just treatment equally with small business and that there should be no unfairness to either. I would like to add also at the outset that I believe we should pass a bill curing the doubt left by the Supreme Court on the delivered-price question, and that I would not oppose the conference report on the compromise made on this question.

But I feel that I must vote to recommit this conference report, for this reason: I think it is fatally defective and runs exactly counter to what the House wanted in this section 3 with respect to meeting price competition. That means the meeting of competition as between any small retailer and any chain store or any small manufacturer and any big manufacturer, even if freight is absorbed. We are not in this section dealing with freight absorption as that is covered by section 2 of the bill.

Let me tell you why on section 3 this is not a compromise. There is no man in the House I respect and have a greater affection for than the gentleman from New Jersey [Mr. CASE]. I agree with him on the law, but I disagree with him very strongly on the policy. This is not a compromise. It is a capitulation to those who want to see this particular standard of meeting price competition established by the Robinson-Patman Act much weakened.

We are saying here that what we will prevent will be competition that creates monopoly. That means that we are removing from the inhibition of the law any competition with any individual, even though the competition unreasonably restrains trade or will—and I use the language that has been contended for—will substantially lessen competition. There is no compromise in that. All we are doing is sweeping aside what was done by the Robinson-Patman Act and going back to the original Sherman antitrust law.

The conferees did not compromise in respect to section 3 on unreasonable restraint of trade; and they did not compromise on "will substantially lessen competition"—they capitulated.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Speaker, my colleague from Illinois [Mr. MASON] is unavoidably absent from the House today. He is vitally interested in the conference report on S. 1008, presently before the House for adoption.

The gentleman from Illinois [Mr. MASON] has telephoned to me from Illinois to ask me to express his opinions on the conference report. He has asked me to state to the membership that he is opposed to the conference report; that he believes that if the conference report is enacted, it will make the existing situation much worse, and therefore he is hopeful that the conference report will not be accepted by the House of Representatives.

These are not necessarily my opinions, they are the opinions of the gentleman from Illinois [Mr. MASON].

Mr. CELLER. Mr. Speaker, I yield 7 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, before considering the conference report on S. 1008 I believe it is important to summarize the history and background of this legislation.

The Supreme Court of the United States, in the Cement Institute case, held that the Cement Trust had restrained and hindered competition in the sale and distribution of cement by means of a combination among themselves.

Thereupon S. 1008 was introduced in the other body. We were told that certain language used by the Supreme Court in the Cement Institute case created some confusion. Specifically, it was alleged that the effect of the decision might be to prevent a seller, acting independently, quoting or selling at delivered prices or absorbing freight in order to meet the equally low price of a competitor in good faith. I do not construe the Supreme Court decision to prevent such practice. Here is the controlling language of the Supreme Court:

> Most of the objections to the order appear to rest on the premise that its terms will bar an individual cement producer from selling cement at delivered prices such that its net return from one customer will be less than from another, even if the particular sale be made in good faith to meet the lower price of a competitor. The Commission disclaims that the order can possibly be so understood. Nor do we so understand it * * *. It is thus apparent that the order by its terms is directed solely at concerted, not individual activity on the part of the respondents.

Mr. Speaker, I personally do not oppose the practice of a seller, acting independently, in absorbing freight or in selling at delivered prices in order to meet the equally low price of a competitor in good faith.

Accordingly, section 1 of S. 1008 amends the Federal Trade Commission Act and provides as follows:

> It shall not be an unfair method of competition or an unfair or deceptive act or practice for a seller, acting independently, to quote or sell at delivered prices or to absorb freight.

This amendment to the Federal Trade Commission Act was adopted by the other body and by the House. There was no disagreement, and the legislation should have ended there.

But the sponsors of this legislation attempted to go much further. They added other sections to S. 1008, striking at the very heart of the Robinson-Patman Act. That is where we disagree.

In the Standard Oil Co. of Indiana case the Court said:

> Thus it will be seen that a discrimination in price made in good faith to meet competition was a defense under section 2 of the Clayton Act. * * * But since large buyers could always get such price meeting by suppliers to justify a discrimination in price in their favor, the purpose of the Clayton Act to avoid such discrimination was easily evaded. Congress sought to change this bypass—

By enacting the Robinson-Patman amendment to the Clayton Act.

The Robinson-Patman amendment to the Clayton Act provides as follows:

> That it shall be unlawful for any person engaged in commerce * * * either directly or indirectly to discriminate in price

between different purchasers of commodities * * * where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition.

It is seen that the Robinson-Patman Act makes it unlawful for a manufacturer or seller to discriminate in his prices among his own customers where the effect of such discrimination may be substantially to lessen competition.

Exactly what constitutes price discrimination? Price discrimination means that a manufacturer or seller maintains two prices. It means that he has one price for certain customers and another price for other customers; it means that he sells to favored customers at a low price and to other customers at a high price; it means that he sells at a low price to large buyers and chain stores, and at a high price to small buyers and corner-grocery stores.

The Robinson-Patman Act does not prevent differentials which make only due allowance for differences in the cost of manufacture resulting from quantity sales and deliveries. What it does make unlawful is for a manufacturer or seller to sell to one set of favorite customers at a low price and to another set of customers at a high price when the difference is not justified in cost savings and when the sales are made at different prices for the mere sake of discrimination, to the advantage of some and the detriment of others.

The Robinson-Patman Act, therefore, starts out by saying that it shall be unlawful for a seller to discriminate in price among his own customers. Now, take a look at section 2 of this bill, which proposes to amend the Robinson-Patman Act. It starts out by saying:

That it shall not be unlawful discrimination in price for a seller, acting independently, to quote or sell at delivered prices or to absorb freight to meet the equally low price of a competitor in good faith.

It makes good faith a defense irrespective of whether or not the effect of the discrimination may be to lessen competition. Accordingly, the Kefauver amendment to this section added a parenthetical phrase, "Except where the effect of such absorption of freight will be to substantially lessen competition." The Carroll amendment, in substance, simply substituted the words "may be" for "will be."

Again, section 3 of this bill, proposing to amend the Robinson-Patman law provides that a seller may justify a discrimination by showing that his lower price was made in good faith to meet an equally low price of a competitor. Senator KEFAUVER offered an amendment to the effect that a seller may justify discrimination "other than a discrimination which will substantially lessen competition." In the House the Carroll amendment was substituted for the Kefauver amendment, which, in substance, provides that a seller may justify a discrimination "other than a discrimination which may substantially lessen competition."

It will be seen that the difference between the Kefauver and Carroll amendments hinges on the difference between the word "will" and the word "may." As a matter of proof and procedure there is a vast difference between the words "will" and "may." The conference report in effect adopts the Senate version and the result is an abject surrender to the views of the other body.

It is urged that the seller should be completely exculpated, forgiven, and excused if he is in good faith. We are told that good faith should be a complete defense to any charge of price discrimination leveled against the seller. This argument misses the mark. It fails to take into consideration the type of action which may be filed against the seller. The action is one in tort. A tort may be simply defined as every act whatever of man that causes damage to another obliges him, by whose fault it happened, to repair it. Good faith is not a defense to a tort action. Suppose you are riding down Pennsylvania Avenue and because of rather innocent inattention you run over someone. Can you excuse yourself by saying, "Oh, I'm so sorry—I didn't do this on purpose—I was in perfect good faith"? Certainly not.

Suppose your little boy is playing baseball in a vacant lot and, without mischievous intent, throws the ball through the window of your neighbor. Can you excuse yourself in an action to recover the value of the broken glass by saying, "He was having innocent fun"? Certainly not.

Now, suppose a manufacturer comes into my town or your town and, without any grounds based on cost differentials, sells his merchandise to a chain store at a very low price just because the chain store is a big buyer, and sells the same merchandise to all the corner-grocery stores at a high price just because they have no purchasing power, and suppose as a result competition is lessened, or is injured or destroyed, or such may be the result reasonably to be anticipated, should the manufacturer have the right to throw his hands to high heaven and say, "So sorry, but I was in good faith"? Price discrimination, under the Clayton Act and the Robinson-Patman Act, where the effect may be to lessen competition, has been made a wrong—a tort—and good faith should not, under all circumstances, be made a complete defense to an action to repair the wrong. Man is supposed to intend the consequences of his voluntary acts. If we put upon the shoulders of the Federal Trade Commission the burden of showing and proving that the result of price discrimination will be to lessen, injure, or destroy competition, we may as well write off the Robinson-Patman law from our books.

It all boils down to the proposition that this bill goes too far: it goes over, above, and beyond the announced original alleged need of legislation to amend the Federal Trade Commission Act, in order to make it plain that the Supreme Court decision in the Cement Institute case should not be construed to mean that a seller, acting independently, cannot quote or sell at delivered prices or absorb freight. This is accomplished by section 1 of S. 1008. The other parts of the bill with the conference report amendments emasculate the Robinson-Patman law. The gist, the heart, the nub of the Robinson-Patman law is that it is unlawful for a manufacturer or seller to discriminate in his prices among his own customers when the effect of such discrimination may be substantially to lessen competition. This is a good law and we should not tinker with it.

Mr. BOGGS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. BOGGS of Louisiana. The distinguished chairman of the committee referred to the circuit court opinion in the Crown case. I should like, because it is very applicable to what the gentleman is now saying, to read one paragraph from that decision. It is as follows:

Petitioners contend that even though the order of the Commission be upheld, the fifth paragraph, which relates to the practice of freight equalization should be stricken therefrom on the ground that it will interfere with the independent use of the practice of freight equalization by petitioners individually. The prohibitions of paragraph 5 have application, however, only to acts done in carrying out a "planned common course of action, understanding, agreement, combination, or conspiracy."

That is the language of the circuit court.

Mr. WILLIS. I thank the gentleman for his contribution.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. KARST].

Mr. KARST. Mr. Speaker, we are again faced with back-door tactics by monopolists trying to break the effectiveness of the present Robinson-Patman section which was passed to protect small business. Today, with these monopolists taking over practical control of the Federal Trade Commission, it is imperative that we clarify the Robinson-Patman Act with more strengthening amendments, and not amendments that lessen the enforcement of the act.

If my recollection serves me right, I recall the House instructing the conferees on bill S. 1008 not to deviate from the House Carroll amendment, yet the present compromise bill eliminates this amendment and also disregards the Kefauver amendment placed on it by the Senate. At this point may I highly commend two of our conferees, the gentleman from New York [Mr. CELLER] and the gentleman from Louisiana [Mr. WILLIS] for not rectifying this atrocious attempt to "make us take it even if we do not like it" by not signing this compromise bill.

May I again remind the Members of this body, although I do not pretend to be matched with the weapons of our legal colleagues who lent their knowledge to writing this compromise bill, that in section 2 they carefully place the courts in the position of passing on a futuristic gamble and makes it, for all purposes, impossible for the Federal Trade Commission to prove "effectiveness upon competition" in the future. Again I ask you, Is that strengthening the Robinson-Patman Act? Of course not.

There is only one way to send the word to the monopolists and their lobbies that we no longer will tolerate their method of operation, and that is to vote down the entire bill, S. 1008.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, I would like to take this time to eulogize my colleague the gentleman from Pennsylvania [Mr. WALTER] for his fine participation in this legislation.

The gentleman from Pennsylvania [Mr. WALTER] is definitely unselfish by asking for this legislation, for this reason: That in the town of Easton, Pa., is located one of the main plants of the Bethlehem Steel Co. If he were selfish for his district, he would be glad to have maintained the strict basing-point pricing system throughout America. He realizes, however, that if small steel companies and if fabricators throughout America are to remain in business, they must have an opportunity for fair play, along with the larger corporations. Each and every one of you, I am sure, has a fabricator or a small plant somewhere in his district that he would like to have stay in business. This is nonpartisan legislation. This legislation is for the American workers and for small business.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. CELLER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, my chairman, the gentleman from New York [Mr. CELLER] has been extremely generous in offering to yield time to me, but I have also tried to be generous in the yielding of time that had been reserved for me to others who have desired it.

Therefore, my time will only permit one or two observations. Little has been said on the floor today for or against this conference report that was not said during the 2 days' debate of July 6 and 7, excepting the explanation of the conference report, which is the question before the House at the moment. The gentleman from New Jersey [Mr. CASE], one of the conferees, has very ably and precisely explained the recommendation of the conference and the changes made in S. 1008. I am not going to attempt, in 4 minutes, to review the 2 days' debate and the conclusion reached by a deliberative House last July. I am going to say that at that time, having listened to all the debate, I found myself in accord with my distinguished chairman, the gentleman from New York [Mr. CELLER] and the able gentleman from Pennsylvania [Mr. WALTER] the author of the bill and chairman of the subcommittee reporting the bill, who is now unavoidably absent.

Some uncomplimentary remarks have been made about the Member who forwarded his proxy to me after it was found his ship was late, and that he could not reach Washington in time for the conference. The Judiciary Committee has never been a political committee. We try to decide legal matters and other things coming before the committee on their merits. I agreed with the gentleman from Pennsylvania [Mr. WALTER] during the consideration of S. 1008, voted with him to report the bill favorably, and agreed with his views as to the purpose, the necessity, and the effect of this legislation. Knowing these facts, and understanding that every Democrat from the House who was on the conference committee disagreed with Mr. WALTER's view, I can hardly see how any criticism can be aimed at an honest and outstanding conferee who takes what seems at the moment to be necessary action to have his vote recorded in keeping with his views, especially as expressed by him in debate on S. 1008. It seems to me a little farfetched on the part of many good colleagues to attempt to cast aspersions on so loyal, so vehement, and so effective a Democratic leader as my colleague from Pennsylvania, without more grounds on which to base any such reflection.

The gentleman from Pennsylvania [Mr. WALTER] knows my views well. He was chairman of the subcommittee considering the bill and was active in its behalf before the full committee. I voted in accordance with his views based on the hearings occurring before his subcommittee, plus his logical conclusions. My good friend, the chairman of the committee, also voted as the gentleman from Pennsylvania [Mr. WALTER] voted, and as I voted, against the Carroll amendment, and on all House changes made in the bill as reported by the Committee on the Judiciary. I was naturally surprised in conference to find that my chairman, for reasons best known to himself, was not in a position to attempt to compromise and fulfill the mission of a conferee to the end that wholesome legislation be submitted to the House for its approval.

Yes, I voted the proxy of the gentleman from Pennsylvania in the conference committee. I was authorized to do this and believe I acted in keeping with instructions given to me. There was nothing sinister, secret, or underhanded about the transaction.

The insinuation has been cast here that something has been done that was not quite cricket by some Member, and the phrase "one of the high-ranking members of the Committee on the Judiciary," was used. Fortunately, or unfortunately, I am the highest ranking Republican member of the committee and I held the proxy; therefore, the appellation could possible apply to me. I voted in the conference exactly as I voted in the House. I conceive it to be, and the rules make it, the duty of Members who accept appointment on conference committees to stand by the decision of the House but, when it develops that no legislation will result, to compromise in the best interest of getting proper legislation. Any Member who pledges himself before going to conference that he will not vote for anything except that which is in the House bill, under the rules is subject to challenge as being disqualified as a conferee, because he is not a conferee; he has taken a position from which he will not budge.

I will not take such position, I think it is wrong. I am not criticizing, but I did not know there had been any side promises made to the House by any of the conferees. I did not know when I went into that conference that there had been a definite arrangement between the Democratic Members of the conference. I presumed they still entertained the views which they had expressed in debate the day the bill was passed, for which they voted. In these circumstances, it seems wrong to me to criticize any conferee who voted differently in the conference than he voted in the House except as this was necessary to reach an agreement of the conferees.

Mr. Speaker, I want to call the attention of the House to the conference report filed on this bill, S. 1008. There are some additions that I might suggest to the statement of the managers on the part of the House; however, on the whole the statement is factual and fair, and should be included in this debate today, because in the future it will be much more convenient to have the report and statement of the conferees printed in the CONGRESSIONAL RECORD along with the debate on the conference report. The report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1008) to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "(except where such absorption of freight would be such that its effect upon competition will be to substantially lessen competition)"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Omit the matter proposed to be inserted by the House amendment; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: ", and this may include the maintenance, above or below the price of such competitor, of a differential in price which such seller customarily maintains, except that this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppressive, deceptive, or fraudulent practice"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert

the following: "reliable, probative, and substantial evidence"; and the House agree to the same.

FRANCIS WALTER,
By EARL C. MICHENER,
EARL C. MICHENER,
CLIFFORD CASE,
By EARL C. MICHENER,
Managers on the Part of the House.

PAT MCCARRAN,
Per H. R. O'C.,
HERBERT R. O'CONOR,
ALEXANDER WILEY,
Managers on the Part of the Senate.

STATEMENT

Senate bill 1008 covers two related and yet separate problems pertaining to a competitive economy. First, it deals with the right of an individual seller to absorb freight costs in varying amounts, or to sell at delivered prices, in order to engage in competition in good faith. There has been widespread feeling that sellers should, and to protect plant investments and employment must, be permitted to absorb freight costs or to sell at delivered prices in order to sell their products in competition with more favorably located competitors. The congressional debates indicate little opposition to this part of the bill, and a desire to clarify the legality of competitive freight absorption. The major controversy has centered about certain dicta in the *Cement Institute case* (333 U. S. 683), which the proponents of this bill maintain has thrown a cloud of doubt around the legality of individual freight absorption and use of uniform delivered price systems, while the opponents of the bill contend that the decision left undisturbed the previously prevailing rule.

The bill also deals, however, with the extent to which sellers may lawfully discriminate in price to meet the lower prices of their competitors. Proponents of the bill believe sellers should be permitted to so discriminate whenever they can affirmatively prove that they are doing so in good faith. Real and vigorous competition as well as the public interest can never be adversely affected when sellers are actually competing in good faith. Some believe, however, that sellers should not be permitted to discriminate in price if doing so will take an order away from any other businessman. This is, of course, a tendency toward the elimination of competition, or what the Council of Economic Advisers calls "soft competition". Still others hold views which lie between those positions. There are also those who appear to be uncertain of the practices which are in fact good faith competition, and who wish to expressly prohibit any price discrimination of a seller to drive out of business a competitor of the favored buyer. Amendments to the bill offered on the floor in the Senate and in the House of Representatives were aimed at protecting competitors against predatory practices.

To prohibit price preferences to drive out of business a competitor of the favored buyer, amendments to sections 2 and 3 of the bill were adopted in the Senate. With a view of accomplishing much the same purpose, but using substantially different language, amendments to those sections of the bill were adopted in the House of Representatives.

These purposes appear from the statements made by the proponents of these amendments. Congressman CARROLL said in support of the House amendment which he introduced:

"I want to tell you that there is no longer the issue before this committee of whether or not we are in favor of freight absorption. I do not pretend to know enough about the difference in philosophy between the basing-price theory and the mill-price theory, but I do know the reason which was advanced for bringing this bill before this body. The distinguished Senator from Wyoming [Mr. O'MAHONEY], the distinguished Senator from Maryland [Mr. O'CONOR], and the distinguished Senator from Pennsylvania [Mr. MYERS] have led us to believe in debate in the Senate, and I agree with them, that the issue was the clarification of certain Supreme Court decisions. How were they going to clarify them? By a legislative declaration overcoming certain dicta in a Supreme Court decision. Now, I can go along with that. That is the clarification of the doctrine that permits freight absorption. Well, I can go along with that. But why do we have to take another uncalled-for and dangerous step? Why do we have to amend the Robinson-Patman Act, which was expressly designed to protect small business against unfair price discrimination?

"* * * Certainly we in the West recognize that, for example, the sugar industry in order to compete must be able to absorb freight costs. We know that. I do not know that we can entirely abandon the whole pricing-zone-system theory. I do not think we can. But what we can say is this. Let us keep what little protection there is on the books for the small-business man and for the consumer.

"* * * I do not agree with some of my colleagues who want to discuss the difference in philosophy between the basing-point system and the mill-price system. I think our present economy demands this sort of system, whether it is the basing-point or the zone system or the uniform-pricing system. I say you cannot tear it out, root and branch, now. You would create chaos throughout the Nation. But in your desire to clarify, do not injure the small-business man. Do not give way to creation of greater monopolies. This decision would be very, very far-reaching, because if you reject my amendment then what you do is destroy the circuit-court opinion, and you will destroy any consideration of the issue now before the Supreme Court. You will take away from the Supreme Court the right to make a decision under the Robinson-Patman Act as previously outlined. I sincerely hope you will accept this amendment."

Senator KEFAUVER, its sponsor, said in support of the Senate amendment:

"Let me call the Senator's attention to the chart I have here. If A is a large consumer, and is buying something from B at, let us say, $10 a ton, and he is charging all the small customers—X, Y, Z, L, M—$15 a ton, C can come along, even though he is at a distance and absorb freight and sell also to A at $10 a ton. If the Federal Trade Commission tried to prosecute C under the Clayton Act the fact that B was charging $10 a ton in his sales to A would be a complete defense. That is, the showing that another seller was charging the same price would be a showing of good faith under the language of subsection B of the bill. Is not that true?

"Mr. O'MAHONEY. No; I am not ready to agree with that statement. I will say to the Senator from Tennessee that I do not believe the present law undertakes to preserve the status quo in any line of business. Without question there are some purchasers of commodities from wholesalers who do not operate as efficiently or as economically as others, and the price at which they have to buy their material may be such as to make it impossible for them, by reason of their inefficiency, to operate at a profit. It is not the purpose of the existing law to compel the preservation in business of those who are suffering because of lack of efficiency.

"Mr. KEFAUVER. Of course, the fact that A may buy in greater quantity or that different conditions may exist has always been a defense in a case before the Federal Trade Commission.

"Mr. O'MAHONEY. And still is.

"Mr. KEFAUVER. And still is. But the fact that the small fellow may be undercut by 50 percent under the present regulation of the Federal Trade Commission is not a defense because it is a discrimination, even though two or more may be selling A at the same price. The reason that is so is that the United States Circuit Court of Appeals, as the Senator well knows, recently, in its January session, held by unanimous opinion—and the case is now before the Supreme Court—that if B is selling A on the basis of $10 a carload, and C starts selling A at $10 a carload whereas they sell the little fellow at $15 a tankload of gasoline or a carload, the mere fact that they are selling A at the same price does not meet the requirements of the Robinson-Patman Act—that is, if there is unfair competition or discrimination, even though they may be selling A at the same price, they are still guilty of violation of section 2 of the Clayton Act, which is the Robinson-Patman Act."

The Congress and the people are committed to the competitive system. We universally adhere to the concept that competition is essential to our economy and must be preserved and maintained in all segments of every industry whose activities are not regulated by the Government as public utilities. Government regulation is the unpleasant alternative to competition.

On July 13, 1949, a member of the President's Council of Economic Advisers intelligently appraised this problem when he told the Committee on the Judiciary of the House of Representatives:

"All competitive effort is burdensome and harmful to those who cannot keep pace, but if we said it must stop short before it hurts anyone we would completely abandon the policy of competition. It is only the unfair methods which we wish to prevent, and it is a very fine line between the vicious and unfair on the one hand and the rugged but fair on the other. * * * Some of us believe that in the particular rulings involved in the pending bill relating to freight absorption and other matters the law and the Commission stepped over the line between unfair methods and those which are of the essence of vigorous competition. It is for that reason that we have surprised some friends whom we have joined in other battles against monopoly by proposing corrective legislation. We have also been sympathetic with the plea of businessmen that if penalties are imposed for the violation of a law prohibiting business policies which have for years been accepted as fair, vigorous competition, the liability should be clearly expressed in the statute and should not be a trap buried under general language so ambiguous that the Supreme Court itself cannot decide what it means. * * * Is it a desirable national policy to tie the hands of the big competitor and thereby make it easier for the small-business man to survive? I have no doubt that Woodrow Wilson and his predecessors would have furiously contested any such proposal. Today, many supporters of the antitrust policy will give hesitant answers. My own is that there is a heavy burden of proof upon him who would temper the storms of competition for the lamb in this manner. He must do more than argue for stability of business. He must make an exceedingly strong case that his proposal will not, by depriving competition of its vigor, deny the people those benefits of larger production, lower costs and prices, and improved standard of living which the Sherman Act was designed to promote." (Dr. John D. Clark, hearings before Subcommittee on Study of Monopoly Power, July 13, 1949.)

A prime difficulty in this problem is an understanding of the meaning of the word "competition." It is one of the key words in section 2 of the Clayton Act. Its meaning, however, has sometimes been strained in order to gain an objective. For example, extremists favoring rigid f. o. b. mill selling

have contended that the practice of sellers competing in distant markets through absorbing freight costs to meet the prevailing local price results in a substantial lessening of competition. They contend that when sellers all sell at the same price there is an elimination of price competition automatically and hence a substantial lessening of competition. This reasoning is not always sound. When sellers sell at the same price because they have either expressly or impliedly agreed to do so, they have lessened, if not eliminated, competition. When, however, they sell at the same price because they are in vigorous competition with each other and each finds that he cannot get more for his product than others are getting for like products, competition has not been lessened or injured but is actively at work, assuming an absence of agreement, actual or implied.

Competition is a contest between sellers for the business of a buyer. In such a contest one seller gets the order while other sellers lose the order. That is competition. The seller who did not get the order may feel injured, but that does not mean that competition has been injured. In any competitive economy we cannot avoid injury to some of the competitors. The law does not, and under the free enterprise system it cannot, guarantee businessmen against loss. That businessmen lose money or even go bankrupt does not necessarily mean that competition has been injured. "Competition," Mr. Justice Holmes observed, "is worth what it cost."

We must always distinguish between injury to competition and injury to a competitor. To promote and protect competition is the primary function of the antitrust laws. However, we cannot guarantee competitors against all injury. This can only be accomplished by prohibiting competition. We can and do, however, prohibit injury to competition. Competition is injured through the seller acquiring monopolistic control of a market, by local price cutting, selling below cost, and in the use of other predatory practices. These practices are prohibited by the antitrust laws.

AMENDMENTS TO SECTION 2

The amendment to section 2 of the bill adopted by the Senate is: "(except where the effect of such absorption of freight will be to substantially lessen competition)."

The amendment to this section adopted by the House of Representatives is: "(except where such absorption of freight would be such that its effect upon competition may be that prohibited by this section)."

The compromise language adopted by the conferees to this section is: "(except where such absorption of freight would be such that its effect upon competition will be to substantially lessen competition)."

It will be observed that the compromise reached by the conferees amounts to a simple fusion of the express language of both of the floor amendments. The words "substantially lessen competition" acquire meaning from the illuminating debates in the present session to which reference has already been made.

AMENDMENTS TO SECTION 3

The amendment to section 3 of the bill adopted by the Senate is: "(other than a discrimination which will substantially lessen competition)."

The amendments to this section adopted by the House of Representatives are—

1. Substitute for the Senate amendment, supra, the following: "(if the discrimination is not such that its effect upon competition may be that prohibited by this section)."

2. Add at the end of the section: "and this may include the maintenance, above or below the price of such competitor, of a differential in price which such seller customarily maintains."

In the words of the Assistant Attorney General in charge of the Antitrust Division, the effect of the parenthetical Senate amendment is as follows, and this would be true, a fortiori, of the parenthetical House amendment: "Insertion of this phrase in the bill (S. 1008) has the effect of retaining the rule of *Standard Oil Co.* v. *Federal Trade Commission* (173 F. 2d 210), a decision by the Court of Appeals for the Seventh Circuit which held that good-faith competition is not a defense where the effect would be to lessen competition. While we recognize the competitive problems which arise when one purchaser obtains advantages denied to other purchasers, we do not believe the solution to this problem lies in denying to sellers the opportunity to make sales in good-faith competition with other sellers."

The purpose of the second House amendment to this section is simply to create a uniformity in language between sections 2 and 3 of the bill.

The compromise language adopted by the conferees, added at the end of the section and intended to qualify the entire proviso in that paragraph, is: "except that this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppressive, deceptive, or fraudulent practice."

This language is borrowed from section 1 of the bill, the amendment to section 5 (a) of the Federal Trade Commission Act, and constitutes what the conferees feel is an entirely adequate limitation, certainly one responsive to the fears that have been expressed in Congress by the opponents of the bill.

AMENDMENT TO SECTION 4

The amendment to section 4 D of the bill adopted by the Senate is to define the term "the effect may be" as used in the bill to mean that there is "substantial and probative evidence" of the specified effect.

The amendment to this section adopted by the House of Representatives is to define the term to mean that there is "reasonable probability" of the specified effect.

The compromise language adopted by the conferees to this section is to define the term to mean that there is "reliable, probative, and substantial evidence" of the specified effect, which is simply an adoption of the precise language of the Administrative Procedure Act.

Fears have been expressed that one or more of the definitions contained in section 4 might be construed as carrying over into the Clayton Act, as amended, and as applying to, or affecting the construction of, the defined terms as used elsewhere in that act. The conference committee wish to point out that such fears are ungrounded, since the definitions in section 4 are, by the terms of the section, applicable to the defined terms only "as used in this act"; and, therefore, the same or similar terms, as they may appear in portions of the Clayton Act not specifically amended by this act, necessarily remain unaffected. The conference committee in all their deliberations have construed the definitions in section 4 as applying only to the defined terms where they appear in this act. Thus, for example, the definition of the phrase "the effect may be" will apply to this phrase as used in section 2 (b) of the Clayton Act as hereby amended, and as used in the proviso which this act adds to section 2 (a) of the Clayton Act, but will not apply to the same phrase or any similar phrase used elsewhere in section 2 (a) or in any other portion of the Clayton Act.

Mr. Speaker, it has been rumored that a point of order will be made against this conference report. I now understand this action will not be taken, but at the conclusion of the debate at the end of 1 hour a motion will be made by someone on the majority side, possibly the gentleman from Texas [Mr. PATMAN], to instruct the House conferees to insist on S. 1008, as amended by the House, in short, to accept the Carroll amendment in toto without any part of the Kefauver amendment. I hope this motion to recommit will be voted down and that a majority of our Members will then vote for the conference report.

I should like very much to answer some of the arguments repeated here today. In my opinion, neither this conference report nor the House bill as passed destroys the effect of the Robinson-Patman law. That talk and propaganda is used in an endeavor to influence druggists and small-business men who receive protection under this law. As I said in the debate on July 7, I helped pass the Robinson-Patman law, and I would not vote to repeal it today. I know this is the attitude of many Members and many advocates of S. 1008 in the Congress.

S. 1008, amended as provided in this conference report, will not destroy or injure the small-business man or the large-business man, if he acts honestly and in good faith. On the other hand, if he conspires to violate the antitrust laws or collusively pursues a course to accomplish the same end, then the Government will be able to protect the honest big-business man or small-business man against any such unfair and illegal practices.

Mr. Speaker, a motion to recommit should be voted down and this conference report should be approved.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include some excerpts from the splendid conference report which was filed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. PATMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. PATMAN. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. PATMAN moves to recommit the conference report on the bill S. 1008 to the committee of conference with instructions to the managers on the part of the House to insist upon the House amendments to the Senate bill.

Mr. CELLER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. PATMAN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 178, not voting 116, as follows:

[Roll No. 231]

YEAS—138

Addonizio
Albert
Allen, La.
Aspinall
Bates, Ky.
Battle
Beckworth
Bennett, Fla.
Biemiller
Boggs, La.
Bolling
Bosone
Breen
Brooks
Brown, Ga.
Bryson
Burdick
Burke
Burnside
Canfield
Cannon
Carlyle
Carnahan
Carroll
Cavalcante
Celler
Chudoff
Clemente
Combs
Cooper
Crook
Davis, Tenn.
Deane
Delaney
Denton
Dingell
Dollinger
Douglas
Elliott
Evins
Feighan
Fogarty
Forand
Fugate
Furcolo
Gathings
Gore
Gorski, N. Y.
Granger
Grant
Gross
Hagen
Hare
Harrison
Hart
Havenner
Hays, Ark.
Heselton
Hobbs
Holifield
Howell
Huber
Hull
Irving
Jackson, Wash.
Jacobs
Javits
Jones, Ala.
Jones, Mo.
Jones, N. C.
Karst
Karsten
Kennedy
Kerr
King
Klein
Lane
Lanham
Lemke
Lesinski
Lyle
McCarthy
McCormack
McGrath
Madden
Magee
Mahon
Marsalis
Marshall
Miles
Miller, Calif.
Mills
Mitchell
Monroney
Morris
Morrison
Moulder
Murdock
Murray, Tenn.
Noland
Norton
O'Brien, Mich.
O'Sullivan
O'Toole
Passman
Patman
Poage
Polk
Preston
Price
Priest
Quinn
Rabaut
Ramsay
Rankin
Rodino
Rooney
Roosevelt
Sheppard
Sims
Staggers
Stigler
Sullivan
Sutton
Thomas, Tex.
Trimble
Wagner
Walsh
Welch
White, Calif.
Wickersham
Wier
Willis
Wilson, Okla.
Withrow
Yates
Young
Zablocki

NAYS—178

Abernethy
Allen, Calif.
Andersen, H. Carl
Anderson, Calif.
Andresen, August H.
Andrews
Arends
Bailey
Barrett, Pa.
Bates, Mass.
Beall
Bennett, Mich.
Bishop
Blackney
Boggs, Del.
Bolton, Md.
Bolton, Ohio
Boykin
Bramblett
Brehm
Brown, Ohio
Buchanan
Buckley, Ill.
Burleson
Burton
Byrnes, Wis.
Case, N. J.
Case, S. Dak.
Cheif
Chesney
Chiperfield
Church
Clevenger
Cole, Kans.
Colmer
Cooley
Corbett
Cotton
Cox
Cunningham
Curtis
Dague
Davenport
Davis, Ga.
Davis, Wis.
D'Ewart
Dolliver
Doughton
Eberharter
Engel, Mich.
Engle, Calif.
Fallon
Fenton
Fernandez
Fisher
Ford
Frazier
Fulton
Gamble
Gavin
Gillette
Gilmer
Goodwin
Gordon
Gossett
Graham
Granahan
Hale
Hall, Leonard W.
Halleck
Hand
Hardy
Harris
Hedrick
Herlong
Herter
Hill
Hinshaw
Hoeven
Holmes
Hope
Horan
Jackson, Calif.
James
Jenison
Jensen
Johnson
Kearns
Keefe
Kelley
Kilday
Kirwan
Kruse
Kunkel
Latham
LeCompte
LeFevre
Lichtenwalter
Lind
Linehan
Lodge
Lovre
McConnell
McCulloch
McDonough
McGregor
McGuire
McMillen, Ill.
Mack, Wash.
Martin, Iowa
Martin, Mass.
Merrow
Meyer
Michener
Miller, Md.
Murray, Wis.
Nelson
Nicholson
Norblad
Norrell
O'Brien, Ill.
O'Hara, Ill.
O'Hara, Minn.
O'Konski
O'Neill
Patterson
Peterson
Pickett
Potter
Redden
Rees
Rich
Riehlman
Rivers
Rogers, Fla.
Rogers, Mass.
Sasscer
Saylor
Scott, Hardie
Scott, Hugh D., Jr.
Scrivner
Scudder
Secrest
Shafer
Short
Sikes
Simpson, Ill.
Simpson, Pa.
Smith, Kans.
Smith, Wis.
Spence
Stanley
Steed
Stefan
Stockman
Taber
Tackett
Talle
Tollefson
Van Zandt
Velde
Vorys
Vursell
Wadsworth
Weichel
Werdel
Wheeler
Whitaker
Whitten
Whittington
Wigglesworth
Williams
Wilson, Ind.
Wilson, Tex.
Winstead
Wolcott
Wolverton
Woodruff

NOT VOTING—116

Abbitt
Allen, Ill.
Angell
Auchincloss
Barden
Baring
Barrett, Wyo.
Bentsen
Bland
Blatnik
Bonner
Buckley, N. Y.
Bulwinkle
Byrne, N. Y.
Camp
Chatham
Christopher
Cole, N. Y.
Coudert
Crawford
Crosser
Davies, N. Y.
Dawson
DeGraffenried
Dondero
Donohue
Doyle
Durham
Eaton
Ellsworth
Elston
Fellows
Flood
Garmatz
Gary
Golden
Gorski, Ill.
Green
Gregory
Gwinn
Hall, Edwin Arthur
Harden
Harvey
Hays, Ohio
Hébert
Heffernan
Heller
Hoffman, Ill.
Hoffman, Mich.
Jenkins
Jennings
Jonas
Judd
Kean
Kearney
Keating
Kee
Keogh
Kilburn
Larcade
Lucas
Lynch
McKinnon
McMillan, S. C.
McSweeney
Mack, Ill.
Macy
Mansfield
Marcantonio
Mason
Miller, Nebr.
Morgan
Morton
Multer
Murphy
Nixon
Pace
Patten
Perkins
Pfeifer, Joseph L.
Pfeiffer, William L.
Philbin
Phillips, Calif.
Phillips, Tenn.
Plumley
Poulson
Powell
Rains
Reed, Ill.
Reed, N. Y.
Regan
Rhodes
Ribicoff
Richards
Sabath
Sadlak
Sadowski
St. George
Sanborn
Smathers
Smith, Ohio
Smith, Va.
Tauriello
Taylor
Teague
Thomas, N. J.
Thompson
Thornberry
Towe
Underwood
Vinson
Walter
White, Idaho
Wood
Woodhouse
Worley

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mason for, with Mr. William L. Pfeiffer against.

Mr. Tauriello for, with Mr. Barrett of Wyoming against.

Mr. McKinnon for, with Mr. Smathers against.

Mr. Murphy for, with Mr. Gorski of Illinois against.

Mr. Heller for, with Mr. Elston against.

Mr. Marcantonio for, with Mr. Towe against.

Mr. Keogh for, with Mr. Auchincloss against.

Mr. Joseph L. Pfeifer for, with Mr. Smith of Ohio against.

Mrs. Woodhouse for, with Mr. Miller of Nebraska against.

Mr. Garmatz for, with Mr. Jenkins against.

Mr. Ribicoff for, with Mr. Regan against.

Mr. Davies of New York for, with Mr. Dondero against.

Mr. Byrne of New York for, with Mr. Hoffman of Michigan against.

Mr. Perkins for, with Mr. Jennings against.

Mr. Doyle for, with Mr. Kean against.

Mr. Multer for, with Mr. Nixon against.

Mr. Heffernan for, with Mrs. St. George against.

Mr. Hays of Ohio for, with Mr. Eaton against.

Mr. McSweeney for, with Mr. Reed of Illinois against.

Mr. Thompson for, with Mr. Ellsworth against.

Mr. Patten for, with Mr. Plumley against.

Mr. Powell for, with Mr. Macy against.

General pairs until further notice:

Mr. Lynch with Mr. Allen of Illinois.

Mr. Richards with Mr. Keating.

Mr. Gregory with Mr. Morton.

Mr. Rhodes with Mr. Phillips of Tennessee.

Mr. Hébert with Mr. Gwinn.

Mr. Gary with Mr. Taylor.

Mr. Vinson with Mr. Reed of New York.

Mr. Wood with Mr. Coudert.

Mr. Mansfield with Mr. Angell.

Mr. Green with Mr. Kilburn.

Mr. Donohue with Mr. Poulson.

Mr. Philbin with Mr. Golden.

Mr. Blatnik with Mr. Harvey.

Mr. Worley with Mr. Hoffman of Illinois.

Mr. Larcade with Mr. Kearney.

Mr. deGraffenried with Mr. Sadlak.

Mr. Flood with Mr. Sanborn.

Mr. Bonner with Mr. Fellows.

Mr. Bentsen with Mr. Crawford.

Mr. Abbitt with Mr. Cole of New York.

Mr. Pace with Mr. Edwin Arthur Hall.

Mr. Rains with Mr. Jonas.

Mr. Sadowski with Mr. Phillips of California.

Mr. Morgan with Mr. Judd.

Mr. Camp with Mrs. Harden.

Mr. KRUSE, Mr. BUCHANAN, Mr. STEED, and Mr. O'NEILL changed their vote from "aye" to "nay."

Mr. HARE changed his vote from "nay" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 104, not voting 128, as follows:

[Roll No. 232]

YEAS—200

Abernethy
Albert
Allen, Calif.
Andersen, H. Carl
Anderson, Calif.
Andresen, August H.
Andrews
Arends
Bailey
Barrett, Pa.
Bates, Mass.
Battle
Beall
Bennett, Mich.
Bishop
Blackney
Boggs, Del.
Bolton, Md.
Bolton, Ohio
Boykin
Bramblett
Breen
Brehm
Brown, Ohio
Buchanan
Buckley, Ill.
Burleson
Burton
Byrnes, Wis.
Canfield
Carlyle
Case, N. J.
Case, S. Dak.
Cheif
Chesney
Chiperfield
Church
Clevenger
Cole, Kans.
Colmer
Corbett
Cotton
Cox
Cunningham
Curtis
Dague
Davenport
Davis, Ga.
Davis, Tenn.
Davis, Wis.
D'Ewart
Dolliver
Doughton
Eberharter
Engel, Mich.
Engle, Calif.
Fallon
Fenton
Fernandez
Fisher
Ford
Frazier
Fulton
Gamble
Gathings
Gavin
Gillette
Gilmer
Goodwin
Gordon
Gore
Gossett
Graham
Granahan
Hale
Hall, Leonard W.
Halleck
Hand
Hardy
Hare
Harris
Harrison
Hays, Ark.
Hedrick
Herter
Heselton
Hill
Hinshaw
Hoeven
Holmes
Hope
Horan
Howell
Jackson, Calif.
James
Jenison
Jensen
Johnson
Jones, N. C.
Kearns
Keefe
Kelley
Kennedy
Kerr
Kilday
Kirwan
Kruse
Kunkel
Latham
LeCompte
LeFevre
Lichtenwalter
Lind
Linehan
Lodge
Lovre
McConnell
McCormack
McCulloch
McDonough
McGregor
McGuire
McMillen, Ill.
Mack, Wash.
Madden
Mahon
Martin, Iowa
Martin, Mass.
Merrow
Michener
Miles
Miller, Md.
Monroney
Morris
Murdock
Murray, Tenn.
Nelson
Nicholson
Norblad
Norrell
Norton
O'Brien, Ill.
O'Hara, Ill.
O'Hara, Minn
O'Konski
O'Neill
Patterson
Peterson
Pickett
Potter
Priest
Redden
Rees
Rhodes
Rich
Rivers
Rogers, Fla.
Rogers, Mass.
Sasscer

Saylor	Spence	Vursell
Scott, Hardie	Stanley	Weichel
Scott, Hugh D., Jr.	Steed	Werdel
Scrivner	Stefan	Whitaker
Scudder	Stigler	Whitten
Secrest	Stockman	Whittington
Shafer	Taber	Wigglesworth
Short	Tackett	Williams
Sikes	Talle	Wilson, Ind.
Simpson, Ill.	Teague	Wilson, Tex.
Simpson, Pa.	Tollefson	Winstead
Smith, Kans.	Van Zandt	Wolcott
Smith, Wis.	Velde	Wolverton
	Vorys	Woodruff

NAYS—104

Addonizio	Forand	Moulder
Allen, La.	Fugate	Noland
Aspinall	Furcolo	O'Brien, Mich.
Bates, Ky.	Gorski, N. Y.	O'Sullivan
Beckworth	Granger	O'Toole
Bennett, Fla.	Gross	Passman
Biemiller	Hagen	Patman
Boggs, La.	Hart	Poage
Bolling	Havenner	Polk
Bosone	Hobbs	Preston
Brooks	Holifield	Price
Brown, Ga.	Huber	Rabaut
Bryson	Hull	Rankin
Burdick	Irving	Rodino
Burke	Jackson, Wash.	Rooney
Camp	Jacobs	Roosevelt
Cannon	Javits	Sims
Carnahan	Jones, Ala.	Staggers
Carroll	Jones, Mo.	Sullivan
Cavalcante	Karst	Sutton
Celler	Karsten	Thomas, Tex.
Chudoff	King	Trimble
Clemente	Klein	Wagner
Combs	Lane	Walsh
Cooper	Lanham	Welch
Crook	Lesinski	Wheeler
Deane	McCarthy	Wickersham
Denton	McGrath	Wier
Dingell	Magee	Willis
Dollinger	Marsalis	Wilson, Okla.
Douglas	Marshall	Withrow
Elliott	Miller, Calif.	Yates
Evins	Mills	Young
Feighan	Mitchell	Zablocki
Fogarty	Morrison	

NOT VOTING—128

Abbitt	Harden	Pfeiffer, William L.
Allen, Ill.	Harvey	Philbin
Angell	Hays, Ohio	Phillips, Calif.
Auchincloss	Hébert	Phillips, Tenn.
Barden	Heffernan	Plumley
Baring	Heller	Poulson
Barrett, Wyo.	Herlong	Powell
Bentsen	Hoffman, Ill.	Quinn
Bland	Hoffman, Mich.	Rains
Blatnik	Jenkins	Ramsay
Bonner	Jennings	Reed, Ill.
Buckley, N. Y.	Jonas	Reed, N. Y.
Bulwinkle	Judd	Regan
Burnside	Kean	Ribicoff
Byrne, N. Y.	Kearney	Richards
Chatham	Keating	Riehlman
Christopher	Kee	Sabath
Cole, N. Y.	Keogh	Sadlak
Cooley	Kilburn	Sadowski
Coudert	Larcade	St. George
Crawford	Lemke	Sanborn
Crosser	Lucas	Sheppard
Davies, N. Y.	Lyle	Smathers
Dawson	Lynch	Smith, Ohio
DeGraffenried	McKinnon	Smith, Va.
Delaney	McMillan, S. C.	Tauriello
Dondero	McSweeney	Taylor
Donohue	Mack, Ill.	Thomas, N. J.
Doyle	Macy	Thompson
Durham	Mansfield	Thornberry
Eaton	Marcantonio	Towe
Ellsworth	Mason	Underwood
Elston	Meyer	Vinson
Fellows	Miller, Nebr.	Wadsworth
Flood	Morgan	Walter
Garmatz	Morton	White, Calif.
Gary	Multer	White, Idaho
Golden	Murphy	Wood
Gorski, Ill.	Murray, Wis.	Woodhouse
Grant	Nixon	Worley
Green	Pace	
Gregory	Patten	
Gwinn	Perkins	
Hall, Edwin Arthur	Pfeifer, Joseph L.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. William L. Pfeiffer for, with Mr. Mason against.

Mr. Garmatz for, with Mr. Tauriello against.

Mr. Regan for, with Mr. McSweeney against.

Mr. Hays of Ohio for, with Mr. Murphy against.

Mr. Smathers for, with Mr. Byrne of New York against.

Mr. Gorski of Illinois for, with Mr. Thompson against.

Mr. Hoffman of Michigan for, with Mr. Keogh against.

Mr. Jenkins for, with Mr. Joseph L. Pfeifer against.

Mr. Jennings for, with Mr. Perkins against.

Mr. Kean for, with Mr. Marcantonio against.

Mr. Barrett of Wyoming for, with Mr. Powell against.

Mr. Auchincloss for, with Mr. Ribicoff against.

Mr. Miller of Nebraska for, with Mr. Multer against.

Mr. Dondero for, with Mr. Heffernan against.

Mr. Riehlman for, with Mr. Blatnik against.

Mrs. St. George for, with Mr. Buckley of New York against.

Mr. Smith of Ohio for, with Mr. Davies of New York against.

Mr. Towe for, with Mr. Doyle against.

Mr. Elston for, with Mr. Heller against.

Mr. Nixon for, with Mr. McKinnon against.

Mr. Ellsworth for, with Mr. Sadowski against.

Mr. Plumley for, with Mrs. Woodhouse against.

Additional general pairs:

Mr. Pace with Mr. Allen of Illinois.
Mr. Vinson with Mr. Cole of New York.
Mr. Wood with Mr. Gwinn.
Mr. Mansfield with Mr. Hoffman of Illinois.
Mr. Lynch with Mr. Jonas.
Mr. Dawson with Mr. Taylor.
Mr. Herlong with Mr. Sanborn.
Mr. Philbin with Mr. Sadlak.
Mr. Larcade with Mr. Phillips of Tennessee.
Mr. Thornberry with Mr. Meyer.
Mr. Walter with Mr. Morton.
Mr. Worley with Mr. Phillips of California.
Mr. Morgan with Mr. Eaton.
Mr. Mack of Illinois with Mr. Fellows.
Mr. Hébert with Mr. Golden.
Mr. Gregory with Mr. Edwin Arthur Hall.
Mr. Green with Mrs. Harden.
Mr. Chatham with Mr. Judd.
Mr. Cooley with Mr. Kearney.
Mr. deGraffenried with Mr. Reed of New York.
Mr. Grant with Mr. Lemke.
Mr. Flood with Mr. Angell.
Mr. White of California with Mr. Kilburn.
Mr. Underwood with Mr. Keating.
Mr. Burnside with Mr. Coudert.
Mr. Gary with Mr. Crawford.
Mr. Rains with Mr. Reed of Illinois.
Mr. Richards with Mr. Poulson.
Mr. Donohue with Mr. Harvey.
Mr. Bonner with Mr. Wadsworth.
Mr. Baring with Mr. Murray of Wisconsin.

Mr. BATTLE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CAPITOL POWER PLANT

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6281) to provide for certain improvements relating to the Capitol power plant, its distribution systems, and the buildings and grounds served by the plant, including proposed additions.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, this is not the same measure that was presented before the Rules Committee and a rule unanimously granted?

Mr. WHITTINGTON. It is, and the same measure that was unanimously reported by the Committee on Public Works.

Mr. BROWN of Ohio. I understand that this is actually a measure which will take the Government out of the power business. Is that correct?

Mr. WHITTINGTON. This bill contemplates that, instead of undertaking to repair the plant that now generates electricity for this building and all the buildings on Capitol Hill, the electricity will be purchased from the local utility company at a saving, as it is recommended to us, of around $700,000 annually.

Mr. BROWN of Ohio. And after years and years and years of seeing bills brought in to put the Government into the power business, at long last we are going to see the Government going out of the power business. It is very unusual.

I withdraw my reservation of objection, Mr. Speaker.

Mr. McGREGOR. Further reserving the right to object, Mr. Speaker, will the distinguished chairman of the committee explain the bill?

Mr. WHITTINGTON. Mr. Speaker, with the indulgence of the Chair and the indulgence of the membership, I will undertake as briefly as I can to explain this important bill. It was introduced at the request of the House Office Building Commission composed of the Speaker of the House [Mr. RAYBURN], the gentleman from Illinois [Mr. SABATH], and the gentleman from New Jersey [Mr. AUCHINCLOSS]. Hearings were conducted; a report was requested, and that report was submitted by the Architect of the Capitol, Mr. David Lynn, for the committee. It appeared from the report and from the hearings that there is danger of a break-down that would result in the Capitol and House and Senate Office Buildings not being supplied with heat and not being supplied with electricity. It appeared further from the hearings that for the past 3 years the House Office Building Commission with the present Speaker and the former Speaker, the gentleman from Massachusetts [Mr. MARTIN] had taken proper steps to make studies and ascertain the improvements that should be made. Mr. George A. Weschler, a consulting engineer, was employed 3 years ago. He has been doing work for the Capitol for something like 20 years. He submitted a report recommending the conversion of all the wiring in these buildings, stating that much of it was outmoded, outdated, and dangerous. Twenty-five-cycle direct current was originally installed in the Capitol, Office and other buildings years

ago. The proper installation now is 60-cycle alternating current. The cost of reconverting the electric wiring in the buildings will be in the neighborhood of $7,000,000. The Commission under Speaker Martin on December 29, 1948, recommended that this wiring be reconditioned. They further recommended that the power plant be reinforced by the addition of two boilers at a total estimated cost of about $8,500,000 or $9,000,000. That recommendation was not made until the recommendation of Mr. Weschler had been reinforced and supplemented by studies and recommendations of an eminent engineering firm from New York, Burns & Roe, Inc. The consolidated recommendation of Mr. Weschler and this firm after study was to the effect that improvements in the electric wiring and heating systems be made. It was contemplated that electricity heretofore generated by the Capitol Power Plant here on the Hill would be purchased from the local utility company and that this would be at an estimated saving, according to the conclusion of the Architect, the Commission, and the engineers of nearly $700,000 a year.

About the time of the Commission's report recommending the expenditure of around $9,000,000, as I have stated, the Congress at the request of the Senate authorized the construction of a new Senate Office Building. So the Commission conducted further studies. It had previously appeared that that part of the tunnel housing heat lines from the Old House Office Building to the Senate Office Building is really dangerous to the public and dangerous to the employees who have to work inside, the tunnel being built over the railroad tunnel. So after further and thorough investigation these consulting engineers recommended to the Commission that further additions and improvements be made, as I stated, to the power plant, that a new tunnel be installed, that new pipes be installed, and that provision be made for refrigeration at the same time that provision is made for the conversion of the electric wiring. It is fair to say that the testimony discloses that the Capitol power plant, located in the vicinity of the Department of Agriculture, was considered for heating and that Mr. Reynolds, of the Public Buildings Administration, was consulted. It was found that plant could supply the heat, but the consulting engineers found that to extend the tunnel from the Social Security Building and to provide a booster station would cost more in connection with the installation of pipes underground through the Capitol grounds to the Senate Office Buildings than the plan proposed by the consulting engineers. Keep in mind that steam heat would go to the Senate Office Buildings, to the Government Printing Office, and to the City Post Office and it would cost more than the projects in the bill.

This bill comes before you at the request of the Commission after 3 years of study. It comes before you with the unanimous report of the Public Works Committee. It contemplates that these improvements be made during the next 4 years with an expenditure of approximately $2,770,000 the first year, $9,376,000 the second year, $2,500,000 the third year, and $1,750,000 the fourth year; making a total of $16,446,000.

The bill provides for competitive bidding for the construction. It further provides that the Commission, composed of the Speaker, the gentleman from Illinois, and the gentleman from New Jersey, as I have stated, shall not be confined to the consideration of one engineer, cooperating with the architect of the building, but in making the detailed plans and specifications at least three competing firms shall be considered by the Commission before the selection of one is made.

Mr. Speaker, after having been recommended by the House Office Building Commission, after having been recommended by the Architect of the Capitol, after having been unanimously reported by the Committee on Public Works following hearings that are available to all Members and to the country, this bill should be promptly and unanimously passed so that the bill may be considered by the other body before the adjournment of the present session of the Congress.

Under leave granted, and at the risk of repetition, I extend my remarks to say the pending bill provides for certain improvements relating to the Capitol Power Plant, its distribution systems, and the buildings and grounds served by the plant, including proposed additions. The bill was introduced at the request of the House Office Building Commission whose members are Hon. SAM RAYBURN, chairman; Hon. ADOLPH J. SABATH; and Hon. JAMES C. AUCHINCLOSS, upon the recommendation of the Architect of the Capitol, David Lynn.

Hearings were conducted and published, and they will be made available to Members and the public. The bill was unanimously reported by the Committee on Public Works and there is a thorough explanation and analysis of the bill in the report of the Committee.

The bill was referred by the committee to the House Office Building Commission and on October 6, 1949, the Architect of the Capitol, Mr. David Lynn, submitted a complete report, which is published in the report of the Committee on Public Works on the pending bill.

The Capitol Power Plant has supplied heat, light, and power service to the Capitol, House Office Buildings, and other buildings on Capitol Hill. The hearings disclosed that the service now being rendered by the plant is being jeopardized by the continued use of the present equipment, which has reached the end of a useful and dependable period of service.

Two of the electrical generators are 40 years old and the other two are a little over 20 years old, and can no longer be relied upon for dependable and efficient service. Frequent and expensive repairs are necessary for their continued operation.

New generating equipment for electrical service must be installed, or provision must be made for the purchase of electrical energy from the public utility in the District of Columbia. Whether the energy is generated at a modernized plant or purchased from the local utility company, the present 25-cycle and direct current, much of which has been converted through substations, must be supplanted by the more modern and efficient 60-cycle alternating current, at an estimated cost of $7,600,000.

Much of the wiring is old and should be replaced, and in some instances a fire hazard is presented, especially in the main Library of Congress building where most of the wiring was installed 50 years ago and insulated with paper covering and encased in iron pipes embedded in the masonry of the building. A great deal of the wiring, especially in the New House Office Building and in the Annex of the Library of Congress, will not have to be replaced but can be utilized in converting from a 25-cycle alternating current and a direct current to a 60-cycle alternating current.

Moreover, there must be installed two large modern boilers at an estimated cost of $1,385,000. They can be installed in the present building and economies will be affected by their use.

The report of the Architect of the Capitol, and the hearings, disclosed that there have been studies and investigations made over a period of 3 years with respect to the improvements proposed in this bill.

George A. Weschler, a consulting engineer who has been connected with the Capitol plant for some 20 years, submitted a report on January 20, 1947, and a supplemental report on February 28, 1948, covering the proposed wiring, and recommended the discontinuance of the generating of electrical energy at the Capitol power plant and the conversion of the electrical lighting and power systems to 60-cycle alternating current, and the installation of two new modern boilers, at an estimated cost of $7,600,000 and $1,385,000, respectively. These recommendations were approved by the House Office Building Commission on December 29, 1948. The Commission decided, however, that it would like to have the opinion of other engineers. Accordingly, Burns & Roe, Inc., an outstanding consulting engineering firm of New York, was employed by the Commission to go over the plan and the report of Mr. George A. Weschler, including the supplemental report of Mr. Weschler, and his recommendation with respect to the repair of that section of the tunnel and steam lines which are located on earth fill over the railroad tunnel under First Street between the Old House Office Building and the Senate Office Building—a distance of approximately 1,800 feet.

The Congress authorized the construction of an additional Senate Office Building and Mr. Weschler and the firm of Burns & Roe were employed, not only with respect to the conversion of the electrical system and installation of the two boilers, but were employed generally to make recommendations with respect to the construction of a new tunnel, the installation of new steam supply lines, and the increase in the capacity of the refrigeration plant at the Capitol power plant.

On January 29, 1949, the joint recommendations of George A. Weschler, consulting engineer of Washington, and

Burns & Roe, Inc., consulting engineers of New York, were submitted, and they recommended the installation of a new tunnel and larger size steam supply lines, and an increase in the capacity of the refrigeration plant, at an additional estimated cost of $7,461,000, making the grand total of the estimated costs of the discontinuance of the generating of electrical energy and the conversion of the lighting and power systems, as well as the installation of the two boilers, including engineering services, $16,446,000.

The Architect of the Capitol and the engineers reached the conclusion that all of the said installations should be made and that they would provide, not only for the new Senate Office Building, but for the air-conditioning of the main Library of Congress building, and for future expansion of the needed facilities on Capitol Hill.

The report showed that the engineers investigated the propriety of securing heat from the central heating plant located in the vicinity of the Department of Agriculture, supplemented by the heating plant at the mouth of Rock Creek, but it was disclosed that while the heating plant could supply the required amount of heat for the Capitol and other buildings on the Hill, the cost of transmitting, including the construction of a booster station and the installation of pipes, would be more expensive than installation of the boilers and the continued generation of steam for heating purposes at the Capitol power plant.

The Architect of the Capitol recommended, in behalf of the House Office Building Commission, that the recommended changes and improvements be made without delay, and in endorsing the recommendations of Mr. Weschler, and Burns & Roe, he stated that if the proposed changes are made it will be possible to reduce the annual appropriations for steam, electricity, and refrigeration, for the existing buildings and grounds by approximately $700,000.

It is intended that the cost of the improvements will be spread over 4 years, and that an appropriation of $2,770,000 will be required for the first year; $9,376,000 for the second year; $2,550,000 for the third year; and $1,750,000 for the fourth year, making a total authorization of $16,446,000 contained in the bill.

The bill provides that the work shall be undertaken through competitive bids. Engineers will be employed to prepare detailed plans and specifications. These engineers are secured by selection from among not less than three competent firms of engineers to be engaged by the House Office Building Commission to make plans and specifications for the projects. Burns & Roe, Inc., will be eligible to submit bids under the provisions of the bill.

The recommendations of the House Office Building Commission are the result of years of studies and surveys conducted under its supervision. These studies and surveys are listed in the report of the House Committee on Public Works. The work to be undertaken as a result of these studies will be under the supervision of the Commission, and its members are vested with discretion to approve plans and specifications for the improvements. If changes in the proposed improvements are required, and it develops that the language of the bill is not sufficient to authorize the Commission to make or approve changes, or construction by units, subsequent legislation could be enacted to give such authority.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. AUCHINCLOSS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, I am taking this time in order to give the Members of the House a brief résumé of the events leading up to the proposed legislation contained in H. R. 6281. I believe it will be of interest to the Members of the House and it certainly should be incorporated in the RECORD.

In April 1947 the Architect of the Capitol, Mr. David Lynn, called the attention of the House Office Building, Commission, of which I am a member, to the run-down and unsatisfactory condition of the Capitol power plant, which supplies heat, light, power and air-conditioning refrigeration for the Capitol, Senate and House Office Buildings; heat, light, and power for the Congressional Library, Library Annex, United States Botanic Gardens, Supreme Court Building, the legislative garage, and for the flood- and park-lighting systems of the Capitol Grounds and for street lighting and steam heat only for the Government Printing Office and Washington City Post Office. The present plant was constructed under the supervision of the Architect of the Capitol by authority of a congressional act of April 28, 1904, and was placed in operation on December 1, 1910. The plant was enlarged in 1937 by the addition of a refrigeration apparatus building.

The Architect of the Capitol submitted to the Commission a report dated January 20, 1947, written by George A. Weschler, consulting engineer of Washington, D. C., who was retained by the architect to make a survey of the situation. This report was a voluminous one covering 35 typewritten pages and in addition a number of tables and charts.

The report set forth in detail the serious condition which prevailed at the plant, the need for immediate rehabilitation, and further recommended that electric current be purchased from the local public utility company instead of being generated at the plant. The latter recommendation was based on the fact that a considerable saving would be made thereby. After due consideration the House Office Building Commission decided to secure an independent report on the situation and with the approval of the House retained the engineering firm of Messrs. Burns & Roe, Inc., 233 Broadway, New York City. Messrs. Burns & Roe made an extensive study of the situation under the direction of the Architect of the Capitol and with the cooperation of Mr. Weschler. A report was finally submitted to the House Office Building Commission by the Architect of the Capitol which embodied the report of the consulting engineers and endorsed by the Architect of the Capitol, recommending, first, that the generating of electrical energy at the Capitol Power Plant be discontinued and all such energy be purchased from the local public utility; second, that the electrical lighting and power systems, including wiring, motor, and so forth, in the buildings and refrigeration plant now served by the Capitol Power Plant be converted from 25 cycle and direct current to 60 cycle alternating current; third, that two new modern spreader stoker-fired coal burning boilers be installed; and these recommendations were considered and approved by the House Office Building Commission on December 29, 1948.

In a subsequent report submitted about a month later, further improvements and changes were recommended in the distribution system for the heating pipes and equipment, and providing for an increase in the capacity of the refrigeration plant. The total cost of all this work which was recommended and endorsed by the Architect of the Capitol comes to a grand total of $16,000,446, which amount is authorized in this legislation. I would point out that these studies have occupied a period of over 2 years, and there is no doubt that all phases of the problem have been thoroughly explored, and I have no hesitancy in urging the prompt enactment of this legislation.

The work will cover a period of about 4 years, and the total amount of money needed would be spread over this period of time. In the fiscal year 1950 it is estimated that $2,770,000 would be needed. In the fiscal year 1951 it is estimated that $9,376,000 would be needed. In the fiscal year 1952, $2,550,000 would be needed, and in the fiscal year 1953, $1,750,000. The Architect of the Capitol estimates that when these improvements are in effect the appropriations necessary to carry on the work of the Capitol power plant will be reduced from $1,597,000 to about $900,000, or a saving of approximately $700,000 per annum.

I should point out that the condition not only in the power plant itself but particularly in part of the tunnel which carries the steam pipes is very serious. In fact, one of the engineers advised me that he would not venture into the tunnel for fear it would collapse. If this collapse should take place, the buildings on Capitol Hill served by the power plant would be cut off from any heating, so this is a matter that should receive prompt attention, and the expense is thoroughly justified. I hope the bill will pass without delay.

Mr. McGREGOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized and directed to effect the following improvements, with such modifications as the Commission may approve, relating to the Capitol power plant, its distribution systems,

and the buildings and grounds served by the plant, including proposed additions:

(1) Convert the electrical lighting and power systems and other electrical equipment in all buildings and grounds, including the refrigeration plant, now served by the Capitol power plant, from 25-cycle and direct current to 60-cycle alternating current.

(2) Upon completion of such conversion, discontinue generating electrical energy at the Capitol power plant and purchase all electrical energy for the buildings and grounds now supplied by the plant; and prior to the completion of such conversion, the Architect of the Capitol, with the approval of the House Office Building Commission, may purchase such electrical energy as he may deem necessary for such buildings and grounds.

(3) Install, in lieu of present boiler equipment, two new modern spreader stoker-fired, coal-burning boilers, each approximately 180,000 pounds per hour capacity, 400 pounds per square-inch gage, including necessary auxiliary equipment, in the existing Capitol power plant building, for supplying steam for heating and other existing services for the buildings now supplied by the plant and the additional office building authorized by Public Law 785, Eightieth Congress, to be so supplied.

(4) Construct a new walk-through tunnel, including branch tunnels, from the Capitol power plant to the Senate Office Building, to be routed under North Carolina Avenue SE., Second Street SE. and NE., and C Street NE.; and upon completion of the new tunnel, abandon the section of the existing main steam-tunnel structure between the Old House Office Building and the Senate Office Building when the same is no longer required for service.

(5) Install in the new tunnel duplicate steam-supply lines and a condensate-return line and necessary auxiliary equipment to supply steam for heating the buildings now being supplied by the section of the tunnel to be abandoned and the additional office building authorized by Public Law 785, Eightieth Congress; and install in the new tunnel chilled-water lines for supplying air-conditioning refrigeration from the Capitol power plant for the First Street wing of the Senate Office Building, the United States Supreme Court Building, the Library of Congress Annex, and the additional office building authorized by Public Law 785, Eightieth Congress, with provision for future service lines to the main Library of Congress Building.

(6) Increase the capacity of the refrigeration plant at the Capitol power plant from 4,800 tons to approximately 8,800 tons of refrigeration by the installation of two or more centrifugal compressor units, complete with pumps and necessary auxiliary equipment and connected to the chilled-water-distribution system; install a cooling tower at the Capitol power plant site in replacement of the existing river pumphouse to supply cooling water for the refrigeration plant; and install piping, valves, transformer substation and electrical equipment, and all other necessary incidental items.

SEC. 2. The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized and directed to make arrangements for such public-utility installations as may be necessary for the supplying of the electrical energy to be purchased under the authority of this act. The appropriation for the fiscal year ending June 30, 1950, for expenses in connection with the maintenance and operation of the Capitol power plant shall be available for purchasing such electrical energy.

SEC. 3. The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized and directed to enter into such contracts and to make such expenditures for labor, materials, equipment, personal and other services, structural and other changes, and other items and purposes, as may be necessary to carry out the provisions of this act. In employing the engineering services for the project herein authorized, competition shall be restricted to not less than three competent firms of engineers.

SEC. 4. There is hereby authorized to be appropriated a total amount not to exceed $16,446,000 to carry out the provisions of this act, and the Architect of the Capitol, under the direction of the House Office Building Commission, is authorized to obligate such total amount, prior to the actual appropriation of the full amount thereof, after an appropriation of any part of such total amount shall have been made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

House Resolution 395 was laid on the table.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. McCORMACK asked and was given permission to extend his remarks in the RECORD and include an editorial.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 123. Concurrent resolution authorizing the Committee on the Judiciary of the House of Representatives to have printed additional copies of the hearings held before said committee on the bills entitled "Amend the Constitution with Respect to Election of President and Vice President."

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6305. An act to give effect to the International Wheat Agreement signed by the United States and other countries relating to the stabilization of supplies and prices in the international wheat market.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. GILLETTE, Mr. YOUNG, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1689) entitled "An act to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies."

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, may I inquire of the majority leader the program for next week?

Mr. McCORMACK. Mr. Speaker, Monday is Consent Calendar day. There are some bills that will be brought up under suspension of the rules if they cannot be passed by unanimous consent. These include the following:

S. 2105, the strategic and critical materials bill. This bill has been pretty well amended so that there is pretty general agreement on it now.

S. 1232, equipment and maintenance allowance for rural carriers.

H. R. 4285, post office veterans advancement bill. This is an amendment to a bill I introduced a few years ago which became law.

S. 443, providing for a radio laboratory building.

S. 2316, providing for a guided missiles laboratory building.

There may be one or two others in case they cannot be passed by unanimous consent. These are the particular ones I have in mind. There is also one with reference to airport allocations.

Mr. MARTIN of Massachusetts. What is the program for the balance of the week then?

Mr. McCORMACK. On Monday there will be called up also H. R. 2392, the rural rehabilitation trust funds bill.

Tuesday is Private Calendar day; however there are only a few bills on that calendar.

Conference reports, of course, will be brought up at any time.

The minimum-wage conference report will be brought up Tuesday. I make that announcement because I know of its importance to many Members.

I have no other legislation to announce now, but if any is to be taken up, it will have to be carefully screened.

Mr. MARTIN of Massachusetts. Will we adjourn over until the following Monday after that?

Mr. McCORMACK. That would be most disappointing.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Missouri.

Mr. SHORT. The House and Senate conferees have reached an agreement this afternoon on the wind-tunnel bill. I was wondering whether or not that was scheduled to be taken up.

Mr. McCORMACK. We do not have to schedule conference reports. That is the bill that passed the House the other day, and that can be brought up and we can dispose of it.

Mr. SHORT. Because we are about 4 years behind already as the gentleman realizes, and the gentleman has been a very able advocate in bringing it up to date.

Mr. MARTIN of Massachusetts. For the information of the House, I think the gentleman might inform us as to whether we are going to adjourn over today until Monday.

Mr. McCORMACK. Oh, yes. I was going to make that unanimous-consent request.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. Is there any reason why we cannot adjourn some time around the 1st of November?

Mr. MARTIN of Massachusetts. Well, I have the belief that we will probably adjourn by Thanksgiving Day.

Mr. NICHOLSON. Would the gentleman from Massachusetts ask the other gentleman from Massachusetts if there is any opportunity?

Mr. MARTIN of Massachusetts. The gentleman from Massachusetts will be glad to convey the question of the gentleman from Massachusetts to the gentleman from Massachusetts.

Mr. McCORMACK. The rules of comity between the two branches would preclude a frank observation by the gentleman from Massachusetts [Mr. McCORMACK].

The SPEAKER. The time of the gentleman from Massachusetts has expired.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COOPERATIVE FOREST PROGRAM

Mr. GRANGER submitted a conference report and statement on the bill (H. R. 2296) to amend and supplement the act of June 7, 1924 (43 Stat. 653), and for other purposes.

CONVERSION OF VILLAGE DELIVERY SERVICE

Mr. MURRAY of Tennessee. Mr. Speaker, I call up the conference report on the bill (S. 1479) to discontinue the operation of village delivery service in second-class post offices, to transfer village carriers in such offices to the city delivery service, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1420)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1479) to discontinue the operation of village-delivery service in second-class post offices, to transfer village carriers in such offices to the city-delivery service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House.

TOM MURRAY,
RAY W. KARST,
EDWARD H. REES,
Managers on the Part of the House.

OLIN D. JOHNSTON,
HUBERT H. HUMPHREY,
ZALES N. ECTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1479) to discontinue the operation of village-delivery service in second-class post offices, to transfer village carriers in such offices to the city-delivery service, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill provides for conversion of village letter-carrier service at second-class post offices to city letter-carrier service. The Senate bill provided that a village carrier at such offices should be assigned to the grade as a city carrier to which he would have advanced had his original appointment been as a city carrier. The House amendment provided that such carriers should be assigned to the lowest grade provided for regular positions in the city-delivery service.

The Senate bill also provided that carriers transferred to the city-delivery service should retain credit, for promotion purposes, for periods of service performed as village carriers. The House amendment struck out this provision.

The Senate recedes from its disagreement to the amendment of the House and, accordingly, the conference agreement is identical with the bill as amended by the House.

TOM MURRAY,
RAY W. KARST,
EDWARD H. REES,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AN ACT TO REGULATE AND IMPROVE THE CIVIL SERVICE

Mr. MURRAY of Tennessee. Mr. Speaker, I call up the conference report on the bill (H. R. 3826) to amend the act of January 16, 1883, an act to regulate and improve the civil service of the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1421)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3826) to amend the act of January 16, 1883, an act to regulate and improve the civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate insert the following: "shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said State, and had been such resident for a period of not less than one year next preceding, or a statement under oath setting forth his or her legal voting residence for one year next preceding the time of making such application, and such statement shall be accompanied by letters from three reputable citizens of the State in which residence is claimed, corroborating such statement"; and the Senate agree to the same.

TOM MURRAY,
GEORGE P. MILLER,
EDWARD H. REES,
Managers on the Part of the House.

OLIN D. JOHNSTON,
HUBERT H. HUMPHREY,
ZALES N. ECTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3826) to amend the act of January 16, 1883, an act to regulate and improve the civil service of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill amended the act of January 16, 1883, so as to provide that, with certain exceptions, each application for examination for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer of the county and State of which the applicant claims to be a citizen, stating that at the time of making application the applicant was, and had been for the preceding year, a legal or voting resident of such State. The Senate amendment struck out the provision of the House bill requiring an officer's certificate of residence, and substituted a provision requiring that such an application contain a sworn statement of the applicant's legal or voting residence for 1 year preceding the time of making application, and a list of references who can corroborate such statement. The conference substitute retains the provision of the House bill requiring an officer's certificate of residence, but provides that there may be submitted in lieu thereof a sworn statement of the applicant's legal or voting residence for 1 year preceding the time of making application, if the statement is accompanied by letters from three citizens of the State in which residence is claimed corroborating the statement.

TOM MURRAY,
GEORGE P. MILLER,
EDWARD H. REES,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FILING OF CONFERENCE REPORTS

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent that

the managers on the part of the House may have until midnight tomorrow night to file conference reports on the bills of H. R. 4495 and H. R. 5931.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in three instances and in one to include a speech delivered by himself and in another a letter.

Mr. CHURCH asked and was given permission to extend his remarks in the RECORD in two instances and to include in one a radio address delivered by Robert Montgomery last night and in the other a newspaper item by Walter Trohan.

Mr. LOVRE asked and was given permission to extend his remarks in the RECORD and include an address delivered by Representative CLARENCE J. BROWN before the Associated Industries of Georgia on Friday, October 7, 1949.

Mr. BOYKIN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Mobile Press and Register.

Mr. MILLER of California asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. TEAGUE (at the request of Mr. COMBS) was given permission to extend his remarks in the RECORD in two instances and include extraneous material.

Mr. PRICE asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the American Federation of Labor, State of Illinois.

"GOD GIVE US MEN—A TIME LIKE THIS DEMANDS MEN WHOM THE LUST OF OFFICE DOES NOT KILL, MEN WHOM THE SPOILS OF OFFICE CANNOT BUY, MEN WHO HAVE HONOR, MEN WHO WILL NOT LIE, TALL MEN, SUN-CROWNED, MEN WHO LIVE ABOVE THE FOG IN PUBLIC DUTY AND IN PRIVATE THINKING"

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, some days ago I was present in a gathering, the like of which to my knowledge has never before assembled in the Nation's Capital.

Without doubt there have been even larger assemblies of men from some one or several segments of the Nation's economic and social life, but that night representatives were present, not alone from every cross-section of our own country, but of governments and people in practically every part of the world.

At that festive board were the driving forces in all types of agricultural and forestry pursuits. Leaders of organized labor broke bread with management. There were heads of religious and educational organizations, of commercial, industrial, transportation, and the communication industries; eminent writers, newsmen, authorities on the arts and sciences, on law and on medicine. These were seated side by side with wheat, corn, and hog farmers and cattlemen, as well as southern peanut and cotton planters.

All commingled with heads of the three branches of Federal Government to do honor to a great American. A great man. A great patriot and a great statesman.

Our host, and because of the unique and peculiar influence which he wields in this House, has become known throughout the length and breadth of the land as "America's Congressman at Large." He is your friend and my friend, the Honorable FRANK W. BOYKIN, of Mobile.

The honored guest of the evening was the beloved and revered SAM RAYBURN, Speaker of the House.

The festive evening was truly a living exemplification of one man's friendship and esteem for another and we who sit in Congress know how well FRANK BOYKIN loves and esteems you, his friend, SAM RAYBURN.

We who know FRANK BOYKIN have long since learned that outside of his God, his lovely wife and family, there is no one thing on this side of Heaven that FRANK BOYKIN treasures more than he does the friendships made in years gone by.

The address which Congressman Frank made on that memorable night has left a memory that will remain with me, as well as with hundreds of others, as long as life endures.

Mr. Speaker, may I say to you and to my colleagues that I have long since learned that there is a vast difference between the reputation which a man bears and his innate character. Thus it becomes true that a man may be of fine repute—and at the one time—be of bad character.

The reputation of a man is what his fellow men think or presume a man to be, but his character is truly what he is.

Mr. Speaker, when a man publicly submits his name as a candidate for office, many of those who support him with their ballot vote only for a name. Frequently they may vote for a man to hold public office because of his repute or else because a friend has spoken well of him. Perchance, some vote for him because they believe he stands for principles to which they themselves cling—or, perhaps because he carries the standards of a political party which they themselves inherited.

Now I am in no sense disapproving such reasons, because I know that to be the way in which the great democratic process functions. Moreover it was under that thought process that those who went before as well as us now living, built and maintain our great institution of free government.

Mr. Speaker, the Congress of the United States of America is and shall ever remain the true voice of its people. Every man who has ever sat in this House has borne the hallmark of approval placed upon him by the constituency back home in his congressional district.

The Constitution of these United States makes provision that when the Congress assembles the Members of the House shall select from their number, one who shall serve as Speaker and preside over their deliberations.

Might I submit observation that when in selecting the Speaker, and we of this House cast our ballot to effectuate that selection, no man ever votes merely for a man because of his name. That no man ever votes merely for a face. Certainly no man has ever been elected Speaker of the House of Representatives solely because of the reputation which he bore.

When we in this body set about to select our Speaker, we select a man whom we know intimately. We choose a man whose sincerity of purpose we have long weighed while listening with attentive ear to each and every word he ever spoke in the endless debates which take place daily on national issues, either in committee or on the floor of the House.

We judge him for his leadership. We adjudge both his intellectual capacity and intellectual honesty. We ponder on his sincerity, his integrity, his understanding, tolerance, tact, and disinterestedness.

We know that law provides that, if and whenever, the eternal God in His wisdom should remove from out our midst and take to His bosom the President and Vice President of these United States, that the Speaker of the House of Representatives will at that very instant himself became the Chief Executive and President of this Nation.

It was not because of any one of the virtues which I have enumerated that this House on January 3 of this year chose SAM RAYBURN, Representative from the Fourth District of the great State of Texas, to be our august and peerless leader; it was because he possessed one and all of the attributes which I expressed that we called him to chair this body and to stand in the shadows while awaiting call, if ever need should arise, to assume the Presidency.

Again I repeat, the Congress of these United States is the true voice of the American people. When this Congress elected you, Mr. Speaker, the people of America themselves bespoke your acknowledged greatness.

Mr. Speaker, it was only in part because of the foregoing that your colleagues in the Congress, your fellow citizens from everywhere and from all walks in life, and the representatives of nations from all the far-flung countries of the world, gathered in the Hall of Nations of the Hotel Washington on August 2 to do honor to you.

As I looked out over the vast gathering in the great Hall of Nations, I was deeply touched by the beautiful things said about you.

I was touched not alone by the beautiful words spoken by Congressman FRANK BOYKIN, and by our genial, beloved, and long-time Senate colleague, Vice President ALBEN BARKLEY, who acted as toastmaster, but I was equally touched by the magnificent and never-to-be-forgotten tribute paid you, sir, by the Honorable Fred Vinson, Chief Justice of the Supreme Court of these United States.

Eminently fitting and eloquently spoken were the tributes paid you by the

Attorney General, the majority leader, the Honorable Senator Howard McGrath, chairman of the Democratic National Committee, and last but not least of all, I was vividly moved by the ringing words of the distinguished leader of the Republican forces in the House, the Honorable JOSEPH W. MARTIN, JR.

Mr. Speaker, no greater public acknowledgment of your capable leadership could have been made by any man than was made by your good, long-time friend, and the friend of every man in the House, the minority leader, JOE MARTIN.

When JOE MARTIN finished his statement, I knew that we were now truly a united nation, a nation which no force in all the world could ever again rend asunder, these United States of America.

Upon the conclusion of his remarks, I turned over the beautiful souvenir program that Frank provided to all, to reread that poem written by J. G. Holland, born 130 years ago. Henry Clay was then the Speaker of the House. The voices of John Taylor, Cushman, and Gorham rang through the Halls of Congress.

FRANK BOYKIN's predecessor, the Honorable John Crow, alone represented in the House the whole of what was then the Territory of Alabama.

I ask your indulgence while I read to you that prayerful appeal, written when America now great was an America awakening, an America in the making:

God give us men. A time like this demands strong minds, great hearts, true faith, and ready hands; men whom the lust of office does not kill; men whom the spoils of office cannot buy; men who possess opinions and a will; men who have honor; men who will not lie; men who can stand before a demagog and damn his treacherous flatteries without winking; tall men, sun-crowned, who live above the fog in public duty and in private thinking.

Mr. Speaker, it is with the unanimous consent of this House that I insert into the RECORD the address of welcome delivered by FRANK BOYKIN on the occasion of the dinner that he tendered in honor of his friend, the Honorable SAM RAYBURN, Speaker of the House.

The address of welcome was as follows:

Mr. Vice President, Mr. Chief Justice, Mr. Assistant President, to you all who are members of the President's Cabinet, the Nation's Congress, the executive department of our own Government and representatives of foreign governments, to you all, representatives of labor and management, from the mines, the mills, the factories, and the farms of our great country, I bid welcome.

We are here to honor a truly great American, a great statesman, a great patriot, a great citizen, a great Democrat, and a great friend, your friend and my friend, Speaker SAM RAYBURN.

It is unnecessary for me to tell you all that SAM RAYBURN is a man who recognizes none by his race, his political creed, religious belief, color, or by the land of his nativity.

For more than 35 years of his life, and while serving our country in its National Congress, he has taught us not by words alone but by deed and by action that we should all of us love and respect the opinion, the beliefs, and the personages one of the other.

Above all else, SAM RAYBURN is a humble man with a heart as big as the State of Texas. He believes that the fatherhood of God presupposes the brotherhood of man.

In all the years that I have been knowing him, I have never known him to do a single mean, small, or dishonorable thing.

SAM RAYBURN is a friend to every man. He is your friend and he is my friend. When I say he is my friend, I am reminded of something I read as to the real meaning of that word.

To me a friend is one with whom you dare at all times to be yourself. Your soul can go naked with him. He seems to ask you to put on nothing, only to be just what you are. He wants you neither to be better nor to be worse. When you are with a friend you feel as a prisoner might feel when declared innocent of all crime. You do not have to be on your guard. You can say what you think so long as it is genuinely yourself. He understands even those contradictions in your nature which might lead others to misjudge you.

With a friend you can breathe freely. You can take off your coat and loosen your collar. You can avow your little vanities and envies and hates and vicious sparks, your meanness and absurdities. In opening these up to him they are lost, dissolved on the white ocean of his loyalty. A friend understands you. You do not have to be careful in his presence.

You can abuse him, neglect him, tolerate him, and best of all, you can keep still with him; it makes no matter; he likes you.

He is like a fire that purges all that you do. He is like water that cleanses all that you say. He is like wine that warms you to the bone and because he understands you.

You can weep with him, laugh with him, sin with him, pray with him. Through and underneath it all he sees, he knows, and he loves you. In short, a friend is one with whom you dare to be yourself.

I am mighty happy to have here with me tonight so many of my own good friends to do honor to SAM RAYBURN. While I would like to call all by name and welcome you individually, the time which I have allotted to myself will not admit to that great, distinguished personal pleasure.

Knowing that you would all like to join me in shaking hands with our distinguished and most honored guest, I wish you would come forward after dinner that he, as well as myself, might greet you personally.

Mr. Speaker, I do not wish to burden you, neither to burden my colleagues, with a seemingly needless recital of the happy hours we spent at Sam's dinner as guests of FRANK BOYKIN on the night of August 2.

I do wish, however, in behalf of those who will come after us, and in order to simply establish the record, to submit a few observations of some of those there present at that unusual and unforgettable affair.

In that noted assembly there was not alone the assistant to the President of these United States and other members of his official family. That audience held, among hundreds, other members of the President's Cabinet, the three Secretaries of the great armed service forces of this Nation as well as the highest ranking Army, Navy, and Air Force officers in the country; Extraordinary and Plenipotentiary Ministers, and Envoys Extraordinary, and consuls from practically all the nations of the earth.

The aggregate of the people whom they represented, as was noted by one of the guests, totaled more than 1,000,000,000 souls, or nearly half the population of the world.

Such of the notables, elder statesmen of our country and captains of American industry, labor, and commerce, as were not there to honor our Speaker in person were certainly there in spirit.

Mr. Speaker, in conclusion may I say that to the toastmaster, your good friend ALBEN BARKLEY, as well as to your host, came telegrams from every State in the Union. From foreign lands came cables of good will and wishes. From the Chiefs of Staff abroad on a foreign military mission—General Bradley, United States Army; Admiral Denfeld, United States Navy; and General Vandenberg, the United States Air Force—came greetings, regrets, and best wishes.

What follows are but a selected few of the hundreds received. Knowing how well you will treasure these comments on the great testimonial tendered you, they will be made available, Mr. Speaker, in the RECORD for your perusal.

The Honorable John Steelman, assistant to the President, writes as follows:

I have never seen such a gathering since I have been in Washington. It was equally a tribute to the honored guest as well as to the host.

America needs more SAM RAYBURNS—men who work quietly—all the time and solely in the interest of our people. In my own simple way I endeavor to emulate him ever and always realizing that he has already accomplished more than I can ever hope to do. It was highly appropriate that we did him honor. The night of August 2, I shall never, never forget. Thanks for inviting me.

From Mr. Ernest E. Norris, president, Southern Railway System:

It was a great tribute from a great friend to a great American.

From that great, sincere, hard-working, tried, and trusted public official, the Honorable Louis Johnson, Secretary of Defense, come this word:

I have known SAM RAYBURN for a long period of time. A great American, he has proved himself to be one of the outstanding statesmen of our time. He has served his State and country outstandingly well for many years. I have a great deal of admiration and respect for him. The dinner in his honor was a tribute which he deserves. I don't know when I have enjoyed an evening more. Mr. Henry Luce made a very apt statement when he said your party was "America in bloom." It was indeed a grand and representative crowd, and its effect will long be felt.

The ever-helpful, gracious, and highly esteemed officer and gentleman, West Point born, Alabama reared, Maj. Gen. James D. McIntyre, director of legislative liaison, Department of Defense, writes:

It was a personal privilege and pleasure to sit among the hundreds of our mutual friends in doing honor to the distinguished Speaker of the House, the Honorable SAM RAYBURN. The dinner was an outstanding tribute graciously bestowed by one who clings to friendship—as he clings to life itself.

A grand affair: It was a great demonstration of democracy in action. You had Army, Navy, and Air Force officers, as well as Democrats, Dixiecrats, Republicans, Members of the Supreme Court, Cabinet officers, and nearly every other Government department represented. Everyone had a grand time and

you certainly could not have had a testimonial in honor of a finer man than Hon. SAM RAYBURN.

Thanks for the invitation, Frank.

Very sincerely yours,

JIM MCINTYRE.

T. L. Soong, alternate governor for the World Bank, says:

In honoring SAM RAYBURN, we are in reality giving acclamation to the way of life of the American people. For what better example could we find to show that America is a land where a man, through character, determination and labor, could rise to greatness from ordinary beginnings and that the American people, under the democratic form of government, possess the infallible means of placing in positions of trust and responsibility those men who dedicate their lives to the service of the people and the country.

From the front porch of his home in Texas, a home, Mr. Speaker, that you know so well, came a hand-written letter from your good friend and good friend of every Member of the Congress, the Honorable John Nance Garner, ex-Speaker of the House and former Vice President of the United States.

Thanks for invitation to SAM RAYBURN'S party. Sorry I can't be with you. My best regards to Sam and all his friends.

Sincerely,

JNO. N. GARNER.

From London, England, came a cable sent by one who, had he been born a citizen of our country, would undoubtedly himself have been a Member of the Congress of the United States; who knows but perchance by his courage, statesmanship and demonstrative leadership, he might also have been the Speaker of the House—the Honorable Winston Churchill.

That cable read as follows:

Alas, I cannot be with you all on August 2 to pay my respects to Mr. SAM RAYBURN and to thank you in person for all the help the American people are giving to the British Nation and indeed to Europe. I send you who are present at the banquet my good wishes for your happiness and well-being this evening and in the years to come.

WINSTON CHURCHILL.

SAM RAYBURN'S friend since boyhood, Mr. Jesse Jones, writes in part:

Sam has gone a long way in public life, he is entitled to acclaim, yes, and to be so honored by his friends and associates.

Representative L. MENDEL RIVERS, of South Carolina, writes:

Official Washington has never witnessed a more stupendous tribute than your guests in paying tribute to our Speaker. We all know SAM RAYBURN has an almost insuperable task. It is impossible at times for many of us to keep our heads. SAM RAYBURN, however, in his inimitable way, soothes all and exercises judgment at all times. You know the great esteem by which he is held by us all.

From the United States Secretary of the Treasury, the Honorable John Snyder:

Congratulations on an outstanding tribute to Speaker RAYBURN. Never did I see so spectacular a tribute to a great man—to a great friend.

From Mr. E. R. Oliver, vice president, Southern Railway System:

What a wonderful time all of us had at your testimonial to the Honorable SAM RAYBURN.

Mr. Howard C. Rife:

May the good Lord always provide us with Captains FRANK BOYKIN and SAM RAYBURN to steer the ship of State.

Mr. John Tilford, Louisville & Nashville Railroad, Louisville, writes:

It is a pleasure to accept your invitation to attend the dinner in honor of Hon. SAM RAYBURN.

Mr. Frank McNaughton, of Time, New York City, writes:

As long as I live I will never forget that a thousand men of all shades of political faiths and all degrees of industrial accomplishments gathered to pay an honest and unreserved tribute to SAM RAYBURN, and through him as a symbol, to America. There were times when I felt like I was going to burst with pride. SAM RAYBURN deserved this tribute.

From the intrepid commanding general of the United States Seventh Air Force of Saipan, the Marianas, and Okinawa fame, new director of the L. & L. Division, Office of the Secretary, United States Air Force, Tommy White:

Thanks, Frank, for a marvelous evening. Through their representatives more than 1,000,000,000 people participated in a remarkable tribute tendered by one great American to another.

From Mr. J. H. Allen, St. Regis Paper Co., New York:

In honoring Speaker SAM RAYBURN, the only collective thing we seem to do is, that we resolve to retain our separate individualities, thereby preserving with dignity our glorious independence, which represents the soul of our political faith. I doubt if any other nation on earth could hold such a party of good fellowship with all the divergent political groups present as that which you gave in honor of the Speaker.

Thomas W. Martin, president, Alabama Power Co., writes from Birmingham:

The dinner for Speaker RAYBURN will long be remembered as a great occasion.

The junior Senator from Ohio sends this message:

It was a real honor to me to be included in the list of your guests at the recent dinner for the Speaker.

I think everybody enjoyed the banquet immensely and the program as well. I haven't had time to see Cap Landis and tell him about it, but will do so at the earliest opportunity.

Just know that I deeply appreciate your invitation and being able to be with you on this very propitious occasion.

Sincerely,

JOHN W. BRICKER.

From Mr. John W. Carpenter, chairman of the board, Texas Power & Light Co., Dallas:

I recognize Hon. SAM RAYBURN as one of the most distinguished citizens of Texas of today or of days before.

From Judge Marvin Jones, United States Court of Claims, who long served with us here in the House:

I take special pride in the thought that Mr. RAYBURN and I have been friends and associates for many years.

The Honorable John L. Lewis, president of United Mine Workers of America, telephoned to say:

It is only because of the illness of my aged mother that I will not be able to be with you in doing honor to SAM RAYBURN.

Thanks for your remembrance.

From Mr. W. P. Kennedy, president, Brotherhood of Railroad Trainmen, Cleveland:

It is indeed a pleasure for me to join with you in honoring the distinguished Speaker of the House.

Col. Robert E. L. Eaton, deputy director of legislation and liaison, United States Air Force, writes his good friend and Alabama Congressman FRANK BOYKIN:

A world of thanks, Congressman Frank, for the opportunity of meeting with so many of your friends in doing honor to our distinguished Speaker, SAM RAYBURN. It is a tribute and an occasion that I shall never forget.

From Mr. William Green, president, American Federation of Labor:

I thank you for the kind invitation, because of the high regard and esteem in which I hold Speaker RAYBURN.

From that top-flight, policy-making Republican, the ranking minority member of the all-powerful House Rules Committee, the Honorable LEO E. ALLEN comes word that—

SAM RAYBURN has rendered a high public service to the American people since the first day he walked down the aisle of the House to take his oath of office.

He is a great American and I heartily endorse every sentiment spoken by the leader of the Republican congressional delegation on the night of the testimonial given to him by FRANK BOYKIN.

Thanks, Frank, it was a memorable evening and one that I shall never forget.

From Mr. C. E. Wilson, of General Motors, Detroit:

My regards to Speaker RAYBURN and sincere thanks for your invitation.

From Mr. I. B. Tigrett, president of the Gulf, Mobile & Ohio Railroad, Jackson, Tenn.:

It is certainly nice of you to favor me with an invitation to the dinner in honor of Speaker RAYBURN.

From Mr. Henry M. Dawes, chairman of board, Pure Oil Co., Chicago:

Thank you for thinking of me. You certainly had a distinguished group in honor of Speaker RAYBURN.

That most beloved of all American statesmen, Cordell Hull, writes that because of illness alone he could not be with us to honor his good friend, SAM RAYBURN.

Senator HARRY F. BYRD writes it is only because this was the night of the Virginia primary election will he be unable to be present.

From Congressman EUGENE WORLEY, of Texas:

I enjoyed the party you gave for our friend, SAM RAYBURN.

From Congressman FRANCIS E. WALTER, of Pennsylvania:

The party was a wonderful affair, given by a truly great host in honor of a truly great American.

From Rear Admiral Foster:

The dinner was a grand success and a most fitting tribute to the esteemed Speaker of the House. I thank you for honoring me with an invitation.

Comes this telegram from Mr. Westbrook Pegler:

I wish I could be with you but I am afraid that I will have to miss because I just discovered that is my birthday and there is some festive mischief afoot at the old Pegler estate.

Our good friend, former Attorney General of the United States, Homer Cummings, writes as follows:

It was a glorious affair you staged last night in honor of our good friend, SAM RAYBURN. Everyone seemed to have a perfectly wonderful time.

From the office of the Secretary of State, the Deputy Under Secretary of State, John E. Peurifoy, writes:

It was by all odds the finest and nicest party given in my memory since I have been in Washington. It was also a great tribute to a great man. Of all the public officials, I know of no man that I regard more highly than SAM RAYBURN.

Hon. Josh Lee, former United States Senator from Oklahoma, writes:

Thank you so much for including me in those fortunate ones invited to the dinner in honor of SAM RAYBURN. It was indeed a happy occasion.

Mr. Tex Crawford, of the Humble Oil Co., writes:

Frank, your tribute to SAM RAYBURN was nonsectional and nonpartisan, and after all we need a common ground to understand there is not too much difference in the way we think and feel about the welfare of the people. I enjoyed meeting and talking to a number of the Congressmen and Senators.

From one of Sam's own constituents, Mr. Ney Wade, who came up from Rockwall, Tex., to do tribute to Sam comes a simple note:

I surely enjoyed your party for our Congressman, Speaker RAYBURN. It was the most delightful affair I have ever attended, and I shall ever remember your hospitality.

The roving Ambassador of the United State of America, the Honorable W. Averell Harriman, writes:

It meant a great deal to me to be included in your party for the Speaker. As one of Sam's millions of friends, it was a joy to have the opportunity to join in paying my respect to him. To me he will always be "the Speaker." The job should be renamed when he decides to quit, which I hope will not be for many years. For an exile on a brief trip to Washington, the dinner was a unique chance to see our cordial host and so many of my friends.

Capt. Bud Delano, president of the American Pilot's Association, certainly did himself proud when he penned this letter:

I wonder if the rosy haze has yet cleared for you? It was the most outstanding dinner and gathering given in this, the capital of the world. Everyone was congenial and radiantly happy, and Speaker RAYBURN was honored in a manner, which he truly deserves, by one of the greatest Americans I have even known—FRANK BOYKIN.

As I look back over the years, I recall with pleasure the many happy hours I have had with you, but the memory of the party you threw for SAM RAYBURN on August 2 will be cherished by everyone who was privileged to be present, for the treasure that it is.

Frank, I doubt if so many great and influential men in public and private life were ever gathered in one room before—the gathering of notables in that room not only hold the destiny of our great country in their hands but they include those heaven-sent leaders who are charting the course for the civilized world.

The Speaker, you, your loved ones, your friends, and your constituents can feel justifiably proud of that affair, which your guests will long remember as the outstanding event of their lives.

May God bless you and yours with the same abundant happiness you have always inspired in the lives of others.

Hon. Jess Larson, United States General Services Administrator, writes:

I don't know when I have enjoyed myself so much, nor will I ever be at another meeting in my lifetime that will bring together so many fine and congenial people. I want you to know that I sincerely appreciate your thoughtfulness.

From the Deputy First Assistant Postmaster General, Tom C. Cargill, comes:

I never expect to see together again so many outstanding world-wide and nationally known men who control and direct the destiny of our country and the whole world. Speaker RAYBURN is a character worthy of the esteem shown by the tremendous attendance but it took the know-how and energy and generosity of Congressman FRANK BOYKIN to make it the outstanding event of its kind that has attracted national attention.

From Mr. Tom C. King, president of the Pipe & Foundry Co. of Anniston, Ala.:

Frank, you gave a wonderful party for SAM RAYBURN, second to none that has ever been given. It was more than an honor to be present and to lift our voices in praise to SAM RAYBURN.

From Hon. J. Howard McGrath, the Attorney General of the United States:

The function was one we shall long remember, and I certainly do hope there may be an opportunity to hear the records that were made.

Mr. Hubert J. Horan, Jr., of the Broad Street Trust Co., Philadelphia, writes:

I am sincerely grateful to you for having given me the invitation to the incredible dinner that you gave in honor of Speaker SAM RAYBURN.

Maj. Gen. Lewis A. Pick, of the Army engineers, writes:

The party was a great success, and a great American, a great statesman, and a great leader was properly honored.

Judge Eugene Black, of the Tax Court of the United States, writes:

There is no one for whom I have greater respect and warmer admiration than for Speaker SAM RAYBURN.

Mr. Marcus Rawls, of the St. Regis Paper Co., Fargo, Ga., writes:

It was indeed a privilege to attend your party given in honor of the Honorable SAM RAYBURN.

Mr. J. E. Gilliland, president, Alabama, Tennessee & Northern Railroad Co., Mobile, writes:

I was tremendously honored by your invitation to the dinner for Speaker RAYBURN.

Senator ALEXANDER WILEY, of Wisconsin:

Let me join in the tributes paid by so many other folks to this great Speaker of the House, leader of his party, Texan, and American—our mutual friend, SAM RAYBURN.

From Senator CLAUDE PEPPER, of Florida:

There has never been anyone like you and SAM RAYBURN.

From E. M. Voorhees, United States Steel Corp., New York:

I would like nothing better than to be with you at the dinner in honor of the Speaker.

Comes a letter now from the Honorable JOE MARTIN, leader of the House Republican delegation and himself a former Speaker of the House, telling of his appreciation of the wonderful tribute to Speaker SAM RAYBURN. Mr. MARTIN's letter reads in part, as follows:

I want to thank you sincerely for being privileged to be present at your dinner in honor of Speaker RAYBURN. It was a fine party and I was delighted to be included.

From Major General Jarman comes word which states.

DEAR CONGRESSMAN FRANK: No visit of mine to the Nation's Capitol was ever more enjoyable than the period spent with you during the time arrangements were being perfected to give that remarkable tribute to SAM RAYBURN.

The crescendo reached by your hospitality the night of August 2 will linger in my memory as long as I live.

Believe me, FRANK, yours was a remarkable tribute to a remarkable man, for SAM RAYBURN is indeed a great personality, loved, esteemed, and respected throughout our Nation.

Sincerely,

SANDERFORD JARMAN.

Our beloved colleague Jasper Bell journeyed to Washington in order to assist FRANK BOYKIN in arranging this dinner. Upon his return to his home in Kansas City, he wrote:

MY DEAR FRANK: The night of August 2 you tendered that great tribute to SAM RAYBURN was a night of thrills which I shall never, never forget.

My long association with you and SAM RAYBURN while serving in the Congress has caused me to mark both down as the finest type of citizens in these United States. Your tribute to him was a great tribute from one great American to another. That night gave me a joy that I shall remember always.

Thanks for the invitation to break bread with you, SAM RAYBURN, and a thousand of our mutual friends.

Sincerely,

JASPER BELL.

The Honorable Lamar Caudle, Assistant Attorney General of the United States, said, in part:

I sincerely enjoyed being present on the night when nearly a thousand men paid

honor to our great Speaker. The fearless leader of the majority, JOHN MCCORMACK, as well as the beloved leader of the minority, JOE MARTIN, both held me speechless as they each of them disclosed to us their evaluation of the character, worth, the sincerity, and the abilities of SAM RAYBURN.

Mr. Speaker, in conclusion may I present a letter from our ever gracious host and friend, FRANK BOYKIN.

The letter is addressed to one well known to a majority of the Members of this House and, in fact, to thousands of our people here in Washington. He is none other than Col. Albert Ernest, of Mobile and Savannah, Ga., executive and financier and one of Frank's business associates.

The letter is as follows:

SEPTEMBER 1, 1949.

MY DEAR ALBERT: I want to thank you, and through you every member of the committee on arrangements for the SAM RAYBURN dinner, for the wonderfully beautiful job you all did.

No one person more than myself can appreciate the tremendous task you had in compiling the guest list of more than a thousand of Sam's and my friends living in every quarter of the globe.

The printing job was a masterpiece of craftsmanship—expressed on a quality of paper the like of which I never before saw.

The music, vocal as well as instrumental, reflected your own study and deep appreciation of the type of music highly suited to the cosmopolitan assembly that met that night.

The food, the beverages, the service, the seating of the guests and the remarkable menu provided all contributed to making it one of the happiest nights that I have ever lived.

No letter of mine about that dinner would be complete if I did not again say that I regard SAM RAYBURN as one of the greatest men that ever stood in shoe leather, and certainly one of the greatest public servants that has ever served this country.

Albert, please accept my heartfelt thanks for all that you and your fellow workers on the committee of arrangements did to make that night the successful affair that it certainly proved to be.

With all love and God's blessing—believe me,

Sincerely your friend and cousin,
FRANK BOYKIN.

(Copy of letter to all of the following committee on arrangements: Albert Ernest, chairman; Hon. Jasper Bell; Hon. Sam Boykin; Hon. William M. Boyle, Jr.; Hon. Clarence Cannon; Hon. Tom Clark; Hon. Homer Cummings; Capt. John (Bud) Delano; Hon. Robert Doughton; Maj. Gen. Sanderford Jarman; Hon. Marvin Jones; Hon. John E. Lyle, Jr.; Hon. John W. McCormack; Hon. James W. McGrannery; Hon. J. Howard McGrath; Hon. Joseph W. Martin, Jr.; Hon. Wright Patman; Hon. Kenneth Regan; Hon. Adolph J. Snyder; Dr. John Steelman; Hon. Max O'Rell Truitt; Hon. Carl Vinson; Hon. Francis E. Walter; William M. (Fishbait) Miller, doorman.)

BUNGE NORTH-AMERICAN GRAIN CORP. AND OTHERS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 374)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, the bill (H. R. 4094) for the relief of Bunge North-American Grain Corp., the Corporacion Argentina de Productores de Carnes, Herman M. Gidden, and the Overseas Metal & Ore Corp.

The bill authorizes and directs the General Accounting Office to make a full and complete examination into the claims of the Bunge North-American Grain Corp., the Corporacion Argentina de Productores de Carnes, Herman M. Gidden, and the Overseas Metal & Ore Corp. against the United States, arising out of the condemnation, in 1942, by the War Department, of property known as the New York Foreign Trade Zone, situated in the Borough of Richmond, city and State of New York, in which the above-mentioned parties had certain interests connected with the claimed leasehold rights therein. The claims, under the bill, are confined to the moving costs, if any, allegedly suffered, directly or indirectly, by the aforesaid parties, resulting from the condemnation referred to above, following which the General Accounting Office is required to certify payments to claimants out of any money in the Treasury not otherwise appropriated.

In January 1942, it was determined that a military necessity existed for the acquisition of certain pier and storage facilities at Staten Island, N. Y., known as the foreign free-trade zone. Accordingly, the Attorney General was requested to institute proceedings for the condemnation for a term of 2 years. The area comprised approximately 55 acres and was utilized by the War Department for the establishment of pier facilities for the storage and shipment of military supplies.

The four parties mentioned in this bill were occupying space in the free-trade zone at the time the Government took the facilities over and consequently were forced to move to new premises. None of the claimants occupied his space under lease, but had merely entered into warehouse agreements on a month-to-month basis with 30-day cancellation clauses. Although the claimants appeared in the condemnation proceeding and asserted claims for damages, they were subsequently withdrawn by their attorneys in open court. The losses allegedly suffered by the claimants arose primarily from moving costs incurred in vacating their original premises and moving to other warehouses in the vicinity.

To reimburse claimants in this instance for moving costs resulting from the acquisition by the Government of their premises would be to discriminate against countless individuals and firms whose premises were acquired by the Government during the war period and who incurred similar costs for which they were not reimbursed. (See *United States* v. *Petty Motor Co.* (327 U. S. 372).) At the time claimants' premises were acquired, thousands of other tracts were being acquired under similar circumstances in accordance with accepted market value standards.

Were it evident that claimants had been deprived at any stage of the legal proceedings relating to this acquisition of any of their legal rights, some equity or basis for the instant claim could be perceived. However, such does not appear to have been the case. All of the parties involved were duly served with process and were duly accorded their day in court. Enactment of the bill would establish an undesirable precedent for the introduction of numerous other claims for reimbursement arising from similar acquisitions.

For the foregoing reasons, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

The WHITE HOUSE, *October 14, 1949.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the message and accompanying bill will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

COLORADO-BIG THOMPSON RECLAMATION PROJECT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 375)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H. R. 5134, to promote development in cooperation with the State of Colorado of the fish, wildlife, and recreational aspects of the Colorado-Big Thompson Federal reclamation project.

This bill is intended to provide for the planning, construction, and operation of fish, wildlife, game, and recreational facilities in connection with the Colorado-Big Thompson project. To this end, it includes several major provisions. It would authorize the Secretary of the Interior to plan joint programs under cooperative agreements with State, Federal, municipal, or local agencies, and to advance funds to such agencies in connection with the planning or execution of these programs. It would also authorize the Secretary to construct, operate, and maintain fish, wildlife, game, public park, and recreational facilities, including the purchase of land or other rights or property where necessary. The bill would direct the Secretary to make nonreimbursable allocations of such portion of the construction costs of the Colorado-Big Thompson project, heretofore or hereafter incurred, as in his judgment represents the cost of fish, wildlife, game, and recreational development. The bill provides that in the event the Secretary, the interested State agencies, and the local interests were unable to agree on any of the major features of any plan or program proposed by the Secretary under this bill, the matter would have to be referred to the Congress and the proposed work could not proceed, except on approval by an act of Congress. Finally, the bill would authorize the appropriation of not to exceed $100,000 to carry out its provisions.

I am unable to approve this bill because of two major objections. First, this bill would establish, for this one project only, certain policies which represent an important departure from present national law, but which have not been studied sufficiently to know whether or not they form a desirable basis for a new national policy.

I am particularly concerned about the recreation features of this bill. Almost all multiple-purpose projects for developing our water resources present opportunities to realize valuable recreational benefits, especially where large reservoir-lakes are created. Those recreational benefits should clearly be realized, for the benefit of the people who live nearby and those who may visit. But there are serious questions of national policy which must be answered before such recreational development can proceed on a sound basis.

For example, are the benefits of such recreational development, in connection with reclamation projects or flood-control projects, of sufficient national importance to justify the investment of Federal funds, or should some or all of the costs be borne by State and local interests? This bill contains no policy guidance on these questions. They are, however, clearly matters of national policy which should be considered with respect to water-resources projects generally, before embarking on large-scale individual projects.

Another example of a major policy question raised by this bill which needs further study is what part, if any, of the construction cost of multiple-purpose water-control projects should be allocated to recreation. Until now, the basic laws have authorized the allocation of the costs of multiple-purpose projects to flood control, navigation, irrigation, power, and municipal water supply, as appropriate in particular cases. In certain cases, where the development of facilities to protect fish and wildlife has been incidental to other work on a project or necessary to prevent damage to those resources, the law also authorizes the allocation of part of the cost of multiple-purpose projects to the preservation and propagation of fish and wildlife. The basic laws do not authorize the allocation of any part of joint project costs to recreation; in the few cases where recreation facilities have been built so far, they have been separately justified and financed. This bill, however, would require nonreimbursable allocations to recreation of part of the cost of joint features of the Colorado-Big Thompson project. It would clearly be unwise to adopt such a policy in connection with this one project, before it has been decided whether adoption of such a general policy is in the national interest. Furthermore, if such a general policy is to be adopted, there should certainly be provision for careful standards to guide its application to particular cases—standards which are not provided for in this bill.

My second major objection to this bill is that it contains certain specific features which it is clear without further study are unwise. One of these is the provision that State agencies and local interests could prevent the Secretary of the Interior from proceeding with any major action under the bill if they disagreed with him in any respect. It seems to me that this carries to an illogical extreme the desirable principle that State and local interests should participate in Federal programs for developing water resources. Surely it is possible to provide for adequate cooperation among Federal, State, and local agencies without giving State and local agencies a complete veto over the administration of a Federal law by a Federal administrative officer.

Another specific provision of this bill which is objectionable is that it authorizes only $100,000 to be appropriated to carry out its provisions. The legislative history of the bill contains no explanation of this figure. It is such a small part of the probable total cost of the bill that it is relatively meaningless and certainly misleading. The Secretary of the Interior has estimated that the ultimate development costs for the purposes stated in the bill would be in the neighborhood of $2,000,000—and this figure does not appear to include any allocation of construction costs heretofore incurred in connection with irrigation and power features which, under this bill, would be reallocated and written off as nonreimbursable. It does not seem to me to be appropriate, particularly in connection with a Federal public-works project, to authorize extensive work to be done by the Government unless the full cost of that work is simultaneously understood and approved.

For these reasons, I believe that further study is required in both the executive and legislative branches before we shall be in a position to establish sound, long-range policies for recreational development in connection with water-resources projects generally, and for the Colorado-Big Thompson project in particular. Consequently, I feel impelled to withhold my approval from this bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *October 14, 1949.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. PETERSON. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Public Lands and ordered to be printed.

The motion was agreed to.

TRUST AGREEMENTS

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I take this opportunity to again call the attention of the Members of the House to the fact that H. R. 2392 will be taken up for consideration on Monday next. I think this bill deserves the consideration of every Member of the House, because the trust agreements that were entered into in the establishment of the Rehabilitation Corporation as between the States, and those not entering into those trust agreements makes quite a difference as between the States. I am sure there are some States similar to Minnesota where this bill would be not only very harmful and injurious to the Farmers Home Administration. We have heard some very fine comments about the Farmers Home Administration and the work they have been doing during this session of the Congress. I urge every Member to take the opportunity of studying this particular bill as to how it may affect your own particular State.

The SPEAKER. The time of the gentleman from Minnesota [Mr. MARSHALL] has expired.

EXTENSION OF REMARKS

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD in two instances.

The SPEAKER pro tempore (Mr. MURDOCK). Under previous order of the House, the gentleman from Georgia [Mr. DAVIS] is recognized for 30 minutes.

THE HENDERSON CASE

Mr. DAVIS of Georgia. Mr. Speaker, I have noted with interest the remarks made in recent days on the floor of the House by Messrs. GOSSETT, of Texas; COLMER, of Mississippi; HERLONG, of Florida; and WILLIAMS, of Mississippi, calling attention to a brief filed by the Solicitor General of the United States in the case of Henderson against the Interstate Commerce Commission et al., pending in the Supreme Court of the United States.

There is nothing unusual about the case in itself. It does not present a new issue. It is one of many cases in which attacks in the past have been made in the courts upon segregation laws—an effort to have the courts substitute for existing law a new provision which is not law, and which cannot become law under our system of government, unless appropriate and constitutional action is taken by the legislative department of our Government, upon whom the responsibility rests to make legislative changes; namely, the Congress of the United States.

The courts have consistently refused to assume lawmaking powers in connection with this question.

The circumstance connected with the filing of this brief which is unusual is the fact that the Solicitor General of the United States has permitted radical minority pressure groups to use him and the prestige of his office in their conniving efforts to pressure the United States Supreme Court into changing the law.

Briefly stated this case originated when the plaintiff, a field representative of the so-called Fair Employment Practices Commission, petitioned the Interstate Commerce Commission to require a railroad to completely eliminate segregation of white and colored passengers in its dining car.

The Interstate Commerce Commission dismissed the complaint. A three-judge district court held that the existing regulations were prejudicial, in that certain tables were only conditionally reserved for colored passengers, whereas all other tables in the car were unconditionally reserved for white passengers. The case then was remanded for further proceedings not in conflict with that ruling.

Pursuant to that ruling the regulations were changed to provide for tables to be

reserved unconditionally for colored passengers just as tables were reserved unconditionally for white passengers. The seats unconditionally reserved for colored were almost twice the percentage of colored travel on the railroad as compared with the proportionate percentage reserved for white passengers.

That regulation was upheld by the Interstate Commerce Commission and by the district court of the United States, and was appealed by the plaintiff to the Supreme Court.

The law in question is established law, recognized, followed, and complied with for many years. It was applied to the instant case and upheld by the proper agency of the Government, the Interstate Commerce Commission, whose ruling was confirmed by the district court of the United States.

The action of the Solicitor General in this case is nothing more nor less than an attempt to aid the plaintiff in this case in trying to overturn the present established law, and to substitute therefor as law a new and radical doctrine, through the process of judicial legislation.

Contrary to the position and to the action of the defendant, the Interstate Commerce Commission, this brief undertakes to confess judgment in the case, and to aid the efforts of the plaintiff and the radical groups associated with him in an effort to nullify the functions of Congress and to secure a change in long-established law by judicial legislation.

The Solicitor General, with no authority to do so, undertakes to announce the policy of the United States by stating:

> Since the United States is of the view, however, that the order of the Interstate Commerce Commission is invalid, this brief sets forth the grounds upon which it is submitted that the judgment of the district court is erroneous and should be reversed.

The Solicitor General does not have the authority to frame or to announce the policy of the United States with reference to legislative matters. These functions are performed by the legislative department of the Government; namely, the Congress. In another portion of the brief the effort is made to have the Supreme Court discard existing law, a function which clearly does not belong either to the executive or judicial department, but is a function and responsibility to be exercised, if at all, by the legislative department, the Congress. The portion referred to is as follows:

> If this Court should conclude that the issues presented by this case cannot be considered without reference to the "separate but equal" doctrine, the Government respectfully urges that, in the half century which has elapsed since it was first promulgated, the legal and factual assumptions upon which that doctrine rests have been undermined and refuted. The "separate but equal" doctrine should now be overruled and discarded.

That is what I would consider a brazen request. The Congress of the United States is now in session. There are bills pending before Congress involving the precise question in this case; namely, abolition of segregation. The Congress is the proper arm of Government to enact such legislation, or to refuse to enact it. The Congress has during this present session, on more than one occasion, specifically refused to change the segregation laws, and it is nothing less than brazen effrontery for the Solicitor General to ask the judicial department of the Government to overrule and discard the law which now exists, which Congress has refused to do.

The so-called brief, in its list of citations, contains almost 2 pages of references to such things as Black Metropolis, by Drake and Caton; Psychodynamic Factors in Racial Relations, by McLean; Negroes in Brazil, by Pearson; and Color, Class, and Personality, by Southerland, to support the radical position adopted. The effort of the Solicitor General and his two assistants to speak for the United States, and the Government, in this matter reminds me of the three tailors of Tooley Street who called themselves, "We, the people of England—."

Others joining in this outrageous attempt to high pressure the Supreme Court, and to bypass Congress, in the effort to secure "judicial legislation," are the radical, discredited National Association for the Advancement of Colored People, the American Veterans Committee, equally as radical and equally as much a stench in the nostrils of good Americans, and the CIO, some of whose racketeer leaders have violently resisted all efforts of the Congress and the American people to force that organization to purge itself of admitted and acknowledged communistic members and influence. All three of these groups—the NAACP, the AVC, and the CIO—are ardent advocates of that unconstitutional, radical monstrosity known as the FEPC bill.

The Congress has steadfastly declined to pass that bill, although these radical groups have clamored loudly and insistently for it. Many States of the Union have likewise refused to pass it. If this conniving conspiracy, aided and abetted by the Solicitor General, should be able to secure this piece of "judicial legislation" which they seek to do in the case under consideration, it is not improbable that they would work out some scheme to carry another case to the Supreme Court and ask that branch of the Government to enact an FEPC law.

If the Supreme Court can discard segregation law, which the Congress itself has refused to do, it can also discard the constitutional safeguards which protect us from such radical monstrosities as the FEPC bills.

I hope that the Supreme Court of the United States will recognize this maneuver for what it is, and that that body will stay within its appropriate sphere with reference to this law and all other laws.

I recently quoted in a speech a statement made by Donald R. Richberg, in an address he made on July 29, 1949, to the Virginia State Bar Association at its annual meeting. I would like to repeat that quotation here. It is:

> As an active practitioner, and a prospective teacher, of constitutional law, I must make a clear distinction between what the law is and what the law ought to be. The Supreme Court is the final arbiter of what the law is. But the people are the final arbiters of what the law ought to be and eventually shall be. If they believe that the National Government should have and exercise greater powers to promote the general welfare, they will find the way to enlarge its authority. If they believe that more local self-government is essential to their liberties and their pursuit of happiness, they will find the way to enlarge the authority of the States and the municipalities.

So long as the three departments of our Government, namely, the legislative, the executive, and the judicial, remain separate and independent, and each performs those and only those duties which devolve upon it, our Government can withstand all assaults which may be made upon it, whether from without or from within.

This is what protects us from dictatorship. This is what preserves our Government as a government of laws and not a government of men.

This is our system of checks and balances under which one department of Government may be restrained by the other two departments from assuming powers which do not belong to it. Time has demonstrated that the maintenance of this separate and independent status is necessary.

Any effort on the part of any one of these departments to usurp or exercise functions properly belonging to another should be promptly and effectively squelched.

It is true that there is abroad in the world today a school of thought which has attracted to itself some support in certain quarters that new laws must be devised upon every subject—that there is no wisdom or virtue in laws already in existence. This impatient school of thought must have immediate change in everything, and if Congress refuses to jump when the spur is applied, then other and quicker means must be devised to bring about the desired change.

It is to protest against such attempted action that I am making these remarks today. I would call to the attention of the House this little verse written many years ago:

> In vain we call old notions fudge
> And shape our conscience to our dealing.
> The Ten Commandments will not budge,
> And stealing will continue stealing.

There are certain fundamentals which are not affected by the passage of time. One of these is that the Supreme Court of the United States cannot discard valid existing laws. Any request by any person that the Supreme Court perform such an act is outrageous, should not be viewed with equanimity, and should not be countenanced either by the people, by the Congress, or by the Supreme Court.

There is a widespread demand throughout the country now for economy in the operation of the United States Government. Much complaint has been made that the Government has far too many people upon its various pay rolls, and that it is possible to prune these pay rolls and reduce appropriations, which in turn will result in reduced taxes. If the office of the Solicitor General is now staffed to the point where the Solicitor General and two of his subordinates can take time to read and digest the number of books about psychology, psycho-

dynamic factors in racial relations, Negroes in Brazil, and enough more to fill up almost 2 pages of citations, and cite these books and writings as authority in a supposed brief of law, then I think it is high time for the Appropriations Committee and the Congress to see if that is not one place where some pruning may be done with good effect to that department, to the taxpayers, and to all concerned.

SIGNING OF ENROLLED BILLS

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore (Mr. MURDOCK). Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK (at the request of Mr. DAVIS of Georgia) was given permission to extend his remarks in the RECORD.

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

THE AMERICAN WATCH INDUSTRY

Mrs. ROGERS of Massachusetts. Mr. Speaker, a representative of the Waltham Watch Co. told me that since 1935, 100,000,000 Swiss watches have come into this country. We have a population, I believe, of about 150,000,000 persons. You can see what that tremendous importation of Swiss watches does to us. You pick up the magazines all over this country and you find no advertisements, practically, of domestic watches. Our domestic watch companies do not have the money to advertise in the magazines and periodicals. It is a tremendous commentary, I think, Mr. Speaker, that when an opportunity came up for the Congress, both the House and the Senate, to act to prevent this tremendous importation of Swiss watches which is ruining our watch industry, the Congress did not see fit to act and protect that industry. Some of us fought for that protection but were unsuccessful.

Mr. Speaker, the President has the power to correct much of that evil today but he has done nothing. I say that I think it is an outrage and an insult to the management and the workers in the United States to do what I think seems deliberate, and that is the scuttling and scrapping of our watch industry. That is not the only industry that is being scrapped and scuttled. I expect to introduce a bill that will try to correct the great injustice the Congress did to the watch companies.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 60. Concurrent resolution to print as a document a manuscript entitled "A Decade of American Foreign Policy: Basic Documents, 1941–1949", relating to American international relations; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1637. An act for the relief of Mrs. Dora Fruman;

H. R. 1689. An act to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies;

H. R. 4414. An act for the relief of Dora M. Barton; and

H. R. 5268. An act to amend certain provisions of the Internal Revenue Code.

The Speaker announced his signature to a joint resolution of the Senate of the following title:

S. J. Res. 134. Joint resolution to amend the National Housing Act, as amended, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on October 12, 1949, present to the President, for his approval, a bill of the House of the following title:

H. R. 6008. An act making supplemental aprpopriations for the fiscal year ending June 30, 1950, and for other purposes.

ADJOURNMENT

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.), under its previous order, the House adjourned until Monday, October 17, 1949, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KERR: Committee on Appropriations. H. R. 6427. A bill making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes; without amendment (Rept. No. 1439). Referred to the Committee of the Whole House on the State of the Union.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. Report entitled "Activity of the Committee on Interstate and Foreign Commerce," pursuant to Public Law 601, Seventy-ninth Congress; without amendment (Rept. No. 1440). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Expenditures in the Executive Departments. Report entitled "Fifth Intermediate Report of the Committee on Expenditures in the Executive Departments"; without amendment (Rept. No. 1441). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 6301. A bill to provide for parity in awards of disability compensation; with an amendment (Rept. No. 1442). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 1443. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. TEAGUE: Committee on Veterans' Affairs. S. 2596. An act relating to education or training of veterans under title II of the Servicemen's Readjustment Act (Public Law 346, 78th Cong., June 22, 1944); with an amendment (Rept. No. 1444). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITAKER: Committee on Post Office and Civil Service. H. R. 4285. A bill to amend the act of July 31, 1946, in order retroactively to advance in grade, time in grade, and compensation certain employees in the postal field service who are veterans of World War II; with an amendment (Rept. No. 1445). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of conference. H. R. 2296. A bill to amend and supplement the act of June 7, 1924 (43 Stat. 653), and for other purposes; with an amendment (Rept. No. 1446). Ordered to be printed.

Mr. MURRAY of Tennessee: Committee of conference. H. R. 5931. A bill to establish a standard schedule of rates of basic compensation for certain employees of the Federal Government; to provide an equitable system for fixing and adjusting the rates of basic compensation of individual employees; to repeal the Classification Act of 1923, as amended; and for other purposes; without amendment (Rept. No. 1447). Ordered to be printed.

Mr. MURRAY of Tennessee: Committee of conference. H. R. 4495. A bill to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes; without amendment (Rept. No. 1448). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KERR:

H. R. 6427. A bill making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes; to the Committee on Appropriations.

By Mr. BENNETT of Florida:

H. R. 6428. A bill to make retroactive the increased Federal participation in the cost of the construction of hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN:

H. R. 6429. A bill to provide for the amendment of the District of Columbia Revenue Act of 1949, and for other purposes; to the Committee on the District of Columbia.

By Mr. FULTON:

H. R. 6430. A bill to exempt from duty the importation of Aubusson tapestries used as wall hangings; to the Committee on Ways and Means.

By Mr. HALE:

H. R. 6431. A bill to amend the Trading With the Enemy Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FURCOLO:

H. R. 6432. A bill to amend title 28 of the United States Code to authorize the assignment of Federal district court judges to trials of causes which may be of unusual importance or of protracted duration; to the Committee on the Judiciary.

By Mr. LYNCH:

H. R. 6433. A bill to amend the Social Security Act to provide unemployment benefits for Federal employees, and for other purposes; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:

H. R. 6434. A bill to encourage the prevention of water pollution by allowing amounts

paid for industrial waste treatment works to be amortized at an accelerated rate for income-tax purposes; to the Committee on Ways and Means.

By Mr. YOUNG:

H. R. 6435. A bill to provide that the United States district courts shall have original and removal jurisdiction of certain civil actions only if the amount in controversy exceeds $10,000; to the Committee on the Judiciary.

By Mr. CHURCH:

H. R. 6436. A bill providing for revision of the patent laws for the purpose of clarifying and strengthening the rights of inventors and encouraging investment in research to the end that the patent laws will better function to promote the progress of science and the useful arts; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 6437. A bill to amend the Civil Aeronautics Act of 1938, as amended, to authorize the construction, operation, and maintenance of heliports on or near Government buildings; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H. R. 6438. A bill to authorize the Secretary of the Air Force to convey certain real property in Marion County, Ind., to the State of Indiana; to the Committee on Armed Services.

By Mr. FULTON:

H. J. Res. 375. Joint resolution to suspend the operation of section 401 (e) of the Nationality Act of 1940 in certain cases; to the Committee on the Judiciary.

H. J. Res. 376. Joint resolution to settle the claims arising out of the requisitioning of Finnish vessels by the United States; to the Committee on Foreign Affairs.

By Mr. POTTER:

H. J. Res. 377. Joint resolution relating to the establishment of a joint commission with Canada to investigate and make recommendations with respect to the safety of passengers on vessels on the Great Lakes; to the Committee on Foreign Affairs.

By Mr. SABATH:

H. J. Res. 378. Joint resolution authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, in the city of Washington, D. C., of a permanent memorial to the memory of Franklin Delano Roosevelt, thirty-first President of the United States; to the Committee on House Administration.

By Mr. EBERHARTER:

H. J. Res. 379. Joint resolution to provide for research into the health hazards of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLEY:

H. J. Res. 380. Joint resolution to provide for research into the health hazards of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COOLEY:

H. Con. Res. 146. Concurrent resolution authorizing the printing of additional copies of certain hearings held before the House Committee on Agriculture; to the Committee on House Administration.

By Mr. TEAGUE:

H. Res. 398. Resolution providing for the consideration of S. 2596, relating to education or training of veterans under title II of the Servicemen's Readjustment Act (Public Law 346, 78th Cong., June 22, 1944); to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the Territory of Hawaii, requesting the Committee on Un-American Activities of the House of Representatives to investigate and report on un-American activities in the Territory of Hawaii; to the Committee on Un-American Activities.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON:

H. R. 6439. A bill to provide for the conveyance of a certain housing project in Breckenridge, Tex., to Bernice Coles Post, 191, the American Legion, Department of Texas, Breckenridge, Tex., to the Committee on Public Works.

By Mr. CLEMENTE:

H. R. 6440. A bill admitting to citizenship and fully naturalizing Chu Boi San, of the city of New York; to the Committee on the Judiciary.

H. R. 6441. A bill admitting to citizenship and fully naturalizing Wan Chung Tsai, of the city of New York; to the Committee on the Judiciary.

By Mr. FARRINGTON:

H. R. 6442. A bill for the relief of Mrs. Martha Reid; to the Committee on the Judiciary.

H. R. 6443. A bill for the relief of Arthur McDuffie; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 6444. A bill for the relief of Mrs. Ella Jaksay; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 6445. A bill for the relief of Rabbi Moise Behor Ventura; to the Committee on the Judiciary.

By Mr. JAVITS:

H. R. 6446. A bill for the relief of Dr. Moise Ventura to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 6447. A bill for the relief of Peter Mihaly Berend; to the Committee on the Judiciary.

H. R. 6448. A bill for the relief of Felice Ricciardella; to the Committee on the Judiciary.

By Mr. MILLS:

H. R. 6449. A bill for the relief of Mrs. L. M. Cox and Mrs. M. R. Nickle; to the Committee on the Judiciary.

By Mr. MORRIS:

H. R. 6450. A bill for the relief of J. L. Brooks; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1538. Mr. CASE of South Dakota presented a petition of Florenace Hanny, of Firth, Idaho, and 44 others, expressing themselves as being definitely opposed to the creation of a Columbia Valley Administration, which was referred to the Committee on Public Works.

SENATE

SATURDAY, OCTOBER 15, 1949

(Legislative day of Thursday, October 13, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou, whose love passes understanding, we thank Thee for the unquenchable impulse toward Thee which Thou hast planted in our hearts and for winged desires that disturb our lowest moods.

At the threshold of this day come down Thy secret stairs to our deepest needs as one by one we open our hearts to Thee. From the fret and fever of the vexed world's problems, from all thought of the praise and blame of men, from discordant noises and confused conception which beat upon our senses, at noontide we would follow the path to the holy quietness of Thy presence.

May there fall upon us now a sense of Thy kingdom and Thy power and Thy glory. Amen.

THE JOURNAL

On request of Mr. O'CONOR, and by unanimous consent, the reading of the Journal of the proceedings of Friday, October 14, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5486. An act to amend certain provisions of the Internal Revenue Code to permit the use of additional means, including stamp machines, for payment of tax on distilled spirits, modify loss allowances for distilled spirits, for the transfer and redistillation of spirits, and for other purposes;

H. R. 6073. An act to amend section 501 (b) (6) of the Internal Revenue Code;

H. R. 6109. An act granting the consent of Congress to a compact or agreement between the State of Tennessee and the State of Missouri concerning a Tennessee-Missouri Bridge Commission, and for other purposes;

H. R. 6212. An act to amend section 5 of the Federal Firearms Act;

H. R. 6213. An act to authorize reimbursement to the appropriations of the Bureau of Narcotics of moneys expended for the purchase of narcotics;

H. R. 6281. An act to provide for certain improvements relating to the Capitol power plant, its distribution systems, and the buildings and grounds served by the plant, including proposed additions; and

H. R. 6427. An act making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes.

CALL OF THE ROLL

Mr. O'CONOR. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Ferguson	Johnston, S. C.
Anderson	Fulbright	Kem
Baldwin	George	Kerr
Brewster	Graham	Kilgore
Bridges	Green	Knowland
Byrd	Gurney	Langer
Cain	Hayden	Leahy
Capehart	Hendrickson	Lodge
Chapman	Hickenlooper	Long
Connally	Hill	Lucas
Cordon	Hoey	McCarthy
Donnell	Holland	McFarland
Douglas	Humphrey	McKellar
Downey	Ives	McMahon
Eastland	Jenner	Magnuson
Ecton	Johnson, Colo.	Malone
Ellender	Johnson, Tex.	Millikin