

By Mr. MILLER of California:

H. R. 1837. A bill for the relief of Rustom Bana, Adi Russi Bana, Nasli Russi Bana, and Narie Russi Bana; to the Committee on the Judiciary.

H. R. 1838. A bill for the relief of Fong Bat Woon and Fong Get Nan; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 1839. A bill to restore and continue in full force and effect patents Nos. 4,750, 16,436, 21,258, 17,679, and 23,984; to the Committee on the Judiciary.

By Mr. MORRIS (by request):

H. R. 1840. A bill for the relief of Bernard Spielmann; to the Committee on the Judiciary.

By Mr. O'BRIEN of Illinois:

H. R. 1841. A bill for the relief of Mrs. Ann Franchina; to the Committee on the Judiciary.

By Mr. O'BRIEN of Michigan:

H. R. 1842. A bill for the relief of Mrs. Ann Morrison; to the Committee on the Judiciary.

By Mr. O'NEILL:

H. R. 1843. A bill for the relief of Nahan Abdo Haj Moussa; to the Committee on the Judiciary.

By Mr. POAGE:

H. R. 1844. A bill for the relief of Capt. William Greenwood; to the Committee on the Judiciary.

H. R. 1845. A bill for the relief of Sam Paterson; to the Committee on the Judiciary.

By Mr. QUINN:

H. R. 1846. A bill for the relief of James Zaloba; to the Committee on the Judiciary.

H. R. 1847. A bill for the relief of Margaret Frankell; to the Committee on the Judiciary.

H. R. 1848. A bill for the relief of the aliens Nicholas Partheniades, Catherine Partheniades, and their son, Constantine Partheniades; to the Committee on the Judiciary.

H. R. 1849. A bill for the relief of the alien Malke Kresel Mohrer; to the Committee on the Judiciary.

H. R. 1850. A bill for the relief of Thomas O'Hare, deceased; to the Committee on the Judiciary.

H. R. 1851. A bill for the relief of Ark Ping Jee Nong (Ngon); to the Committee on the Judiciary.

H. R. 1852. A bill for the relief of the alien Hanna Florian Sulner; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 1853. A bill to authorize the granting to Kaiser Steel Corp. of rights-of-way on, over, under, through, and across certain public lands, and of patent in fee to certain other public lands; to the Committee on Public Lands.

By Mr. SULLIVAN:

H. R. 1854. A bill for the relief of Maria Roza Tarnowska; to the Committee on the Judiciary.

By Mr. THOMAS:

H. R. 1855. A bill for the relief of Constantinos Papavasiliou; to the Committee on the Judiciary.

H. R. 1856. A bill for the relief of Antonio Luciano Musacchia; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 1857. A bill for the relief of James Yao; to the Committee on the Judiciary.

By Mr. WALTER (by request):

H. R. 1858. A bill for the relief of sundry Australians; to the Committee on the Judiciary.

H. R. 1859. A bill for the relief of Tsung Hsien Hsu; to the Committee on the Judiciary.

H. R. 1860. A bill conferring jurisdiction upon the Court of Claims of the United States to render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States; to the Committee on the Judiciary.

By Mr. WITHROW (by request):

H. R. 1861. A bill for the relief of Arthur DeWitt Janes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

16. Mr. BUSH presented a petition of Tioga County Pomona Grange, No. 30, urging a United Nations police force of volunteers trained and equipped under the direction of the UN and ready to serve anywhere in the world a crisis may arise, which was referred to the Committee on Foreign Affairs.

SENATE

MONDAY, JANUARY 22, 1951

(Legislative day of Monday, January 8, 1951)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. F. Norman Van Brunt, associate minister, Foundry Methodist Church, Washington, D. C., offered the following prayer:

Almighty God and Father, in the abundance of Thy goodness another day is added to the record of life.

"Lord, for tomorrow and its needs we do not pray,

Keep us, our God, just for today."

For a day which now possesses great prospects, set Thou a seal upon our lips that no fault or error might mar its record. Grant unto us the clear shining light of truth for our minds as we seek in Thy will the best for those whom we have been called to serve. May Thy servants make daily the choice of spiritual integrity above the corruption of the world, and have clarity of insight amid the confusion of the present hour. "Let Thy work appear unto Thy servants, and Thy glory unto their children. And let the beauty of the Lord our God be upon us; and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it." In Thy name we pray. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 18, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

LEAVES OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. CAIN was excused from attendance on the sessions of the Senate until January 29.

On his own request, and by unanimous consent, Mr. MILLIKIN was excused from attendance on the sessions of the Senate for 2 weeks, beginning Wednesday.

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 during the session of the Senate this afternoon.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Alken	Hayden	Martin
Bennett	Hendrickson	Millikin
Benton	Hennings	Monroney
Brewster	Hickenlooper	Morse
Bridges	Hill	Mundt
Butler, Md.	Hoev	Murray
Butler, Nebr.	Holland	Neely
Byrd	Humphrey	Nixon
Capehart	Hunt	O'Connor
Carlson	Ives	O'Mahoney
Case	Jenner	Pastore
Chapman	Johnson, Colo.	Robertson
Chavez	Johnson, Tex.	Russell
Clements	Johnston, S. C.	Saltonstall
Connally	Kefauver	Schoeppel
Cordon	Kem	Smathers
Douglas	Knowland	Smith, Maine
Duff	Langer	Smith, N. J.
Dworshak	Lehman	Smith, N. C.
Eastland	Lodge	Sparkman
Eaton	Long	Stennis
Ellender	McCarran	Taft
Ferguson	McCarthy	Thye
Flanders	McClellan	Tobey
Frear	McFarland	Watkins
Fulbright	McKellar	Welker
George	McMahon	Wherry
Gillette	Magnuson	Wiley
Green	Malone	Young

Mr. JOINSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senator from Oklahoma [Mr. KERR] and the Senator from West Virginia [Mr. KILGORE] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness.

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. CAIN] and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Ohio [Mr. BRICKER] and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is absent on official business.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to introduce bills and joint resolutions and present matters for insertion in the RECORD and in the Appendix of the RECORD, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 48)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Armed Services:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, as amended,

establishing the National Advisory Committee for Aeronautics, I transmit herewith the Thirty-sixth Annual Report of the Committee covering the fiscal year 1950.

HARRY S. TRUMAN.

THE WHITE HOUSE, January 22, 1951.

EXECUTIVE COMMUNICATIONS, ETC.

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

PORT ASHTON PACKING CO., SEATTLE, WASH.

A letter from the Acting Secretary of the Treasury, reporting, pursuant to law, on the claim of the Port Ashton Packing Co., of Seattle, Wash., said claim being in excess of \$3,000; to the Committee on the Judiciary.

REPORT OF ADMINISTRATOR OF RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, the Annual Report of the Administrator of the Rural Electrification Administration, for the fiscal year 1950 (with an accompanying report); to the Committee on Agriculture and Forestry.

WITHDRAWALS AND RESTORATIONS OF CERTAIN PUBLIC LANDS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, tabulations submitted by the Director of the Bureau of Land Management showing the withdrawals and restorations of public lands in certain cases, for the calendar year 1950 (with accompanying papers); to the Committee on Interior and Insular Affairs.

LAWS ENACTED BY MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF INTERSTATE COMMERCE COMMISSION

A letter from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the sixty-fourth annual report of the Commission, dated November 1, 1950 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

FINAL VALUATIONS OF PROPERTIES BY INTERSTATE COMMERCE COMMISSION

A letter from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, copies of the final valuations of certain properties (with accompanying pamphlets); to the Committee on Interstate and Foreign Commerce.

ADDITIONAL REPORTS OF COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Joint Committee on Reduction of Nonesential Federal Expenditures, submitting, pursuant to law, additional reports on Federal civilian employment for 1950 and Federal office space for 1950, which, with the accompanying reports, was ordered to lie on the table.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations;

"Assembly Joint Resolution 1

"Joint resolution relating to aid to our enemy

"Whereas through the medium of the American press, the people of America have had their attention directed to the fact that for many months immense quantities of rubber have been consigned to Soviet Russia, mainly from British Malaya, thence to the Chinese Red Government, and that some cargoes have even been transhipped from England under licenses of the Board of Trade, which is a section of the British Government; and

"Whereas these shipments are being made in the hours of our bleakest and blackest critical moments during our war in Asia with the full knowledge of the British Government, and especially at a time when natural rubber is becoming scarce and costly in America, and while we at this very moment are reactivating our synthetic rubber plants in order to stockpile for national defense; and

"Whereas recognition of the Chinese Red Government by any nation currently a member of the United Nations, in supplying war materials to our foes, either directly or indirectly, is a betrayal of America, which on all other occasions has made the sacrifice of life, limb, and property to make this world a peaceful place in which to live; and

"Whereas while over 50,000 members of our Armed Forces are already listed out of Washington as being casualties of this dreadful aggression in North Korea, we find that Great Britain, although a member of the United Nations, is still supplying rubber to the ruthless enemy which, given the opportunity, would take over their country in the same manner that they have already succeeded in conquering and taking over other small nations: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (joint), That the Legislature of the State of California hereby respectfully memorializes President Truman and the Congress of the United States to petition the British Government to refrain from supplying rubber to the Chinese Red Government, and also petitions the United Nations to go on record to refrain from giving aid of any nature whatsoever to the Chinese Red Government, or to any nation which supplies help to the Chinese Red Government; and be it further

"Resolved, That copies of this resolution be forwarded to the President of these United States, Harry S. Truman, to the United States Senate, to the House of Representatives, and to the chairman of the congressional delegation from California."

A letter in the nature of a petition from the National Milk Producers Federation, Washington, D. C., signed by Charles W. Holman, secretary, enclosing a pamphlet entitled "A Dairy Policy, 1951" (with an accompanying pamphlet); to the Committee on Agriculture and Forestry.

A resolution adopted by the Advisory Council to the Employment Security Commission of Wyoming, at Casper, Wyo., relating to the earmarking of all moneys collected under the Federal Unemployment Tax Act for use as funds for Federal and State costs of administering the employment security program; to the Committee on Finance.

A resolution adopted by the Board of Aldermen of the city of Somerville, Mass., favoring the granting of citizenship to alien mothers and fathers of sons who lost their lives in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. JENNER:

A concurrent resolution of the House of Representatives of the State of Indiana; to the Committee on Foreign Relations:

"House Concurrent Resolution 2

"Whereas it has long been apparent that the fighting in Korea is and has been far

more serious and consequential than any mere police action; and

"Whereas American forces are being murdered daily by the combined armies of Asiatic communism; and

"Whereas the United Nations, although it embarked in this momentous action as a collective action, continues to hesitate regarding sufficient measures for conclusive success in Korea and refuses to declare Communist China an aggressor in Korea; be it

"Resolved by the Eighty-seventh Indiana General Assembly, That we unmistakably assert that we oppose any further delay in bringing about a showdown in the United Nations;

"That we call on the delegates of the United States at the United Nations to obtain immediate and unequivocal condemnation by the United Nations of all aggressors in the Far East or else resign;

"That our State Department demand of the other members of the United Nations that they send to Korea immediately sufficient ground forces to enable American troops now there to continue the fighting there or else that we evacuate our men from Korea;

"That the President and the Congress of the United States proceed to enforce a military and economic blockade of Communist China;

"That the President and the Congress of the United States announce and enforce a military defense of Formosa;

"That the President and the Congress of the United States proceed to support with adequate arms and with dollars military opposition by the Chinese Nationalist Government against the Chinese Communist revolutionists;

"That the President and the Congress of the United States proceed immediately to assist in the arming of Japan and accept Japanese help in the common and combined opposition to Communist aggression in the Far East; and

"That the President and the Congress of the United States immediately shut off all further military and economic aid to any nation which indulges in traitorous trading with Communist Russia and with the satellites of Communist Russia; be it further

"Resolved, That it is the considered and unqualified recommendation of the Eighty-seventh Indiana General Assembly that the President and the Congress of the United States should enforce a vigorous and conclusive policy or "all out or get out" in Korea, and that this Nation obtain from the other members of the United Nations effective support of all collective action against Communist aggressors or else develop and initiate its own national program of home security and assistance for those threatened or attacked by aggressors."

WITHDRAWAL OF TROOPS FROM KOREA—RESOLUTION OF NORTH DAKOTA SENATE

Mr. YOUNG. Mr. President, I present for appropriate reference and ask unanimous consent to have inserted in the body of the RECORD as part of my remarks a resolution adopted by the North Dakota Senate calling upon Congress and the President to withdraw our troops from Korea, develop a strong home defense and unify American views on foreign policy.

The resolution was received, referred to the Committee on Foreign Relations, and, under the rule, ordered to be printed in the RECORD, as follows:

Senate Resolution 1

Resolution calling upon Congress and the President to withdraw our troops from Korea, develop a strong home defense, and unify American views on foreign policy

Be it Resolved by the Senate of the State of North Dakota, That the Congress and the President of the United States are respectfully urged to take immediate action for the following purposes:

1. To withdraw all troops and military personnel from Korea;
2. To recognize the principle that no political or military commitment with respect to foreign policy that may involve the lives of Americans is binding upon the people of the United States unless it is first approved by the Congress;
3. To strengthen our continental defenses and prepare for effective action when the safety of our Nation is imperiled;
4. To provide leadership on foreign policy in which the people may have the utmost confidence; and
5. To provide the people of the United States with realistic information so that public opinion may crystallize in the form of a unified and unselfish foreign policy that history will applaud.
6. To disassociate ourselves from the Korean policy, a policy which has brought to our youth the tragedies of war without a candid recognition of the existence of a state of war, a policy which has made us the policeman of the United Nations without the United Nations assuming full responsibility for the eventualities of police action, a policy which risks war without first determining whether the objects sought are worth the risk, or a willingness to accept the risk when encountered.

That a copy of this resolution be signed by the president and secretary of the senate and sent to the President of the United States, the Secretary of State, and to each Congressman and Senator from North Dakota.

RAY SCHNELL,
President of the Senate.
W. J. TROUT,
Secretary of the Senate.

ST. LAWRENCE WATERWAY—RESOLUTION OF STOCKHOLDERS' MEETING OF FARMERS UNION GRAIN TERMINAL ASSOCIATION, ST. PAUL, MINN.

Mr. HUMPHREY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted at the thirteenth annual stockholders' meeting of the Farmers Union Grain Terminal Association, St. Paul, Minn., favoring the development of the St. Lawrence waterway.

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

Resolution 3

Resolution on St. Lawrence waterway

We believe that the Nation would be far ahead in meeting the present emergency if the St. Lawrence waterway had been made reality, as was possible, many years ago. We continue strongly to favor this development as being in the interest of the whole Nation. We urge that the administration and Congress put new energy behind this project to hasten its realization.

We continue to favor regional development along the lines of TVA, to insure full use of resources. A Missouri Valley Authority is long overdue. Recent blunders in Pick-Sloan procedure illustrate the point.

We also favor the expansion of barge line transportation on the Mississippi and Missouri Rivers.

These developments are justified, whether we shall enjoy peace or are forced to mobilize.

WORLD PEACE—LETTER AND STATEMENT OF EXECUTIVE COMMITTEE OF NATIONAL CATHOLIC RURAL LIFE CONFERENCE, MILWAUKEE, WIS.

Mr. WILEY. Mr. President, I have in my hand a letter received from Msgr. Luigi Ligutti of the National Catholic Rural Life Conference, conveying to me a statement adopted by the executive committee of that distinguished organization at a recent meeting held in Milwaukee. The statement pertains to specific ways and means of promoting world peace by removing causes of social injustice and economic disorders. I know that the statement will be of interest to my colleagues. I know, too, that all groups in our population, particularly farmers, realize how vital will be the role of food in trying to prevent world war III by removing hunger, malnutrition, and so forth.

I present for appropriate reference, and ask unanimous consent that the text of Monsignor Ligutti's letter be printed at this point in the body of the RECORD to be followed thereafter by the text of the statement of the executive committee.

There being no objection, the letter and statement were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

NATIONAL CATHOLIC RURAL
LIFE CONFERENCE,
Des Moines, Iowa, January 19, 1951.
Hon. ALEXANDER WILEY,
United States Senate Office Building,
Washington, D. C.

DEAR SIR: I am enclosing herewith copy of official statement issued recently by the National Catholic Rural Life Conference at the executive committee meeting held in Milwaukee, Wis. The committee felt that it would be of interest to you as a member of the Committee on Foreign Affairs.

The following Catholic bishops are members of our executive committee, were present and collaborated in the formulation of the statement: The Most Rev. A. R. Zuroweste, D. D., bishop of Belleville, Ill.; the Most Rev. William T. Mulloy, D. D., bishop of Covington, Ky.; the Most Rev. J. H. Schlarman, D. D., bishop of Peoria, Ill.; and the Most Rev. Vincent J. Ryan, D. D., bishop of Bismarck, N. Dak.

The committee felt that it was expressing not only the prevalent sentiment of the Catholic Church in the United States, but of the Catholic Church throughout the world.

We commend the statement to your thoughtful consideration.

With every good wish and the deepest sentiments of esteem, I beg to remain,

Very truly yours,

L. G. LIGUTTI,
Executive Director.

STATEMENT FORMULATED AND APPROVED AT THE SEMI-ANNUAL EXECUTIVE COMMITTEE MEETING OF THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE, HELD IN MILWAUKEE, WIS., JANUARY 9-10, 1951

Christian men have a duty in conscience to help their neighbor in grave need so far as they are able without serious harm to themselves. Duties which individuals cannot perform devolve upon nations and international bodies. It is important that the obligation be not lost sight of at a time of crisis when we in this country are natu-

rally concerned about our own safety and defense. Both morally and strategically our position becomes weaker if we abandon aid to world neighbors while still in a position to help them economically or otherwise.

Russian communism is a political and military force attempting to bring all free-men under its domination. But it is also a social and ideological force which seeks to convert men to a way of life alien to Christian and democratic tradition. It subverts nations and individuals by vain promises of security and improvement of their social and economic lot. In combating this world-power drive the United States must not trust in arms alone, but must do its utmost to improve the conditions of spiritual and material welfare of men everywhere still within the reach of our aid. To neglect assistance of this type would be to shirk our duty.

The foreign policy of the United States should aim at removing the causes of social injustice and economic disorder. It ought to do what is possible to help men help themselves to a better life, so that they will be happier individually, and as nations more ready to resist Communist promises and aggressions. Since the end of World War II our economic assistance has done much to preserve the freedom of Western Europe, which is the source of our culture and religious beliefs. That experience should be a lesson to us as we enter into a new period of resistance to aggression.

The misery, poverty, and social instability which are too prevalent in some parts of the world must be remedied to the best of our ability at the same time as we put arms in the hands of men to defend themselves against aggression. The United States must direct its economic assistance toward improvement of living conditions in Asia, the Near East, Africa, and Latin America. In social justice and Christian charity we must not neglect the needs of our world neighbors, especially at a time when this would decidedly weaken their ability and will to defend themselves.

Specifically we urge:

1. That the technical assistance program, both through the UN specialized agencies and bilaterally, be strengthened and expanded. Our dollars for peace must bear some proportion to our expenditures for defense.

2. That economic aid to western Europe be maintained to the extent necessary and be integrated into the defense program.

3. That in underdeveloped areas, where conditions of land tenure may be both unjust and unproductive, the little man be given a stake in land ownership and farm management. The United States should do what it can to promote legitimate and efficient capitalistic land reform programs.

4. That in the United States our own farmers put forth their best efforts to meet domestic and international food needs, within price levels consistent with the general level of living costs. A defense period should not become an occasion of profiteering on the part of any group, farmers included.

AID TO COUNTRIES IN COMMUNIST SPHERE OF INFLUENCE—RESOLUTION OF WOOD COUNTY (WIS.) BOARD OF SUPERVISORS

Mr. WILEY. Mr. President, I have received this morning from J. A. Schindler, county clerk of Wood County, Wis., a resolution adopted by the board of supervisors of that county in protest to the policy of the United States of giving aid to those countries which are still furnishing supplies to the Soviet area. I believe that the Wood County resolution expresses the views of countless Americans throughout our country because it is obvious that our American people will not tolerate the supplying of

the very men who are killing American boys in Korea.

I ask unanimous consent that the resolution be appropriately referred and printed in the RECORD.

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

Resolution 19

Whereas certain nations receiving aid and assistance from the United States of America, have transferred and furnished to countries under the Communist sphere of influence materials which may and have been used in warfare; and

Whereas certain countries under the Communist sphere of influence are now engaged in open warfare against the forces of the United Nations; and

Whereas the youth of the United States in the forces of the United Nations are engaged in mortal combat in the battlegrounds of Asia against the armies of certain countries under the Communist sphere of influence: Be it

Resolved, That the Board of Supervisors of Wood County, Wis., in regular session assembled go on record in protest to the policy of the United States of America in giving aid to foreign nations, which are furnishing countries under the Communist sphere of influence, materials which may be used directly or indirectly in the waging of warfare; and be it further

Resolved, That the county clerk of the county of Wood, Wis., be instructed to send a copy of this resolution to the Honorable Alexander Wiley and Hon. Joseph McCarthy, United States Senators; Hon. Reid F. Murray, Representative of the Seventh Congressional District of Wisconsin; Hon. Melvin R. Laird, Jr., State senator; Hon. W. W. Clark, member of the assembly; the Wisconsin County Boards Association; and the clerks of the various counties of the State of Wisconsin.

THE KOREAN SITUATION—LETTER FROM R. A. MARTINSON—PETITION

Mr. JOHNSON of Colorado. Mr. President, many of my constituents are wrought up and terribly disturbed over our military reverses and heavy casualties in Korea. They are unable to understand our failure to use the atomic bomb and our other lethal weapons against the hordes who are annihilating our much smaller fighting forces in that very cold, very rough, and very distant land.

I agree with my Colorado folks that we should either give our men our full support or get them out of Korea.

Therefore, I ask unanimous consent to have printed in the RECORD and appropriately referred, a letter from R. A. Martinson, Jr., and the petition to the Government adopted by a mass meeting at Boulder, Colo., pleading for more support for our troops, signed by Mr. Martinson and 135 other citizens of Boulder, Denver, Littleton, Mitchell, Lafayette, Longmont, Eldorado Springs, and Berthoud, all in the State of Colorado.

There being no objection, the letter and petition were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, without all the signatures, as follows:

Boulder, Colo., January 8, 1951.

Senator EDWIN JOHNSON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: We are enclosing copies of the Denver Post and Boulder Daily Camera

concerning the meeting held here in Boulder by the Committee for Decision in Korea. Although the meeting was called on very short notice, a group of almost 200 persons responded and an overwhelming majority supported our program.

We are also enclosing a copy of the petition we are circulating with a typewritten list of names of those who signed the petition at the meeting.

We appreciated very much your appropriate remarks during the telephone call in which you participated, and wish to thank you for your cooperation.

If possible, we would like to have the petition embodied in a resolution and presented before the United States Senate.

Sincerely,

COMMITTEE FOR DECISION IN KOREA.

R. A. MARTINSON, Jr.

Senator, we have suggested to Senator EUGENE MILLIKIN and to Representative WILLIAM HILL that the petition be embodied in a resolution as suggested above. If it can be accomplished, we sincerely hope that you three will work as a group to draw up the resolution.

PETITION

1. We, the undersigned, believe that an immediate decision must be made by our Government in the Korean situation.

2. We believe that our Government must either grant to our military leaders the authority to use every weapon and to strike the Chinese Communists at any target necessary to successfully carry out the Korean operation, or that all American troops in Korea should be withdrawn immediately.

3. We believe that the needless loss of life in this conflict which is due to our refusal to give complete support to our troops is morally wrong.

4. We believe that if there is a reason for the present policy of fighting in Korea with one hand tied behind our back, that the American people deserve to know that reason.

REUBEN A. MARTINSON, Jr.

(And 135 other citizens).

INCREASE IN LIMIT OF EXPENDITURES BY COMMITTEE ON ARMED SERVICES

Mr. RUSSELL, from the Committee on Armed Services, to which was referred the resolution (S. Res. 18) to increase the limit of expenditures for hearings and investigations by the Committee on Armed Services, reported it with amendments, and, under the rule, the resolution was referred to the Committee on Rules and Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. CORDON (for himself and Mr. MORSE):

S. 571. A bill to provide for the construction, equipment, and operation of an additional military academy and an additional naval academy; to the Committee on Armed Services.

By Mr. NEELY:

S. 572. A bill for the relief of Raymond D. Beckner; to the Committee on the Judiciary.

S. 573 (by request). A bill to amend the act entitled "An act to regulate barbers in the District of Columbia, and for other purposes," approved June 7, 1938, and for other purposes; to the Committee on the District of Columbia.

By Mr. KNOWLAND:

S. 574. A bill to authorize the granting to Kaiser Steel Corp. of rights-of-way on,

over, under, through, and across certain public lands, and of patent in fee to certain other public lands; to the Committee on Interior and Insular Affairs.

S. 575. A bill for the relief of Robert Jose Toribio; to the Committee on the Judiciary.

By Mr. BUTLER of Nebraska:

S. 576. A bill providing for disposition of Indian tribal funds deposited in the Treasury of the United States; to the Committee on Interior and Insular Affairs.

By Mr. CAPEHART:

S. 577. A bill for the relief of Taro Takara; to the Committee on the Judiciary.

By Mr. WILEY:

S. 578. A bill to provide that the absence of any individual for 20 years shall be deemed sufficient evidence of death for the purpose of laws administered by the Veterans' Administration; to the Committee on Finance.

By Mr. RUSSELL (by request):

S. 579. A bill to provide additional compensation for members of the Army, Navy, and Air Force during periods of combat duty in Korea; to the Committee on Armed Services.

By Mr. LODGE:

S. 580. A bill for the relief of Jean Marie Newell; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 581. A bill for the relief of Toshiki Ishigo and his children, Kiyoko and Chiyiko Ishigo;

S. 582. A bill for the relief of Emma Burr;

S. 583. A bill for the relief of Emiko Ono;

S. 584. A bill for the relief of Kue Hin Wong;

S. 585. A bill for the relief of Shizu Fujii and her son, Suenori Fujii; and

S. 586. A bill for the relief of Solymán G. Hamlin; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado (for himself and Mr. MILLIKIN):

S. 587. A bill for the relief of Sotirios Christos Roumanis; to the Committee on the Judiciary.

By Mr. THYE:

S. 588. A bill for the relief of Juan Sustarsic;

S. 589. A bill for the relief of Sister Edeltrudis Sailer; and

S. 590. A bill for the relief of Francesco Gaber; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 591. A bill to authorize the exchange of wildlife refuge lands within the State of Minnesota; to the Committee on Interior and Insular Affairs.

S. 592. A bill for the relief of Gerhard Karl-August Wagner, Magdalena Wagner, Klaus Peter Wagner, and Kathrin Margarete Wagner; and

S. 593. A bill for the relief of Mary Gemma Kawamura; to the Committee on the Judiciary.

By Mr. DOUGLAS:

S. 594. A bill for the relief of Kaj Ivan Winther and Ingeborg M. Winther;

S. 595. A bill for the relief of Bedrich Donath, Vera Donath, and Brigitta Graetzer;

S. 596. A bill for the relief of Spyridon V. Karavitis;

S. 597. A bill for the relief of Matei Ghica-Cantacuzino;

S. 598. A bill for the relief of Titus Radulesco-Pogoneanu;

S. 599. A bill for the relief of Mrs. Despina Hodos; and

S. 600. A bill for the relief of Dragutin Sostarko; to the Committee on the Judiciary.

By Mr. TOBEY:

S. 601. A bill for the relief of Robert Stokvis; to the Committee on the Judiciary.

By Mr. NIXON:

S. 602. A bill to extend pension benefits to persons who served on certain vessels operated by the Army during the war with Spain, the Philippine Insurrection, and the China Relief Expedition; to the Committee on Finance.

S. 603. A bill for the relief of Wanda Charwat and her daughter, Wanda Aino Charwat;

S. 604. A bill for the relief of Enrico Bar-sotti;

S. 605. A bill for the relief of Constance Chin Hung; and

S. 606. A bill for the relief of Fede Vita Guzzardi; to the Committee on the Judiciary.

By Mr. LEHMAN:

S. 607. A bill for the relief of Adam Styka and Wanda Engeman Styka; and

S. 608. A bill for the relief of certain natives of the Dodecanese Islands; to the Committee on the Judiciary.

(Mr. JOHNSON of Colorado introduced Senate bill 609, to provide for the enlistment in the Regular Army of certain aliens, and for other purposes, which was referred to the Committee on Armed Services and appears under a separate heading.)

By Mr. SPARKMAN:

S. 610. A bill to amend section 402 (a) of the National Housing Act to change the name of the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

S. 611. A bill authorizing the Secretary of the Interior to issue to Jake Alexander a patent in fee to certain lands in the State of Alabama; to the Committee on Interior and Insular Affairs.

S. 612. A bill to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, in relation to extensions made pursuant to wage earners' plans under chapter XIII of such act; and

S. 613. A bill for the relief of Ernestine Bacon Jacobs; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. HILL):

S. 614. A bill to amend the Bankhead-Jones Farm Tenant Act so as to improve credit services available to farmers seeking to change or diversify their farming operations or adjust and improve their farming practices; to the Committee on Agriculture and Forestry.

S. 615. A bill for the relief of James Greenwood; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. McCARTHY):

S. 616. A bill to raise the limit placed on the monthly disability compensation payable to veterans suffering from service-connected quadriplegia; to the Committee on Labor and Public Welfare.

By Mr. KNOWLAND:

S. 617. A bill for the relief of Pascal Nemoto Yutaka; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 618. A bill to prohibit the parking of vehicles upon any property owned by the United States for postal purposes;

S. 619. A bill to amend the limitation upon the total annual compensation of certain rural carriers serving heavily patronized routes;

S. 620. A bill to increase the equipment maintenance allowance payable to rural carriers; and

S. 621. A bill to amend section 604 (b) of the Classification Act of 1949; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina (for himself, Mr. LANGER, Mr. NEELY, and Mr. ECTON):

S. 622. A bill to increase the basic rates of compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCARTHY:

S. 623. A bill for the relief of Eva Ruttkay;

S. 624. A bill for the relief of Hajna Sepsi; and

S. 625. A bill for the relief of Ilona Lindelof; to the Committee on the Judiciary.

By Mr. ELLENDER (for himself and Mr. LONG):

S. J. Res. 22. Joint resolution providing for recognition and endorsement of the International Trade Fair and Inter-American Cultural and Trade Center in New Orleans, La.; to the Committee on Foreign Relations.

By Mr. TOBEY:

S. J. Res. 23. Joint resolution for the relief of the Burnham Chemical Co., a Nevada corporation; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. J. Res. 24. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1951, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

TEMPORARY PERSONNEL FOR SELECT COMMITTEE ON SMALL BUSINESS

Mr. SPARKMAN submitted the following resolution (S. Res. 42), which was referred to the Committee on Banking and Currency:

Resolved, That in performing the duties imposed upon it by Senate Resolution 58, agreed to February 20, 1950, the Select Committee on Small Business is authorized to employ on a temporary basis during the Eighty-second Congress such technical, clerical, and other assistance as it deems advisable. The expenses of the committee under this resolution, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ASSIGNMENT OF GROUND TROOPS FOR SERVICE IN EUROPE

Mr. WHERRY. Mr. President, I send to the desk a modification of Senate Resolution 8, and ask that it be read, and that it be printed.

The resolution (S. Res. 8), as modified, was read, as follows:

Strike out all after the word "*Resolved*" and insert in lieu thereof the following:

"That the Committee on Armed Services and the Committee on Foreign Relations are authorized and directed to meet jointly to consider and report recommendations on whether or not the Senate should declare it to be the sense of the Senate that no ground forces of the United States should be assigned to duty in the European area for the purposes of the North Atlantic Treaty pending the adoption of a policy with respect thereto by the Congress. Such report, which shall be approved by a majority of the combined membership of the Committee on Armed Services and the Committee on Foreign Relations, shall be limited to the subject matter of this resolution, shall not contain any recommendation on any matter which is not germane thereto or which is in substantial contravention thereof or any recommendation either approving or disapproving the assignment of ground forces of the United States to duty in the European area for the purposes of the North Atlantic Treaty, and shall be made on or before February 2, 1951."

REHABILITATION OF CERTAIN ALCOHOLICS—CHANGE OF REFERENCE

Mr. McCARRAN. Mr. President, I ask the attention of the leaders on both sides. There was referred to the Committee on the Judiciary Senate bill 265, to provide for a grant to the Prisoners Relief Society for use in the rehabilitation of chronic alcoholics. It is the same as S. 692 of the Eighty-first Congress. I ask unanimous consent that the Com-

mittee on the Judiciary be discharged from further consideration of the bill (S. 265) and that it be referred to the Committee on Labor and Public Welfare.

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

ADMISSIONS AND GRIEVANCES OF DISTRICT OF COLUMBIA BAR ASSOCIATION—CHANGE OF REFERENCE

Mr. McCARRAN. Mr. President, Senate Resolution 15 speaks of the Committee on Admissions and Grievances of the United States District Court, but in fact refers to the Committee on Admissions and Grievances of the Bar Association of the District of Columbia. It has been referred to the Committee on the Judiciary. It is our opinion that the committee should be discharged from the further consideration of the resolution and that it be referred to the Committee on the District of Columbia. I ask unanimous consent that that be done.

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT 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.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Banking and Currency:

Eric A. Johnston, of Washington, to be Economic Stabilization Administrator.

By Mr. GEORGE, from the Committee on Finance:

Edgar P. Caffrey, of Reno, Nev., to be collector of internal revenue for the district of Nevada, vice Robert L. Douglass, resigned.

By Mr. MURRAY, from the Committee on Labor and Public Welfare:

Albert Schrage, and sundry other candidates for appointment in the Regular Corps of the Public Health Service; and

Glen E. Ogden, and sundry other candidates for promotion in the Regular Corps of the Public Health Service.

AMERICAN GROUND TROOPS IN EUROPE—ADDRESS BY SENATOR BUTLER OF MARYLAND

[Mr. WHERRY asked and obtained leave to have printed in the Record an address regarding the sending of ground troops to Western Europe delivered by Senator BUTLER of Maryland before the Twenty-ninth Division Association, Inc., at the Washington Hotel, Washington, D. C., January 20, 1951, which appears in the Appendix.]

CONTRIBUTION OF INDUSTRY IN THE PACIFIC NORTHWEST—STATEMENT BY SENATOR CAIN

[Mr. WHERRY asked and obtained leave to have printed in the Record a statement by Senator CAIN regarding the contribution of industry in the Pacific Northwest to the defense effort, together with a letter from

Jack Hickman, president of Northwest Marine Industries, Inc., which appear in the Appendix.]

THE CEASE-FIRE ORDER IN KOREA—EDITORIAL FROM THE CLEVELAND PRESS

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an editorial entitled "A Vote To Pay Blackmail," relating to the proposed cease-fire order in Korea, published in the Cleveland Press on Monday, January 15, 1951, which appears in the Appendix.]

MEASURES FOR THE DEFENSE OF THE UNITED STATES—ADDRESS BY SENATOR SMATHERS

[Mr. HOLLAND asked and obtained leave to have printed in the RECORD an address delivered by Senator SMATHERS before the Junior Chamber of Commerce at Alexandria, Va., on January 17, 1951, which appears in the Appendix.]

HOW MUCH ARE YOU WILLING TO SACRIFICE FOR PEACE?—EDITORIAL FROM THE ST. PETERSBURG TIMES

[Mr. HOLLAND asked and obtained leave to have printed in the RECORD an editorial entitled "How Much Are You Willing To Sacrifice For Peace?" published in the St. Petersburg Times of January 14, 1951, which appears in the Appendix.]

EDITORIAL COMMENT ON ADDRESS BY HON. JAMES A. FARLEY

[Mr. HOLLAND asked and obtained leave to have printed in the RECORD two editorials and an article commenting on an address by Hon. James A. Farley to the State Chamber of Commerce of Florida in November 1950, the first entitled "Farley Looks at November 7," from the Bridgeport Post of November 24, 1950; the second entitled "Mr. Farley Woos the South," from the New York Herald Tribune of November 23, 1950; and an article headed "Heffernan says Farley makes a diagnosis," published in the Brooklyn Eagle November 30, 1950, which appear in the Appendix.]

EDITORIAL COMMENT ON ADDRESS BY HON. JAMES A. FARLEY

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD three editorials commenting on a recent address by Hon. James A. Farley, one written by David Lawrence, and published in the St. Louis Globe-Democrat November 23, 1950, one published in the Charleston (S. C.) Post on November 23, 1950, and the third in the Savannah Evening Press on November 22, 1950, which appear in the Appendix.]

CONTRIBUTION OF FARMERS TO THE DEFENSE PROGRAM—ADDRESS BY SENATOR THYE

[Mr. THYE asked and obtained leave to have printed in the RECORD an address delivered by him before the annual convention of the Minnesota Farm Bureau Federation, in St. Paul, Minn., January 17, 1951, which appears in the Appendix.]

COURAGE OF THE AMERICAN PEOPLE—EDITORIAL FROM THE SATURDAY EVENING POST

[Mr. THYE asked and obtained leave to have printed in the RECORD an editorial entitled, "We Are Americans; Let Us Act Now as Americans Should," published in the Saturday Evening Post last week, which appears in the Appendix.]

TRUMAN-CONGRESS AMITY NEAR—ARTICLE BY DAVID LAWRENCE

[Mr. THYE asked and obtained leave to have printed in the RECORD an article en-

titled, "Truman-Congress Amity Near," written by David Lawrence, and published in the Washington Evening Star January 19, 1951, which appears in the Appendix.]

OMNIBUS APPROPRIATION BILL—ARTICLE BY SENATOR SMITH OF MAINE

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article entitled, "Omnibus Budget Bill Is Blessing to the Taxpayer," written by Senator SMITH of Maine, and published in the Washington Daily News of January 22, 1951, which appears in the Appendix.]

DRAFT OF AMERICAN YOUTH—EDITORIAL AND REPLY BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an editorial entitled, "We Agree—But," published in the Altoona (Pa.) Mirror of January 13, 1951, together with a reply by Senator MARTIN, dated January 17, 1951, which appear in the Appendix.]

STOP THAT LEAK—ARTICLE BY THE COMPTROLLER GENERAL

[Mr. McCLELLAN asked and obtained leave to have printed in the RECORD an article entitled "Stop That Leak," written by Lindsay C. Warren, Comptroller General of the United States, and published in the January 1951 issue of the DAR magazine, which appears in the Appendix.]

THE WELFARE AND SAFETY OF OUR COUNTRY—ADDRESS BY J. CARROLL CONE

[Mr. McCLELLAN asked and obtained leave to have printed in the RECORD an address delivered by Col. J. Carroll Cone before the Woman's National Democratic Club, on January 18, 1951, which appears in the Appendix.]

THE CRUSADE FOR FREEDOM—LETTER FROM GEN. LUCIUS D. CLAY

[Mr. BENTON asked and obtained leave to have printed in the RECORD a letter from Gen. Lucius D. Clay, national chairman of the Crusade for Freedom, regarding the work of the organization, which appears in the Appendix.]

CHARLES E. WILSON, DIRECTOR OF OFFICE OF DEFENSE MOBILIZATION

[Mr. BENTON asked and obtained leave to have printed in the RECORD the testimony of Charles E. Wilson, Director of the Office of Defense Mobilization, before the Committee on Small Business, which appears in the Appendix.]

RECOMMENDATIONS FOR PREVENTING WORLD WAR III—ARTICLE BY HON. FRANK P. GRAHAM

[Mr. HILL asked and obtained leave to have printed in the RECORD an article written by Hon. Frank P. Graham containing recommendations for preventing World War III, which appears in the Appendix.]

A DECLARATION OF DEPENDENCE ON ALMIGHTY GOD—BY DR. ALBERT P. SHIRKEY

[Mr. HOEY asked and obtained leave to have printed in the Appendix of the RECORD a Declaration of Dependence on Almighty God, prepared and delivered by Dr. Albert P. Shikey, pastor of Mount Vernon Place Methodist Church, Washington, D. C., which appears in the Appendix.]

THE ROLE OF LABOR IN THE WAR EMERGENCY—ADDRESS BY GEORGE M. HARRISON

[Mr. DOUGLAS asked and obtained leave to have printed in the RECORD an address

delivered by George M. Harrison, president of the Brotherhood of Railway Clerks, and vice president of the American Federation of Labor, before the Economic Club of New York, on January 17, 1951, at the Astor Hotel in the city of New York, which appears in the Appendix.]

THIS WAY TO SUICIDE—EDITORIAL FROM LIFE MAGAZINE

[Mr. YOUNG asked and obtained leave to have printed in the RECORD an editorial entitled "This Way to Suicide," published in the January 22 issue of Life magazine, which appears in the Appendix.]

DEFENSE PROGRAM SEEN BACK DOOR TO FAIR DEAL—ARTICLE BY GOULD LINCOLN

[Mr. BUTLER of Nebraska asked and obtained leave to have printed in the RECORD an article entitled "Defense Program Seen Back Door to Fair Deal," written by Gould Lincoln, and published in the Washington Star of January 13, 1951, which appears in the Appendix.]

ANALYSIS OF THE 1950 GUBERNATORIAL VOTE IN CALIFORNIA

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an analysis of the vote in the gubernatorial election in California in 1950 between Governor Warren and James Roosevelt, which appears in the Appendix.]

WHO ARE THE ISOLATIONISTS?—EDITORIAL BY A. Q. MILLER

[Mr. SCHOEPEL asked and obtained leave to have printed in the RECORD an editorial entitled "Who Are the Isolationists?" written by A. Q. Miller, publisher of the Bellville Telescope, Bellville, Kans., which appears in the Appendix.]

LACKING IN BUSINESS SENSE—EDITORIAL FROM THE ELDORADO (KANS.) TIMES

[Mr. SCHOEPEL asked and obtained leave to have printed in the RECORD an editorial entitled "Lacking in Business Sense," published in the Eldorado (Kans.) Times of January 17, 1951, which appears in the Appendix.]

THE PRESIDENT'S BUDGET—EDITORIAL FROM THE DESERET NEWS

[Mr. BENNETT asked and obtained leave to have printed in the RECORD an editorial entitled "The President's Strict Economy Budget Beggars for Congress' Knife," published in the January 16, 1951, edition of the Deseret News, Salt Lake City, Utah, which appears in the Appendix.]

BANK OF NORTH DAKOTA SETS OPERATIONS RECORD—ARTICLE FROM THE GRAND FORKS (N. DAK.) HERALD

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "Bank of North Dakota Sets Operations Record," published in the Grand Forks (N. Dak.) Herald, of December 27, 1950, which appears in the Appendix.]

NORTH DAKOTA MILL OPERATION PRAISED—ARTICLE IN THE GRAND FORKS (N. DAK.) HERALD

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "North Dakota Mill Operation Praised," published in the Grand Forks (N. Dak.) Herald of January 8, 1951, which appears in the Appendix.]

THE WORLD SITUATION AND AMERICA'S PART—EDITORIAL FROM THE WYOMING STATE JOURNAL

[Mr. HUNT asked and obtained leave to have printed in the RECORD an editorial entitled "If You Agree, Write Your Senator," published in the Wyoming State Journal, Lander, Wyo., of January 4, 1951, which appears in the Appendix.]

COST OF AMERICAN ARMED FORCES—EDITORIAL FROM THE CONCORD DAILY MONITOR

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial entitled "Sanity Gets the Brush-Off," published in the January 11, 1951, edition of the Concord Daily Monitor, of Concord, N. H., which appears in the Appendix.]

INDIA STARVES HERSELF—EDITORIAL FROM THE WASHINGTON POST

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial entitled "India Starves Herself," published in the Washington Post of January 21, 1951, which appears in the Appendix.]

SUPPORT FOR THE TROOPS IN KOREA—EDITORIAL FROM THE MANCHESTER (N. H.) EVENING LEADER

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial entitled "Back Up Our Boys, BRIDGES Demands," published in the January 6, 1951, edition of the Evening Leader of Manchester, N. H., which appears in the Appendix.]

THE MARCH OF DIMES CAMPAIGN—TRIBUTE BY MILFORD E. SHIELDS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a tribute in verse to the March of Dimes campaign, written by Milford E. Shields, of Durango, Colo., which appears in the Appendix.]

MEMBERS OF BOARDS OF VISITORS TO COAST GUARD AND MERCHANT MARINE ACADEMIES

Mr. JOHNSON of Colorado. Mr. President, I wish to announce that I have appointed the Senator from Texas [Mr. JOHNSON] and the Senator from Ohio [Mr. BRICKER] members of the Board of Visitors to the United States Coast Guard Academy.

I have also appointed to the Board of Visitors to the United States Merchant Marine Academy the Senator from Washington [Mr. MAGNUSON] and the Senator from Missouri [Mr. KEM].

WORK ACCOMPLISHED BY JUDICIARY COMMITTEE DURING EIGHTY-FIRST CONGRESS

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement coming from myself, as chairman of the Committee on the Judiciary, with reference to the work accomplished by that committee during the Eighty-first Congress itself. It gives not only the number of measures dealt with but also the percentage dealt with as regards those that came from both Houses of Congress.

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

Committee on the Judiciary—Data on legislative activity

	Senate	Judiciary Committee	Percentage of total
Bills enacted into law.....	1,986	1,063	53.5
Public.....	905	101	11.1
Senate.....	324	49	
House.....	581	52	
Private.....	1,081	962	88.9
Senate.....	339	296	
House.....	742	666	
Bills in conference.....	7	2	
Bills through conference.....	154	18	
Measures passed, total.....	2,699	1,240	45.9
Senate bills.....	913	441	48.3
House bills.....	1,331	744	55.8
Senate joint resolutions.....	45	14	
House joint resolutions.....	74	6	
Senate concurrent resolutions.....	61	28	
House concurrent resolutions.....	45	3	
Senate resolutions.....	230	4	
Measures reported, total.....	2,956	1,430	55.8
Senate bills.....	1,100	590	53.6
House bills.....	1,377	773	56.1
Senate joint resolutions.....	52	15	
House joint resolutions.....	75	6	
Senate concurrent resolutions.....	65	32	
House concurrent resolutions.....	46	4	
Senate resolutions.....	241	10	
Special reports.....	60	11	
Measures received, total.....	6,794	2,998	44.1
Senate measures, total.....	4,975	2,039	40.9
House measures, total.....	1,819	959	52.7
Senate bills.....	4,275	1,910	
House bills.....	1,687	947	
Senate joint resolutions.....	211	56	
House joint resolutions.....	82	8	
Senate concurrent resolutions.....	108	41	
House concurrent resolutions.....	50	4	
Senate resolutions.....	381	32	

DISPOSITION OF EXECUTIVE CIVILIAN NOMINATIONS OTHER THAN POSTMASTERS

	Confirmed	Withdrawn	Rejected	Unconfirmed
Confirmed.....	1,581	216	13.6	
Withdrawn.....	1	1		
Rejected.....	4	3		
Unconfirmed.....	70	11		

¹ On Apr. 20, 1950, there was filed by the Committee on the Judiciary with the Senate, Rept. No. 1515, which is a comprehensive report of approximately 1,000 pages on the immigration and naturalization systems. The report was the result of an investigation and study authorized by the Senate and conducted over the course of approximately 2½ years.

PROPOSED DRAFTING OF 18-YEAR-OLD BOYS FOR MILITARY SERVICE—LETTER FROM M. J. HORSCH

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Prof. M. J. Horsch, of the West Virginia Institute of Technology, Montgomery, W. Va., written to me on the 2d day of January, relative to the proposal to draft 18-year-old boys.

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

WEST VIRGINIA INSTITUTE

OF TECHNOLOGY,

Montgomery, W. Va., January 2, 1951.

The Honorable MATTHEW M. NEELY,

The United States Senate,

Washington, D. C.

DEAR SIR: I believe that I voice the conviction of a great many thinking Americans when I say that I trust that when Congress finally reaches the point where it deems the emergency so acute as to force upon immature 18-year-olds the moral shock of combat training and combat, it will first have forced upon us—every one of us—an equivalent sacrifice. To permit business as usual, profits as usual, wages as usual, working hours as usual, luxuries as usual, riotous living, and all the rest of our current souped-up ways of life as usual—and at the same time risk the destruction of the moral fiber of our 18-year-olds by exposing them, en masse, to a shock to which they have not the maturity to adjust themselves—would be a travesty upon American democracy.

When it becomes necessary, then let it come; but let us not call it necessary in the face of what is currently asked of the rest of us.

Whoever contemplates coming out of the present emergency one nickel richer than when entering—whether corporation, worker, management, merchant, or professional man—either doesn't understand the situation confronting us or doesn't deserve to be called American. Let's keep our values straight, and put priorities where they belong.

Respectfully,

M. J. HORSCH.

A SOLDIER'S VIEW OF THE KOREAN SITUATION

Mr. YOUNG. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD, as a part of my remarks, a clipping from the Walsh County Record of January 15, 1951, entitled "A Soldier's View."

I am sure that every Member of Congress will be as interested and concerned as I am about the observations of this combat officer, direct from the battlefields of Korea. His observations are very similar to those contained in all of my mail from servicemen, and is the best evidence I know as to why we should get out of Korea.

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

A SOLDIER'S VIEW

From time to time, as the bad news from Korea fills the newspapers and air waves, the question of our foreign policy—or the lack of it—comes up for discussion.

Most of the comments, however, come from the armchair generals at home. It is interesting, therefore, to gain the impression of a soldier who has been right in the middle of things. Sgt. Joe Kouba, Grafton, who is now stationed at Fort Lewis, Wash., forwarded to this newspaper the views of such a man. The writer of the letter is a divisional headquarters commander stationed in Korea. His letter was apparently written during a lull in operations. A part of it follows in the next few paragraphs:

"A soldier finds much relief from boredom in action—even dangerous action. It's not a very good thing to say, but actually everyone's thoughts are directed toward getting home. We are setting ourselves up for a good clobbering by thinking that way, but I guess it can't be helped.

"All the fine words being spoken back home about this 'gallant' cause we are fighting for no longer makes much of an impression on these boys. Oh, I guess when the chips are down we will fight hard enough, but it won't be fighting for the good of the world primarily. Under such conditions and such state of morale a man fights to save his fanny and don't ever let anyone tell you any differently. That means that we won't do our best fighting until our fannies are in danger of being lopped off from the rest of us. The incentive to fight, which makes the difference between a good or bad showing, is just not here. We don't have it.

"You look at these miserable, beaten little people and you can't help but wonder what possible good you can bring to them by making ruins of their hovels and tearing up their land trying to whip a monster 20 times your size. And no amount of fine talk about principles and freedom and liberation from evil can possibly make an impression on you. The world-toppling mistakes our foreign policy makers made in this part of the world are not going to be rectified in Korea and we might as well resign ourselves to that fact.

"Our only chance of survival against communism is to get out of this involvement, go back home and start building our armed might like mad for the showdown with Russia, the core of the whole rotten menace, which is bound to come. That is not only my opinion, that is the opinion of every clear and realistic thinking person over here. That is why I say we are not prepared, mentally, for a showdown fight with Russia's stooge, China. And that is why we stand in a fair way of being knocked stiff if we are called upon to make a stand here. We just are not in this business wholeheartedly and an army without willingness to stand by its convictions is lost.

"No one has to tell me that the cause is a worthy one. God knows I will gladly give my life to know that you can live in a world of peace. Every man over here would be willing to make that sacrifice. I can't help believe that the sacrifice of our field army at this time would be worthless. Let's face it. There's a h— of a lot of Chinks in this part of the world and they don't like us."

Not a very pretty picture, is it?

STATEMENT BY MAJ. GEN. ROBERT H. SOULE

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article which appeared in the Baltimore Sun of this morning quoting Maj. Gen. Robert H. Soule, who is the commander of the United States Third Division in Korea, and who was formerly United States attaché to China. He, as Senators may recall, was held as a virtual prisoner of the Communists for 6 months before being permitted to leave. The general tenor of his article is that the UN Army can hold the Chinese. It is refreshing, in view of the faint hearts at Lake Success, to find someone showing some intestinal fortitude.

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

GENERAL SAYS UN ARMY CAN HALT CHINESE—THIRD DIVISION'S COMMANDER DECLARES ALLIES CAN HOLD OR ADVANCE

WESTERN FRONT, KOREA, January 21 (AP).—Maj. Gen. Robert H. Soule, fighting front line commander (of the United States Third Division), said today:

"We can stop the Chinese on this line or any other line they tell us to hold.

"And if they order us," the Wyoming-born general added, "we will go back and take Seoul. We can stop any damn thing they can throw at us."

Soule knows his Chinese. He was military attaché of the United States Embassy to the Nationalist Chinese Government from 1946 to 1950.

HELD FOR 6 MONTHS

He also had a chance to learn Red Chinese fighting methods. The Communists kept him under house arrest for 6 months—until he returned to America last June, just before the Korean war started.

The general granted that the Chinese have overwhelming numbers. But he said the United Nations force, with its superior weapons, can defeat even the cream of the Chinese Red army, which he estimates at 500,000, and he said the "cream" already has been committed to the battle.

"We have hurt his best troops in many spots," said Soule. "Behind them is the riff-raff."

SUPPLY LINES CALLED WEAK

"The Chinese are weak on maintaining supply lines, and very few of their top commanders understand modern warfare. They have few planes and little artillery, and they don't know how to use them as well as we do. All they have is hordes," he added with a grin. "And how many hordes are there in a battalion?"

The general urged optimistic thinking and good propaganda.

"We need to get over this awe of numbers," he said, "and get used to the idea that we can whip them, because we can."

"Not only can we beat them militarily, but we can lick them politically as well, if we get a good propaganda program started."

"They're sick of communism in China already. The Reds offered them land, and many Chinese believed it and sent their sons to fight for the Communists."

"They got the land, all right, but each man got such a small portion he wasn't even able to feed his family—and then the Government took half of his crop away to feed the army."

"The Chinese now know they made a bad bargain. If we can get across these facts of how communism really operates to the rest of the people of the Far East, we can defeat the Reds in a war of ideas just as we can lick them in the military battle."

"WHAT TO TELL THE PEOPLE

"We should tell the people of Asia that half of everything produced in Manchuria and Mongolia goes straight to Russia. We should tell them that thousands are starving, and that the Russians are letting them starve because they believe China has too many people to live off the land."

"We should tell them that Mao (Red Chairman Mao Tse-tung) has sold out China to Russia. When other peoples know these things, they won't be so anxious to embrace communism."

"Look at all the refugees coming away from the Reds here in Korea," Soule continued. "These people have seen communism, and they don't like it. They'd rather starve than stay in the north under the Reds."

"Meanwhile, if we are told to stand and fight, we can hold here or any place, or we can go forward," the general concluded.

FORMOSA AND MILITARY AID FOR CHIANG KAI-SHEK

Mr. SMITH of New Jersey. Mr. President, on Wednesday, January 17, the Senator from Vermont [Mr. FLANDERS] delivered a very interesting address on the subject of our foreign policy. In the course of his address he engaged in exchange of questions and answers with the Senator from Colorado [Mr.

MILLIKIN] on the question of Formosa and the so-called neutrality of Formosa.

I find in the New York Herald Tribune of Friday, January 19, a very interesting and enlightening editorial entitled "Formosa and Chiang," and in the same issue of the New York Herald Tribune an article by the correspondent Miss Marguerite Higgins, from Taipei, Formosa, entitled "Military Aid for Chiang Kai-shek."

Mr. President, I ask unanimous consent that these two items, the editorial and the article in the New York Herald Tribune of Friday, January 19, be incorporated in the body of the RECORD as an important contribution to the discussion of our foreign policy as it is being carried on at the present time.

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

FORMOSA AND CHIANG

The collapse of the latest effort to attain a cease-fire in Korea has demonstrated to all who still needed to be convinced that Red China will continue to wage war on the peninsula until its forces have either been fought to a standstill or have achieved their objectives. In addition to the conquest of Korea, these goals involve the seating of Mao's men in the United Nations and the withdrawal of the American Navy from the waters around Formosa—in other words, a free hand for the Reds to attack the last Chinese Nationalist stronghold.

The United States has officially stated that Formosa is to be neutralized so long as the Korean situation threatens the peace of the Far East and the island's status is then to be settled by international agreement. Therefore, while Red China insists on reversing this order, using its armed forces to blackmail the UN into a settlement of the Formosa problem which is favorable to itself, the United States is under no diplomatic obligation to elaborate its position concerning the island. It cannot offer to trade the Nationalists of Formosa for some agreement with Mao over Korea. That would be immoral and foolish in the extreme. The Communist aggression in Korea is an offense in itself, one which must be atoned for, or at the very least, ended, before there can be any discussion of other Asiatic issues.

If Formosa is one of the goals which Mao is striving to attain through his attack in Korea, it also has great importance for the free nations of Asia. In the hands of the Communists, it is a grave threat; in the hands of a government independent of Communist control, it offers a hope that China may be regained for freedom. Elsewhere on this page, Miss Marguerite Higgins discusses the reasoning of American officials on the island, who admit the past mistakes of the Kuomintang, but who are confident that the reforms which have been introduced since the retreat to Formosa as well as the vast disillusionment with communism which has swept over the Chinese mainland make a favorable atmosphere for positive support of Chiang Kai-shek.

Chiang and his army on Formosa are facts. They cannot be ignored nor can the 6,000,000 Formosans be sold down the Yangtze. What, then, should be the role of Chiang's forces in the present crisis? It is obvious that they cannot simply be turned loose on the mainland, as some Americans suggest, in the hope that this would somehow enable the United States to fight a continental war without using American troops. Chiang's return to China under American auspices would constitute a very heavy commitment in Asia, which would have to be studied as carefully by American strategists

as if United States divisions were going ashore in the first wave. This country could not wash its hands of Chiang, if, by any chance, he suffered a defeat in such circumstances.

In any case, the Nationalists still need arms to make Formosa secure. This is America's first responsibility toward the island and its defenders. The mere existence of the Nationalist Government on Formosa is a beacon light to the growing anti-Communist groups within China, which must not be put out by appeasement, by Red invasion, or by a premature military adventure from Formosa. The United States has no territorial designs on Formosa nor any desire to expand the war in Asia. But before the many-fisted Communist thrust that threatens the world, it cannot see a spot of such high strategic and political importance as Formosa in Red hands. Neither—while Mao makes war on the UN and his Russian masters growl threats from Moscow—can it exclude the possibility of encouraging the Nationalists to strike for their own freedom whenever and wherever it is militarily feasible.

MILITARY AID FOR CHIANG KAI-SHEK—WHY AMERICAN OFFICIALS IN FAR EAST BELIEVE IN CONDITIONAL HELP FOR GENERALISSIMO

(By Marguerite Higgins)

TAIPEI, FORMOSA.—Conditions in the Far East have changed to the point where immediate and extensive military aid for Generalissimo Chiang Kai-shek is now necessary. But America should take this step only if prepared to expend sufficient time and personnel to control this aid and thus hold out hope for a new deal for China.

These are the views of America's top economic, diplomatic, and military officials on this disputed and strategic island 100 miles off the Chinese mainland. Far-eastern experts here have warned Washington that Chiang's 500,000 troops hold out the only realistic hope of preventing Communist conquest of all Asia.

American officials have asked themselves this question: Despite the errors of the past, could aid to Chiang Kai-shek be managed in the future so as to advance the cause of the non-Communist world? The answer is: Yes—on condition that this aid is handled in the right manner.

These conclusions have not been lightly arrived at. Many of the top men here have been in China more than 25 years. They were on hand in the days of the Kuomintang's (Nationalist Party's) disintegration on the mainland. It is important, in this writer's opinion, that some of the people who watched this disintegration take the lead in arguing that both the Chiang regime and America have learned from the past and that, therefore, there is hope for the future—if help arrives in time.

The blunt truth—and this is no secret from the Communists—is that without American help Chiang could not hold out for any long period against a Soviet-supplied Chinese Communist assault on Formosa. The Nationalist troops might put up a whale of a fight for a time, but eventually they would be defeated because, among other reasons, they would run out of ammunition. The shortage of ammunition and other vital supplies on Formosa is one of the bases for the increasingly urgent messages to Washington urging that a decision be reached soon about help for this island.

A high American official told me: "It is my personal view that we have about 2 months' grace in which to make up our minds. Unless supplies start pouring in some time in this period I think Formosa's obvious weakness will be such as to tempt the Communists to attack, especially if the Seventh Fleet is occupied elsewhere [meaning Korea]."

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Here are some of the reasons why American officials in the Far East believe Chiang should be supported militarily and, when possible, helped to stage a second front against the Chinese Communists on the mainland:

1. Whereas a year ago the mainland Chinese were indifferent toward the Nationalists, Chiang's troops would now be welcomed by many, including guerrillas who would actively flock to his support. Previous indifference was partly due to the fact that the nature of Chinese communism was not any more clear to the average Chinese than to the average American. The Reds themselves have clarified matters. Their stringent economic and political tactics are drawing ever closer to the pattern of the Soviet police state. The new Red terrorism, exemplified by widespread arrests, especially of the middle class, has turned millions of once-neutral Chinese into enemies of the Communists. The popular misconception of the Chinese Communists as mild agrarian reformers is one reason why resistance to Mao Tse-tung's revolutionary army was so weak, veteran observers say. This does not excuse the corruption and inefficiency of the Nationalists. But the Nationalists, in seeking to restore order to their war-torn country, were not helped any, either, by our vacillating policy toward the Red regime, these officials state.

2. Before the Chinese Reds began warring on the United Nations there were sound reasons for holding back aid to Chiang, lest this prove a provocation. But despite neutralization of Formosa, the Reds attacked anyway. Thus, there is no further reason against using the invaluable reservoir of trained manpower afforded by Chiang's forces.

3. Chinese dictator Mao Tse-tung has announced on the Peking radio that it is his purpose to liberate all of Asia, even as he is now liberating Korea. Although the free world traditionally refuses to believe the words of dictators when the meaning is unpleasant, it is the view of the China experts that Mao means what he says. For tactical reasons the Reds may retrench and there may be a halt of several years in their expansion. But the liberation will never be abandoned. The lesson of Korea is that the Reds will strike whenever they feel their power sufficient to insure victory. If we give in to aggression anywhere in Asia, the Communists will thereby be strengthened and their increased strength will encourage them to strike again. That is why it is better, in the opinion of officials here, to recognize that the Chinese have started a war against us and to retaliate in every way available.

Officials who have watched Chiang in operation on Formosa for the past year believe there is a reasonable chance that the Kuomintang of tomorrow can be better than the Kuomintang of yesterday. These officials state that Chiang has not only announced his willingness, but his desire that future aid be regulated by American technicians and advisers. In this way the Americans, in a sense, would share the responsibility for what happens in the future. It is believed that if diplomatic means are used, Chiang would be amenable to many reforms asked by the Americans.

It is felt that in the past some American representatives in China, notably the late Gen. Joseph W. Stilwell, had the highest ideals but got the Kuomintang's back up by using what are bluntly referred to as hammer-on-the-head methods. America's present representative in Formosa, Minister Karl L. Rankin, an able, hard-working diplomat, is just the person, if given authority, to promote a policy of friendly firmness toward the Kuomintang, officials here think.

On the encouraging side is the fact that in the past year Chiang's officials have been

completely cooperative with the Economic Cooperation Administration mission. They have followed through, for example, on suggestions for tax and land reform. The ECA has poured some \$33,000,000 worth of aid into Formosa since June 1950 and is currently programming an investment of about \$50,000,000 a year. This investment would have to be increased if sufficient equipment were provided to give Chiang a first-class fighting machine, including a substantial air force and navy.

At the moment, the Formosa Government is beset by gold crises, but, otherwise, it has achieved considerable stability, ECA officials say. A rational system of taxation has been introduced for the first time, power plants and fertilizer plants are under construction, the price of rice has been held down and fertilizer provided by ECA grants has been used to push rice production far above the record set by the Japanese.

Also on the plus side are the Kuomintang's elections establishing self-government on the communal level. The Formosan elections are to be followed by general elections on this island, which was returned to China in 1945 after many years of occupation by the Japanese. The Japanese used it as one of their main war bases.

Chiang's army is undergoing intensive training. The soldiers seem in good physical condition. But no one can predict with certainty how they will perform in combat. One way of finding out is to accept Chiang's offer to send 33,000 troops to the Korean front.

On the discouraging side is the continuing tendency in the Kuomintang to use the old divide-and-rule system. A number of Chinese generals have recently been kicked upstairs and the American observers feel they would be better in their old jobs. The generals were promoted, it is reported because Chiang was not sure of their loyalty to him.

Americans have no authority to even speak out in these matters at the moment. But should we grant extensive aid our views would be an important factor officials say.

Another sore point in Formosa is Chiang's secret police. The Kuomintang insists that the police are essential to curbing communism. The opposition states that the police are used to quell any one against the government. Chiang's regime clearly has a considerable way to go before the rule of law and not of men is established. This correspondent has been in six police states, including North Korea. It is my view that Chiang has a long way to go before he can be lumped in the same category as the Communist regimes.

In summing up, an important official here stated: "There are many risks in the battle against communism. Despite the risks we must not cease trying. When I look around the world at the people willing to fight on our side I say that Chiang is a better risk than most."

THE SWORD OF THE SPIRIT

Mr. McMAHON. I rise in the Senate this afternoon to speak for the dictates of conscience—not alone for my own conscience, but in such measure as I may for the conscience of my country. I see blunt truths that need to be said. If they are left unsaid, they may remain buried until the wreckage of our civilization closes over them.

The issue before this Congress is survival.

The deliberations now occupying the Senate are being called the great debate—a term at once both apt and misleading. Great questions are assuredly being considered, and our discussions

take place at a time of the greatest peril our Nation has even known. But this does not mean that great differences of opinion divide the Members of this body. This Senate includes neither men of craven instincts nor warmongers.

Free men know this—they will understand and appreciate our discussions. In this searching of our consciences, in this scrutiny of the fundamentals of our international conduct, free men will see underscored our abiding belief in the wisdom of frank and open debate. They will take heart from watching a great Nation charting its future course by reasoned discourse and persuasion.

Yet there are dangers in this debate, and we must not minimize them. In the eyes of rulers of slave states, debate means division of purpose; honest differences of opinion betoken weakness, instead of strength; dissent spells disloyalty.

I think it imperative that we set the record straight on this point—history will not be indulgent if we do less. Our bearing and demeanor must make amply clear what is in fact true—that this Senate unanimously desires to defend the United States with every power at its command, that this Senate unanimously desires to bring all the world's peoples a just and lasting peace.

We must set the record straight on another point. These walls properly resound with demands for increasing America's material strength—the strength of tanks, ships, planes, and atomic bombs. Such demands are fully justified; we must generate military might. I shall, of course, vigorously support—as I have unswervingly supported in the past—every item of legislation which enhances our armed power.

Yet this Senate must not make the world think that America is reaching for the sword of steel as though it alone will save her. Our actions must positively demonstrate that we regard our moral position in the world as of transcendent importance—as our strongest line of defense. I believe that the massive danger now confronting our Nation stems primarily from our failure to recognize the sword of the spirit as the only absolute weapon.

No sensible man will dispute the magnitude of our peril. Present-day Russia already controls one-third of the world. She is already at the summit which Hitler and Tojo reached only after a long chain of conquests. The men in the Kremlin are stockpiling atomic weapons; and we must presume that they are working on the development of hydrogen bombs as well. Their expanding air force includes long-range bombers; their fleet contains submarines potentially capable of launching guided missiles against our shores.

We find ourselves locked with the masters of Russia in an accelerating armaments competition. A year ago, when many members of this body worked toward the altogether desirable goal of balancing the budget, I ventured to predict that our military expenditures would mock at such hopes—that they would force our budget up and up and up. I predicted also that the regimentation

necessarily accompanying the nation-in-arms would force our freedoms down and down and down.

Today we face a military budget of \$70,000,000,000—and even this sum will prove sadly inadequate if the arms race rushes onward. We confront the grim prospect of price controls, allocations, rationing, increased requirements for military service—and a thousand and one other growing encroachments upon our cherished liberties.

We are building our defenses against the Soviet armies and against their atomic weapons.

Yet one supreme danger we are largely ignoring. Without firing a single shot, the Soviet Union is depriving us of our weapon prized above all others—our reputation as a nation ardently desiring peace with justice. Without sending into battle a single Russian soldier, the Kremlin threatens to win the truly decisive battle—the struggle for the minds and souls of men. Without engaging a solitary Red division, the Soviets may destroy America's moral position before the free world.

We have taken a severe propaganda beating from the Communists over the past several years, both in Europe and the Orient. The Communists have done an excellent job of selling the idea that the United States is war-minded and seeks conquest.

They have tagged America with the epithet "warmonger" and sold it to an alarming extent. While this fraudulent campaign has been going on, they have maintained their internal strength through the Iron Curtain.

The tremendous power of the Soviet conspiracy throughout the world today is due in large part to the Iron Curtain. This barrier against truth may be the Soviet's strongest weapon. But I am convinced that if we focus world opinion on the Iron Curtain and expose it as a fraud and a menace to world peace, we may convert this barrier against truth into a Soviet liability.

Perhaps we cannot convince the Kremlin rulers to open up the curtain, but I am absolutely certain that we can cripple and perhaps silence the Soviet propaganda guns in the Western world. People can see through a fraud very easily when it is exposed to them.

I suggest we have a moral duty and a right to talk to the Russian people and the Senate of the United States is the proper body to express that right. If the Soviet government refuses to permit its people to listen, then the world will know that the Soviet leaders fear the Russian people more than they fear us.

Every observer who returns from overseas describes the profound and ominous skepticism concerning America's intentions in the world. In Western Europe—the nurturing place of the doctrines that undergird our conduct as a religious nation—countless people profane their fathers' beliefs and incline toward Godless Communism. Others, who should be combating the onrush of Red power with all their minds and hearts, are faint-hearted in their resistance. Still others seek refuge in indif-

ference; they aspire toward ethical and political neutralism. In the Far East—where the populations experiencing rebirth should cherish our historic support of national self-determination—leaders instead take their bearings from Moscow, the arch enemy of every state which presumes to remain sovereign.

It is deeply paradoxical that matters should be thus. The truth is that our conduct during these past five years need give none of us cause for apology. It has been marked by great valor and fortitude and by unparalleled generosity. We have exerted immense physical labors to reinvigorate a war-torn world—and these great physical exertions have been complemented by heartfelt adherence to principles no less great.

This is the country that has wisely strengthened potential victims of aggression through the North Atlantic Pact and military aid program. This is the country whose stockpile of atomic weapons, together with the Marshall Plan, has kept the Red armies from marching to the English Channel and enslaving all Europe.

This is the same country that has succeeded millions with the Marshall Plan—that mighty expression of our historic willingness to help other peoples work their way toward self-respect and self-support. This is the same country that offered to share all that is good in atomic energy, and asked in return only those safeguards which would keep the evil in the atom from being used to destroy us. This is the same country that has instituted the Point Four program to relieve crushing poverty and disease in the under-developed areas of the world. This is the country which is bearing the chief burden of the fighting in Korea—not as an aggressor—but to sustain the principle of collective resistance of the United Nations of the world against imperialist aggression.

In good part, we have done these things to help ourselves. We know we cannot remain an island of prosperity amidst a world-wide slum. We recognize that our allies need the aid of our unrivaled resources if they are to become stalwart partners in successfully resisting our common foe. But we have also done these things because we are by nature and tradition a generous people—it is not like us to remain indifferent while others are denied the most elementary decencies of life.

Our noble efforts have yielded noble dividends. Western Europe, the decisive area of world politics, still remains in the camp of freedom. Our European friends have so far contained the threat from within. Protected by our shield of atomic weapons, they are building armies capable of emphatically answering a threat from without. But, above all, our accomplishments have won for us precious time—and the chance to dedicate ourselves afresh to forwarding those moral principles which alone bring dignity and meaning to man's existence.

I am proud to have supported all these great measures, and I am especially proud of the opportunity afforded me—as chairman of the Joint Committee on Atomic Energy—to help make our atomic

stockpile the bulwark of the world's liberties.

During the same years that our nation has fought this good fight for freedom and decency, the Soviet Union has compiled its own record of achievements. It has extinguished the freedoms of 700,000,000 people. It has flatly rejected the international atomic control plan regarded as wise and just by all the free world. It has operated a reverse Marshall Plan—stripping its satellites of their industries and draining them of their resources.

Despite all this, untold millions still gravitate toward Moscow's cause—untold millions suspect us of aggressive imperialism and remain blind to the terrifying advance of Soviet power. Our country rearms solely for self-defense and with immeasurable reluctance—yet many truly believe that we are the warmongers. We give of our substance to help those ravaged by war and poverty—yet many still regard us as selfish and soulless materialists.

Why have so many put this topsy-turvy interpretation on our record? Why are the tides in the ideological conflict still running so strongly against us? Why are we losing ground in the battle for the allegiance of men?

Why have we failed?

Mr. President, I think we have failed because we have not sufficiently put first things first. We have failed because we have not completely rallied the moral and spiritual strength of the free world as a mighty force for peace.

We have rightfully worked at invigorating the free world's economic strength—but in the process many of us have forgotten that men's souls need filling no less than their stomachs. We have properly worked at reconstituting the free world's military strength—but in the meanwhile some of us have not realized that weapons are worthless unless the men behind them passionately believe in the rightness of their cause.

All our national history is proof that a fighting faith comes from more than the cold metal of armaments or the cement of factory walls. Some of us have nonetheless supposed that global situations of strength could be created solely with guns and goods. Too many, I fear, have overlooked what all military leaders hold axiomatic—that even cold military power ultimately rests upon morale, and that morale, in turn, rests upon a surety of conviction that one's cause is the cause of decent men. By failing to go all-out in augmenting the free world's moral strength, some of us have in practice denied what the darkest cynic concedes—that human beings are incorrigibly moral and that they will stand up for a cause only if convinced of its nobility and justice.

Our failure in this respect does not lie at the doorstep of any individual or any department of the Government. The Voice of America, let us never forget, merely transmits policy; it does not make it. If we lay down a moral program of splendid and compelling dimensions, the Voice will do its part. Our failure to proclaim such a program is a national failure. The Congress shares in the

blame; there are no scapegoats; this is not the fault of the Republicans or the Democrats. It is a fault common to all of us.

I suggest that the root cause of our failing may have eluded us precisely because it is so simple. I suggest that our failure may be a failure to tell the world the obvious.

The obvious truths—the truths which, if universally accepted, could change the course of history—are these: First, that the supreme menace to world peace is not American war-mongering but the Soviet Iron Curtain. Second, that the United States does in fact have a positive program for achieving a just and lasting peace.

If these statements are true—and I am sure no one in this Senate will quarrel with them—why in heaven's name are we not proclaiming them with every means at our command? Why are we not now declaring these truths with such directness and power that nobody could mistake their meaning?

It is solely the Iron Curtain that keeps the people of Russia from knowing the true and desperate nature of the international crisis. It is solely this curtain that keeps them from learning how eagerly we wish to extend our hand in friendship. It is solely this curtain that enables the Kremlin to twist and distort any world happening to fit the party line. Save for the Iron Curtain, I am sure that ordinary Russians would invoke their wrath on rulers who deny them life's barest necessities and who saddle them with crushing armaments expenditures.

If this is the case—as certainly it is—why have we not asked the United Nations to act accordingly? I have strongly supported the United Nations—peace cannot be achieved without a functioning parliament of man. But the United Nations should be the town meeting of the world. Instead, it has served largely as a one-way channel for spreading Soviet propaganda. In the UN forums, the Russian spokesmen pour forth their invective and divide the free world. At the same time, they use their Iron Curtain to avoid an accounting to the Russian people.

It is high time that we ask the United Nations to state in forthright terms its right to have its deliberations made known behind the Iron Curtain. I believe that as a minimum the United Nations should assert its right to operate its own radio station in the Soviet Union. The right to know is a sacred human right, and we are moral shirkers if we refrain from saying so.

I am not naive enough to suppose that Stalin will rush to accept such a proposal. However, it is eminently just—and fair-minded men will realize this. We would ask only that the free peoples' views are circulated among the Russians—just as the Soviets' views are circulated among us. We would advance a legitimate request, and people would quickly grasp the significance of the Kremlin's refusal to honor it. Here is the one proposal to which no Communist could advance even a propaganda answer. Here is the one proposal which—

if rejected—can glaringly expose the sham and duplicity of Mr. Vishinsky's utterances. Why, then, has the UN not already made such a request?

Before we charge the United Nations with sins of omission, however, let us examine our own record—let us be sure that we are ourselves straining to the utmost our ingenuity and exploring every conceivable approach in responding to the challenge of the Iron Curtain. I fear that we have much room for improvement on this score.

One example suffices. While our eyes were on Korea during this last summer we overlooked a tremendous Communist victory in Western Europe. I refer to the spurious peace movement that operated under the guise of the Stockholm petition. The campaign was disarmingly simple—and its real purpose was equally simple—to disarm the free world of the one thing that prevents all-out Soviet aggression—its atomic superiority. The petition asked that the nations agree not to use atomic weapons, and demanded that the first party to break this pledge be branded an aggressor. It cunningly ignored the fact that the real crime against world peace is international aggression—of the kind the Soviets have abetted in Korea. It carefully did not mention that only Soviet opposition has prevented world-wide adoption of a plan that would truly end the threat of atomic war by effectively regulating the manufacture of these weapons. It avoided saying what all of us know—that if we are ever forced to employ these weapons, it will only be in answer to Red aggression.

The Communist zealots spread this petition—of whose existence many of us were hardly aware, with their customary fervor. They requested signatures at union meetings; bicycle riders carried it to farmers; priests and ministers were asked to circulate it among their congregations.

Everyday Europeans, who had known five years of total war, flocked to sign this cunning document. Their hearts were open to anything—no matter how deceitful—that promised them peace. Is it any wonder that the Stockholm Appeal mightily strengthened the cause of European neutrality?

Once again, however, we must refrain from calling the kettle black. Our European friends, true, have been gullible. But are we sure that we have as yet offered them a satisfactory answer to the Communist peace campaign?

The Europeans have fought and heroically died for freedom—and they are willing to do it again. We should in turn fortify their resolve by a bold proclamation of those principles to which free men everywhere will pledge their all.

I think they have a right to expect from us a forthright declaration of where we stand.

I believe that this Senate should immediately undertake a ringing declaration of America's intentions. I believe that such a declaration would more than undo the disastrous effects of the Stockholm Appeal. I believe that it would find responsive hearers wherever men yearn

for peace and security. I believe it would immeasurably strengthen us in our struggle with the few men who control Russia's destinies.

We are about to appropriate huge sums for our common defense. It is inevitable that we do this. In fact, I do not believe that our mobilization plans go fast enough or far enough. I stand—as I have always stood in the past—for all the tanks and planes and atomic weapons we need to frustrate Stalin's designs.

Nonetheless, the peoples of the earth, and the Russian people especially, must know why we are rearming. They must learn that we do this only with heavy heart; they must understand that we would prefer—far prefer—to use our skills and monies for human enrichment. They must understand that we will never close the door on peace—and that there is no malice in our hearts or in our actions.

I therefore propose that this Senate pass a resolution expressing friendship for the people of Russia by the people of the United States. I propose that we simultaneously ask the Soviet government to make this resolution known to the Russian people.

I further propose that if such a resolution is adopted, it be circulated in every American city and hamlet, and that it be signed by every American who would welcome the friendship of the people of Moscow and Odessa and Vladivostok.

You will not mistake my meaning. Not for an instant do I suggest that we embrace the men who run concentration camps, pervert truth, and withhold basic human rights from one-third of the world. As men of conscience, we cannot condone those frightful practices. But I am convinced that the rank and file Russians desire global conquest no more than we do. I am convinced that if they believe the calumnies of their government, it is only because they have not the slightest inkling of the kind of world we Americans really want.

The resolution might embody in plain language these plain truths:

1. That—despite what the Russian people have been told to the contrary—there are no warmongers in the United States Senate.

2. That there is not a member of the United States Senate who desires the death of a single Russian soldier or citizen.

3. That while we are resolutely determined to appropriate billions for defense, this Senate and the people of the United States ardently desire a just peace.

4. That the United States government stands ready at all times to compose its differences with the Soviet government through honorable negotiations.

5. That we ask the Soviet Government—which controls all sources of information within Russia—to publicize these facts in their newspapers and over their radio networks.

In no manner would this declaration constitute a hostile act. It is not a propaganda trick; it asks no more than the rights we accord to all other nations;

it expresses a legitimate request; it is intended in good faith.

This manifesto would serve to do more than express our friendship for the Russian people. It would tell all the world—the French, the Italians, the Indians, the Chinese, the Egyptians, the Czechs, the Poles—that we Americans want a just peace with all our hearts, and that we arm only because our lives and honor are desperately imperiled.

Some will, of course, charge that the Kremlin would ignore such a resolution. But truth has a dynamic quality. I believe, in fact, that this resolution might dramatically change for the better the course of the ideological war, which now flows so strongly in the Soviets' favor.

But standing by itself, the resolution is insufficient. I regard it as altogether imperative that we so express our desire to live in friendship with all the world's peoples. But we must go even further. We must demonstrate that we are willing to do our share and more in bringing about such a fraternity of mankind—and that we have a program that can lead men toward the final enshrinement of human brotherhood.

Last October, President Truman set forth a program capable of achieving this mighty end. Speaking before the United Nations, in one of the greatest addresses known to American history, Mr. Truman defined the basic goals of our foreign policy.

He laid down what I like to call the two imperatives of peace—first, foolproof disarmament and, second, use of the money thus saved for human betterment.

If real disarmament were achieved—

Mr. Truman said—and I quote—

the nations of the world, acting through the United Nations, could join in a greatly enlarged program of mutual aid. As the cost of maintaining armaments decreased, every nation could greatly increase its contributions to advancing human welfare. All of us could then pool even greater resources to support the United Nations in its war against want. In this way, our armaments would be transformed into foods, medicines, tools for use in underdeveloped areas, and into other aids for human advancement. * * * Thus we could give real meaning to the old promise that swords shall be beaten into plowshares, and that the nations shall not learn war any more.

Peace instead of war, bread instead of bombs, life instead of death—here is the terminus of our foreign policy, the end point of our strivings. "This is the goal," as our President put it, "which we must keep before us—and the vision in which we must never lose faith."

It is one of the tragedies of our time that we in the Congress have so far failed to act affirmatively for peace by putting ourselves four-square behind the ultimate foreign policy objectives the President announced before the United Nations. Why is this Congress not now proclaiming and raising on high these identical aims as the crux of our moral plan for peace? Why are we not now declaring, in no uncertain terms, that the official policy of the United States Congress rests upon the two imperatives of peace: foolproof control of weapons

and use of the money saved for human betterment? Why are we still waiting to tell the world, "Here is our defense money—join us in a secure system to regulate all weapons and the money you save, along with the money we save, can be pooled through a common United Nations fund to buy bread and tractors"?

Such a proposal would say to the peoples of the East, passionately revolting against the Colonialism of the past two hundred years, that we sympathize with their aspirations for equality with the Western World.

The era of Colonialism is dead—let us recognize that, and welcome the new movement toward political and economic freedom which has taken its place.

Their needs are not only material but of the spirit, which seeks the freedom and the equality that for so many generations men of the West have denied to their brothers in the Orient—in India, in China, in Africa.

Here is a proposal which the peasant and the nomad will understand. Here is a proposal which might gather to itself such support that not all the opposition on earth could stop its march to fulfillment.

Early last February I pointed out that if a safe system of weapons control went into effect and if our military expenses were therefore reduced two-thirds, we would save some \$50,000,000,000 over a period of five years. I suggested that we offer to take such a sum as this \$50,000,000,000—once the control system were proved to be airtight—and use it for Point Four programs and technical assistance to backward areas and splitting the atom for peace.

Today, ten months later, we know that \$50,000,000,000 will be spent—not in five years, but in less than one year: all for engines of war, none for engines of peace. And the end is not yet.

These stark facts were obvious last spring to those distinguished colleagues of both parties who joined me in sponsoring Senate Concurrent Resolution 94. Through that resolution, we asked that the Congress of the United States formally advocate and support the two imperatives of peace as the supreme moral goal of our nation's policy.

I believe that my cosponsors on Senate Concurrent Resolution 94 combine idealism with practical hard-headedness. The offer which we propose would not cost the United States one cent to make—and nothing but good could come from that offer. If it were rejected, the American people would lose nothing in material terms and they would gain in moral stature. If the offer were accepted, not one penny of the taxpayers' money would be spent that would not have been spent in any event—that would not have gone for armaments if a foolproof system of world-wide control had failed to take effect. Neither do the sponsors of the resolution ask that our people repose one modicum of trust in Russia—or that Russia repose one modicum of trust in America. Inspectors from each country would make absolutely certain, with their own eyes and ears, that the other had truly kept its agreement.

Some skeptics will no doubt brand this resolution as impractical and idealistic. I declare that the United States owes its greatness to idealism. I say we had better hope this program can work. I say that if we can get the ear of the Russian people, it will work. I say we had better start striving to see that it does work. I say there must be a positive alternative to all-out war. I challenge the skeptics to produce a superior program.

I believe that the resolution which my colleagues and I introduced last session—and which I shall reintroduce—informs the world that we have an affirmative program for justice and peace and human enrichment. I shall therefore press for formal action by the elected representatives of the people—showing that Congress is ready and eager to back a plan which can banish fear and want.

There is again talk of a Big Four meeting to compose international differences. The recent conference of British Commonwealth Prime Ministers called for a frank exchange of views with Stalin. I am all in favor of honorable negotiations.

If the Senate does its part—if it declares our friendship toward the ordinary people of Russia—if it puts its weight behind an audacious program for bread instead of bombs—the free world could enter upon meetings possessing a moral strength such as it has never before known. We could act to fill the giant vacuum of yearning across the world—yearning for a program adequate to establish peace and worthy of decent and free men.

In essence, the resolutions I commend to this Senate do no more than bring out from hiding what we Americans deeply believe. There is not a member of this Senate who wishes the needless death of a Russian soldier. Peace with justice has always been—and is now—the overriding objective of our citizens. Their hands have always been—and are now—outstretched in friendliness toward the ordinary Russian. They would like nothing better than a pooling of resources to lift the world toward a new city of man. These are the simple truths that will shine forth in the resolutions I advocate.

Senators, I am tired of being called a warmonger by propagandists whose sole purpose is to divide us from our allies. I am tired of having my colleagues denounced as warmongers. Many men have spoken in this debate whose views differ sharply from my own. But these men are not warmongers, whether they happen to occupy desks on the Democratic side of the aisle or the Republican side. On this issue of peace and good will toward other peoples, we stand united.

I want people everywhere to know this.

We are all of us fond of repeating that war is not inevitable. I fear that some of us take false refuge in such repetition. We act almost as if we believe that merely wishing will make it so. We almost appear to think that verbal incantations will somehow repeal the inexorable laws of an accelerating arms race. Arguing against any such comforting notion is 5,000 years of his-

tory, which teaches over and over and over that arms races always lead to war—under today's conditions, atomic war.

Mr. President, unless we act boldly and immediately to wrench history from its present course, war is inevitable. It is still within our power, thank God, to confute this sombre prophecy—but we must act valiantly and we must act now.

This Senate has a responsibility that cannot be evaded. I think it is now incumbent upon this body to state in formal resolutions our profound desire to do anything and everything in our power to find an honorable and just alternative to otherwise inevitable war.

THE CONSTITUTIONAL RESPONSIBILITY OF CONGRESS

Mr. KEM. Mr. President, at some later date I expect to discuss at greater length some general aspects of the foreign policy of the United States. Today I shall confine my remarks to an important issue that is raised by the resolution offered by the Senator from Nebraska [Mr. WHERRY]. Shall Congress recover its constitutional functions in the field of foreign relations? This is really what is involved in the Wherry resolution. Shall the Republic continue in the pattern intended by the founding fathers, or shall it go down the road to a military dictatorship?

Perhaps the most important duty of the Congress, as set forth in the Constitution, is to do what unfortunately President Truman seems to resent. That duty is to act as a check on the President, and to define the channels through which his power is to flow. As a part of a wise and far-seeing plan of checks and balances, the Constitution places in the Congress certain responsibilities in connection with foreign affairs.

None of us here have any illusions about the superior wisdom of Members of Congress. But when an important issue comes up on the floor of the Senate or the House it is discussed pro and con. What is said is reported in the newspapers and on the radio. Editors and commentators get into action. Then the people back home write to Washington. The result is that when a decision is reached, it is in a real sense a considered judgment of the American people.

This is why it is so important that the Congress act as a check or balance on the arbitrary power of the Chief Executive. Compare the President at his executive desk, sometimes alone, with the Congress carrying on the legislative process in a goldfish bowl before the public gaze. The wisdom of one department acting as a check or balance on the other becomes readily apparent.

I. CONSTITUTIONAL RESPONSIBILITY OF CONGRESS IN THE FIELD OF FOREIGN RELATIONS

Mr. President, article II, section 2 of the Constitution provides:

He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Clearly, all Senators, regardless of committee assignments, are expected to interest themselves in proposed agreements between the United States and

foreign nations. All Senators have an equal voice in deciding whether or not treaties submitted to them by the President shall be ratified or rejected.

Under article I, section 8 of the Constitution, it is the further duty of the Congress "to define offenses against the law of nations," and "to declare war."

By giving the Congress the sole authority to declare war, it is made clear that no one man shall be permitted to say when and where the blood of American manhood is to be shed.

II. CONGRESS IN RECENT YEARS HAS FAILED TO CARRY OUT ITS CONSTITUTIONAL FUNCTIONS

Cynics have been heard to say that the last 18 years may mark the beginning of the decline of the American Republic.

Whether we like it or not the trend away from constitutional government has set in. Blank checks were the beginning. During the last 10 years we have begun to observe the lengthening shadow of a military dictatorship.

The question then is, Shall the Congress abdicate to the President its constitutional responsibility in the field of foreign relations? Here are two examples of what I mean:

A. SECRET AGREEMENTS, SECRETLY ARRIVED AT

Mr. President, on Monday, January 8, President Truman delivered his state-of-the-Union message to the Congress.

Thirty-three years before to a day, another American President delivered an address to a joint session of the Congress. On January 8, 1918, President Woodrow Wilson announced his famous 14-point peace program.

President Wilson's first point was:

Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

Mr. Wilson later amplified the point:

For my own part, I am not willing to trust to the counsel of diplomats the working out of any salvation of the world from the things which it has suffered.

It is unfortunate that some of Mr. Wilson's successors in the White House, including the present incumbent, have not seen fit to follow this principle.

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

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

Mr. KEM. I yield.

Mr. MILLIKIN. I am very much interested in what the Senator has to say; but I think it is a well-known fact that President Wilson was worried by his war powers and wanted to get rid of them, and looked forward to the day when he could get rid of them, which is in striking contrast to things that have happened since then.

Mr. KEM. I thank the eminent Senator from Colorado for his very interesting comment, with which I quite agree.

Most of the difficulties in which we find ourselves today are due directly to secret covenants, secretly arrived at. I refer of course to Tehran, Yalta, and Potsdam.

Have we learned anything from this experience? I do not know. No longer than a month ago the President of the United States and the Prime Minister of Great Britain held a widely heralded but top-secret conference here in Washington. Upon its conclusion, a so-called communique was released, which communicated nothing. Reports carried in the British newspapers, indicated that Mr. Truman made important concessions to Mr. Attlee. It was said in the British press that Mr. Truman agreed, for example, not to take any action which would interfere with the flow of British trade with Red China through Hong Kong to the Chinese Communists.

On December 6, 1950, while the Truman-Attlee conference was still under way, I submitted, on behalf of myself and 23 other Senators, a resolution designed to accomplish two things:

First, to obtain a full report from the President on the results of his conference with the British Prime Minister.

Second, to prevent the President from making agreements with the Prime Minister affecting in any important way the course of action of this country, except by treaty entered into with the advice and consent of the Senate, as provided by the Constitution.

After some discussion, this resolution was referred to the Senate Committee on Foreign Relations, where it was pigeonholed, interred without the benefit of clergy—or whatever else the distinguished Senator from Texas [Mr. CONNALLY] does to measures which do not happen to coincide with his own views.

It is commonplace to say that one's judgment is no better than one's information. How can the Senate expect to reach an intelligent decision on foreign policy unless it has access to all the facts? The President speaks glibly of a bipartisan foreign policy. We are asked to cooperate, while he operates in his own way, and makes available to Congress only such information as he thinks it is good for us to have.

American fingers have been burned quite enough by secret deals. I hope the Senate from this point on will demand that there be an end, to use President Wilson's language, to "private international understandings," and will insist—to use his language again—that our "diplomacy shall proceed always frankly and in the public view."

As President Wilson said:

The theory of government which I decline to subscribe to is that the vitality of the Nation comes out of the closeted councils where a few men determine the policy of the country.

President Wilson, at a National Democratic Club Jefferson Dinner in 1908, also said:

Must we fall back on discretionary Executive power? The Government of the United States was established to get rid of it.

A good deal of water has run over the dam since President Wilson used that language.

B. THE UNDECLARED WAR IN KOREA

A second example of the President arrogating to himself powers that are not constitutionally his, is the undeclared

war in Korea, one of the most tragic episodes in American history. Last June 27 a major step was taken by the President of the United States toward the establishment of a military dictatorship.

On that day Mr. Truman ordered our Armed Forces into Korea. Neither branch of the Congress was consulted. The first the Senate knew of it was when there was made available on the floor of the Senate a copy of a press release issued from the White House.

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

Mr. KEM. I yield.

Mr. CONNALLY. At that time did the Senator from Missouri protest?

Mr. KEM. Yes; I did, as vigorously as I could.

Mr. CONNALLY. Where?

Mr. KEM. In a few minutes I shall invite the attention of the Senator from Texas to the exact language I used. I am sorry that the Senator from Texas, whose memory, as I have observed it, is usually like a steel trap, does not recall the incident. If the Senator will bear with me for a few moments I shall give the exact language I used on the occasion about which he inquires.

Mr. CONNALLY. I am sorry, but I cannot remember everything the Senator has said on the floor of the Senate and that other Senators have said on the floor of the Senate. If I were to try to bring to mind everything that has been said on the floor of the Senate, I would need an encyclopedia.

Mr. KEM. I am sure the Senator has in mind the high lights of the discussion of our foreign policy. I regret his memory has played him a trick in this case.

Mr. CONNALLY. Mr. President, will the Senator yield again?

Mr. KEM. Yes.

Mr. CONNALLY. I asked a polite question of the Senator.

Mr. KEM. What is it?

Mr. CONNALLY. The one the Senator just answered. I do not see any harm in that.

Mr. KEM. No; there is no harm in it. I am glad the Senator asked it, and I shall be glad to answer any further questions the Senator desires to ask.

Mr. CONNALLY. The Senator, however, seemed to take umbrage, and seemed to feel surprised that I did not know everything about his speeches.

Mr. KEM. If the Senator from Texas had followed some of the things I have said on the floor in the past, I think the history of the United States would be somewhat different than it is today.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. KEM. Yes.

Mr. CONNALLY. I do not know all who protested, but no one on the floor, as I recall, did anything to stop the sending of troops to Korea. As a matter of fact, when the troops went into Korea nearly all threw up their hats and shouted "Hurrah"; and now a great many of those "hurrahers" are complaining and objecting and denouncing and hair pulling, and so on.

Mr. KEM. If the Senator will be patient, I shall invite his attention to the exact language I used on that occasion.

Mr. CONNALLY. The Senator will put it in the RECORD, will he not? I must leave the Senate in a moment.

Mr. KEM. Yes. I am proceeding to do so.

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

Mr. KEM. I yield.

Mr. WHERRY. Is it not true that the Senate had no chance to act on the policy of the President; that it was a fait accompli?

Mr. KEM. Yes; that is quite true.

Mr. WHERRY. Is it not true that the Congress had no chance to determine about the matter of going into Korea? The boys were there and we had to support them. That was all that was left to do. Is that not true?

Mr. KEM. Yes, unfortunately.

Mr. WHERRY. Will not the adoption of the resolution submitted by the Senator from Nebraska result in preventing another Korea, and in permitting the Congress of the United States to determine whether or not we are going to have happen in Europe exactly what happened in Korea? Is that not true?

Mr. KEM. Yes. There was nothing the Senators in the minority could do about it. But one Senator, at least—and I think there were others—protested at the time respecting the unconstitutionality of the act the President had committed. I will come to that in a moment.

Mr. President, as I was saying, when Mr. Truman ordered our Armed Forces into Korea neither branch of the Congress was consulted. The first the Senate knew of it was when there was made available on the floor of the Senate a copy of the press release issued from the White House. We then had a fait accompli, as the Senator from Nebraska has said.

How well I remember the then majority leader, the former Senator from Illinois, Mr. Lucas, reading to the Senate the release, since only one copy was available.

The President said:

I have ordered United States air and sea forces to give the Korean Government troops cover and air support.

I have ordered the Seventh Fleet to prevent any attack on Formosa.

Not once in his 407-word statement did the President refer to the Congress of the United States, which has the authority—the sole and exclusive authority—under our Constitution to declare war. Yes, the President, as they say in our—his and my—native State of Missouri, was riding high that day. When the Senator from Illinois had finished reading the White House press release, I raised the question as to whether the President had arrogated to himself the power to declare war. Mr. President, that is the answer to the inquiry just made by the Senator from Texas [Mr. CONNALLY]. Let me repeat that when the Senator from Illinois had finished reading the press release, I raised the question of whether the President had arrogated to himself the power to declare war. The answer was the pretense that our participation in Korea was only a

police action. We know differently now. American casualties already number nearly 50,000. Fourteen billion dollars of the public money has been spent. Some 50,000 young Americans have been killed or wounded. Yet the Congress, 7 months after the President's order, has not recognized what must be apparent to everyone—that a state of war exists. This is government by a man, not by the Constitution.

I hope and pray that Congress will act promptly to prevent the possibility of the making of any further secret deals selling our friends down the river, or to avoid further undeclared wars.

How many sons of American mothers must die before we act to curb resolutely the threat of what President Wilson described as "discretionary Executive power"?

III. CONGRESS SHOULD DECIDE WHETHER TROOPS SHOULD BE SENT TO EUROPE

The President now proposes to embark on a new military venture—this time in Western Europe. He has apparently decided to go through with it, regardless of the judgment of the Congress or the wishes of the American people.

Mr. Truman made his plans quite clear at his news conference on January 11.

The New York Herald Tribune of January 12 carried the following story on Mr. Truman's remarks at the conference:

President Truman declared today he will consult with Congress before sending American troops to Europe, but made it clear he will not seek congressional permission to do so. * * *

With vigor he accepted the challenge of those in Congress who would seek to exercise control over such troop commitments by tying up military appropriation. If they want to go to the country on that, Mr. Truman said, he would go with them. He added that he had gone to the country once before and licked his congressional critics.

An argument has been made along this line against the adoption of the pending resolution: "Let's not take any action until General Eisenhower returns from Europe and presents his views as to whether it is advisable to send troops on a large scale to Europe. When he returns, we shall know then whether it is desirable to send troops to Europe—whether on a large scale or on a small scale or not at all."

However, Mr. President, what General Eisenhower has to say may have little effect on the plans of the President. Mr. Truman seems to have already made up his mind—and this, regardless of whether General Eisenhower agrees with the President's preconceived views.

The Baltimore Sun of January 12 carried the following report of the President's news conference on the preceding day:

"And do you expect to send more troops to Europe?" a reporter asked.

"Certainly," said the President, adding that he saw no point in going to all of the trouble of making the Atlantic Treaty arrangements and sending General Eisenhower over to take charge of Western European defense unless we meant to go through with the project.

Mr. President, the President of the United States has no constitutional au-

thority to carry out this dazzling military adventure.

He has no such authority under the terms of the Atlantic Treaty or under the MAP—the military aid program.

In April 1949, the Senate Committee on Foreign Relations held hearings on the North Atlantic Pact. I am sure the Senator from Wisconsin [Mr. WILEY] was present. During Secretary of State Acheson's testimony, he was asked the following question by the Senator from Iowa [Mr. HICKENLOOPER] and made the following answer:

Senator HICKENLOOPER. Are we going to be expected to send substantial numbers of troops over there as a more or less permanent contribution to the development of these countries' capacity to resist?

Secretary ACHESON. The answer to that question, Senator, is a clear and absolute "No."

Mr. President, the question arises, will Congress acquiesce in the President's grab for power? Or will Congress make it clear that from now on it intends to carry on as a coordinate—not a subordinate—branch of the Government?

Let us begin by asserting the authority to say when and where American boys are to be called upon to fight, suffer, and die.

IV. SENATE FOREIGN RELATIONS COMMITTEE SHOULD NOT BE PERMITTED TO PIGEONHOLE WHERRY RESOLUTION

Mr. President, I wish to discuss one more point, and then I shall be through. It has been indicated that a motion may be made to refer the Wherry resolution to the Foreign Relations Committee.

I have great respect for the members of the Senate Committee on Foreign Relations. They, and their predecessors, have rendered valiant service to their country. I am confident they will continue to do so.

They will readily agree, I know, that the primary purpose of the committee is to expedite the Senate's business. Its existence in no way lessens the solemn responsibility of every Member of the Senate in matters pertaining to our foreign policy.

The Constitution makes no provision for congressional committees. In fact, the Congress managed to get along fairly well without them for a number of years after the Constitution went into effect. It was not until 1816 that a Senate Committee on Foreign Relations was established. Previous to that time, questions relating to foreign affairs either were dealt with directly on the floor of the Senate, or were referred to a select temporary committee appointed to consider a particular subject.

I hope the Senate will reject any motion to send the pending resolution to a waiting committee pigeonhole. This is the first test during the present session as to whether the Senate is determined to reaffirm its constitutional role in the conduct of our foreign policy. It is its first opportunity to prove that the Senate has no intention to relinquish to the President its constitutional responsibility to say when and where American sons are to be called on to fight and die.

V. WE WANT NO MILITARY DICTATOR IN THE UNITED STATES

We want no military dictator in this country. There is no room for one on America's free soil. Congress must not permit itself to be thwarted. Its lawful functions must not be further undermined by the executive branch.

As I have warned on a previous occasion, the Congress must not permit itself to be relegated to the status of the Roman Senate under Diocletian, to the condition of the Estates General under Louis XIV, or to the position of the Reichstag under Hitler.

The separation of the powers of government provided in the Constitution must be asserted. The Congress must continue to operate as a coordinate branch of the Government.

I hope the resolution offered by the Senator from Nebraska will be promptly approved.

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

Mr. KEM. I am glad to yield.

Mr. WHERRY. I desire to thank the distinguished Senator from Missouri for the very forceful argument he has presented in setting forth that it is for the Congress to determine what the character of the aid shall be in implementing agreements made under the provisions of the North Atlantic Pact; and, whether the President has the constitutional power or not, that high policy shall be determined by the Congress as the representatives of the people, and that the people shall be permitted to speak. I thank the Senator for his observations.

Mr. KEM. I appreciate the kind remarks of the able minority leader.

THE NICKEL SITUATION

Mr. McCARRAN. Mr. President, as we stand at the beginning of a new year, and in the early stages of a new war-preparedness program, I think I voice the sentiments of many of my colleagues when I say I hope that, in the months ahead, we may be able to avoid many of the mistakes which were made during the period of World War II. Anything which any of us can do to help in avoiding such mistakes, it is our duty to do.

Mr. President, the junior Senator from Texas [Mr. JOHNSON], in his capacity as chairman of the Subcommittee on Preparedness of the Committee on Armed Services, has recently brought to the attention of the Senate and of the country the report of his subcommittee on the situation with respect to one of the most important strategic metals, namely, nickel.

The Senator from Texas and his subcommittee are to be greatly complimented for their fine work; and their accomplishment, in focusing attention on the nickel situation, as they have done, deserves commendation.

The Senator from Texas did not, in his report on the nickel situation, touch upon a phase of that situation which was extremely serious during the recent war. I venture to mention that phase because it is one which might well become extremely serious in the months ahead, if the kind of mistakes which

were made once should be allowed to be repeated.

The situation to which I refer is not, in my opinion, confined to the nickel industry, or to those who are interested in the production of nickel. It is a situation which, in the past, has arisen many times with respect to many items of production. Similar situations are bound to arise many times more, and it is possible that mistakes might be made which could do inestimable harm, unless prevented by extreme watchfulness and prompt and vigorous action where necessary.

What I refer to—and I speak now, purposely, in general terms—is the situation in which representatives or former representatives of a particular industry or other special interest, brought into positions of power and influence in the Government, are tempted to use that power and influence for the benefit of the particular industry or interest with which they are or formerly were associated, even though the best interests of the United States may lie in another direction.

In 1944 the Senate Special Committee To Investigate Industrial Centralization, of which I had the honor to be chairman, went at length into one situation such as I have described; and it happened to be a situation which involved nickel. It also involved chromium and iron ore.

Some of the hearings which we held in that matter were presided over by the Senator from Iowa [Mr. GILLETTE], who did very fine work on that special committee, as he always does on any committee to which he is assigned.

In that particular series of hearings, we were concerned with a small company, the Cascade Alloy Co., which wanted to produce chrome nickel steel—armor-plate steel—in the United States, from ores mined in the United States. That was a somewhat revolutionary proposal, because, as those familiar with the industry know, we traditionally get our nickel and our chrome from outside the United States. This proposal for developing our own resources to produce a type of steel which was extremely critical, and of which there was a serious shortage, might have been expected to meet with a prompt welcome in Washington; but that was not the case. As a matter of fact, the proposal stepped on some very sensitive toes, in effect; and the result was to set off a chain reaction which operated very effectively to prevent that plan for producing chrome nickel steel in the United States from United States ores from ever getting started.

How the proposal was sidetracked, time after time; how it was shunted from one Government agency to another; how obstacles, both real and imaginary, were located or created and thrown in the path of this proposal; how evidence in support of the plan was misinterpreted, or buried, or misplaced; all this makes an extremely interesting story. The part played in all this by representatives or former representatives of the International Nickel Co., and representatives or former representatives of corporations friendly to or associated with the International Nickel Co., also makes an extremely interesting story. The details

are too long to recount here; but Senators who are interested will find them developed in the hearings of the Senate Special Committee To Investigate Industrial Centralization, in the Cascade Alloy case. I can assure my colleagues those hearings make extremely interesting reading. It is just like reading a book.

I have mentioned this matter today, Mr. President, because I do not feel that what happened in the case of the Cascade Alloy Corp. was an isolated instance. I think it was substantially the same thing that happened in other cases; and I think it is the same thing that might happen in the future, unless steps are taken to prevent it from happening.

What happened in the Cascade Alloy case, speaking very bluntly, is that the development of an American resource, and the production, in America, of urgently needed defense materials, was prevented because the success of the proposed undertaking would have been contrary to the commercial interests of certain large corporations, not all of which were even United States corporations.

I know that similar situations existed; and it was the intention of the Senate Special Committee on Industrial Centralization to have gone into some of those other situations. Unfortunately, as Senators may remember—and to the mind of the senior Senator from Nevada, it was extremely unfortunate—the Special Committee To Investigate Industrial Centralization was not continued beyond the end of 1944; and so its work was not completed.

I am sorry to say that result was brought about on a purely political basis, and for purely political reasons. Nevertheless, the special committee was dissolved, its work was halted in midflight, and it was not even permitted to file a final report.

All that, of course, is water over the dam, and what we are interested in is looking ahead to the future.

I have sent to the junior Senator from Texas [Mr. JOHNSON] a copy of the hearings in the Cascade Alloy case, for his information; and I earnestly hope his subcommittee, which is concerning itself with the defense effort, will give special attention, in the months ahead, to the type of activity we uncovered in those hearings back in 1944.

The new defense agencies—I almost said “war” agencies, and I do not think I would have made any great mistake if I had said that—are filling up with men who have left their desks in private industry to come to Washington to do their part in the defense effort. There will be an increasing number of such men stepping into high places—and into places which, while not high, are nevertheless important from the standpoint of both policy making and day-to-day operations—in the weeks and months just ahead of us. I do not want it understood that I think that is bad. On the whole, it is good. We need such men in Government; and many of these men will be making very substantial personal sacrifices, financial and otherwise, in order to serve their country.

But there are two factors in this situation which we must watch. One is the

factor of conditioned thinking, if I may call it that; the simple fact that a man who has been trained through the years to think in terms of the welfare of a particular corporation or a particular industry or a particular segment of our economy is likely to go on thinking that way unless he makes a conscious mental effort to jar himself into a new thinking pattern. Second, the fact that even though the vast majority of these new civil servants may be as high-minded and patriotic as any group of Federal employees can be, yet the effectiveness of their collective effort can be greatly diminished by even a small minority who will be willing to serve their old masters where they think they can get away with it, or in cases where they cannot see how helping their old employer will hurt the Government.

Right there, I think I have made reference to a situation which involves a bit of twisted thinking that is getting to be very common in our Government, and which needs to be straightened out. What I am referring to is the concept that it is all right for a Government employee to help a former employer, if he does not do anything contrary to the interests of the Government.

In private industry, perhaps that viewpoint is entirely acceptable. If a man is working for corporation A, having formerly worked for corporation B, why should he not do anything he can for corporation B so long as he does not do anything against the best interests of corporation A, his present employer? I am willing to leave the answering of that question to those who are working in private industry; but I submit that when a man leaves private industry to go to work for the Government of the United States, the case is entirely different. It is contrary to the best interests of the United States for any officer or employee in the executive branch of the Federal Government to do anything in his official capacity or in the course of his official duties which will help or favor one private corporation, or one private industry, over another.

Government, to be successful, must be impartial; and the bare fact that one private interest is being helped because of its connections or former connections with a Government official or employee is a bad situation even though no one else is being hurt.

Mr. President, I shall not press this subject further, except that I do want to express the hope, at this time, that the Senator from Texas and his subcommittee will be especially vigilant with respect to this situation which I have been discussing, and will undertake to try, as best they may, to prevent the occurrence, in the period that lies ahead of us, of anything like what happened in the Cascade Alloy case.

Mr. JOHNSON of Colorado obtained the floor.

Mr. BUTLER of Nebraska. Mr. President, will the Senator yield in order that I may make a short statement?

Mr. JOHNSON of Colorado. I shall be glad to yield if I do not lose the floor.

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Is there ob-

jection to the Senator from Colorado yielding to the Senator from Nebraska? The Chair hears none, and the Senator from Nebraska is recognized.

TRANSFER OF TITLE TO CERTAIN LANDS TO THE COLVILLE INDIANS, WASHINGTON

Mr. BUTLER of Nebraska. Mr. President, it will be recalled that in the Eighty-first Congress, House bill 2432, providing for the transfer of the title to 818,000 acres of land from the United States to the Colville Indians in the State of Washington, passed the House of Representatives and was reported by the Senate Committee on Interior and Insular Affairs. A similar bill, Senate bill 1022, was introduced in the Senate. I filed a minority report on House bill 2432, which minority report sets forth the reasons why this bill should not pass. The bill died on the Senate Calendar with the Eighty-first Congress.

Senate bill 378 has now been introduced in the present session of Congress, which is identical with that of House bill 2432 and Senate bill 1022 of the Eighty-first Congress.

This proposed legislation, if enacted into law, would deprive the United States of many millions of dollars; it would tend to retard the Indians in the free exercise of their American way of life; it would tend to communize the Indians; it would aid in the perpetuation of the Indian Bureau and forever relegate these Indians and their property to a status of supervision and control by the Indian Bureau; it would permit a puppet Indian tribal council to dissipate the funds of the tribe; and it would give to certain attorneys and conspiring persons the right to share in the loot of the puppet council.

It appears that practically all the Colville Indians, the residents of Ferry and Okanogan Counties, the Tri-County Mining Association, the Northwest Mining Association, other mining and prospectors associations, and individual miners and prospectors are opposed to this proposed legislation.

Mr. President, I ask unanimous consent that the statements of Hiram B. Runnels, Marcel Arcasa, and Jim O'Brien, three Colville Indians, who testified before a Senate subcommittee hearing at Spokane, Wash., on November 21, 1950, concerning these bills, be inserted at this point in the RECORD in connection with my remarks. It is my belief that the reading of these statements will tend to inform those who are interested in this important program.

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

TESTIMONY OF HIRAM B. RUNNELS

Mr. RUNNELS. We in particular are indebted to the Honorable Senator BUTLER of Nebraska. We have been in correspondence with him for several months. We feel very grateful for what he has done for us. I wish it would have been possible for him to have been here. There are many Indians present who would like to have met him.

We can assure Senator BUTLER that he is appreciated by every Indian on the Colville Indian Reservation, except perhaps Frank George and his Bureau stooges.

We are also grateful to Senator O'MAHONEY, the chairman of this committee, for his part in having this hearing here, and to Senator MURRAY, who has sacrificed his time to come out to this hearing.

We are very grateful.

Senator MURRAY. Thank you, Mr. Runnels, and I am sure that Mr. BUTLER, although he is not able to attend, will study the record very thoroughly and will give it the same consideration as if he was here present.

Mr. RUNNELS. Honorable Senator MURRAY, chairman, we are sorry that WALTER HORAN is not here. We wanted to tell him personally how much we opposed his bill H. R. 2432.

We are also sorry, we wanted to tell Senator MAGNUSON the same thing.

At the beginning, I wanted to state I speak for practically 100 percent of the Colville Indians, and we are absolutely opposed to the Horan-Magnuson bills. Of course, I do not represent Frank George's stooges.

We want to be understood that the Northwest Mining Association should not agree to any compromise on these bills for us. We have seen in the papers, and otherwise, that Hoagland effected a compromise, and it had been agreed to by the Northwest Mining Association. We want no part of it.

The Northwest Mining Association is a fine organization. We hope that they will not sell us down the river by this compromise.

In 1891-92 a commission was appointed. This agreement was fulfilled for the north half of the Colville Indians, in which the Indians received \$1,500,000. Congress substantially ratified the agreement accepting the payment of \$1,500,000.

The Indians were dissatisfied and hired lawyers to secure the \$1,500,000 as per agreement. The contract with the lawyers was for 10 years, the contract expiring in 1904. In 1904, at the expiration of the contract, other attorneys agreed to collect the \$1,500,000, leaving the amount of the attorneys' fees to be fixed by the Court of Claims, which the court fixed at \$60,000.

In 1905 James McLaughlin negotiated an agreement with the Indians, opening the south half of the reservation, which agreement included the payment of \$1,500,000, which the Government had failed to pay pursuant to the agreement of 1891. The Congress again failed to ratify this agreement. Instead Congress enacted a law following the terms of the McLaughlin agreement, except the payment of the \$1,500,000. The \$1,500,000 was paid under a separate act, less attorneys' fees of \$60,000.

The act of March 22, 1906, which is a substitute of the McLaughlin agreement, provided for the opening of the south half of the Colville Reservation for the allotment of land to the Indians, and the Indians were to receive the proceeds of the homestead entries. Where did this money go?

By the agreements of 1892 and 1905, the Indians relinquished title to all their lands on the Colville Indian Reservation.

If the Indians were deceived in making these agreements, the Indians now have the Indian Claims Commission to present their claims against the Government. The Indians have tried for years to get an opportunity to present their claims to the Court of Claims. But now we have the Indian Claims Commission, so suit can be brought against the Government without a special bill.

The members of the Colville Confederated Tribes were never allowed to vote on any attorney, but the tribal council, without the consent of the tribe, entered into a contract with James E. Curry, of Washington, D. C., and Lyle Keith, of Spokane, Wash. They have done nothing, and time is running out.

The Indians are anxious that suit be commenced, but the Indians want the opportunity to select their own attorney. The members of the tribe have never authorized the council to select their attorneys. Frank

George really appointed James E. Curry, without the tribe's consent. Mr. Curry is attorney or legal counsel for the National Congress of American Indians.

Mr. Frank George is vice president of this organization, who has been instrumental in taking money out of tribal funds to pay dues to the Congress of American Indians. In other words, he has taken upon himself to make every enrolled Indian a member of this organization without their consent.

In the present budget set-up, which is found on page 28 of the minutes of April 13-14, 1950, it appears there that \$3,000 is taken for this purpose.

Mr. Frank George's position with the tribal council is tribal relations official. How he got this position we do not know. However, the members of the tribe were not consulted. He travels to all parts of the United States and we have not been furnished an accounting of his expenditures.

Senator, we would like to have Mr. George furnish us with a statement of his expenditures and place it in the records.

In connection with Frank George's employment, I wish to place the following letter in the record.

Senator MURRAY. The letter referred to by the witness will be marked exhibit 4 and carried in the records at this point.

INCHELUM, WASH., September 26, 1950.
COLVILLE INDIAN COMMERCIAL CLUB,

Nespelem, Wash.:

We, the undersigned, do declare that the Colville Indian business council met at Nespelem Indian council hall on January 8 and 9 in 1948. At this meeting Frank George, tribal council clerk, carrying the rating of CAF 5, asked for an increased rating of CAF 6, to which the council agreed to give. Then, in the minutes, after Frank George types up the minutes of the meeting, he inserts for himself the title of tribal relations clerk, which is an entirely different rating and different salary than what the business council approved for him. Then in the resolution he types up for himself, the blanket authority which covers all the business on the reservation, and also the intertribal relations clerk, and then on top of all this he takes upon himself the title of Colville tribal treasurer, giving him the sole authority to spend our money, however he sees fit. And then in April, 1948, when the January 1948 minutes were read, several of the councilmen were intoxicated and some asleep, and then that is when the minutes were read and passed on—but the resolutions were never read.

We feel that Frank George has assumed all this authority fraudulently and to the detriment of all the Colville Indians. Because too, the resolution was signed and approved by Mr. Towle, who was not at the agency at that time, since W. W. Head was the superintendent in charge at that time.

We now feel that Frank George should reimburse the tribe all the money he has spent under this false title.

We are ready, with the support of the whole tribe behind us to remove him from his present over-all position.

The signatures below are of a member of the present council, and a former councilman who was serving on the council in 1948.

FLORENCE QUILL.
HELEN TOULOU.
PETER J. GUNN.
JOE MONAGHAN.
LOUIE CAMILLE.
JOE ADOLPH.

Congressman HORAN states, on page 61 of the House hearing, he quotes a statement which is supposed to have been made by the tribal council, reading as follows:

"Present-day Colville Indian leaders feel that their forefathers were betrayed by the Government probably through erroneous interpretation when Mr. James McLaughlin negotiated the agreement of December 1,

1905, when it was stipulated that payment for the north half was contingent on the Indians signing away additional portions of their diminished land base."

This statement is absolutely untrue as there are 350 signers to the contract besides the Indian chiefs, and many of them are still living, of whom I am personally acquainted with. I did not sign it myself because I was at school at Haskell Institute, Kansas. If I would have been here on the reservation, I would have signed it.

In talking with a person who signed the McLaughlin agreement at that time, and since, it was the unanimous opinion that the promise of the payment of the \$1,500,000 was what prompted the Indians to sign the agreement for the relinquishment of the south half of the Colville Indian Reservation.

The Indians before that time, for many years, had tried to make the Government pay the \$1,500,000, so they were very happy to make a settlement.

On February 20, 1896, the north half of the Colville Indian Reservation was opened to mineral location under the United States mineral laws of 1872.

And on July 1, 1898, the south half was opened to mineral, relating to entry and location of mineral land.

We, the members of the Colville Tribe, feel that since that existed in 1898, we want the mining locations to continue. We want it strictly understood that we have never authorized the Northwest Mining Association to compromise in any way, shape, or form, which would disturb the location of mining claims according to mining laws of the United States. Nor have we ever authorized the county commissioners of Ferry and Okanogan Counties to compromise this mineral entry proposition. Nor do we approve of Mr. Hoagland's activities in this respect. He apparently is working for the county commissioners and is being paid out of our tribal funds.

I want to refer you to the April council minutes of April 13-14, 1950, and from pages 1 and 2 I want to read the following:

"Mr. Hoagland was to be complimented on the interest he has taken and for all he has accomplished. He had been doing his utmost to put things across, and had been able to reach people who could not have been contacted without him. His enthusiasm and interest in assisting the Colvilles had been very sincere.

"Mr. Keith had had a different part to play and was in a position to do what neither Mr. Hoagland nor others could have done and he surely has done everything possible to help, and he was able to unlock doors making it possible to get this matter to people who were needed."

Senator MURRAY. I understand that this statement has already been printed in the minority report, which is now in the Senate. If that is true, then it won't be necessary to repeat it here.

Mr. RUNNELS. In Senator BUTLER's report, on page 30, it is stated that Mr. Hoagland did not register as a lobbyist. If he had registered we would have known who had paid his expenses and how much Ferry County and Okanogan County and tribal funds was used in connection with Mr. Hoagland's trips to Washington, D. C.

Mr. Senator, did Mr. Hoagland violate any law when he failed to register? If he did violate the law, who is going to prosecute him?

Many letters have been written to Senators. Here is one written to Senator MAGNUSON, which I wish to submit for the record.

Senator MURRAY. It will be carried in the record as exhibit 5.

NESPELEM, WASH., February 8, 1950.

Senator WARREN G. MAGNUSON,
Senate Building, Washington, D. C.

DEAR SENATOR MAGNUSON: I respectfully ask that H. R. 2432 and Senate bill 1021 be

referred back to a subcommittee of your committee to be a hearing in or near Spokane, Wash., soon, for the following reasons:

I am a mining claim owner on the Colville Indian Reservation for the past 41 years. I, with my copartner, have options with eastern people, now we are informed that they could not and would not put any money into a set-up like this because they may not get title to the claims. I have talked to a good many people and they all agree that no one will put up money to develop mining claims here under the present set-up.

It is common knowledge that the Interior or Indian Bureau cannot give any information or data on this land as to its mineral value for leasing for mining purposes. If the Bureau insists on leasing mineral lands now, then we never had any rights on this land at any time; now in fairness to us, if we cannot own these claims then tell us to get off or compensate us for our years of effort.

Yours respectfully,

FRANK OSTROWSKI.

The proposed budget of the tribal council provides a consultant mining engineer.

There has been no prospecting or mining upon the reservation since the illegal withdrawal order of Mr. Ickes in 1934, which was rescinded in 1935 (p. 23 of H. R. 2432 shows a letter from Collier to the Secretary of the Interior).

Our tribal council, as it is now constituted, is nothing but a puppet for the Indian Bureau. Some of the members are employees of the Indian Bureau. Others have loans which are granted by the council themselves. Great favoritism is practiced so that only the favored few are benefited by the council's action.

The council members are dissipating the tribal funds, as will be seen by the proposed budget found on page 28 of the minutes of the tribal council meeting of April 13-14, 1950. I respectfully ask that this page of the items of the expenditures be copied and inserted in the record of this hearing.

"Whereas the finance committee of the Colville Business Council recommended the proposed budget to be paid from Colville tribal funds for the fiscal year 1952 as follows:

"1. Per diem and mileage for council members, regular and special committee members, members of special investigating committee, members of tribal election boards, credit committee or loan board members, and all other tribal groups or individuals as authorized by council action.....	\$4,500
2. Salaries, inclusive of within-grade salary increases.....	25,443
3. Miscellaneous expenses.....	8,600
4. Burial of deceased members of the Confederated Tribes of the Colville Reservation.....	4,500
5. Tuition for Indian children to be paid St. Mary's Mission, Omak, Wash., and Sacred Heart Mission, De Smet, Idaho.....	8,000
6. Tribal attorneys.....	3,500
7. Claims attorneys.....	5,000
8. Consultant mining engineer.....	4,000
9. General wildlife management and propagation.....	2,000
10. Operation and maintenance charges.....	500
11. Range improvement and maintenance of structures.....	2,000
12. Fire suppression and presuppression activities.....	15,000
13. Expenses connected with membership in intertribal organizations.....	3,000
Total.....	86,043"

I direct particular attention to a few items in the said proposed budget:

"Item 1. Provides for tribal council expenses.....	\$4,500
Item 3. Miscellaneous expenses.....	8,600
Item 6. Tribal attorneys (Messrs. Keith and Winston, Spokane, Wash.).....	3,500
Item 7. Claims attorney (James E. Curry and associates, Washington, D. C.).....	5,000
Item 8. Consulting mining engineer (Everett Hoagland).....	4,000
Item 13. Membership in intertribal organizations (membership dues, Congress of American Indians).....	3,000"

The tribal council has employed Frank George as tribal relations official at a very large salary. We have no need of such an official. In addition, his wife is also employed at the agency and drawing a large salary, paid out of our tribal funds. There are many other wives and husbands employed at the agency office. This practice should not be tolerated as there are many competent young people who would like to be employed here.

Here is a list of the names of wives and husbands for the record: Mr. Richard and wife, Mr. Ed Hall and wife, Mr. Lightfoot and wife, Mr. Williams and wife, Mr. Jack Condon and wife, Mr. Frank George and wife, Mr. Jack Clark and wife.

And one party transferred from the Spokane Indian Reservation, Wash. He and his wife are employed.

Very few are qualified voters who go to the polls to vote. I would make it in my judgment less than 25 percent. This lack of interest is due to the fact that these elections are Bureau controlled.

Attempts have been made to correct the voting system, but the Bureau officials have always vetoed them. Any suggestion in the improvements of the elections receives the adverse rulings of the Superintendent.

A fair example to show how the council operates: At the meeting that the council held on April 13-14, 1950, Mr. Graves, Superintendent, and Mr. Keith, attorney for the council, when the matter of the Horan-Magnuson bill was under discussion, both Mr. Graves and Mr. Keith very strongly admonished the members of the council not to reveal any of the statements made regarding these bills because they stated that a single Senator in opposition could stop the passage of the bill and, furthermore, they asked the council and members of the tribe not to reveal a thing what was said or had taken place. Yet nothing concerning these statements appear in the minutes of April 13-14, 1950.

It would appear that the record shows whatever, in their judgment, should be recorded, and nothing else. Such seems to be the general practice.

Indian Bureau has used every effort possible to stop this Senate investigation. To cite you one of many instances: Last July Joe Kohler, chairman of the Ferry County commissioners, drove 65 miles to contact me. He said he had a wire from Congressman HORAN to contact me and asked me to wire my withdrawal of my objections to H. R. 2432, the Horan bill providing for the restoration of the 818,000 acres to the Indians.

I told him I am no backslider, and it was a damn poor time for me to crawlfish. He told me that if I would withdraw my objections, he would see me later.

I further told him what we need is a senatorial investigation of the whole agency group, that matters were getting worse.

At that time I contacted about 15 or 20 young Indians who are veterans of World War II. I asked them, "What do you boys want, land or money?" They all said, "Give us money and give us full citizenship. We gain nothing by being under the authority of the Indian Agency."

I will cite you another case, just to show you the power and influence the Indian Bureau has. One William Derickson has a 160-acre allotment. A white man leases his allotment for \$300 per year. The white man pays him \$150 down. They go to the agency to have a lease drawn up. The extension agent tells him, "You cannot lease your land for dry farming. Your land is grazing land, which we are leasing for 10 cents per acre."

Every Indian who has received his allotment and received a patent that I have talked with does not want the 818,000 acres. They want the money so they can be on their own. They do not want to prolong the Indian Office here any longer.

Some of the councilmen are independent and want to do the right thing. At least five of the council members have tried to work for the best interests of the tribe.

The council was tricked into authorizing him to act for them. This authority now which Frank George claims was made at the meeting of the council January 9, 1948, when the council had adjourned and many of the councilmen were on their way home.

John Cleveland called a few of the councilmen together, supposed to be a quorum, the members that George controlled. Cleveland told them that something had been overlooked at the meeting. He suggested that a tribal relations officer has not been taken up. These members which Cleveland called together voted to adopt his suggestion of appointing a tribal relations officer. No formal resolution was offered in writing to vote upon, but George thereafter prepared the resolution, which was inserted in the minutes as having been voted upon and adopted. The minutes contained a resolution authorizing the establishment of the position of tribal relations officer. These minutes were not made available to the council for 6 months.

By such trickery all the authority of the council was transferred to Frank George, so if such authority is conferred in Frank George, there is no more need of a tribal council. Subsequent action of Frank George will so show.

These bills—the Horan-Magnuson bills, were instigated and prepared by Frank George, the superintendent and other Bureau officials, without the knowledge or consent of members of the tribe or tribal council.

The so-called program which is tied in with these bills was concocted by Frank George and his fellow stooges. On such a radical change in policy the members of the tribe should have a voice. The tribe at least should have a referendum vote to either accept or reject the proposition.

It goes to show that the Indian Agency at Nespelem is no benefit to the Indians. It only serves to figure out a program on paper, and Frank George, in his capacity as acting in his full authority of the council, votes himself money out of tribal funds to travel about the country, representing himself or assuming to represent the Colville Indians.

We, the Colville Tribe, whom we represent, ask for a full and complete statement of how much tribal money has been spent by Frank George and his assistant, Mrs. Lightfoot, since January 1948.

Frank George some time ago had the nerve to ask for an increase in his salary. I think he asked for \$4,900 a year. Mr. Pryse, the area director of Portland, turned it down, and he has gone about the country and vilified Mr. Pryse. Among other things, he is advocating the abolishment of Mr. Pryse's office.

Such views of Frank George have been widely published in newspapers.

Frank George has an underling in a man by the name of Pete Lemery, who does whatever George tells him. This man Lemery is one of the present Indian councilmen. He is employed by the agency. The balance of the time he is employed by the agency under

the direction of Frank George, so Frank George sees to it that Pete Lemery has full employment all year around. Pete Lemery lives in a Government-owned house at the agency, so he is well taken care of by Frank George. This is the same Pete Lemery who is on the council and is a puppet for Frank George on the council.

Frank George also provides periodical employment for other council members who are subservient to him, so one can see what this council amounts to.

Pete Lemery was declared elected in the 1949 election by the superintendent, Graves, by absentee votes. By the unofficial count two candidates were ahead of Lemery. I was 9 votes ahead of him, but 14 absentee votes came in. Lemery beat me by five votes.

I then wrote a letter to Superintendent Graves asking him to furnish me the names and addresses of the 14 absentee voters who were supposed to have voted for Lemery, copies of letters requesting absentee ballots, and permission to see the envelopes and postmarks containing the absentee ballots. I never received any reply from Mr. Graves. I know he received my letter marked "personal."

Several months after the time of mailing the letter to Mr. Graves, I asked Graves why he never answered my letter about Pete Lemery's absentee votes. He told me he never did receive my letter. He stated he never received the letter. I told him I had addressed the letter to him properly and placed the return address on the left-hand corner of the envelope and that he must have received it. He then told me I was a liar. I said if anyone was a liar he was, because the letter would have been returned to me.

The absentee voting is very seldom used in our elections. Many of the candidates did not receive any absentee votes.

Pete Lemery, being a Government employee and hanging around the agency a great deal of the time, buttonholes Indians coming in from Idaho and other places to transact business with the agency and contacts them for absentee votes. He seems to get them. I do not know whether these 14 voters voted in that manner or not, but I am quite sure no one else received any votes at that election.

Also all the absentee ballots have to come through Frank George, so anyone can judge for himself how a man like Pete Lemery is elected.

Pete Lemery has been an employee of the agency for many years, including that of policeman some years ago. He was relieved of his duties on account of drunkenness. He then was employed by the Indian roads division, and finally was reinstated by Superintendent Graves. So the agency always keeps him, no matter what he may do in regard to breaking the rules and regulations.

Pete Lemery, while employed by the Government in some capacity not too long ago, induced a man to make his will in his favor. This man lives around Inchellum. He is an old man, has no relatives, in ill health, received old-age pension. Pete Lemery went to him and told him to make a will leaving all property to him. This man owns an allotment of considerable value. The man has continuously asked that the land be sold so that he can use the proceeds of such sale so he could care for himself during the last days of his life.

The agency approved of this will. I presume Mr. Lemery will acquire this estate when, in all honesty and decency, this man should be permitted to sell his allotment so he can live in comfort during the balance of his life. The man has tuberculosis and he cannot live very much longer, if he is not already dead.

By this kind of dealings by Pete Lemery, and approved by the Indian Bureau, they will deprive this old man of a few happy days and defraud the State of Washington of considerable money. This man lives in

despair and poverty, yet the Indian Bureau is responsible for this situation.

In 1948 we had a referendum vote on the proposition of a general election system to apply to the Colville Reservation. This proposition carried by a large majority but the Indian Bureau vetoed it, so we now have election laws suitable to the Indian Bureau, but not to us.

Frank George has made every Colville Indian a member of the Congress of American Indians, assessing each member 5 cents, each taking the money out of tribal funds without the knowledge or consent of the tribe. At our meeting with Indians from the Umatilla, Yakima, and the Coast Indians, we were to vote on our membership by general election, but we never did.

Petitions have been and now are being circulated asking that the \$1,600,000 now in the United States Treasury be distributed to the members of the Colville Tribe and that the Indians be given their freedom from Bureau control and be given their rights and privileges as citizens.

These petitions are addressed to Senator HUGH BUTLER and are being circulated and are being signed by members of the tribe, and I believe that 95 percent of the members of the tribe will sign these petitions, and many hundreds have signed these petitions.

I ask that these petitions be placed in the records of these hearings, and we be permitted to send in additional signed petitions for the record:

PETITION

TO HON. HUGH BUTLER,
United States Senator,
Washington, D. C.:

Whereas \$1,600,000 of Colville Indian funds is now in the hands of the United States Government from the sale of timber and the leasing of grazing lands; and

Whereas the Colville Indian Council is a generally uneducated body and easily led by the Indian agent and individuals working with him, and as a result the only liberal and free expenditures made to date have been for surplus administrative personnel and equipment and attorneys and lobbyists; and

Whereas the attorneys for the tribe are presently lobbying to attempt to turn over our funds for more unrestricted and consequently inefficient spending to perpetuate themselves and the bureaucracy governing the tribe; and

Whereas no constructive program has been developed for the general welfare of the rank and file of the Colville Tribe and the council under the benevolent gloved hand of steel of the agency has favored the few well-to-do Indians; and

Whereas the people have requested the council to obtain a per capita payment, and they have failed to take action, and the superintendent has refused to approve such a payment;

It is therefore necessary for the undersigned to take action by this petition for the purpose of distributing the above funds for the general benefit and welfare of the whole tribe; and therefore the undersigned hereby petition Congress to authorize the distribution of said fund by a per capita payment to the Colville Indian Tribe.

CHRISTINE WILLIAMS
(And 598 others).

PETITION

TO HON. HUGH BUTLER,
United States Senator,
Washington, D. C.:

More people are living in poverty today than when the Colville Indian Reservation was established. Hunting and fishing are negligible toward support of our people. Our economic life has been revolutionized and yet we are not allowed to buy and sell our own property. Business principles are

completely ignored. Our capital resources cannot be sold and developed. People who own large tracts of timber live in a hovel but cannot sell their timber. They are forced to wait until one of the big favored lumber companies systematically cuts large tracts of timber and reaches the individual's land. Red tape and a desire to perpetuate themselves in office by members of the Indian service have not been conducive to economic development of our Indian resources.

People will not establish industry or businesses when they cannot give a long-term lease let alone a deed. We cannot develop capitalistic enterprise under Soviet-type control.

Why should we be ruled by individuals who know nothing about business?

Why are we protected by a system of theoretical benevolent paternalism?

Are we not any more capable of running our affairs than a colored or white man?

When are we going to be treated on terms of equality? When can we order a glass of beer the same as any other citizen?

It is time we were given our freedom to live unrestricted as ordinary individuals instead of living under the thumbs of small-minded souls who cannot see further than their monthly pay check.

Therefore, the undersigned respectfully petition that we be freed, given the rights, duties, and privileges of a citizen.

HARVEY ST. PAUL
(And 570 others).

Senator MURRAY. The petitions will be filed with the papers in the record for the use of the committee.

Mr. RUNNELS. We have also another petition for the rescinding of a resolution passed on the 9th day of January 1948, No. 1948-6. An additional petition is in the hands of the chairman. We ask that these petitions be made a part of the record. More petitions will be coming in also for the record. There are over 125 signatures so far on the two petitions spoken of, and this is one of them:

"PETITION TO THE CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION"

"We, the undersigned members of the Confederated Tribes of Colville Indians do hereby petition the General Tribal Council for an order and resolution repealing and rescinding resolution No. 1948-6, passed by the business council on the 9th day of January 1948.

"Under such resolution entirely too much authority and too much compensation is given the tribal clerk. We therefore further petition that all resolutions and orders whereby the tribal clerk or any other officer working under the direction of the tribe are given blanket or general authority to make or create claims or expenditures against the tribal funds, be rescinded, repealed and set aside.

"GEORGE LOUIE
"(And 33 others)."

Senator MURRAY. That may also be filed in the record.

Mr. RUNNELS. The Colville Indians want to be free from Government interference. They get along with their white neighbors and want to continue. Inter-marriage is the rule rather than the exception. The result is there are more mixed-blood Indians than full-bloods. The Indian children attend public schools. In fact, we have never had an Indian school on the south half of the Colville Indian Reservation. However, they did have an Indian boarding school on the north half, at Tonasket, which burned down in 1895. There has been no Indian school on the reservation since. There is one Catholic Indian Boarding Mission at Omak, or on the Omak Creek.

On January 31, 1916, Congressman C. C. Dill, from this congressional district, had this to say:

"How long shall we continue the reservation system? We began herding Indians on reservations about 100 years ago, and are keeping them there still. Shall it never end? Those who know the Indians best condemn it. The Indians themselves, that is, those who have once gotten away from it, object to it and urge its abolition, and the others are wards and have no opportunity to know of any other system than the reservation system.

"I am informed that during the last 35 years we have appropriated \$265,000,000 to carry on the present system. Are the Indians the better for it? No. Only those who have been able to get free from it have really profited by it.

"Why do we not get rid of it? I'll tell you why. There are now in the Federal Treasury between \$40,000,000 and \$50,000,000 of Indian trust funds. The Indian lands are worth more than a billion. As long as these funds and this property remain to be administered by Government officials who make a living by the administering, and Congress obeys the recommendations of these officials, we shall not get rid of it. The system will end only when Congress acts in the true interests of the Indian, regardless of the official recommendations which the Indian Department may make."

I am a taxpayer and many other Indians are doing the same as I am. They do not oppose to pay taxes. They feel as though they should share the burden with other citizens.

All Indians who are 65 years or over receive pensions under the laws of the State of Washington. The State welfare department is taking care of the needy, and I personally know if it had not been for this department of welfare there would be great suffering because the agency office will not do a thing for the welfare of the Indians.

Many old Indians who are receiving welfare and pensions and who own large tracts of land desire to sell their holdings so they may live properly and relieve the State from these payments, but the Indian Bureau absolutely refuses to approve of any sale, thereby cheating the State of Washington of large sums of money.

According to the last census of enrollment of the Colville Indian Reservation, the records show that there are over 3,400 Indians enrolled and the Bureau figures show that over 1,000 families live on the Colville Reservation. These figures are misleading and incorrect. I personally know every Indian family on the reservation. So do other members of the tribe who are present.

The actual number of families living within the boundaries of the Colville Reservation is 248. This figure includes men with families, as well as old men and women receiving State aid and State pensions, as well as other single persons. All of these families—it includes a large portion of this number who are farming and taking care of their own affairs without Indian Bureau supervision.

The same is true in regard to those on relief and receiving State pensions.

The Indian Bureau does nothing for these people and are not even in touch with them.

In Nespelem there are approximately 63 families. These are also independent of the Indian Bureau. They work at Coulee Dam, the lumber mills, and other gainful employment, many of whom are taxpayers and own their own homes.

There are 10 families living on the north half of the reservation, consisting of 47 persons.

In representing about 100 percent of the people living on the Colville Reservation, except Frank George and his stooges, I respectfully ask that the Indian Agency furnish a copy of the latest rolls of Indians belonging to the Colville Indian Reservation, indicating who they are and where they live.

In the enrollment of the 3,400 Indians on the Colville Indian Reservation, there are 600 or more Indians living in Canada and belonging to reservations there.

There are a large number of Indians living in Idaho who are enrolled on the Colville Reservation, as well as Indians living in other parts of the State of Washington and the world, who have no connection with the Colville Agency. My family, I have two daughters, one living in Oakland and one in Eureka, Calif., and one son in Fairbanks, Alaska. The same situation no doubt is true in other families.

In my judgment there is an Indian population on the Colville Reservation now far less than 1,500. The total number of families would be less than 325.

I notice in the hearings on Indian appropriations bill, the total population on the Colville Indian Reservation is given as 3,400, which number is misleading and inaccurate. No doubt such testimony is made to obtain large appropriations to run the Indian Agency.

We are absolutely against the so-called land purchase. We do not believe in this Communist form of ownership. We are an independent people and we want to own our property without any strings on it.

Frank George's tribal council is attempting to buy individual Indian allotments for tribal ownership, and he has bought a few. The Indian Bureau will not permit any Indian to sell his land or timber to anyone but the tribe, for large lumber companies.

The Bureau is buying up land from individuals, the Bureau making the appraisals. They pay the owner generally about half the value of the property. In addition, they charge the Indian a 10-percent commission for the sale of the lands to the Indian Bureau.

I can cite you one example. Mrs. Delia O. Lawrence, now living at Omak, Wash., about 4 months ago sold her 120-acre timber allotment to the tribe for \$3,000, which price is about one-half of its value. The Indian Bureau deducted 10 percent from the purchase price, so that left Mrs. Lawrence \$2,700. She signed the deed over 4 months ago and the \$2,700 has not been paid yet. Not only that, the Indian Bureau advised her to borrow \$700 from the bank at 8½ percent interest.

Mrs. Lawrence needed the \$700 to put her children in school, and she is badly in need of the \$2,700 to maintain herself and keep her children in school, but after 4 months Mrs. Lawrence is still demanding her \$2,700 and is still paying the bank 8½ percent interest on the loan of \$700.

No doubt there are many cases like it. Where the 10-percent commission goes, we do not know. We respectfully ask that a statement be furnished for the record of this hearing how much land has been purchased, at what price, and the amount of commission collected from the sellers of the land; also what becomes of the commissions collected and what disposition is made of the commissions.

There are many Indians, particularly old Indians who are on old-age pensions, who are very anxious to sell their lands and timber to better their conditions but the Indian Bureau refuses to allow them to sell or issue patent in fee for their lands.

These old pensioners generally have large tracts of land and a lot of salable timber, but they live in poverty in old tumble-down shacks which are a disgrace to any civilized community. The Indian Bureau refuses to let them cut their timber for the building of homes so that they may live decently. I will cite a few cases which will demonstrate the policy which the Indian Bureau pursues.

Abraham Edwards, 74 years old, drawing old-age pension, has seven inherited allotments, each allotment containing 80 acres or more. He has tried for a long time to sell

at least some of the allotments and some of the timber but the Indian Bureau refuses to sell the timber or the land. In the meantime, Mr. Edwards is living in an old shack by himself, in poverty.

Mrs. Juanita Gallaher owns a timber allotment approximately 155 acres on the San Poll River, just off State Highway No. 4. Her husband is a sawmill operator and wishes to cut the timber on this allotment but the Indian Bureau refuses. They have a family of six children. They need this timber to better their conditions.

Nespelem Charley, 75 or 80 years old, died about 2 years ago. When he died he had seven allotments lying in a block. He left only two heirs, a daughter and a grandson. He was on old-age pension when he died about 2 years ago. A long time prior to his death he tried to sell some of his timber and land but the Indian Bureau refused and made this Indian live in poverty, even though he owned property to the value of thousands of dollars. His daughter, Adeline Charley Perkins, now lives in a dilapidated shack. She has requested the Bureau to sell some of the property but the Indian Bureau has refused to loan her \$500.

The estate which she has inherited from her father is easily worth more than \$50,000. Yet her father died like a pauper.

Albert Jerred, about 41 years old, lives near Kewa, Wash. He has a timber allotment of about 120 to 140 acres. He works off his allotment to support his four children. The Indian Bureau will not allow him to cut his own timber to help support his children.

Cashmere Joseph, a widower, a cripple, has living with him three grandchildren. He supports himself by cutting wood and posts. He owns one allotment of 160 acres, all under cultivation, at Bridgeport, about 50 miles from where he lives. He used to receive \$150 per year as rent; now he receives only \$40. He wants to sell this allotment but the Indian Bureau refuses. He has four other timber allotments also, which he would like to sell so that he could make his home on lands which he owns, but the Indian Bureau refuses to be of any help to him.

Mary Gusta, 95 years old, Louie Gusta, 90 years old—both blind—and Pierre Gusta, 80 years old, are all brothers and sisters, all living together. Mary and Pierre receive State pensions. Louie did receive a pension but he sold his timber on his allotment and the proceeds from the sale were deposited in the Agency office, which is now paying \$50 per month out of this fund to him. Pierre and Mary own two allotments with good timber and a little farming land. They also own a section of land in the northern half of the reservation. They have tried to sell in order that they may live decently, but the Indian Bureau refuses. These people live all together in a dilapidated house. Pierre does the shopping at Kewa about 3 miles away. The two blind people cannot take care of the stove to keep them warm so they go to bed until Pierre returns.

Madeline Timinto, 65 years of age or more, owns her own allotment and an additional two inherited allotments. She now lives in Nespelem and has built a home from proceeds received from old-age pension and insurance left by her deceased son. She cannot use the three allotments she owns and she wants to sell them so she can live comfortably at Nespelem.

Johnnie Alex Jack, Willie Quilaskin, half brothers, both receive old-age pensions. John Alex Jack is an invalid and cannot work. They live any place where they can find work. Both have valuable timber allotments but the Indian Bureau refuses to permit them to sell.

Paul Peters, 55 years old, crippled hand, blinded in one eye and the sight in the other is affected—he and his wife have allotments with timber. His wife has 200 acres of inherited land on the Flathead Reservation,

Mont. The Indian Bureau will not permit them to sell their lands on the Colville Reservation or the Flathead Reservation. He has tried to get a permit to cut his own timber. The Indian office has refused him a permit. They have also tried to sell land to the tribe. This also failed. They now live in poverty and not sufficient income to live on. Their neighbors and friends help them by giving them food in order to keep them from starving.

Mary Abraham, more than 70 years old and living on a pension—she owns her husband's allotment of 140 acres in the 9-mile timber unit, which can be logged at any time as her timber land adjoins the highway. She has asked for a permit to sell her timber but the Indian Bureau has refused to give her a permit to sell her timber. She also owns land on the Spokane Reservation which she inherited from her father. This land she is renting to a white man, receiving very little rent money. She also owns an allotment inherited from her second husband, located at Nespelem. This allotment is perhaps worth \$6,000. Some years ago she sold her allotment that was allotted to her to the tribe. The tribe only paid \$1,200. The timber on this allotment was worth more than \$1,200.

Johnnie George, about 68 years old, lives on old-age pension but owns about 800 acres of good yellow pine timber. He would like to sell some timber to live on. He is in ill health and is too old to work. The Indian Bureau refuses to allow him to sell land or timber.

William Burke, about 63 years old, is in ill health and not able to work. He also owns 80 acres on the Coeur d'Alene Reservation. He receives State aid. The Indian Bureau refuses him permission to sell any of this land on the Colville or Coeur d'Alene Reservations.

Louie David, 44 years old, single, crippled, cannot work and is receiving a GI pension. He lives at Worley, Idaho. He has three allotments of good standing timber. He is anxious to sell the timber and allotments. The Indian Bureau refuses.

Robert Baulne, living near Kewa—his wife is ill and he has four children. He owns a timber and grazing allotment of 120 acres near Twin Lakes. He is now leasing or share cropping on land belonging to the tribe. He would like to sell his own allotment, which is of no value to him. With the proceeds derived from the sale of his allotment, he would like to buy the land which he is now leasing from the tribe, but the Indian Bureau will not agree to such a deal.

Charles E. Williams has a timber allotment of 160 acres. He has made application to cut timber on his own allotment to build himself a home on a lot owned by him in Nespelem. The Bureau refuses his request. He has a wife and five children, now living in a two-room shack. He works at a sawmill at Belvidere. He also owns three allotments, in addition to the timber allotment. These three allotments are farm land, two of which are leased. His wife also owns a grazing allotment and a one-half interest in her mother's and a one-sixth interest in her father's. The Indian Bureau refuses to permit them to sell.

Joe Red Thunder owns six allotments of land, has 200 acres of good timber and also owns two allotments in Idaho or near Genesee, Idaho, and one near Craig, Idaho. Mrs. Red Thunder owns an allotment of 160 acres and 40 acres inherited from her mother, and a one-sixth interest in her father's allotment. She also owns 2.5 acres adjoining Nespelem. They have seven children, five of them now going to school. They are now living in a shack needing repair. The shack is being ruined because he cannot get lumber to build an addition or make repairs. They now are compelled to drink water from an open creek which runs by their house. The

Indian Bureau refused them the privilege to cut or sell timber or sell any of their lands.

Mrs. Annie Pamolks, a widow about 80 years old, has four or more allotments. She is living alone in a two-room shack. She owns a lot of fine timber and farming land. She wants to sell at least some of her holdings in order that she may build herself a home in Nespelem. The Indian Bureau refuses to do anything about it.

Our extension agent, Earl Stinson, and his three assistants are of no value to the Colville Indians. They show favoritism to members of the tribe in issuance of the reimbursable cattle and the handling of loans. I will submit an example of Mr. Stinson's dealing with members of the tribe in 1946.

Earl Stinson called upon Joseph Nicholson, who lives near Oroville and who owns 130 acres of land which he is farming, and proposed that Nicholson sell his land to D. E. W. Nell, a white man. Nicholson did not want to sell his land. When Nicholson refused to sell his land to D. E. W. Nell, Stinson then told Nicholson that no loans would be approved and he would not get any reimbursable cattle. An application for a loan of the tribal fund was pending, and he did not receive his loan until May 1949, and through the influence of the Veterans' Bureau. But up to this time he has not received any reimbursable cattle although his application was pending for years. The agency also has refused him permission to cut lodgepoles on his own allotment. The agency also informed him that if permission is given him to cut poles on his own allotment, the proceeds from sale of the same would have to be deposited with the agency and disbursed with their approval. Mr. Nicholson is 37, is married, has a wife and two children, served in World War II, and has always handled his own affairs.

The Indian Bureau is leasing grazing lands at 10 cents per acre. We feel that in some instances the rate should be increased.

We also feel the allottee should have the privilege of leasing his own land without the supervision of the Indian Bureau.

One Farm Dixon, a sheepman, said he paid 90 cents a head for grazing on the Colville Indian Reservation for his sheep.

We, the members of the Colville Reservation, feel we should adopt the State laws. Our hunting and fishing regulations should be reserved to the Indians.

The Federal liquor laws should be repealed.

We are paying our police officers out of our tribal funds. The only arrests made are for liquor violations. One Indian alone, while he had 70 head of cattle, lost 19 head by cattle thieves. This was when William H. Head was superintendent. This is one reason why our sheriff's office could do a better job to protect our Indians.

We have been operating our own wild-life accounts since 1940, selling fishing and hunting licenses to non-Indians residing on and off the reservation. We have never had a report on this matter. This is handled by Mr. Frank George.

We are now asking that a report be made to this committee by Mr. Frank George.

We believe roads and highways should be constructed by the State. The State is doing a much better job and gets it done.

We insist that the tribe should select its attorneys instead of being selected by Frank George. The present attorney for the Tribal Council was selected by Frank George.

Our claims attorney should be selected by the tribe and not by Frank George. Time is running out and we should be working on our cases.

The contract for the cutting of timber provides for the employment of Indians. In some instances this is not complied.

In our contract with lumbering companies, they were to hire and give labor to at least 50 percent of their personnel. Upon a check

of the labor personnel, it showed they hired only 4 percent.

The employment of Everett Hoagland by Frank George is done without authority from the tribe. There is not need of such an engineer, nor does the tribe need him as a lobbyist. There hasn't been any mining by the tribe at any time, nor is there any prospect of there ever being at any time.

Why don't Ferry County and Okanogan County hire him for their mining engineer? Who found all the big paying mines that were located in our United States? Certainly Mr. Mining Engineer did not discover them.

We opposed taking over by the tribe of mining leasing under Bureau control. We favor that the United States laws pertaining to mineral locations should apply.

This reservation was opened up in the year 1893 under the mining laws of 1872. We feel that there will never be any discord between Mr. Indian and Mr. White Man who may prospect for minerals on the reservation.

Why start a mining bureau on the reservation when we have a Mining Bureau in the Department of the Interior? We do not favor the leasing system. We ask that the 110,000 acres opened to mining continue as in 1893, unmolested to miners and prospectors. We ask the Northwest Mining Association and the Tri-County Mining Association to provide every effort of support to accomplish this.

We oppose the large lumber unit system. There is an abundance of ripe and overripe timber, and the timber area should be cut up into small units, and that the Indian allottee should be allowed to sell his own timber, without Indian Bureau restriction.

Any Indian logging units do not have enough timber to run them 12 months in the year. Our matured and overripe timber could cure this mistake. The sustained-yield basis was concocted by our Indian Bureau for the purpose of logging this overripe timber for the next hundred years, so we will be subject to and controlled by the Indian Bureau, who only allows the Indian loggers 10,000,000 board feet per year.

There should be a recruise of our timber to give us more employment for our Indian loggers.

All Indians who have been fortunate enough to receive a patent to their lands are now self-supporting.

We urge many more Indians should receive patents in fee to their lands so that they may make use of their assets.

We have three small irrigation projects on the reservation. They are failures. One irrigation project on the San Poil is used by one man, who irrigates about 35 acres. I doubt that his operations have justified the cost.

This project, which has only one farmer irrigating from the ditch, was supposed to be built for all the Indians that live below this project, as all the Indians living in and below this project had to sign a petition to have the Indian Bureau build the same. This project cost the Indian Bureau about \$12,000 to serve one patentee Indian.

The members of the Colville Indians have a grievance against the council. In 1948 a resolution was passed for the purpose of providing a pint of milk and a sandwich for the needy Indian children. This resolution was vetoed. In its place they passed a resolution to provide \$3,000 for travel expenses for one Frank George, who has bestowed on himself the rank of tribal relations officer, for the benefit of the Congress of American Indians.

While we want to be fair to all Indian children, whether they are Protestant or Catholic, if the Council can extend financial aid to the St. Mary's Mission, Wash., and Desmet, Idaho, why not practice a little gratitude at home here in Nespelem?

There are about 150 Indian pupils attending school, whose parents are very much in need.

There is appropriated \$8,000 to missions at Omak, Wash., and Desmet, Idaho, which is off the reservation.

The doctor at the agency is very negligent. Many Indians complain at the hospital service. The doctors change frequently; also the nurses change frequently.

Indians are permitted to visit the sick. They visit from 2 to 4 p. m., and from 7 to 8 p. m. Clinic hours are from 9 to 11:30, 5 days a week. No clinic hours on Saturday or Sunday. So, no matter how sick an Indian is, he cannot visit the clinic from Saturday to Monday, at 9 a. m.

No surgical operations are performed at the hospital. This is a 48-bed hospital.

We believe that the Indians would be better served by local medical doctors and surgeons, and the hospital should be operated in conjunction with the white people in the community.

Senator Magnuson, who introduced Senate bill 1021 in the Senate, to our knowledge, has never been on the Colville Reservation to consult with the tribe so we feel that he does not know enough about our reservation and our problems to be a good judge as to what our needs are, or as to what bills should be introduced, or to correct the abuses of the Indian Bureau or better our economic and social problems.

Congressman Horan, who is urging the passage of H. R. 2432, restoring the 818,000 acres of land to the Colville Indians, has not consulted with members of the tribe as to this bill. He has, however, visited the agency and consulted with Frank George and has had his picture taken, feather-bedecked Nez Perce Indians. The Colville Indians do not dress up in feathers.

TESTIMONY OF MARCEL ARCASA

Mr. ARCASA. Yes, sir, Mr. Chairman; I have a statement here. We are not in favor of Horan and Magnuson bill, H. R. 2432, for that would put us right back into the hands of the Indian Bureau. We will not be any better off than we are at the present time. We would still be under the control of the Indian Bureau. What we are fighting for is to get away from the Indian Bureau and their steam-roller tactics. Sure, the Indian Bureau is putting up a fight to have this 818,000 acres restored to the tribe so that they can get full control of the reservation. The majority of the tribe wants their civil liberty and to be decontrolled from the Indian Bureau so that they can progress. There has not been any progress made on the Colville Reservation within the last 15 or 20 years. It is about time we are doing something about it.

A large number of Colville Indians live in old shacks, and a lot of them have land and timber but cannot sell the timber so they can build themselves good comfortable homes.

The Indian Bureau restrictions will not allow them to sell their land or timber, and a good many of the Colville Indians are getting old-age pensions from the State and relief from the county, and many of them have large timber holdings and lands. If they would let the Indians sell their timber or lands, they would take the care off the State and county, and save them a lot of money and help the Indians to be independent.

I would like to put the officials in the place of the Indian and see how they would like it. It would not be long until they would be asking for someone to help them out. That is what we are fighting for today, to better the condition of the Colville Indians.

We would like to have legislation passed so the allottee could sell the timber individually and get a good price for their tim-

ber and not have to sell it at a small price just because the Indian Bureau says so.

And about the mines, when did the Indian Bureau go into the mining business? They have made a failure in the past to induce capital to develop our mineral resources. Their job is to take care of the Indian and they have done a poor job of that, and it will be the same on the mining business.

I am in favor of the old United States mining laws to go back into effect.

We have asked Senator Butler for a per capita payment. The petition speaks for itself. We are not asking for a loan or appropriation. We are asking for money that belongs to the tribe, revenue derived from resources, from timber sales, and from leases. That is the only solution whereby each and every one will share and share alike.

TESTIMONY OF JIM O'BRIEN

Mr. O'BRIEN. We believe practically 100 percent of the Colville Indians are in full accord with the statement of Mr. Hiram Runnels. Our petitions with about 500 names on goes to show how the Indians are backing his statement. Also four petitions have not been collected as yet.

Senator MURRAY. And you say 100 percent of them are backing the opposition to this bill?

Mr. O'BRIEN. Practically 100 percent. I believe there was less than 1,000 Indians on the reservation and around 500 or 498 have signed it.

The Bureau of Indian Affairs stinks.

We wish to thank this committee for making it possible for penetrating the iron curtain of the Indian Bureau. In the past the officials from Washington who come out to learn our conditions come to the Indian Agency and gets all information there, and goes no further, and tells the people everything is lovely with the Indians.

Our mineral resources lie dormant on account of Indian Bureau restrictions. We have a lot of timber and land-poor Indians on account of Indian Bureau restrictions. Business principles are ignored in handling our affairs. We don't want the Indian Bureau to handle our mining resources.

The Indian Bureau's handling of our mineral resources is a complete failure. If the white man can progress under United States mining laws, we can progress too.

As to our timber resources, large companies have been favored and the small Indian loggers have been ignored. My information is that prices paid for Indian timber is much less than prices paid for national forest timber.

European dictators have compared our Indian reservations to concentration camps. Stalin, the greatest dictator of all time, has nothing on our Indian Bureau. I wonder what Patrick Henry, the famous patriot, would think or say if he were alive today and saw the Colville Indians living under a dictatorship and trying to get their liberty. Our Indian boys fought two world wars for the liberty of the white man, I guess. We wonder how many more world wars the Indians will have to fight in order to get their own liberty.

The white man has beer parlors and clubs for recreation, but the Indians have the bootleg system which was a failure among the white people.

Congress should abolish the Indian Bureau with its dictatorial powers and police-state tactics and incompetent business methods.

A lot of us Indians are taxpayers. We protest to Congress appropriating our tax money for a needless Indian Bureau.

We fail to see where Frank George and his Congress of American Indians have helped the Colville Indians. Only Frank George has helped himself to our tribal funds.

As to per capita payment, the petition speaks for itself. We can put this money to

better use by all the people rather than being dissipated by Frank George and his stooges.

The Colville Indians want to be free from the Indian Bureau. The State pays the Indians old-age pensions as well as the needy.

SUGGESTIONS AS TO SOLUTION OF AMERICAN FOREIGN POLICY

Mr. BUTLER of Nebraska. Mr. President, there has been much discussion in this Chamber within recent days on the proposition of attaining a foreign policy which can be widely supported by a united America. A broad variety of opinion has been disclosed, and we are all sifting the many alternatives which are the product of profound deliberations. We are all deeply sincere in a desire for peace, yet we are honestly compelled to the view that the Russian Empire desires armed conflict with the free world. The Politburo will apparently not feel secure until Russian imperialism dominates the world. We will have no real security until the war machine of Communist imperialism is overwhelmingly exceeded by the might of the free nations.

I am not endeavoring to reach a solution today to the problem of a workable foreign policy for this country. Instead, I want to urge upon my colleagues convictions of mine which I earnestly hope will be some of the elements on which that solution will be based.

First, I should like to speak of the spirit in which we will approach the development of an ultimate policy. In my opinion, there has never been a period within our history in which it has been more necessary for our public servants, both civil and military, to be utterly frank and realistic. We are in conflict with a godless horde that knows no honor, a horde that is brutal and vicious. We have witnessed the operation of Russian imperialism in the conquering of many nations, an operation that has displayed all the cunning devices which take advantage of human nature—broken promises, deceit, class hatred, suspicion, all these allied with application of brute force on weakened peoples. Any vestige of Victorian diplomacy which exists today must be abandoned in our dealings with the Russians and their satellites. We must depart from the policy of the striped pants and the soft gray gloves, and face up to the fact that the Marquis of Queensbury rules are a handicap when the Russians are in the ring. The intelligence experts of the free world should be fully supported in programs to encourage resistance to Russian domination, and supplies useful to organized resistance must be slipped into the hands of the oppressed. We must strike the soft under belly of communism at every point open to attack.

Another factor in the development of a foreign policy requires a positive indication that the nations whom we regard as allies are ready and willing to extend themselves to the fullest of their abilities. All nations desiring to remain free from Communist domination must act quickly to train armies and to obligate their economies to the maximum in the production of munitions and supplies. The other free nations will have to maintain control over the Communists

within their borders, and all within the free orbit must, as of this moment, abandon trading in any markets which supply or aid the Russian imperialists. Honesty compels us to write off any nation which fails to achieve these prerequisites.

Today we are heavily in debt from a war which, it was hoped, would bring to the world a long and prosperous peace. We are daily becoming more heavily indebted, and the Eighty-second Congress is obligated to achieve maximum efficiency out of every dollar spent on our military and domestic programs. The magnitude of defense preparations can never be allowed to make economies, however small, appear trifling, and the succeeding generations who inherit the burdens of these costly times deserve every dollar we can save them. I intend, at a later time, to call attention to specific items which I believe we can erase from the President's budget.

For the present, I believe our best military minds should be devoted to the proposition of effectively utilizing the armed strength that can be obtained from the Chinese Nationalists, the Japanese, and the western Germans. We deserve whatever allies are capable and willing to meet the common enemy. It is pitiful that we have not been properly supported in Korea by the other members of the United Nations, and it seems apparent that the Korean incident was a carefully calculated trap to employ American military strength far from home and farther from Europe. I sincerely believe we should abandon the Korean excursion.

While there has been much discussion about the power of the President to send troops to Western Europe, I will strongly support the resolution recently introduced in the Senate which proposes consent of the Congress prior to sending our troops abroad. Regardless of the legal aspect of this issue, the President's desire for unity in the Congress will be handsomely served if he seeks congressional approval for such a move. We all desire unity of purpose, but members of the minority are mindful of the fact that co-operation is a two-way road. The memory of Tehran, Yalta, and Potsdam is too firmly fixed in our minds to accept the thesis that the President's prerogatives cannot be exercised erroneously.

I am deeply sincere when I state that I believe the unity of purpose which must be achieved in developing a foreign policy suited to these times will be materially benefitted by the resignation of Secretary Acheson. While there have been many attempts to designate any disapproval of Secretary Acheson as mere politics, I am convinced that the vast majority of our people do not hold him in the esteem and respect which his highly important office deserves in this critical period. Secretary Acheson is flavored with a reputation for fuzzy thinking which he rightfully earned in recent years in supporting policies which are now almost universally repudiated. Any loyalty which Secretary Acheson deserves from the President is less to be regarded than the convictions of those people whom I believe to be in the vast majority.

While I have commented specifically on some of the issues which I believe are important to the formulation of foreign policy, my main purpose has been to urge my colleagues to consider matters relating to foreign policy with absolute realism. I am sure all of us realize that Stalin is not "good old Joe," and that what he represents is a crafty and godless force bent upon subjugation of the free world. I am firmly convinced that our relations with other free nations call for the application of a frank and honest appraisal of their conduct in whatever alliance comes into being. Our friends will soon have to stand up and be counted, and our efforts in their behalf must be measured by their own efforts.

THE INTERNATIONAL SITUATION—AMERICAN DIPLOMATIC AND MILITARY POLICIES

Mr. JOHNSON of Colorado. Mr. President, the time is at hand for epochal decisions by the Government of the United States which may change the whole course of civilization. It is not surprising, then, that the President has urged Members of Congress to debate fully the impending questions which soon must be settled. Neither is it surprising that each succeeding mail from Colorado and all other States is loaded with more and more pertinent inquiries as to just what is planned. These letters reflect not only great anxiety and concern at the grass roots, but considerable feeling and solid convictions for or against proposed diplomatic and military policies which may or may not be adopted. Distrust and disunity are the order of the day.

I am not an economist, a constitutional lawyer, a diplomat, or a military expert. This is not going to be that kind of a speech. But I have seen our country drift into two World Wars, and I have followed every move on every front in our ever-increasing drift into world war III. Therefore, I shall discuss the present situations which face the United States and the diplomatic and military proposals that are being considered or advocated by our duly elected and selected officials, as a Senator without commitment or obligation of any nature to any one other than what I deem to be best for the American people. Others may know much more about these questions than I, but no one has worried more about them or tried harder to evaluate them.

I have listened to many suggestions that national unity is the most important consideration. I disagree. The important thing is that we adopt the right policy. Already there has been too much "me-too-ism," flag-waving, and blind, slavish, rubber-stamp acquiescence.

Korea today represents the focal point of our whole international and military policy and, therefore, the situation there is naturally the first to be explored. This far-away and relatively unimportant little country will teach us many vital lessons if we give heed. Certainly it points up a whole multitude of errors in both the diplomatic and military fields. Out of our bitter experience in Korea I pray may come forth a plan for our

survival in this mixed-up world. To us, it has no other military value in any degree. Nor has it any economic significance to us. Always we have held its people in the highest regard. Traditionally, our sympathy has been with them in their long, hard struggles for economic and political freedom.

In the closing days of World War II, we invited our ally, Russia, to assist us in Manchuria and Korea. When the war ended, we recognized Russia's interest in Korea by arbitrarily dividing this unfortunate country at the thirty-eighth parallel into Northern and Southern Korea. I do not think we consulted the Koreans, or anyone else, for that matter, about this very ill-considered and arbitrary action. We just did it as a cheap and easy way to indicate our wholehearted spirit of cooperation in the Orient with Joseph Stalin. Russia assumed a sort of trusteeship over the northern section, while we did the same thing for that portion of the peninsula lying south of the thirty-eighth parallel.

North Korea is blessed with a wealth of natural resources, especially minerals, timber, and hydroelectric power, while South Korea is almost entirely agricultural. Nearly all of the industrial plants are in North Korea. One-third of the Koreans live in the north and two-thirds in the south. The economic independence and prosperity of these people depend upon the unification of the two zones and the elimination of the imaginary barrier plucked out of the ozone by us. The Koreans, both north and south, are a mild, friendly, industrious, patient, and hopeful people, accustomed through the centuries to cruel oppression by their neighbors.

Russia indoctrinated her section with communism, coupled with military training, and we sold our kind of democracy to South Korea without teaching them how to defend their ideals against possible aggression. They, being peaceable people, were not particularly interested in military education, and we did not bother to insist on its necessity. We were forewarned repeatedly that the Communists in the north were planning a military attack on South Korea, but apparently disdainfully ignored such reports. In due course, Russia and the United States withdrew their respective armies of occupation. Shortly thereafter, civil war broke out in Korea. The North Koreans crossed the thirty-eighth parallel into South Korea on June 25, 1950, in an effort to unite by force all Korea under the Communist banner. Their well-trained armies, splendidly equipped with World War II guns and tanks, made steady advances against the weak and helpless and poorly equipped South Koreans.

On June 27 at 12 noon the President ordered United States sea and air forces to "give Korean Government troops cover and support." June 30 the President stated that he had authorized General MacArthur to use land forces. Congress was in session at the time, but was not asked to declare war or authorize troop movement to Korea. On June 27 at 10:45 p. m., nearly 11 hours after we had entered the war, the Security Council of the United Nations requested its mem-

bers to supply the Republic of Korea with assistance to repel the invasion. The Associated Press reported, July 1, 1950, that United States troops were being flown to Korea in numbers.

Thus we entered the war in Korea. This worst diplomatic and military disaster in American history was conceived in cockiness and born in recklessness. Aside from the hocus-pocus about the thirty-eighth parallel, we had the identical provocation to get into the civil war in China. There, as in Korea, northern Communist forces were invading southern territory. But we stayed out. I think we were prudent to do so. I rejoice that we did so. But the point is, the principles involved in the civil war in China and civil war in Korea were identical. We were wise enough to keep out of one, but jumped into the other lightning quick. The only real difference in the two wars was the respective military strength of each conflagration. Millions of men were involved in China and only thousands—so we thought—in Korea. Are there two kinds of aggression—big aggression and little aggression? And is little aggression more offensive to our sense of international rectitude? What other explanation is there for the inconsistency of our policies in these two instances?

We have made Korean soil the battleground for our quarrel with communism. South Korea as a part of the free world is one thing, but as a battlefield is something else. We stated that it was our purpose to liberate the South Koreans, but our efforts on their behalf have almost obliterated them instead. Three times already the United Nations and Communist fighting forces have engaged in a running battle across the Korean peninsula, and another bloody and devastating campaign is now under way. Both sides have indulged the scorched-earth technique. The flight of South Korean refugees, in snow and sleet and storm, pushing their hand carts along the highways and carrying their worldly possessions on their heads and backs, fleeing for their very lives from their homes, is one of the most tragic migrations in history. Regardless of our good intentions, this is what our military intervention has done to these unfortunate human beings. Their misery cannot be measured or described. How many casualties they have suffered will never be known.

Our intervention in Korea is fanning the fires of race hatred in the Far East, too. Nothing could be worse for world peace on a long-range basis than that. Nothing carries a greater danger potential to future world understanding than this tricky factor of race hatred. Our enemies would like to set the orientals against us. We must see to it that they do not succeed in their program of inciting bitter race hatred which one day may develop into the most terrible world war of all times. Historically and actually, the United States has been friendly to oriental people, but not all white men have earned that reputation. It is very easy in these circumstances to kindle race hatred against the United States. For some years, there has been a movement to drive the white man out of Asia.

That is one of the most serious aspects of our present war. That is one of the very good reasons why we should not intervene in China. That is one of the most realistic reasons why we should have kept out of Korea.

If Korea has not taught the United States an extraordinary lesson in the supreme importance of military intelligence, then our days as a mighty world power are numbered. In this time of perfected espionage and scouting from the sky, there is no excuse for the lack of information or the erroneous information which was dished up to our troops who were engaged there. Fatal surprise after fatal surprise has embarrassed our generals and added unnecessarily to our casualty lists. It is difficult to believe that military intelligence could have deteriorated to such an alarming extent in five short years. Perhaps it took a Korea to demonstrate how pitifully weak is the status of this all-important branch of our national defense.

The first rule of military action is not to underestimate the power of the enemy. The second rule is to equip one's own fighters with the best and most lethal weapons an alert science can provide. We have been waving an empty pistol in Korea too much of the time. Science developed a big bazooka many months ago which could have destroyed the powerful North Korean tanks without trouble, but our first troops who were ordered to repel these tanks had none of these superior weapons. These soldiers had to use hand grenades to stop the deadly Russian tanks; and that kind of hand-combat warfare cost many precious American lives.

The United States spent many billions developing an atomic bomb. This celebrated weapon is supposed to be effective in the superlative degree against heavy concentration of troops, but it was not tried out in Korea, even though we are supposed to have quantities of them in cold storage. Leading with weakness has never won recognition as good battle strategy. American soldiers should never be sent into battle with one arm tied behind them. Whether to use or not to use an atomic bomb in Korea ought to be a military problem, but we have delegated this decision to the politicians in the United Nations organization. That is pretty sad.

Press reports from the Korean war front have indicated that American soldiers have been outnumbered 5 or 10 or even 20 to 1 in almost every battle. Perhaps that could not be helped in the first few weeks, when we were trying to put backbone in the South Korean Army overnight, but the war is now in its seventh month. Today the United States has 2,300,000 men in uniform. Why is it necessary for a handful of men to do all the fighting in Korea? And if we cannot get more men there, why do we not do our fighting in a locale of our own choosing, with a shortened perimeter in keeping with our strength? These are some of the unanswered questions which cause so much feeling of frustration in America today.

We call our forces in Korea the United Nations forces. Perhaps they are United

Nations forces. In the west we have a legendary character who boasts about his 50-50 horse and rabbit sausage—1 horse and 1 rabbit. United Nations officials did call on all its members to send troops to MacArthur, but few of them responded. Those who did, excepting the United States, sent merely a token force. I do not criticize any nation for using discretion in deploying its military men in this manner. I think they were far wiser than we. But they have effectively exploded the idea that the United Nations can conduct a war.

Collective security is a wonderful theory, but Korea has demonstrated that collective security cannot be turned off and on like a spigot by the United Nations. If nations are vitally interested in the particular war which is raging they will participate; otherwise they will not. Most of them have been too smart to be sucked into the quicksands of Asiatic intrigue in Korea and China. The United Nations, as well as the United States, ought to learn much from the experience in Korea.

We have one of two choices: Either we should put a huge force in Korea, fully equipped and supplied with the most modern and the most lethal weapons science can devise, and give them full air and sea support, or we should get our forces out and charge our dismal failure there to bitter experience. Half-way military measures cost lives and do not win wars. Three weeks ago, in a telephone message to a mass meeting in Boulder, Colo., I coined the phrase "all out or get out." These five short words express what I think our policy should be.

Our policy makers say we must remain in Korea to save face. To me, it is more important for us to save the lives of our GI's than the red faces of our discredited policy makers. Unless we are prepared to carry on a full-scale war in Korea, we must extricate ourselves from the struggle as best we can, or continue to dribble away the precious lives of American youth without any military achievement. When our troops departed from the Hungnam beachhead some days ago, a GI spoke for America when he wrote these immortal words on a billboard at the point of debarkation, "We didn't want the damn place anyhow."

The people of the United States did hope that Japan might adopt pacifism as its way of life, but in Asia such a role is extremely dangerous today for any people. I am loath to say this, but in my opinion conversion to military strength cannot proceed too rapidly in Japan. The whole Far East is becoming more warlike by the hour, and wars and rumors of wars are breaking out all over the place, so it behooves Japan to rearm for its own protection. It is up to us, therefore, to reverse our attitude toward our former enemies and assist them to get in position to protect and defend their own firesides. All Communists there should be rounded up and placed in concentration camps. In due course, they might be deported to China, Korea, or Siberia for close communion with their beloved fellow Reds. In that case, methinks something which is not pretty would soon happen to them.

Formosa does form an important link in our Far East line of defense, and the Communists must be kept out. Whether Chiang could launch a successful military offensive against the Chinese mainland from Formosa is a serious question, but I am speaking of Formosa as a defense bastion only, and not as a base for continental invasion.

Personally, I should like nothing better than to keep the United States out of world war III, but bitter experience has taught me that it cannot be done. The day the Russian aggressor crosses the line into Western Germany on his way to Western Europe, he will be at war with the United States. Make no mistake about that. It is as certain as that there will be a tomorrow. The American Government and the American people will never tolerate aggression into these areas. Neither Wilhelm nor Hitler thought the United States would fight in Europe, or, if they would fight, that they could be effective. That was their major military blunder. No such illusion should prevail in Moscow, or even in any segment of our own population. If Russian military forces move against Western Europe, the United States will be at her throat instantly. I am not advocating this, nor am I urging it. I am merely stating what every well-informed American in his heart knows will happen. I pray that the Politburo comprehends this fact thoroughly. I doubt that America and her allies can successfully invade and conquer Russia with a huge land army, but I do know that we can destroy every city in Russia and set her progress back 100 years. The American people and the American Government do not want such an unspeakable catastrophe to happen to any city or any people. They have rejected and will continue to reject a preventive war, but they will not run from any military violation of Western Europe.

Field Marshal Stalin has seen, as have I, the devastation and ruins of Berlin. The stacks of rubble and twisted steel stand there a mute but eloquent monument to the wrath of war. If the generalissimo contemplates a program of military conquest of the west, I hope he does not think for one split second that any city in Russia will suffer less than did Berlin. To appease Russia is as dangerous as waving a red flag at a bull, but tirades of abuse and name calling are almost as bad since everyone identifies such antics as evidence of frustration and an inferiority complex. But we ought to make it plain at what point we will fight.

It is only sanity, therefore, that the United States assist Western Europe to defend itself. I did not say that the United States should defend Europe; I said, "Assist Western Europe to defend itself." There is a vast difference between the two. I hope General Eisenhower may be given wide discretionary authority and power to plan for the defense of Western Europe. We do not want him to build a Maginot Line or permit a Maginot Line psychology to develop. We want General Eisenhower to build a modern, integrated army of well-trained, well-equipped men, mobile and supported by the greatest armada

of fighting airships the world has ever seen, ready to strike at a moment's notice.

It would be the most tragic mistake in history if the United States undertook even the major part of such a defense alone. America cannot guarantee every European and Asiatic principality against aggression. Insofar as we are able, keeping paramount our own legitimate interests and American security, we ought to assist those who wage wars on aggressors. But all such self-serving propaganda expressions as "in our own enlightened self-interest," "global responsibility," "peace-loving nations," and other similar high-powered indoctrination shibboleths, should be left to our enemies to utter critically.

Western Europe cannot be defended unless deep in its heart it wants to defend itself. From what I have seen first hand and from what I have been able to learn from other first-hand observers, the people in Western Europe do not think war is imminent, and thus are very calm and complacent about the whole thing. The French are far more afraid of the military resurgence of Germany than they are of an attack by Russia. France and Italy are teeming with communism, but even non-Communists in those countries do not seem to worry much about Russia. The working classes and the poor are having a difficult time balancing their family budgets, with prices high and wages low. Capital is scarce and at a destructive premium. In France and Italy the rich are growing richer, and the poor, poorer. Little wonder that capitalism is on the defensive.

Western Germany is the most pacifist country in the world today. Eking out a miserable existence amid the ruins of demolished cities is very depressing. Switzerland is looking after her internal defenses most effectively. She could and would whip her weight in wildcats, in acting against any invader; but I do not believe she would send one man across her borders to fight for the defense of any other country. Belgium and Holland are dragging their feet in military matters. Norway did not like German occupation in World War II, and will make a fight of it, and can be depended upon to do everything in her power to defend all Western Europe against totalitarian aggressors.

Sweden is building her defense methodically, has some capacity to wage war, and will fight if her neutrality is violated. Denmark will do what she can. Spain is very hard up, but she will make a dependable contribution against communism if assisted, and the same is true of Portugal. Greece has a small army, but a good one; and Turkey is very well prepared to defend her own country. Great Britain will do her fair share, as will her far-flung commonwealth of nations. It is noticeable that these nations want strength, not to wage war, but for diplomatic negotiations on behalf of peace. It is reassuring that these prudent, sincere, and rational people, who are as much devoted to the essential freedoms as are we, are not bombastic and are not defying anyone to knock the chip off their

shoulder in this gloomy moment in history.

There are extreme poverty, hardships of every description, and much unemployment in both Eastern and Western Germany. I am absolutely certain that if General Eisenhower were authorized to do so, he could raise an army of a million carefully screened volunteer recruits in Germany and Austria. Making it a strictly volunteer enlistment would obviate approval by the governments of Eastern or Western Germany. Since it would not be official German Government action, France should not object. After all, there is no better soldier than the German—except, of course, the American GI. Such a program would relieve the manpower shortage in the United States, and would do more toward defending and unifying Western Europe than anything else that has been proposed heretofore.

Several have suggested that the ratio of American strength in Europe be held to 1 to 6. That would be a most generous contribution on our part; and anyone who complains about it could not have in mind the best interest of the United States or of the world, in my opinion. Should America contribute more than 1 to 6, the reaction at home would be very bad, and the effect on the morale of Europe would be disastrous. Europe does not want to be placed in the contemptible position of a kept mistress.

Let us keep this fact constantly before us: Unless the countries of Western Europe show more enthusiasm for their own defenses than appears on the surface today, they will be a push-over for Russia, in spite of all that the United States can do. It is up to them. We had better not have any more of the brand of collective security which was demonstrated in Korea.

It is good military strategy to have a second line of defense ready to fall back to. Former President Hoover presented a sound one recently, except that he should have included Spain and Portugal in it. We could defend that line against communism for 100 years, and we should proceed to do so unless Western Europe assumes a more realistic and energetic interest in its own defenses. If the world wants our military and economic leadership, we ought to accept the challenge. But if the other countries want us to provide both the leadership and the "followship" and pay the whole bill ourselves, we ought to tell them to go jump in the lake. No self-respecting people will continue to respect us if we furnish everything. Equal sacrifice and equal interest must be the objective. There is just as much danger in doing too much as in doing too little. Taking part without taking over should be our aim.

Western Europe has the most cultured, enlightened, and talented people on earth. It is the cradle and the domicile of civilization. For most Americans it is the fatherland. We must not forget that the people in Europe are proud people, who understand far better than we what constitutes decent equities as between sovereign powers. We ruined the American Indian by making him our

ward. Let us stop now our ward concept for Europe. If we demand that they do their full share, they will respect us; if we assume too much in their behalf, they will hold us in utter contempt. That is human nature.

America's eagerness to bleed for all the world is looked upon with suspicion and disgust everywhere. There are "sucker" nations, just as there are "suckers" in private life. Uncle Sam will deserve to have no friends if he continues to play the role of "Uncle Sap." Does anyone on this earth have the slightest particle of respect for a "sap"?

When I was in Europe last fall, many little people with whom I visited expressed the hope that the United States and Russia would compose their differences, and would not drag them into war as the result of our running quarrel. The situation is not quite that simple, but they are wise in not wanting their countries to become the battleground in the impending titanic struggle between these two great powers. They have seen the misery in Korea, and they do not want to be driven in the night from their homes and see the torch set to their proud cities. They know that modern war calls for a policy of scorched earth, and that it would be a heartbreaking ordeal for them. In Georgia Sherman is still the symbol of ruthless destruction.

I wish to say one word about the United Nations. I am stronger for this organization today than ever, but my concept of the way it should function has undergone a complete about-face since our experience in Korea. Once I thought the United Nations had to have police power and a police force to make every nation toe the mark. I no longer think it can be made the custodian of collective security or can wage war. If it attempts to exercise such a power, I am convinced it will destroy itself, and thereby will endanger the peace of the world.

The United Nations must remain a world forum where Austin and Vishinsky may sit across the table and glare and bellow at each other on behalf of their respective nations to meet afterward in social functions the best of personal friends. The world needs that sort of things desperately. Somehow I feel that the steam let off at Lake Success and in New York has brought the whole world much closer together. To see ourselves as others see us is bitter but potent medicine. The time is almost here when no nation will want to be singled out by its neighbors as a violator of decent conduct. Not the fear of sanctions, reparations, reprisals, and military action, but the regard for the good opinion of one's fellows will tend to keep bad international conduct in check. Nations, as in the case of individuals crave good and honored names.

The United States has three very dangerous enemies—communistic aggression, inflation, and militarism. The three are closely related. Stalin's greatest ally in the present crisis is our rapid progress toward inflation. Most of the suffering in Western Europe today is the result of pernicious and uncontrolled in-

flation and of bad monetary practices. Inflation is growing by leaps and bounds, day by day in America. Every dollar of deficit spending increases its intensity and its threat to the American capitalistic system. Controls can be invoked and will act as palliatives to hold the line temporarily, but they are not a cure. Soon the black market and the gray market will become organized and under way, and the law of supply and demand will operate under the counter again. An arms race is thoroughly bad, largely because it promotes inflation, but in a period of world-wide nervous frustration, such as we are passing through, we must have rearmament. The point I desire to make is that we should be as moderate and as sensible as possible in the present crisis. We should undertake only those things we can do well, and restrain our over-zealous countrymen who want to build Rome in a day. We can mobilize 3,500,000 men, and train, arm, and equip them as no army has ever been trained and equipped before; we can provide a sizable lend-lease program to other nations who are ready to oppose aggression, and still have economic conditions only 25 percent off normal. For a long-range program, such sensible moderation is absolutely essential.

We should strive strenuously, therefore, to keep the impact of the mobilization on our economy as moderate as possible, so that we may keep our program continuous for 100 years, if that length of time be necessary. In the present crisis, I suppose we must open the money bags in the Treasury to the military leaders of the Republic, and try diligently to replenish those bags out of current taxes. At the same time, let us restrain all Government agencies, including the military, against reckless waste and domestic improvements which can be postponed, and urge them to demand only their barest necessities. This cold war may well last a century. We had better conserve our wind, so that we may remain in this race to the tape. Falling in battle is little worse than falling by the roadside exhausted from trying to do too much too soon.

Summing up my views in this historic debate, I suggest that we get out of Korea as soon as it is feasible to do so; that we rearm Japan; that we keep our powder dry in Formosa; and that we review carefully and deliberate long and seriously our long-range policy in Asia.

I stand ready to vote to authorize the President to dispatch a limited number of troops to Western Europe. I would hold the ratio of our contribution to not over 1 to 6 for the present.

My most important proposal, however, is to enlist in our Army a million volunteer and carefully screened fighting men from Austria, East and West Germany, Poland, and Czechoslovakia. I would pay these soldiers well and after 5 years of satisfactory military service make them eligible for migration to the United States.

I send to the desk for appropriate reference a bill for this purpose, and I ask that it be printed in the RECORD as a part of my remarks.

There being no objection, the bill (S. 609) to provide for the enlistment in the

Regular Army of certain aliens, and for other purposes, introduced by Mr. JOHNSON of Colorado, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) the Secretary of the Army is authorized until June 30, 1955, to accept original enlistments and reenlistments in the Regular Army, for periods of not less than 5 years, of not more than 1,000,000 qualified male aliens who are nationals of East or West Germany, Poland, or Czechoslovakia and who are not less than 18, or more than 35, years of age at the time of their original enlistments. No person shall be enlisted or reenlisted pursuant to this section until it has been determined after careful investigation that such person will render loyal service to the United States and will not constitute a questionable risk from the standpoint of the national security of the United States and its Armed Forces.

(b) Persons enlisted in the Regular Army pursuant to this section—

(1) shall receive, while so serving, the pay and allowances provided by law for other enlisted members of the Regular Army, except that they shall not be entitled to receive the additional pay provided by section 206 of the Career Compensation Act of 1949 (Public Law 351, 81st Cong.) for persons on duty in any place beyond the continental limits of the United States or in Alaska; and

(2) shall not by reason of such service become eligible for retirement under any provision of law, to receive any benefit under any of the laws administered by the Veterans' Administration, or to qualify for any other benefit provided by law for citizens of the United States on account of their performance of service in the Army of the United States.

(c) The Secretary of the Army is authorized to prescribe such regulations, not inconsistent with the provisions of this section, as he shall deem necessary to carry its provisions into effect.

Sec. 2. (a) No provision of law prohibiting the payment of any person not a citizen of the United States shall apply to any person enlisted in the Regular Army pursuant to this act, or to any dependent or beneficiary of any such person with respect to any payment to which such dependent or beneficiary may become entitled by reason of the service of such enlisted person.

(b) That portion of section 2 of the act approved August 1, 1894 (28 Stat. 216, as amended; 10 U. S. C. 625) which reads "and in time of peace no person (except an Indian) who is not a citizen of the United States or who has not made legal declaration of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army" is hereby suspended until June 30, 1955, with respect to enlistments made under this act.

Sec. 3. (a) Each person who has completed 5 years of satisfactory service under an enlistment contracted pursuant to this act and who has been honorably discharged from such enlistment, and the wife and each unmarried minor child of such person shall—

(1) upon his application made therefor within 1 year after the termination of his service under such enlistment, be eligible for admission into the United States for permanent residence; and

(2) may be naturalized as citizens of the United States upon compliance with the requirements therefor prescribed by law.

(b) The Secretary of State, the Attorney General, and the Secretary of the Army shall, after consultation, promulgate jointly or severally such regulations as they may deem necessary to carry into effect the provisions of this section.

CITATION OF JOSEPH DOTO FOR CONTEMPT

Mr. KEFAUVER. Mr. President, by direction of the Special Committee to Investigate Organized Crime in Interstate Commerce, I submit a privileged report (S. Rept. No. 25) and a resolution, for which I ask immediate consideration.

The PRESIDING OFFICER (Mr. LONG in the chair). The report will be received, and printed, and the resolution will be read by the clerk.

The resolution (S. Res. 43) was read as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Joseph Doto to answer a series of questions before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Joseph Doto may be proceeded against in the manner and form provided by law.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WHERRY. Mr. President, reserving the right to object, I think perhaps there should be a quorum call at this point, in order that all Senators may have an opportunity to hear what the Senator from Tennessee has to say. In fact, a quorum call may be required. I do not wish to suggest the absence of a quorum unless it is agreeable to the Senator from Tennessee. I do not object to the Senator from Tennessee proceeding. It is perfectly agreeable to me to have the matter brought up at this time.

Mr. O'CONOR. Reserving the right to object, I should like to say, if the Senator from Tennessee will permit, that I agree with the suggestion made by the Senator from Nebraska, and, realizing the importance of the question which is about to be presented by the Senator from Tennessee, I think it would be in order to suggest the absence of a quorum. I therefore 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	Hayden	Martin
Bennett	Hendrickson	Millikin
Benton	Hennings	Monroney
Brewster	Hickenlooper	Morse
Bridges	Hill	Mundt
Butler, Md.	Hoey	Murray
Butler, Nebr.	Holland	Neely
Byrd	Humphrey	Nixon
Capehart	Hunt	O'Connor
Carlson	Ives	O'Mahoney
Case	Jenner	Pastore
Chapman	Johnson, Colo.	Robertson
Chavez	Johnson, Tex.	Russell
Clements	Johnston, S. C.	Saltonstall
Connally	Kefauver	Schoeppel
Cordon	Kem	Smathers
Douglas	Knowland	Smith, Maine
Duff	Langer	Smith, N. J.
Dworshak	Lehman	Smith, N. C.
Eastland	Lodge	Sparkman
Eaton	Long	Stennis
Ellender	McCarran	Taft
Ferguson	McCarthy	Thye
Flanders	McClellan	Tobey
Frear	McFarland	Watkins
Fulbright	McKellar	Welker
George	McMahon	Wherry
Gillette	Magnuson	Wiley
Green	Malone	Young

The PRESIDING OFFICER. A quorum is present. Is there objection to the present consideration of the resolution?

Mr. McKELLAR. Mr. President, I think we should have an explanation of what we are being asked to do.

Mr. KEFAUVER. I was seeking recognition to explain the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. WHERRY. Mr. President, I am wondering whether I could ask the Senator from Tennessee how long he expects to take in his presentation of the resolution.

Mr. KEFAUVER. So far as I am concerned, it should not take more than 5 minutes.

On December 12, pursuant to a subpoena which was duly served, Joe Doto, alias Joe Adonis, of New Jersey, appeared before the Committee To Investigate Organized Crime in Interstate Commerce. The hearing was held at Washington, and a quorum of the committee was present. Joe Doto, alias Joe Adonis, was asked certain questions. He refused to answer a great many of the questions. It is on his refusal to answer the questions that the citation for contempt is asked. I should like to read some of the questions which the witness refused to answer:

Mr. HALLEY. Were you in the bootlegging business before the repeal of prohibition?

Mr. DOTO. I decline to answer that question.

The CHAIRMAN. You are directed to answer.

Mr. DOTO. On the ground that it might incriminate me, I decline to answer.

He was asked what business he was in.

Mr. DOTO. None at the present.

Mr. HALLEY. None at the present? What was your last business?

Mr. DOTO. I decline to answer.

Mr. HALLEY. What was your last legitimate business?

Mr. DOTO. I decline to answer.

Mr. HALLEY. Are you still connected with the Automotive Conveying Co., of New Jersey?

Mr. DOTO. I decline to answer.

Mr. HALLEY. Do you know what the Automotive Conveying Co., of New Jersey, is?

Mr. DOTO. I decline to answer.

Mr. HALLEY. I refer to a company located at 208 Gorge Road, Cliffside Park, N. J., known as the Automotive Conveying Co.; have you ever heard of it?

Mr. DOTO. I decline to answer.

Mr. HALLEY. Is not the business of that company the conveying of Ford automobiles from the Ford plant in Edgewater, N. J., to various places throughout the East?

Mr. DOTO. Are you finished?

Mr. HALLEY. That is the question.

Mr. DOTO. I decline to answer.

Mr. HALLEY. Do you know Frank Costello?

Mr. DOTO. Yes.

Mr. HALLEY. Have you ever done any business with him?

Mr. DOTO. I decline to answer.

He was asked about Saratoga Springs and whether he had ever been to the Piping Rock Casino there. He said he had been there.

Mr. HALLEY. Did you ever see gambling in progress at the Piping Rock Casino?

Mr. DOTO. I decline to answer.

Mr. HALLEY. Did you ever see any people other than yourself gambling at Piping Rock Casino?

Mr. DOTO. I decline to answer.

Mr. HALLEY. Have you ever had any business connection or affiliation with the Arrowhead Inn?

The Arrowhead Inn is a place at Saratoga Springs.

Mr. DOTO. I decline to answer.

Mr. HALLEY. Is it not a fact that you, during the years 1947, 1948, were affiliated with the Arrowhead Inn in Saratoga Springs?

Mr. DOTO. I decline to answer.

He was asked about his income.

Senator WILEY. Does any of it come from dope peddling?

Mr. DOTO. I decline to answer.

Senator WILEY. Does any of it come from organized prostitution?

Mr. DOTO. I decline to answer.

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

Mr. KEFAUVER. Yes.

Mr. FERGUSON. Did the witness at any time prior to his refusal to answer specific questions state the reason for his refusal to answer by claiming his constitutional privilege?

Mr. KEFAUVER. He claimed the constitutional privilege that to answer the questions would tend to incriminate him.

Mr. FERGUSON. Did he claim the privilege before the Senator from Tennessee asked the questions? In other words, did he rely on his constitutional privilege to cover all questions?

Mr. KEFAUVER. The way it came about was that he declined to answer the first few questions which were asked of him. His attorney was present. The record shows that his attorney was present at the hearing. However, his attorney declined to sit with the witness, and the witness did not want his attorney to sit with him. Approximately in the middle of the questioning of the witness he read a statement. He said:

I wish to state clearly why I feel I should assert and rely upon my constitutional privileges to refuse to be a witness against myself.

Thereupon, he read a statement in which he claimed his constitutional privilege to decline to answer all questions about anyone he knew, whether he had done any business with any person, whether he had been to certain places, whether he had heard about certain companies, and so forth. I can go on for many pages to show the type of questions he refused to answer.

Some of the questions related to transactions which had occurred from 10 to 15 years ago, and whether he knew of the existence of certain companies.

Mr. FERGUSON. Will the Senator yield further?

Mr. KEFAUVER. Yes.

Mr. FERGUSON. Is the purpose of the present resolution to cite the wit-

ness for contempt of the Senate and to punish him?

Mr. KEFAUVER. Its purpose is to refer the matter to the district attorney for the purpose of prosecuting the witness for contempt.

Mr. FERGUSON. It is not for the purpose of having the Senate itself punish the witness. Its purpose is merely to refer the matter to the district attorney?

Mr. KEFAUVER. That is correct.

Mr. FERGUSON. Has the Senator from Tennessee conferred with the Attorney General with respect to this subject in order to ascertain whether the witness could be prosecuted under recent decisions of the Supreme Court dealing with the refusal of a witness to answer certain questions?

Mr. KEFAUVER. Does the Senator refer to the other section of the code under which the Attorney General can proceed by presenting the case to the grand jury without the Senate first taking action?

Mr. FERGUSON. Does the Senator believe that there is any difference, so far as the constitutional provision is concerned, between answering questions before a Senate committee and answering questions before a court or a grand jury? Has the Senator from Tennessee gone into the law, and will he give to the Senate the legal decisions and the distinctions, if there are any, before we pass on the resolution? I desire to aid in every way I can to assure that answers will be given to the questions, and I want the Senator to have full hearing of the subject, but I feel that we ought to be fully advised as to whether or not a constitutional privilege exists in this case.

Mr. KEFAUVER. The law provides that such a matter may be referred to the Senate, which can vote contempt proceedings and pass the matter on to the district attorney, who would then do the prosecuting. Under another provision of the law when the Senate is not in session such a matter can be referred to the President of the Senate, who, without action by the Senate, can refer it to the district attorney in the district in which the refusal to answer took place.

There is, of course, also another section, under which the district attorney himself, upon information, can refer the matter to the grand jury without coming to the Senate at all. Most of these witnesses testified in Washington. So we thought it better to refer the question to the Senate and have the Senate act upon the contempt proceeding before passing it on to the district attorney.

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

Mr. KEFAUVER. I yield.

Mr. FERGUSON. Has the Senator a legal opinion from the committee counsel that these witnesses should have answered and had no right under the constitutional privilege to refuse to answer?

Mr. KEFAUVER. I will say to the Senator that we have a full legal opinion on the matter. I did not bring it to the Chamber with me. Of course, the latest case on the fifth amendment is the so-called Communist case, United States against Blau, in which it was stated that

a person was not called upon to testify as to one of the two links in connection with a violation of the Smith Act. The question of refusal to answer these particular questions has been studied by the legal staff of the committee, and the questions do not come within the terms of the Communist case.

Mr. FERGUSON. In other words, the committee counsel, Mr. Halley, has given the Senator an opinion that there is no right of the witness to claim his constitutional privileges with respect to the particular questions which were propounded to him, and which he has refused to answer or has evaded answering. Is that correct?

Mr. KEFAUVER. We have an opinion on the general matter of the constitutional privilege, as to the type of things which he would not be required to answer; and on the basis of this general brief we have had a full discussion as to the particular cases under consideration.

Mr. FERGUSON. Will the Senator place that legal opinion in the Record?

Mr. KEFAUVER. Yes; I shall be glad to place the opinion in the Record. The opinion is not directly on the questions involved here. It is on the general subject matter of the right under the fifth amendment to refuse to answer certain questions. If I may proceed and read a few additional questions—I do not want to read them all—the distinguished Senator from Michigan will see that the questions would not come under the terms of the Communist decision, or under the right of a witness to protection under the fifth amendment.

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

Mr. KEFAUVER. I yield.

Mr. WILEY. I think the question might very well be cleared up by saying that in each individual case there has been consultation in the committee, and formal action by a majority of the committee, that each individual be cited for contempt. That is the judgment of the committee. The committee has had the advice of counsel. It seems to me that that fact should largely determine the action of the Senate. This is a committee constituted by the Senate. It has devoted a great deal of time to this subject. It has discovered a great deal which I think will be of benefit to the country. After hearing the questions and seeing the conduct, and knowing what the law is, motions were made in each case that the parties be cited for contempt. I trust that it will not be necessary to go into a long discussion in each case. After all, a duly organized committee of the Senate has taken action, and its judgment should have the support of the Senate.

Mr. KEFAUVER. I thank the Senator. I may add also that the action by the committee in these cases was unanimous.

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

Mr. KEFAUVER. I yield.

Mr. FERGUSON. The distinguished Senator from Wisconsin [Mr. WILEY] has left the Chamber. However, I wish to say that in matters of this kind, even though action has been taken by a duly

authorized committee, I believe that when the Senate is called upon to pass upon the question it should have the advice of the committee, and should feel that the action proposed to be taken can actually be carried out within the law and within the Constitution. That was the reason for asking whether or not the committee had acted after receiving legal advice from its counsel, so that we might properly take up the subject summarily, as we are now taking it up, and pass upon it.

Mr. KEFAUVER. I appreciate the statement from the Senator. I think he is exactly right.

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

Mr. KEFAUVER. I yield to my colleague.

Mr. McKELLAR. I notice, upon examining the original resolution, that it was agreed to on May 3 last. It is now the 22d of January. In section 3 of the original resolution there is the following provision:

All authority conferred by this resolution shall terminate on March 31, 1951.

That is a little more than 2 months from now. Does the Senator feel that proceedings such as he now asks can be determined, at this late date, before March 31?

Mr. KEFAUVER. I will say in answer to the question that the offense took place on December 12, 1950, when the witness was called upon to testify. If the Senate votes to bring a contempt proceeding, the matter will then be with the district attorney for the District of Columbia; so I do not know of any further proceedings the Senate would be called upon to take with respect to this particular matter. As to the date of May 3, I do not know what the Senator refers to.

Mr. McKELLAR. The resolution was agreed to on May 3.

Mr. KEFAUVER. That is the original resolution, Senate Resolution 202, which created the committee. This is a proceeding under that resolution.

Mr. McKELLAR. But the committee seems not to have acted for some time in regard to taking testimony. I am wondering whether or not, under the circumstances, the proceedings under this resolution can be completed by the district attorney for the District of Columbia in time to proceed further under the original resolution, Senate Resolution 202. Why was there such a long delay, until December, before anything was done?

Mr. KEFAUVER. The Senator should understand that we have to take the witnesses as we get to them. The committee started—

Mr. McKELLAR. I think the senior Senator from Tennessee understands that situation without having his attention called to it.

Mr. KEFAUVER. The Senator asked me what was the reason for the delay.

Mr. McKELLAR. Yes. I want to know why something was not done with this resolution prior to this day. Why wait all this time and, at the last moment, so to speak, come before the Sen-

ate and seek to obtain an order of this sort?

Mr. KEFAUVER. The committee started its hearings in Miami, Fla., shortly after the resolution was adopted. Since that time the committee has been holding hearings very frequently—as often as it has been possible to get away from Washington. It so happens, with respect to this particular witness, Joe Adonis, that an effort was made to serve a subpoena upon him in August 1950. He evaded service of the subpoena for quite a long time, and it was only after prolonged efforts that it was possible to serve the subpoena on him. As soon as it was possible to serve it on him, he was brought to Washington to testify. But I imagine that before Adonis was brought to Washington to testify the committee had probably heard three or four hundred other witnesses. The record of the committee's hearings runs to nearly 10,000 pages. Inevitably the testimony of these other witnesses came before that of this witness. Anyway, a hearing was held on December 12, and the committee had a meeting shortly after that, in which, joined in by all the members of the committee, the contempt citations were voted.

Mr. President, there are some twenty-odd pages of questions and answers set out in the report. I shall read some discussing Adonis' relationship with Charlie "Lucky" Luciano. Adonis said he had known him about 20 years.

When did you last talk to him?

I decline to answer on the ground that it might tend to incriminate me.

Did you see Charlie "Lucky" Luciano in Habana, Cuba?

I decline to answer.

The same response was given to questions if he ever had any business with or when he last talked with a bunch of known racketeers whose names are set forth in the record.

Mr. President, there is also the matter of Max Stark. Max Stark, it has been proved, deposited a bunch of checks taken by a gambling gang in New York. He took the checks and set up a special account with them. The gambling was done in New Jersey. The checks were cashed by him in New York. Adonis was asked about his relationship to Max Stark and he refused to answer. He refused to give the committee any information about any illegal transactions and about his legal connections with certain businesses.

It was shown that the Automotive Conveying Co. is a corporation in which Adonis is an officer and in which he has a large interest. That corporation had contracts for conveying automobiles from the Edgewater, N. J., Ford plant. It is a very large corporation. We were interested in knowing how he, an officer of that corporation and its founder, could have obtained such a contract. I might say by way of explanation that the contract was entered into back in the 1930's, and that the present management of the Ford Motor Co. has been trying to do something about it in an effort to get Adonis out of the picture. That is one of the prime things in which the committee is interested. The commit-

tee is interested in learning how people who have long criminal records, such as Adonis has, are able to get into business of that kind; what sort of influences they use.

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

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. KEFAUVER. I yield.

Mr. HICKENLOOPER. Does the Senator seek to have the Senate take action on the question whether or not this particular individual is in contempt of the Senate, or is it merely an official reference by the Senate to the district attorney for such action as the district attorney may see fit to take.

Mr. KEFAUVER. This resolution follows exactly the same pattern—

Mr. HICKENLOOPER. I am not familiar with the pattern.

Mr. KEFAUVER. The resolution provides:

That the President of the Senate certify the report of the Special Committee * * * as to the refusal of (this man) to answer a series of questions * * * together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said (person) may be proceeded against in the manner and form provided by law.

That carries with it the suggestion that the Senate wants him to be prosecuted for contempt of the Senate committee and of the Senate.

Mr. HICKENLOOPER. I did not get the last statement of the Senator.

Mr. KEFAUVER. I say that carries with it the obvious inference that the Senate wishes that, if the district attorney can find a legal offense in connection with the question involved, Adonis be prosecuted for his contempt.

Mr. HICKENLOOPER. That is the point, Mr. President. Has the committee taken the position that this is contempt, or is it being referred to the district attorney's office?

Mr. KEFAUVER. The committee has taken the position that this is contempt, and the committee asks the Senate to refer the matter to the district attorney with the request that Adonis be proceeded against according to law.

Mr. HICKENLOOPER. Mr. President, I am thoroughly in sympathy with what the Senator is trying to do.

Mr. KEFAUVER. I appreciate that statement. I know the Senator is.

Mr. HICKENLOOPER. The only thing that concerns me is whether or not either the committee of the Senate or the Senate are taking formal action or making formal determination when it does not have a legal opinion as to the probable guilt or innocence of this man. In other words, I should not like to see the committee or the Senate be placed in a difficult or embarrassing position for lack of information in this case on the part of the committee's counsel. I am not asking for the opinion of the district attorney.

Mr. KEFAUVER. This is exactly the same form of resolution that is used to refer all contempt citations to the district attorney. It provides that the

record in the matter shall be certified by the Senate to the district attorney to the end that the person involved be proceeded against in the manner and form provided by law.

Mr. HICKENLOOPER. I understand that as to form the citation and the reference are the customary ones. I cannot say it is done in every case, but I believe frequently the committee has the benefit of the formal opinion of its counsel directed to the specific case at issue and the facts involved, advising the committee that in this particular case there is ground to believe that a contempt has been committed. I think it is merely a protection for the committee. That is the only point I am trying to make.

Mr. KEFAUVER. The committee has a brief or memorandum on the general subject involved. The particular questions and answers in this case have been studied by the counsel, Mr. Halley, and other counsel, for the committee. They have advised the committee that in their judgment they feel the individuals concerned are guilty of contempt.

Mr. HICKENLOOPER. Mr. President, has that advice been inserted into the Record in connection with this resolution?

Mr. KEFAUVER. I said in answer to the question of the Senator from Michigan [Mr. FERGUSON] a short while ago that our memorandum does not deal with each particular case, but deals with the general subject. The testimony in each particular case has been studied by counsel for the committee, and counsel have orally assured us that the individuals are guilty of violations of the statute.

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

Mr. KEFAUVER. I yield.

Mr. McFARLAND. Was this resolution reported from the Senate Committee on the Judiciary?

Mr. KEFAUVER. No, it is from the special committee.

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

Mr. KEFAUVER. Yes.

Mr. FERGUSON. Would the Senator say that he is now asking the Senate to find these individuals guilty of contempt, and that his reference is merely to have them prosecuted for such contempt?

Mr. KEFAUVER. That is correct.

Mr. FERGUSON. The Senator is asking the Senate now to pass on the question of contempt, and if the Senate should find, by adopting the resolution, that contempt exists, the Senate will rule that the individuals are guilty of contempt, and the Senate then merely asks the district attorney to prosecute for such contempt?

Mr. KEFAUVER. That is correct. That is, to have the district attorney proceed against them according to law.

Mr. FERGUSON. For the contempt respecting which the Senate is now asked to take action by means of a resolution?

Mr. KEFAUVER. Yes, that is correct. For the contempt of the committee.

Mr. FERGUSON. The Senator from Tennessee is a lawyer. Does he believe

that the failure to answer these questions constitutes a contempt of the Senate, in view of the constitutional provision permitting a man to refuse to answer any question that would tend to incriminate him?

Mr. KEFAUVER. I will say to the Senator that there is no doubt about it in my mind. I think the questions which the committee asked could not possibly have anything to do with incriminating the individual of any Federal offense. They were merely questions about whether he ever had any business with a certain man or not. The questions did not extend to what the business was. They were as to whether he had had any interest in what appeared to be a legitimate enterprise.

Mr. FERGUSON. Does the Senator contend that the provision of the Constitution of the United States applying to answering questions tending to incriminate the individual means incrimination so far as a Federal statute is concerned, and not so far as a State criminal statute is concerned?

Mr. KEFAUVER. The decisions of the Supreme Court as they now stand are to the effect that in such a case as this the individual has the right to refuse to testify, under the fifth amendment, as to some matter that would incriminate him of a Federal offense. He may not refuse to testify if the answer would incriminate him of a State offense. That is the present status of the decisions of the Supreme Court. I might refer, for example, to *United States v. Murdock* (284 U. S. 141).

Mr. FERGUSON. So the Senator contends that if, under a State law, an answer to such a question would incriminate a witness, the witness still must answer. Is that correct?

Mr. KEFAUVER. That is correct; that is our position.

However, if even on that basis the witness had a right to refuse to answer, by saying that an answer to the question would incriminate him under any law, this witness still was refusing to testify about his connection with an apparently legitimate business, and certainly he has no right to refuse to testify about that.

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

Mr. KEFAUVER. I yield.

Mr. McFARLAND. There appears to be some question about this matter. I had no objection to having it taken up, because I do not wish to appear to be in the position of trying to protect anyone who is attempting to violate the law. However, I had thought that the Judiciary Committee, whose membership is made up of lawyers, had studied this question.

Would the Senator object to letting the resolution go over, so as to provide an opportunity to study the record in regard to it?

Mr. KEFAUVER. Of course, the resolution is up for consideration at the present time. We must have these questions acted upon.

Mr. McFARLAND. Of course, the resolution could be brought before the Senate for consideration at this time only by unanimous consent. I stepped out of

the Chamber for a moment, and was not here when the resolution was brought up; but it could be brought up only by unanimous consent, because the unfinished business is, as I understand, Senate Resolution 8.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that this is a privileged matter, and would not permanently displace the unfinished business in any event. Unanimous consent was given for the present consideration of the resolution.

Mr. McFARLAND. Of course, it may be privileged. However, the unanimous-consent agreement provided that Senate Resolution 8 would remain the unfinished business until it was disposed of. That was a part of the unanimous-consent agreement I propounded.

I have no objection to having this other matter considered and disposed of. However, inasmuch as there are in the minds of some Senators questions as to whether the procedure now proposed is the correct one, and as to whether the Senate is asked to pass upon the matter of holding certain persons in contempt without having the evidence before it, I think that in fairness to the Senate the Senator from Tennessee should be willing to let the resolution go over until we have an opportunity to study it.

When the Senator from Tennessee spoke to me about this matter, I was under the impression that it was reported by the Judiciary Committee and that that committee had given careful study to the legal questions involved.

Mr. KEFAUVER. The Senator should know that when any committee brings forth a matter of this sort, it comes to the floor of the Senate, not to a committee.

Mr. McFARLAND. Yes, I understand that. However, evidently the Senator from Tennessee misunderstood the question I asked him. I asked whether the Judiciary Committee had reported the resolution. Evidently the Senator from Tennessee thought I was referring to his special committee when I asked that question.

Of course the Senator's special committee had a right to report as it did; but on the other hand, in fairness to Senators who have asked questions, I think an opportunity for studying this matter should be afforded.

So far as I am concerned, I am inclined to follow the recommendations of the Senator's committee, unless there is a showing that such action should not be taken. Nevertheless, I feel that if any Senators want to have an opportunity to study the matter further, such an opportunity should be provided.

Mr. KEFAUVER. Mr. President, I have read a great many of the questions and answers, and I really cannot see how any Senate committee could operate if it were not entitled to have answers to such questions.

For instance, this question was asked: Did you conduct any business in New Jersey?

The answer was:

I decline to answer on the ground it might tend to incriminate me.

I read further from the testimony:

Did you ever have any business in Habana?
I decline to answer on the ground it might tend to incriminate me.

Did you ever hear of the L. & C. Amusement Co.?

I decline to answer on the ground it might tend to incriminate me.

Mr. President, the L. & C. Amusement Co. was a gambling outfit in northern New Jersey, as shown by other evidence.

Another question was as follows:

Did you ever hear of the Pal Trading Co.?

That was another gambling outfit.
The answer is as follows:

I decline to answer on the ground it might tend to incriminate me.

Another question and answer are as follows:

Did you ever hear of the L. & L. Trading Co.?

I decline to answer on the ground it might incriminate me.

So, Mr. President, I think the situation is very clear. This man, Joe Adonis, is one of the big-time racketeers and criminals in the country. For my part, I am unwilling to agree to defer taking action on this resolution, because the witness should be brought to justice for refusing to answer these questions, which necessarily have to be asked in connection with this investigation.

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

Mr. KEFAUVER. I yield for a question, but I do not wish to lose the floor.

Mr. McCARRAN. I have a statement to make, not really a question to ask.

However, Mr. President, I question, first of all, the right of the special committee to make a report. Reports are made by standing committees. That is the first question which comes to my mind.

Secondly, almost all the questions read by the Senator from Tennessee could very properly be answered by the witness by saying that answers to the questions might incriminate him. One of the questions which has been read to us would not appear to come in that category without stretching the point a great deal; but the others might properly be answered by the witness by saying that answers to them would tend to incriminate him.

However, it seems to me that this matter should not be rushed through the Senate in this way, but should go to a standing committee.

I respectfully suggest that the matter go to the Judiciary Committee. A similar matter was referred to the Judiciary Committee at the last session. The Senator from Tennessee is a member of that committee, and was present when that matter was considered.

This matter comes up on a somewhat different basis. So far as I am concerned, I do not care to vote one way or the other regarding this matter. I should prefer to have it go to the standing committee which is charged with the consideration of such questions.

Mr. KEFAUVER. Mr. President, the Senate has voted on another contempt

situation, that involving the man Russell, a Chicago racketeer, who was brought before the committee, and who now has been indicted by the United States attorney for the District of Columbia on, I think, 60 counts. If any Member of the Senate wishes to refer to the work we are trying to do, of course, that is the prerogative of every Senator. However, we have been trying very hard to follow the mandate of the Senate in carrying on this investigation.

When a committee in the course of its inquiry makes a very clear presentation, if a witness then can refuse to say whether he ever heard of anything, whether he ever was in business in New Jersey, whether he ever had any business transactions with someone else, or whether he was interested in what appears to be a legitimate business, then, of course, it is manifestly impossible for the committee to carry on the investigation. Such an investigation cannot be conducted properly unless the committee can do something with witnesses who refuse to answer such questions.

We think we are developing a picture which will be of considerable assistance to the Senate in considering the passage of certain legislation. As an indirect result, it has certainly been of assistance to local prosecutors and other officers in their efforts at least to put some blocks in the way of organized crime, which has reached tremendous proportions, and about which something must be done if we are to prevent its eating at the very heart of our democratic process.

This is an important matter, and, unless the Senate is going to back us up in citing for contempt one of the most notorious gangsters in the United States, who, in our inquiry, refused to answer almost every question that was asked him, then, of course, it will manifestly be impossible for us to proceed. I think it would certainly be very discouraging to the good law-enforcement officers of the country who have been cooperating so fully with our committee during the past few months.

Mr. LEHMAN. Mr. President, will the Senator yield for an observation?

Mr. KEFAUVER. I yield to the Senator from New York.

Mr. LEHMAN. It seems to me that the request made by the Senator from Tennessee is a very reasonable one. I am not a lawyer, but I know something of the individual who is cited. I know that he has tried to avoid examination and has sought to evade the law in the State of New York for a great many years. The committee of which the distinguished Senator from Tennessee is chairman was created by the Senate of the United States, and it would appear to me that if a duly constituted committee of the Senate could report to the Senate and ask for action by the Senate only through the good offices of another committee, as, for example, a standing committee of the Senate, it would be bound to retard action; it would make the activities and work of the committee far more burdensome, and in due course would possibly lead to complete impotency on the part of the committee. It seems to me it is a very proper thing for the committee, of which the Senator

from Tennessee is chairman, to report directly to the Senate, and to expect the Senate to take action upon the request.

Mr. KEFAUVER. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the junior Senator from Tennessee.

Mr. McCARRAN. Mr. President, I move, as a substitute, that the resolution submitted by the Senator from Tennessee be referred to the Committee on the Judiciary, and that the Committee on the Judiciary be required to report back within 1 week.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Hayden	Millikin
Bennett	Hendrickson	Monroney
Benton	Hennings	Morse
Brewster	Hickenlooper	Mundt
Bridges	Hill	Murray
Butler, Md.	Hoey	Neely
Butler, Nebr.	Holland	Nixon
Byrd	Humphrey	O'Connor
Capehart	Hunt	O'Mahoney
Carlson	Ives	Pastore
Case	Jenner	Robertson
Chapman	Johnson, Colo.	Russell
Chavez	Johnson, Tex.	Saltonstall
Clements	Johnston, S. C.	Schoeppel
Connally	Kefauver	Smathers
Cordon	Kem	Smith, Maine
Douglas	Knowland	Smith, N. J.
Duff	Langer	Smith, N. C.
Dworshak	Lehman	Sparkman
Eastland	Lodge	Stennis
Eaton	Long	Taft
Ellender	McCarran	Thye
Ferguson	McCarthy	Tobey
Flanders	McClellan	Watkins
Frear	McFarland	Welker
Fulbright	McKellar	Wherry
George	Magnuson	Wiley
Gillette	Malone	Young
Green	Martin	

The PRESIDING OFFICER. A quorum is present.

Mr. KEFAUVER. Mr. President, I ask for the yeas and nays on the motion of the Senator from Nevada.

The yeas and nays were ordered.

Mr. McCARRAN. Mr. President, the motion to refer the resolution to the Committee on the Judiciary is not made for the purpose of delay. It seems to me that the arrest of an individual is a matter which should be given serious thought, for it is of serious moment. It does not seem to me that any individual, however low he may have descended, should be subject to arrest by a committee of the Senate without first receiving the dignified and serious thought of the body against which the alleged contempt has been committed. If the individual involved—and I do not know him from Adam's off ox, and I care not who he is—has been guilty of contempt, he has been guilty of contempt against the Senate of the United States. Therefore the Senate of the United States should give the matter serious and at least momentary consideration. The motion pending is that the resolution be referred to the Committee on the Judiciary, so that the committee may report it back to the Senate within 1 week.

Let me say to the able Senator from Tennessee that, whatever his thoughts may be in the matter, the chairman of

the Committee on the Judiciary proposes, if the motion is carried, to call the Committee on the Judiciary into special session on Wednesday, so that it may consider the subject matter and report back promptly. In all seriousness, I think the matter of the promiscuous arrest of individuals by special committees of the Senate should be looked into with the greatest of care. I submit the motion to the Senate.

Mr. KEFAUVER. Mr. President, if I may be heard briefly, every committee—and the Committee on Crime Investigation has been constituted by the Senate—reports its own recommendations and findings as to whether a witness has been in contempt of that committee. Ever since I have been in Congress, as a Member of the House of Representatives and as a Member of this body, I have never heard of an instance when the Committee on the Judiciary wanted to pass on a matter involving contempt after another committee of the Senate had passed on the subject and reported its findings to the Senate.

It was not done when the Foreign Relations Committee reported the refusal of certain witnesses to testify in a recent investigation before it. I cannot recall that it was ever done in the case of any other committee. It was not done in the case of this committee when a contempt citation was brought against Harry Russell, who is just about one-tenth as vicious a racketeer as Joe Adonis. Russell was indicted for refusing to answer 60 questions. I dare say that on this record, in the case of Joe Adonis, there are more than 100 questions which he refused to answer. He thwarted the work of the committee and was very contemptuous of the committee.

The report is before the Senate. Anyone can read it and see the questions which the witness refused to answer—questions as to whether he had ever heard of a certain company or person; whether he had ever been in any business in New Jersey; whether someone had ever bought race horses for him; whether he had ever heard of the L. & L., and certain other companies and so forth. How a committee can be expected to carry on an investigation if its activities must then be reviewed by the Judiciary Committee, is beyond me. I believe that this is an effort to delay and thwart the work of the committee. The recommendation of the committee is unanimous. The testimony is before us. The work of the committee must soon terminate. I hope that the Senate will not delay the work of the committee by having the resolution referred to some other committee for review.

Mr. LEHMAN. Mr. President, I wish to repeat what I said a few minutes ago, that this man Adonis is one of the most sinister and dangerous residents of New York State. He has for a long time evaded public or judicial scrutiny of his activities.

The special committee, of which the distinguished Senator from Tennessee is chairman, has reported to the Senate that Adonis has refused to answer questions which would not incriminate him under the Federal law, and therefore the

committee recommends that he be cited by the Senate.

It is now proposed to refer the entire matter to the Judiciary Committee for the purpose of letting the Judiciary Committee pass on the accuracy of the report of the special committee, of which the Senator from Tennessee is chairman. While I have the greatest respect for the distinguished Judiciary Committee, it does not seem to me that there is any indication that it is any better equipped to pass upon the legal aspects of the proposed citation than are the distinguished lawyers who compose the special committee which is making the report. It seems to me that it is a most unusual procedure to refer the report of a special committee to a standing committee, rather than to submit it directly to the Senate for its determination. If that policy is to be pursued, delay in the business of the Senate is inevitable, and the purpose of our special committees, set up to avoid burdening the standing committees, will be defeated.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN] to refer the resolution to the Committee on the Judiciary.

Mr. FERGUSON. Mr. President, I rise as a peacemaker in this matter. I ask if the Senator from Nevada and the Senator from Tennessee would not be satisfied if the Senator from Tennessee were willing to have this question go over until Thursday. Tomorrow, by unanimous consent, we are to have a vote on another matter. As I understand, there will be no session on Wednesday. If we could vote on the motion at a certain hour on a certain day, would not that be satisfactory?

It seems to the Senator from Michigan that we are now being called upon as Senators to vote as to whether or not certain conduct constitutes contempt of the Senate when, in fact, it involves contempt of a committee. Each Senator's conscience must dictate how he shall vote upon that question. It is a very important question. We have been asked today, without hearing each and every question, to make up our minds whether or not there has been contempt of the Senate, or whether or not the persons involved are guilty of contempt of the Senate, no matter who they are, or how guilty they may be of any other crime. The question is, Are they guilty of the offense of contempt of the Senate by reason of failure to answer these questions?

There are legal and constitutional questions involved. I wonder whether the Senator from Nevada and the Senator from Tennessee cannot agree to a vote on Thursday. Would not that be a proper time, and would not that allow each Senator an opportunity to make up his mind on this very important question? I hope to hear from both Senators on that proposal.

Mr. AIKEN. Mr. President, no one knows better than do members of the committee headed by the Senator from Tennessee, whether this man was contemptuous of the committee and insolent in his attitude before it. No one

will know any better than do the members of this committee whether he is guilty of contempt and whether he should be cited. I see nothing to be gained by delay. I see everything to be lost. If we do not act upon the request of the Senator from Tennessee at this time, or if we delay his request, it seems to me that the United States Senate is likely to fall in the estimation of the public.

I hope we can have a vote on the motion.

Mr. HOLLAND. Mr. President, I hope that the request of the Senator from Michigan will be granted, not entirely for the reason stated, however, by the Senator from Michigan. It seems to me that the questions involved here are such questions as might much better be passed upon by the Senate if a little more specific procedure were followed by the distinguished chairman of the committee. I hope that such procedure will be followed in other cases. As I understand, other similar cases are yet to be reported. A letter from counsel to the committee—and the committee has excellent counsel—stating in black and white that the record has been examined, that the committee was properly constituted, that it met at such a time and under such conditions and took such action as to justify the bringing of contempt proceedings, that the questions are pertinent questions in the judgment of counsel, and questions with respect to which the witness had no right to claim his constitutional immunity by claiming the right to refuse to answer would, it seems to the Senator from Florida, leave a completely clear and specific situation under which the Senate could promptly and properly approve the action of the committee.

If the question is to come to a vote today, the Senator from Florida will vote with the special committee, because he had the opportunity to sit, as did only four or five other Senators, throughout all the argument. The Senator from Florida happened to be presiding during a great part of the time, and he heard, in the various elements of the discussion, enough to satisfy him that the full and proper course suggested has been followed by counsel for the special committee. It seems to the Senator from Florida that it would be easy to obviate the bringing up of a question of this kind if there were a specific request from the committee coupled with a specific report and recommendation of counsel, upon which the Senate could feel assured that it was doing the right thing in voting for such a resolution.

To conclude: The Senator from Florida will vote with the committee if the Senator from Tennessee wishes the matter to be proceeded with today, because he did happen to hear the various necessary technical elements come out in the verbal statements of the Senator from Tennessee which will appear in the Record tomorrow. But he thoroughly agrees with the position taken by the Senator from Michigan [Mr. FERGUSON] and the Senator from Nevada [Mr. McCARRAN] that a much clearer, more specific, more succinct practice is preferable, and if agreement is given to this matter to be

laid over until Thursday, and to come up then with a preferred setting, and particularly if the suggested specific showing shall be incorporated in the Record that there can then be no question about the propriety of the action requested to be taken by the whole Senate.

Mr. McCARRAN. Mr. President, at the outset I wish to say that I resent the implication that there is any effort to delay. I have no intention of delaying. Neither do I want to burden the Committee on the Judiciary with an additional load. That committee has a heavy load to carry now. So far as I am concerned, the suggestion of the Senator from Michigan is entirely satisfactory. I do want the Senate to have an opportunity to look at a serious subject, because the arrest of an individual, regardless of how low he may have fallen, or what kind of racketeer he may be, is a serious matter. When this body sets itself up as a body to police the country, and go into States and investigate their laws with the idea of effecting somewhat of a police power, it seems to me that in this serious hour and day we are getting into rather small business.

But, Mr. President, I am entirely in accord with the suggestion of the Senator from Michigan that the matter rest before the Senate, to be considered by the whole Senate and voted on on Thursday. That is satisfactory to me.

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

Mr. KEFAUVER. I yield.

Mr. McFARLAND. I want to thank the Senator for his attitude. I join with the Senator from Michigan in pleading with the Senator from Tennessee. I think it is no more than due under senatorial courtesy to accede to the suggestion which has been made. The report was filed only today. I realize that the Senator from Tennessee has given careful study to these matters. I have no doubt in my mind that the Senate will follow his suggestions if the Senate is given time to study the subject. But, after all, every Senator's vote has to be his own vote, not the vote of the Senator from Tennessee, and finally the votes of the respective Senators become the decision of the Senate itself.

Inasmuch as the report has been on file only 1 day it is no more than fair, and it is usually customary if Senators make the request, that a couple of days be given so they may study the matter. Senators should be extended that courtesy. I hope the Senator from Tennessee will be willing to let Senators have that much time to study the subject. I believe time will be gained thereby. That is why I previously asked if the Senator was not willing to let the resolution go over. I think that in a spirit of courtesy the Senator should be willing to have it go over so as to give Senators an opportunity to study the questions which are involved.

Mr. KEFAUVER. Mr. President, I do not think Senators who have heard the questions read and answers given should have any question about whether the witnesses are in contempt of the committee or not. If any Senator is not satisfied on that score here the record

is, and I shall be glad to read some of the questions and the answers.

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

Mr. KEFAUVER. I yield.

Mr. McFARLAND. The Senator will admit, I am sure, that there are involved serious legal questions which he has probably spent some time in studying and which other Senators may want to spend just a little time in studying. I am sure the Senator does not want to deprive other Senators of that privilege. No one can make up his mind on legal questions such as these in a few moments. I hope the Senator will agree to extend to other Senators the same privilege he has had.

Mr. KEFAUVER. Mr. President, it is a rather strange situation. I have seen a good many contempt citations brought before the two Houses of Congress. The situation has been explained to the Members of the Senate. Some questions have been put which the witnesses refused to answer. The question of what action should be taken has been voted on by the committee. The report sets forth many, many pages of testimony of the witness embodying questions about which he literally refused to tell the committee anything. He openly defied the committee about any business relations he had had; whether he had even heard of certain companies or not. If any Senator has any question as to the interrogatories and answers, they are here in the report and I shall be happy to read them. But I cannot interpret the proposal now made in any way except as an effort to thwart the work of the committee.

Mr. President, I want to say that I made no reflection on the distinguished Senator from Nevada. The committee has carried out, to the best of its ability, the task assigned it. At least most of those with whom we have been in touch have felt we have helped them in getting the over-all picture so that Congress might legislate. Certainly the law enforcement officers of the United States, as a general matter, have been very cooperative.

Mr. President, to say that we are dealing in small-time business is not, I think, recognizing the sinister and the ruthless character of some of the operations which are going on in interstate commerce. It so happens that later in the week it is necessary that I be away, so I shall have to ask that the matter be taken up at this time.

Mr. WATKINS and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Florida for a question?

Mr. HOLLAND. I should like to ask the Senator from Tennessee a question, if the Senator from Utah does not mind.

Mr. WATKINS. Mr. President, I do not know whether I am recognized.

The PRESIDING OFFICER. The Chair recognized the Senator from Utah, but the Chair did not know that the

Senator from Florida wished to ask the Senator from Tennessee a question. Does the Senator from Tennessee yield to the Senator from Florida for a question?

Mr. KEFAUVER. Yes, for a question.

Mr. HOLLAND. I think the Senator from Tennessee knows that I have been interested in the inquiry. I have complimented him specifically upon the work of his committee in Miami, in my State. The Senator from Florida has already said that he expects to vote with the Senator from Tennessee if he insists upon a vote being had today.

With that as a predicate, I should like to ask the Senator from Tennessee if he does not recognize the fact that beyond question the matter of pertinence of the committee questions which were declined to be answered by the witness is a matter which has to do vitally with whether or not the failure to answer is contempt; and the Senator from Florida merely calls to the attention of the Senator from Tennessee that without some chance being given to look further into the matter, the only way a Senator attending here and listening eagerly to everything that has been said could come to any decision at all as to the pertinence of such questions and answers as have been incorporated in this debate would be from the statement of the Senator from Tennessee.

Does not the Senator agree that a written opinion from counsel for his committee stating affirmatively the elements which must be present before contempt can be committed, including particularly the matter of pertinence to the subject matter under investigation, and the question of whether or not refusal to answer could properly have been predicated upon constitutional grounds would set at rest this situation, and allow Senators to vote promptly, with some assurance that the votes they were casting were in accord with the sound requirements of law? Would the Senator have objection to filing such a written statement of his able counsel giving the specific affirmative ruling of counsel that the necessary elements are present in the refusal of a particular witness to testify when interrogated by his committee?

Mr. KEFAUVER. I can only say to the distinguished Senator from Florida that I have previously stated that counsel have considered the matter and have advised the entire committee that the refusal to answer certain questions and to follow the direction of the chairman in these cases constitutes a contempt, and that the matter has been fully briefed by our counsel. They have carefully considered the transcript of the record.

Of course, I would have no objection to securing a letter and filing it. However, now that the testimony is before the Senate, I cannot understand why the Senate should in this instance follow a procedure different from that followed in all the other contempt cases about which I have known, before either the Senate or the House of Representatives.

As to the pertinency of the questions which have been asked, and which the witness has declined to answer, let me

say that their pertinency is obvious from the questions themselves. Let me read some of them. The witness was asked whether he had been in business with Frank Costello, and he answered by saying:

I decline to answer on the grounds it might tend to incriminate me.

Subsequently he was asked:

Have you had any business dealings with Luciano?

Referring to "Lucky" Luciano.

The answer was:

I decline to answer on the ground it might tend to incriminate me.

He was also asked:

Did you conduct any business in New Jersey?

He replied:

I decline to answer on the ground it might tend to incriminate me.

There were also the following question and answer:

Are you not still connected with the Automotive Conveying Co., of New Jersey?

I decline to answer.

The CHAIRMAN. You are directed to answer.

Mr. DOTO. I decline to answer on the ground it might tend to incriminate me.

Explanation was made in regard to the nature of the Automotive Conveying Co.

Other questions were asked about many other companies, some of which were explained as being gambling partnerships. The witness even refused to say whether he had ever heard of them. If that does not constitute contempt of a committee, then I do not know what contempt is.

Unfortunately, I am going to have to ask to be excused from attendance on the sessions of the Senate later this week. I cannot understand why this matter should be postponed. I think to postpone it would be to give encouragement to Joe Adonis.

I have similar requests to make in regard to certain other persons. I think it would be violating the recognized procedure of the Senate if we were to postpone action on these matters. The subpoenas in these cases have been issued. Some suggestion has been made that in these cases a procedure different from the usual procedure should be followed. Personally I cannot agree to a procedure which would result in giving such persons that kind of encouragement.

Mr. WATKINS. Mr. President, I am a member of the Judiciary Committee. I stand with the chairman of that committee regarding this matter. I think it should be referred to the committee for study, because there are a number of questions in regard to the legality of such procedures. Therefore, I think this matter should be thoroughly studied and investigated.

I dare say that perhaps there are only nine Members of the Senate who know what the charges are or what this matter involves. Therefore, if all Senators were compelled to vote now, most of them would be obliged to vote blindly. Consequently, a request for a postponement for 1 week seems to be a fair one.

Furthermore, Mr. President, there is an agreement that the Senate will vote tomorrow at 2 o'clock on a very important matter. I had understood that, under the agreement reached in regard to that vote, we would debate that matter today and also tomorrow, with the time tomorrow, immediately prior to the vote, to be equally divided between the proponents and the opponents.

If we are to take much time on this other matter, there will be that much less time available for us to debate the resolution on which we are to vote tomorrow at 2 p. m.

Therefore, I should like to have an opportunity to discuss the question which was pending before the resolution submitted by the Senator from Tennessee came before the Senate.

Mr. KEFAUVER. Mr. President, before he proceeds will the Senator from Utah permit me to submit several more reports and resolutions relative to citations for contempt growing out of the hearings before the Special Crime Investigating Committee?

Mr. WATKINS. I yield for that purpose.

CITATION OF ANTHONY J. ACCARDO FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 26), together with a resolution citing Anthony J. Accardo for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 44) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Anthony J. Accardo to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Anthony J. Accardo may be proceeded against in the manner and form provided by law.

CITATION OF JAMES LYNCH FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 27), together with a resolution citing James Lynch for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 45) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of James Lynch to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that

the said James Lynch may be proceeded against in the manner and form provided by law.

CITATION OF ARTHUR LONGANO FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 28) together with a resolution citing Arthur Longano for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 46) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Arthur Longano to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Arthur Longano may be proceeded against in the manner and form provided by law.

CITATION OF SALVATORE MORETTI FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 29) together with a resolution citing Salvatore Moretti for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 47) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Salvatore Moretti to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Salvatore Moretti may be proceeded against in the manner and form provided by law.

CITATION OF WALTER M. PECHART FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 30) together with a resolution citing Walter M. Pechart for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 48) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Walter M. Pechart to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United

States attorney for the District of Columbia, to the end that the said Walter M. Pechart may be proceeded against in the manner and form provided by law.

CITATION OF PAT MANNO, ALIAS PATRICK J. MANNING, FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee To Investigate Organized Crime in Interstate Commerce, I submit a report (No. 31) together with a resolution citing Pat Manno, alias Patrick J. Manning, for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 49) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Pat Manno, alias Patrick J. Manning, to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Pat Manno, alias Patrick J. Manning, may be proceeded against in the manner and form provided by law.

CITATION OF JACK DRAGNA FOR CONTEMPT

Mr. KEFAUVER. Mr. President, from the Special Committee to Investigate Organized Crime in Interstate Commerce, I submit a report (No. 32) together with a resolution citing Jack Dragna for contempt of the Senate.

The PRESIDING OFFICER. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 50) was ordered to be placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee to Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Jack Dragna to answer a series of questions before the said special committee, together with all facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Jack Dragna may be proceeded against in the manner and form provided by law.

AMERICAN BASEBALL AND THE BASEBALL COMMISSIONER

Mr. MALONE. Mr. President, will the Senator from Utah yield?

Mr. WATKINS. I yield for a question.

Mr. MALONE. Mr. President, I ask unanimous consent that the Senator from Utah may yield to me without losing the floor, in order that I may make insertions in the RECORD and may speak briefly in regard to another matter.

Mr. WATKINS. I am willing to yield for that purpose, if consent is given that I shall not thereby lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Nevada may proceed.

Mr. MALONE. Mr. President, one million American boys played baseball in 1950. Approximately 200,000 American boys are playing baseball on high school

teams, and many boys in the Boy Scouts of America are playing baseball. As a matter of fact, the junior Senator from Nevada had the great pleasure of organizing the first junior American Legion baseball—that was in my State of Nevada. Hundreds of thousands of boys are playing baseball on the playgrounds and the grass lots throughout the United States. The parents of those boys are willing to have their sons play baseball as a wholesome means of developing stamina and character.

During these days of big-money games, baseball must be above suspicion. It would be sad indeed to permit anything to occur which would disillusion the hundreds of thousands of boys who believe implicitly in the integrity of baseball as our national sport.

A former Member of this body, "Happy" Chandler, followed the late Judge Landis as commissioner of baseball. Not a breath of scandal ever touched either one of them.

All of us remember the scandal connected with the Chicago Black Sox baseball team, and we have read about the recent scandal in connection with certain basketball games, where it was shown that bribes were paid to certain players.

However, during the long reign of Judge Landis and during the 5 years in which "Happy" Chandler has served as commissioner of baseball, not a breath of scandal or a word suggesting crookedness has occurred.

The sudden ouster of Commissioner Chandler could have serious repercussions with the wholesome young people of this country. That action has the earmarks of a personal grudge.

Mr. President, I now ask unanimous consent to have printed at this point in the RECORD an article from the sports section of the Washington Post for December 13, 1950.

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

FANS SHOULD BE TOLD WHY "HAPPY" FIRED
(By Jack Walsh)

Senator GEORGE W. MALONE, Republican, of Nevada, said yesterday he was "deeply concerned" over baseball's ouster of Commissioner Chandler—and not just because "Happy's" a good friend of his.

"This thing could have serious repercussions," Senator MALONE said. "I think baseball has a duty to the American people to show where Chandler has done a bad job.

"There may be details I know nothing about. Certainly no one wants a man continued in a job if he can't handle it. But the big thing to me is to find out if he's being fired for incompetence or because of a personal grudge.

"If the latter is true, then baseball is plowing up its own reputation. It means that baseball does not want a czar. It wants someone to pose as a czar while stockholders control him at their whim."

PEOPLE WATCH CLOSELY

"That's what I believe a lot of people are watching closely. And they're not all in the United States Senate."

Elsewhere in the Senate two "candidates" popped up for the job as commissioner of baseball. Actually it means that the names of Senator EDWIN C. JOHNSON (Democrat,

Colorado) and Senator SCOTT LUCAS (Democrat, Illinois) merely were mentioned.

Asked about the report, Senator JOHNSON said: "It won't amount to much. I'm for 'Happy' Chandler and wouldn't even consider it under these circumstances."

Senator JOHNSON, nonsalaried president of the Western League for the past 4 years, just returned from the minor-league meeting at St. Petersburg, Fla.

HE'S STUNNED, TOO

He said: "I'm stunned by what has happened. There was nothing in the wind down there, and I thought Chandler was riding high, wide, and handsome."

Lucas, outgoing Senate majority leader, who was defeated for reelection by Republican EVERETT DIRKSEN, was chatting with newsmen about Chandler's ouster.

"That might be a spot for you," a reporter said to him.

Lucas, presumably joking, replied: "Say, it might be at that. Why don't you fellows go out and promote me?"

Lucas is a former minor-league ballplayer. He played from 1913 to 1916 for Pekin in the old Illinois-Missouri League, and led the batters with a .350 average. He moved to Peoria and Bloomington in the Three-I League. He quit baseball at the age of 22 to practice law.

Mr. MALONE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an excerpt from a broadcast by Fulton Lewis, Jr., on December 18, 1950.

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

EXCERPT FROM BROADCAST BY FULTON LEWIS, JR., DECEMBER 18, 1950

Baseball seems to call for a little general news attention at the moment, with the famous Happy Chandler—one time Governor and Senator of Kentucky and now high commissioner for the national sport as the apparent target of some very unsavory and undesirable elements in the sports world who are trying to get rid of him. He has a contract that expires in 1952 and when the question arose at the recent big league get-together in Florida, he was two votes shy of enough to get that renewal. One of the two votes has since swung his way, that of Mrs. Charles Comisky, who controls the Chicago White Sox, but there still is one vote shy, and the back-stage information is that the tinhorn gambling rackets, which have long tried to get in on baseball, but have been blocked at every turn by Happy Chandler, are behind the efforts to oust him. Actually, Happy Chandler has done a top-flight job for the national sport, since he went in as baseball czar in 1945, and the old-line figures in the game—the old reliables—are loud in their praise of the accomplishments he has achieved. Not the least of those accomplishments is what he has done to encourage and revivify baseball in high schools, and to restore its popularity of olden days, among the youth of the country. He has maintained a hard-and-fast policy against allowing any gambling or horse-racing interests to get into the ownership or control of any of the major league clubs, which probably is the basic reason for the attempt to get rid of him.

He is fighting the battle out, however, and he has a chance of winning. If he fails, it's bad news for the national sport, because the forces behind the attack on him are not likely to do much for the prestige of the game, in the future.

Mr. MALONE. Mr. President, I now ask unanimous consent to have printed at this point in the RECORD an article by

Shirley Povich, published in the Washington Post sports section on December 14, 1950.

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

THIS MORNING WITH SHIRLEY POVICH

ST. PETERSBURG, FLA., December 13.—That was a shoddy piece of business by the major league club owners this week—the sacking of Commissioner Happy Chandler.

They didn't want a baseball commissioner, they wanted a puppet, a role that Chandler rejected at the cost of his \$65,000-a-year job.

And the way they got rid of him, prodded by a willful little group who weren't even a majority, huddling in a smoke-filled room, was a throw-back to the ward heel politics that was supposed to have gone out of the game.

They didn't name a single reason why they fired Chandler. Either they had none, or reasoned that it is none of the public's business. If the latter, it was the same kind of reasoning that all but killed the game before the late Judge Landis took a hold as commissioner and restored public confidence.

Chandler could have stayed in his job if he had wanted to please all the club owners. But he had the notion that he had a duty to the people as well, the folks who paid the game's way. He cracked down on his employers for violating the rules and rubbed enough of them the wrong way to get himself unhorsed.

He had them panicked when he commented a week ago that, come total mobilization, baseball perhaps would have to fold. He was trying honestly to alert the big audience a baseball commissioner always has, to the gravity of the world situation. The owners didn't want him to say anything like that. They wanted business as usual, peace or no.

Their action in getting rid of Chandler could have sorry repercussions. The next man to take the job will have to be a lion-hearted citizen indeed, or suspect as a man who will leap to the owner's bidding when they crack the whip. They tore the stature from the commissioner's office.

If Chandler was no Landis, he was at least a respected commissioner unafraid to call the turn as he saw it. There was not the vaguest suspicion of scandal during his term. The game had its greatest era of prosperity. He gave the ballplayers the greatest breaks they ever had—their pension fund, more barnstorming time, more expense money.

His zeal for the game was unquestioned. He incurred the wrath of the owners when he insisted they keep their scouts away from high-school boys before they graduated. When they abrogated that rule of his last week, he was flooded with protests from parents and parent-teacher groups throughout the Nation, and was genuinely sad about it.

Schoolboy baseball had been one of his pet projects. He demanded that the owners contribute financially to the build-up of the game in the high schools when he took office in 1945.

Only 60,000 high-school boys were playing what the owners were always pleased to call the national game. In 1950, under Chandler's ceaseless prodding for schoolboys to get into the act, 200,000 high-school players were in the field.

The unkindest cut of all was the desertion of Chandler by the owners who at first resisted his ouster. Finally they killed him off by a unanimous 16-to-0 vote, to his shocking dismay. In the show-down they lost their nerve and became lambs in the stampeding of votes by the anti-Chandlers.

Where does baseball go from here? Sure, they'll get another commissioner. The salary is big, and there will always be applicants. But it doesn't follow that the people will be happy with the state of the game.

The public rallied behind Landis and later liked Chandler. It has been apparent for years that the baseball fans like their commissioners tough. That's the rub. The club owners don't. They want a figurehead. Maybe it's because rich men like to be yessed. They're not used to being crossed.

Mr. MALONE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an excerpt from an article appearing in the Washington Daily News on December 27, 1950.

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

CHANDLER GETS SIX MILLION

CINCINNATI, OHIO, December 27.—Baseball Commissioner Happy Chandler has sold television rights for the world series and all-star games for the next 6 years to the Gillette Safety Razor Co. and the Mutual Broadcasting System for \$6,000,000.

Chandler previously had concluded a contract with the same two firms for exclusive radio broadcast games for \$1,370,000 covering the period from 1950-56. This includes \$125,000 paid for this year's world series game.

The Commissioner, fighting to retain his job after the big leagues refusal to renew his contract in the meetings this month at St. Petersburg, Fla., said virtually all of the money would go into the players' pension fund.

He hailed yesterday's deal as the answer to any of the fund's monetary difficulties.

Mr. MALONE. Mr. President, within our generation baseball, football, and basketball have become big money games. Baseball had its Chicago Black Sox scandal. Now basketball has its scandal. The people like both games, but are very sensitive about them. The people want honest games played.

Mr. President, if a few managers or owners of baseball teams, some of whom have entered the game comparatively recently, believe that the public has forgotten the dangers of corruption of personnel playing their favorite games, they may be due for a great shock.

Let me repeat that there has never been a breath of suspicion against Commissioner Chandler. Neither have any accusations of incompetence been made against him. Yet we find that arbitrarily and suddenly baseball team owners have sought to end Commissioner Chandler's regime. The real objective on their part, or what is believed by a large segment of the public to be the real objective—would seem to be to maintain in the office of Commissioner of Baseball someone who can be controlled by owners of baseball teams, rather than someone who, like Happy Chandler, will be true to the public in filling that important office in connection with the great American game of baseball.

ALLEGED LEAKAGE OF INFORMATION FROM DEPARTMENT OF THE ARMY

Mr. McCARTHY. Mr. President, I ask unanimous consent that the Senator from Utah may yield to me for not more than 2½ minutes, so that I may make a brief insertion in the RECORD and may comment upon it.

Mr. WATKINS. I am willing to have that done, provided it is understood that I shall not thereby lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and

the Senator from Wisconsin is recognized.

Mr. McCARTHY. Mr. President, several days ago I called the attention of the Senate, and especially the attention of the members of the Armed Services Committee, to a serious breach in our security rules, a breach which may very seriously endanger our secret codes.

The Secretary of the Army has shown an interest in this matter, and apparently he is conducting an honest and an intelligent investigation, for which I congratulate him.

However, for the benefit of the Armed Services Committee and for the benefit of the Secretary of the Army, I wish today to give some additional information about this secret document which was made public. It was Document No. 3019, dated December 15, 1950. It was a daily intelligence summary prepared by the General Headquarters, United Nations Far Eastern Command. It was stamped "Secret." The Senate will understand that I am speaking now of the decoded message which appeared in Drew Pearson's column.

The Senate will recall that at that time he said, "I got permission from the Army to publish these secret messages." The Secretary of the Army, Mr. Pace, answered and said, "No, that is not true. Pearson is again lying. We gave no such permission to Pearson." The Secretary of the Army said, "We have submitted this matter to the Judge Advocate General, to find out the extent to which our espionage laws have been violated."

For the benefit of the Armed Services Committee and the Secretary of the Army, I quote this further information: On the inside cover of this document, No. 3019, dated December 15, 1950, stamped in red lettering, "Secret," the following security ruling is found:

WARNING

This document contains information affecting the national defense of the United States within the meaning of the espionage laws (title 18, U. S. C., secs. 793 and 794). Transmission or revelation of its contents in any manner to an unauthorized person is prohibited by law.

It is intended for eyes only, and it is imperative that the material contained in it be treated with the utmost discretion. Under no circumstances shall possession thereof, or the information therein, be given to any personnel other than those whose duties specifically require knowledge thereof.

When not in use, this document—

I am still quoting, Mr. President, from the red lettering stamped on the secret document—

When not in use, this document is chargeable to the custody of an officer. See paragraphs 11, 27, 29, 33, Army Regulations 380-5.

Reproduction of the intelligence in this publication is prohibited without special authority of the A. C. of S., G-2, General Headquarters, Far Eastern Command. This document shall be destroyed within 15 days of receipt, and a copy of a certification of destruction prescribed by section 33-A, Army Regulations 380-5, shall be furnished to the A. C. of S., G-2, General Headquarters, Far Eastern Command.

That is the remainder of the warning contained on the cover of this secret document. Mr. Pearson has since then claimed that he paraphrased this decoded document; which in effect is saying

that he had the document in his possession before it was paraphrased. Now, if he did—if he had that document in his possession—that secret decoded document in his possession—without any paraphrasing, with David Karr, a man who has written for the *Daily Worker* and for the Party Organizer, and labeled by the FBI as a Communist, then this follows the pattern in the Hiss case too dangerously close. You will recall that when Hiss was accused he claimed that he delivered State Department secrets to Chambers, thinking he was merely helping out a newspaperman. In this case someone is delivering secrets to David Karr, a named Communist, and Drew Pearson, who has long been doing the smear work for the Communist Party.

But to show that Pearson did not paraphrase this report—that this was made public in its original form, let me again quote:

The quotes from Pearson's column are accurate to the point that not one word or punctuation mark is at variance with the original text of the secret document.

Now, I call this to the attention not only of the Armed Services Committee, Mr. President, but I also call it to the attention of the Justice Department. We now have the unquestioned proof that someone is stealing secret documents and handing them over to Drew Pearson and David Karr. How many other tens or hundreds of secret documents are being stolen in like fashion we do not know, but certainly this was not the only one. In the Amerasia case, it will be recalled that thousands of classified documents were stolen and photostated and that this theft of State Department and other Government secrets came to light only when the magazine made the mistake of publishing one of them. Pearson has made the same mistake.

It is not so much the question of damage done by the publication of this one document, the danger lies in the fact that a known Communist such as David Karr and a party line smear artist such as Pearson have a pipeline to the Army's top-secret documents.

I call upon the Justice Department to act. I ask unanimous consent to have inserted in the *RECORD* at this point an editorial from the Communist *Daily Worker*, which editorial very vigorously defends Drew Pearson and condemns McCARTHY for having exposed his machinations.

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

Now It's DREW PEARSON

The witchhunt has reached Drew Pearson now. This reactionary radio commentator is going to lose his contract with the Adam Hat Co., because Senator McCARTHY threatened a boycott against the company, saying Pearson "follows the Communist or fellow-traveler line." When McCARTHY points the finger, the ax starts to fall. The State Department trembles. It issues hurried memos to prove to the angry witchhunter that they deserve his confidence, since they follow his disastrous line. Big corporations hastily knife their hired actors, actresses, or commentators.

Pearson and McCARTHY are brothers-in-arms when it comes to whooping it up for

war. But Pearson has made the fatal error of refusing to admire McCARTHY. He has dared to note one or two minor scandals in the war machine. He has had the gall even to mention that our casualties in Korea were running very high.

Could this "subversive" allusion to our ghastly casualty lists in Korea be tolerated by a McCARTHY or an Adam Hat Co.?

So Pearson joins the list that the Un-American Committee launched with the Hollywood 10, with John Howard Lawson and Albert Maltz and their courageous colleagues. He joins the list that includes Paul Robeson, knifed for refusing to be thrilled by MacArthur's war in Korea. He joins the victim of the General Foods crack-down, Jean Muir, and scores of other victims of the notorious "Red channels" and "counter-attack" blacklists.

The *Daily News* TV station will not televise Charlie Chaplin because a professional tough guy with a letterhead in New Jersey ordered them not to.

The list of victims grows all the time. It includes conservative professors teaching at the University of California for 40 years who won't sign a "pledge" never to criticize the pro-Fascist California banker Giannini's board of regents.

Certain liberals sigh with relief that Anna Rosenberg—denounced by Representative RANKIN on the floor of Congress as "that Yiddish woman" without a word of rebuke from any of the knights of freedom assembled there—has been cleared by Senator McCARTHY.

They are willing to let this imitation-Nazi determine the political and moral standards of America. If McCARTHY O. K.'s you, you are "loyal."

This is where the "anti-Communist" witchhunt and thought control are dragging America. You can't have a "little anti-Communist witchhunt" that will stop halfway and not murder the Bill of Rights. When a Communist or any progressive is fired for his antiwar views, no one else is safe from this economic purge, which has no limits until all liberty is dead.

Masking its crack-down on the antiwar views of its staffs, Columbia Broadcasting System demands "loyalty oaths" of its employees, and stages comical "armed guards" at its radio machinery to make it look good. If we wear Adam hats, is McCARTHY to dictate what goes on in our heads?

The Red scare turns America over to its worst enemies, of whom a McCARTHY is a good specimen.

There is a unity of interest among all Americans, regardless of their views, in the defense of our free speech from the rampant thought controllers. There should be unity of protest too.

Mr. McCARTHY. Mr. President, I also ask unanimous consent to have inserted in the *RECORD* at this point a statement entitled "These Days" by George E. Sokolsky, released on Thursday, January 11, 1951.

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

THESE DAYS

(By George E. Sokolsky)

SPEECH-WRITING

Drew Pearson had this in his column:

"Friends of Herbert Hoover are telling how he cleared his recent keep-out-of-Europe speech with four four-star generals in the Pentagon . . . George Sokolsky is given credit for ghosting most of the Hoover sermon."

I do not know who does me the honor to suggest that I ghosted most or any of Mr. Hoover's recent or any other speech. Certainly, it was not Herbert Hoover. He rolls his own.

If the most that can be said against Herbert Hoover's speech is that he invited my assistance, then nothing has been said against his ideas and proposals. As for the four-star generals, I know nothing about that, but it can only mean that he consulted experts and that they gave him expert counsel.

Actually, Herbert Hoover's method of writing a speech or an article is appallingly unprofessional. If columnists and other professional writers employed the same techniques, there would be fewer mistakes and the public would not so often be misled by inaccuracies, but there would be too little time left for anything else.

This is how it is done. Mr. Hoover writes a draft in longhand, which always is the best version of the speech. But he is an engineer, not an author. He discovers weaknesses, stresses, and strains under which the entire structure could crumble. He finds that he has written a sentence which sounds good but is faulty logic. He has stated something as a fact which, upon investigation, is only an assumption. He becomes cantankerous when it is suggested that the slight distortion sounds better than the rigidly stated fact. He says that he is not an orator, but needs to speak up for the citizens.

So, he works the thing all over, word by word, sentence by sentence. His recent speech was worked over 19 times, each draft being almost a complete rewriting, and all kept on file.

Not being a professional writer, he is not enamored with his own verbiage. So, he sends the document to a printer, who sets it up for him in newspaper type. Mr. Hoover finds it easier to read that way. The recent speech was sent to the printer a dozen times for revision before its author found it satisfactory.

Sometimes, Hoover sends copies of drafts to friends or experts for criticism. I have often received such drafts and have been critical, but I have never written a speech for him or any part of one. I know that Mark Sullivan has often received such drafts. I am quite sure that none were ever sent to Drew Pearson. I saw the eighteenth draft of this speech, but not any earlier ones.

Mr. Hoover has never employed a crew of speech writers. He has had no Sam Rosenman or Robert Sherwood or Clark Clifford in his entourage. Rather, he sits and fumes over it himself.

The process is trying, expensive, and can only be employed by one who takes his speeches as seriously as he hopes the public will. It is a reflex to Mr. Hoover's modesty. He does not impose his ideas on others unless and until he is sure of them himself. Lesser men are not so punctilious.

I write this about Herbert Hoover only because Mr. Pearson has involved me in this process. Frankly, I do not claim for myself the distinction of telling Mr. Hoover what to say. Neither my experience nor my intellect is equal to his nor have I grown so impudent or imprudent as to place myself on his level.

Happy in and honored by his friendship, I often consult him and find his correction of errors invaluable to myself and to my readers. I do not correct Herbert Hoover.

Unfortunately, some of us who write for newspapers have lost all sense of proportion. Because editors give us space to express ourselves and pay us for it, we fail to realize that we are reporters who have the obligation of accuracy and, if it is views that we write, honesty of purpose. A proper sense of proportion requires that we recognize that we are not the doers but the recorders, not the leaders but the interpreters. No American columnist is expected to make national policy. We leave that to Congress.

We owe it to our readers not to write what we have not investigated. Drew Pearson questioned neither Mr. Hoover nor myself on this matter of speech writing.

Mr. McCARTHY. Mr. President, I also ask unanimous consent to have inserted in the RECORD at this point an editorial entitled "Drew Pearson—Keyhole Reporter"—published in the Maynard (Minn.) News, December 22, 1950.

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

DREW PEARSON—KEYHOLE REPORTER

The little episode between Senator McCARTHY and Drew Pearson has focused attention on the keyhole columnist who has done more damage to democracy than any single journalist, including the editor of the Communist Daily Worker.

For a long time, this editor has had nothing but contempt for Drew Pearson and his tactics.

On May 20, 1949 (a year ago last May), we had an editorial in the Maynard News on Pearson in which we outlined his shortcomings.

On several occasions we wrote letters to President John Cowles of the Minneapolis Star-Tribune, urging him to discontinue publishing the Drew Pearson column on his editorial pages.

On May 19 of this year, we had lunch with Mr. Cowles and left with him a seven-page report on Drew Pearson which should have convinced even the most skeptical that he was not a responsible journalist, but on the contrary, was irresponsible, vicious, and devious in his reporting.

Mr. Pearson's column still appears in the Minneapolis Star, but they did explain that they watch it closely and blue pencil many of the more objectionable paragraphs.

For the benefit of our readers, we would like to publish the report we handed to Mr. Cowles last May:

Drew Pearson has rattled more skeletons in private closets than any other columnist in the business. He has a key hole personality, and he makes his scandal mongering pay off in political currency. His timing of exposés leaves the conviction in the minds of observers that he smears for a purpose. Almost invariably that purpose coincides with the wishes of the left wing, powers that be in the Nation's Capital.

When Russia was our ally, back in the days of 1943, he went overboard in his praise of all things Russian. He sided with the Communists more often than against them, and was unduly critical of the anti-Communists. Even though most Americans were aware of the totalitarian makeup of the ruthless Soviet government, he ignored the menace.

When it became less popular to be pro-Russian and pro-Communist he made occasional and hypocritical attempts to convince his readers that he was anti-Communist. He has always been most vociferous in his fight against the Franco brand of fascism, but he praises Communist dictator Tito.

When efforts to rout Communists out of Government threaten the continuity of the radicals in the administration, Drew Pearson uncorks his smear pot, sets his leg men in motion, and comes up with an effective, devastating smear of the anti-Communists. When he isn't doing a job of character assassination, he is number one apologist for the pinkos in Government. He is particularly responsive to the dictates of the Frankfurter protégé and he took a prominent part in the efforts of the CIO-PAC and left-wing administration forces to reelect Senator Claude Pepper, of Florida. He used his phony predictions as propaganda to help Mr. Pepper, who was later repudiated at the polls by the people of Florida.

Drew Pearson, like a few other smear artists, has done more to discredit Congress than any other propagandist. His attacks on anti-Communist Senators and Representatives are well known.

He smeared Congressman Martin Dies, and it is common knowledge that Dies was frightened out of public life.

He exposed Congressman Parnell Thomas at a time when Thomas was exposing communism in Hollywood—even though it is said that Pearson had the goods on Thomas long before the exposé.

He smeared Senator HOMER FERGUSON when the Senator was fighting communism in the Senate, and failed to retract when the Senator and his wife proved his accusations false.

He smeared Senator JOE McCARTHY during the current Red hunt by implying that McCARTHY criminally evaded taxes. (See CONGRESSIONAL RECORD, volume 96, part 5, page 5889.) When Senator McCARTHY told the true facts on the floor of the Senate, Pearson did not make amends.

Early in April 1950 Pearson smeared Fulton Lewis, Jr., by accusing him of dishonesty, and subsequently failed to retract when Lewis proved him to be a liar.

Newspapermen, columnists, and Members of Congress blamed Drew Pearson for driving Secretary Forrestal to suicide by his hounding tactics and false accusations.

As a journalist, Pearson is not a credit to the profession. He has "leg men" in many strategic spots. One of them haunts the hallways and cafeteria of Capitol Hill, pumping information from disgruntled employees about the bosses, and using these rumors to develop files for future use—if he finds it politically expedient to smear the Congressman so as to make him ineffective.

The files in the Committee on Un-American Activities contain a great deal of information which shows how his sympathy for Reds has extended back to 1943. Following are a few excerpts:

On March 12, 1948, President Harry Truman denounced Drew Pearson as a liar and as the author of vicious statements. Truman said of Pearson:

"Pearson is one columnist in Washington who wouldn't have room on his breast if he got a ribbon for every time he's been called a liar."

He was regarded by the late President Roosevelt as a chronic liar. Ex-Secretary of State Cordell Hull referred to him as follows: "The truth is not in him; he is a pathological liar."

It is interesting to note that the chief "leg man" for Drew Pearson and his personal emissary to Europe in 1947 was one now known under the name of David Karr, formerly a writer for the (Communist) Daily Worker and for such party-line publications as Fight (magazine), the Hour and Equality.

Mr. Pearson has an illuminating record of his own. On June 26, 1947, the (Communist) Daily Worker announced that Drew Pearson testified as a character witness in the case of 16 leaders of the Joint Anti-Fascist Refugee Committee, which was instrumental in bringing to this country, Gerhard Eisler, agent of the Communist International and notorious terrorist. The 16 leaders of this organization, which has been cited as a Communist front by the Special Committee on Un-American Activities on March 29, 1944, were convicted for contempt of Congress in a Federal court on June 27, 1947. Drew Pearson used the proceedings to launch an attack on the Committee on Un-American Activities.

According to the Washington Post of June 23, 1947, Drew Pearson attacked the House Civil Service Committee's loyalty program for ridding the Federal Government of subversive elements.

In his column of November 27, 1943, Drew Pearson assailed Lt. Comdr. Harold A. Burch of naval intelligence for taking Communists off the crews of merchant ships going to Murmansk, Russia.

On October 23, 1943, he praised Andrei Vishinsky, the author of numerous recent diatribes against the United States, as "the

famous prosecutor" and "a man of national stature," equivalent to "the most outstanding member of the United States Supreme Court."

On October 21, 1943, Pearson published a long and enthusiastic eulogy of Tito, the Communist dictator of Yugoslavia, who was then high in the good graces of Joseph Stalin.

On October 18, 1943, he attacked Secretary of State Hull on the ground that he "does not understand Russian temperament" and that he "has already aroused Russian suspicions." On August 28, 1943, he again criticized Mr. Hull for his anti-Russian attitude. On August 27, 1943, he condemned the removal of Sumner Welles on the ground that Russia would be left without a champion in the State Department. He decried the influence of those in the Department who "have established long records as haters of the Soviet Russia."

On October 12, 1943, Mr. Pearson praised Assistant Secretary of War, John McCloy, for granting a commission and a citation to Robert Thompson, presently a member of the national committee of the Communist Party.

On September 18, 1943, Pearson took to task Adolf Berle, Jr., Assistant Secretary of State, for stopping shipments of oil to Russia on the ground that they were needed at home, for granting of passports to anti-Communists and for his associations with anti-Communists.

On September 9, 1943 he deplored the fact that the State Department refused to issue passports for CIO leaders to visit Russia.

On September 13, 1943, Pearson who recently garnered much publicity with his so-called Freedom Train to Italy, press agent by David Karr (Katz), predicted that "the political pendulum normally swings from fascism to communism and will probably do so in both Germany and Italy."

On July 7, 1943, Drew Pearson featured the visit to the White House of Joseph Curran, who at that time was in cahoots with the Communists, and a delegation from the National Maritime Union, then completely under Communist control.

On July 23, 1943, he praised the diplomacy of Joseph Davies and his ability to get along with Joseph Stalin, simultaneously calling attention to the "sour note" struck by the "blunt" Admiral Standley in Moscow.

On June 11, 1943, he referred to Hon. Martin Dies, former chairman of the Special Committee on Un-American Activities, as one who is looking for new bogeymen to keep his committee going since Stalin dissolved the Comintern.

On June 1, 1943, Pearson published a strong defense of Malcolm C. Dobbis, who was expelled from the Birmingham CIO Council in December 1947 as a Red, criticizing the War Department for alleged discrimination against Dobbis.

On May 1, 1943, he again criticized the War Department for its alleged ill treatment of Milton Wolff, a well-known member of the Communist Party.

On April 29, 1943, Drew Pearson defended William E. Dodd, Jr. who was removed from the Federal payroll because of his subversive record. He also defended in this article, Frederick L. Schuman, a notorious Soviet apologist.

On April 14, 1943, he sang another song of praise for Herman Botcher, a member of the Communist Party, John Gates, now editor of the Communist Daily Worker and a group of others of the same stripe, formerly members of the so-called Abraham Lincoln Brigade.

On December 9, 1942, he praised the film, Mission to Moscow, explaining that it would analyze the Moscow treason trials, regarding which Stalin was right after all.

At one time Mr. Pearson proposed that Gen. Douglas A. MacArthur, who is, of course, anathema to the Kremlin, receive a medal

which would have a ribbon with a streak of yellow and a piece of baloney on the end.

On September 12, 1943, Drew Pearson answered President Roosevelt's charge that he is a chronic liar. The statement is important because it explains the reason for animus toward men like MacArthur, Standley, Berle, and Hull, and it may cast some light on the attitude of an administration which has from its inception been wedded to a policy of appeasement toward the Communists. Perhaps it explains why some of these men have been relegated to the background in the past and why men like Robert C. Alexander and Admiral William D. Leahy are being hounded today. The statement follows:

"In this difficult mosaic of peace the boys (in the Armed Forces) also know that the most delicate problem is Russia * * * I have long contended—in columns which the President brands as chronically lying—that there is no use constantly pin-pricking Russia.

"Russia is already irked and angry over the fact that we have started no second front in Western Europe * * * However, civilians are entitled to express the common-sense opinion that being unable to give Russia the main thing she wants, we should lean over backward to give her everything else within reason.

"Especially we should give her surcease from needling. * * * The men upon whom Mr. Hull relies most for advice on Russia are Assistant Secretary of State Adolf Berle and Leo Pasvolosky. Berle has a long record of anti-Russian activity * * * Pasvolosky was secretary to the last anti-Soviet Ambassador in Washington."

MINORITY VIEWS ON WIRE-TAPPING INVESTIGATION—REFUTATION OF STATEMENT BY DREW PEARSON

Mr. HENDRICKSON. Mr. President, seldom in my public life have I ever responded to either baseless or ill-tempered attacks upon me, nor do I intend to dignify one now. However, lest complete silence be misinterpreted, and as an assurance to my colleagues that the very faulty conclusions which appeared in a column of the Washington Post of yesterday, insofar as they pertain to the junior Senator from New Jersey, are completely without foundation in fact, I ask unanimous consent that there be incorporated in the body of the RECORD at this point in my remarks, a statement already released by me to the press which clearly indicates my position.

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

Mr. HENDRICKSON. I yield.

Mr. McCARTHY. I should like to ask the Senator a question. I did not know he was going to touch on this today, but the Senator is touching upon an article which appeared yesterday in the Washington Post, Washington's Daily Worker, which gives the Senator from Wisconsin credit for having prepared a report, which was in fact prepared by the Senator from New Jersey. Let me ask the Senator whether I am correct in saying that the only contact I had with this report was to sign it, having confidence in the Senator from New Jersey who prepared it—and I think he did an excellent job—that I had nothing to do with the preparation of it; that the first time I saw it was when it was brought to my office for signing, and that then, as the senior member of the committee, Senator WILLIAMS being absent, I merely ordered it transmitted to the committee as a whole.

Mr. HENDRICKSON. That is correct. I ask that the statement already released by me to the press be included in the RECORD at this point in my remarks.

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

STATEMENT TO THE PRESS BY SENATOR HENDRICKSON

I was highly amused at Mr. Drew Pearson's deductions in respect to my sponsorship of the minority views on the recent wire-tapping investigation, particularly that figment of his imagination which led him to severely indict every single member of the Republican minority committee on committees. One has but to read the names of that distinguished group of Senators to know that they would not be parties to such a cheap and tawdry trade as that with which Mr. Pearson charges me—and without their complete accord I could never have enjoyed a place on the Judiciary Committee nor would I have wanted it. Had Mr. Pearson attended those last meetings of the Pepper subcommittee he would have heard me say there substantially the things which I incorporated in the minority views. I still feel very strongly that a congressional committee is not a grand jury in any sense, and that any action taken on the Pepper report should proceed with the utmost care and caution in the interest of simple decency and justice.

Mr. HENDRICKSON. Mr. President, I also ask unanimous consent to have incorporated in the body of the RECORD at this point a letter from the distinguished senior Senator from Nebraska [Mr. BUTLER], chairman of the committee on committees of the Republican conference, which I hope will serve to put to ridicule the deductions arrived at in the column to which I have referred.

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

UNITED STATES SENATE,
January 22, 1951.

HON. ROBERT C. HENDRICKSON,
United States Senator,
Washington, D. C.

DEAR SENATOR HENDRICKSON: Referring to the article that appeared in yesterday's paper, I just want to assure you that Senator TAFT or no other Member of the Senate influenced your appointment to the Judiciary Committee by speaking to me or any other member of the Committee on Committees in advance of our final session. There are 15 members on the Committee on Committees. All but two were present when the final report was prepared for the Republican conference. Our report to the conference was unanimous.

As you are not a member of the Committee on Committees, it might be interesting for you to know something about how the committee works. Every Senator is contacted in advance of any meetings with the request that he list any committee changes or committee assignments that he desires. Then we have two work sheets, one of them listing the Members in the order of their seniority with a notation as to their letter if their committees are satisfactory or if they want to change, also showing the committees on which they are serving at the present time. The other list gives us the information on each committee, indicating the vacancies as well as the names of those who are on the committees. In an adjoining column we list the requests for any vacancy on each committee. With this information at hand, the task of making the committee assignments is purely mechanical except in cases where two or more Members with the same seniority ask for the same committee assignment. In that case the appointment is finally determined by drawing lots, but no

situation of that kind arose at our last meeting.

Working down the list in order of seniority, the first Member we came to for a committee assignment was Senator TOBEY, who requested Foreign Relations in place of Banking and Currency. We had several other requests, but since Senator TOBEY had seniority, he was given the assignment. We moved on down the list in this manner and when we came to your name we found that your first request was for Armed Services. Your second request was Judiciary, and that is what you got in place of District of Columbia. There were two vacancies to fill on the Judiciary Committee. Senator WATKINS was at the top of the list, and your name came second. That is the reason you were given the assignment, not because of any deals or trades that were made as was inferred by the article appearing in yesterday's paper.

I am glad to give you this report for your own record.

Sincerely yours,

HUGH BUTLER,
United States Senator, Chairman,
Committee on Committees, Republican Conference.

ASSIGNMENT OF AMERICAN TROOPS TO DUTY IN EUROPE

Mr. WATKINS. Mr. President, the Wherry resolution now before the Senate declares it to be the sense of the Senate that no ground forces of the United States should be assigned to duty in the European area for the purpose of the North Atlantic Treaty, pending the adoption of a policy with respect thereto by the Congress.

The resolution seeks to do two things: First, to advise the President that no forces should be sent to Europe by the President to implement the Atlantic Pact until Congress has adopted a policy with respect thereto; and second, it implies that Congress does have the right to declare a policy with respect to the sending of troops to aid in the implementation of the Atlantic Pact.

The President apparently has taken the position that he has full power to send additional troops to Europe in effect to garrison that area against the threat of an attack by Communist Russia or other enemies without the approval of Congress.

So far as I have been able to determine, he has not indicated whether he is depending on his general powers as the so-called Commander in Chief of the Armed Forces, or on the powers granted in the Atlantic Pact.

In my discussion today I am not going into the question of what is wise or unwise strategy in preparing our defenses against Communist Russia and her satellites and their program of expansion. That discussion I intend to make later, following the Senate action on the Wherry resolution.

The President's power to send additional occupation forces to Germany and Austria for the purposes of the occupation is likewise excluded from this discussion.

Since the Wherry resolution has been pending, I have spent some time reading the debate on the Atlantic Pact, including the hearings before the Foreign Relations Committee. It seems clear to me that the question now raised, that of sending armed forces to garrison Europe prior to an armed aggression, was not in any sense considered a part of the pact.

The question was raised directly at the hearings of the Foreign Relations Committee by the senior Senator from Iowa [Mr. HICKENLOOPER]. The Secretary of State, Mr. Acheson, categorically denied that the pact had for its purpose or its intent the sending of American troops to garrison Europe to meet any possible defense prior to an armed aggression. That was the generally accepted interpretation of the pact during the entire debate.

Article 3 of the North Atlantic Pact reads as follows:

In order more effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

When article 3 was under discussion, there was no intimation by any of the proponents of the treaty that it included authority for the sending of armed forces to Europe prior to armed aggression. In fact, the entire discussion revolved around the question of whether or not it bound us to furnish arms and armaments.

A reservation to article 3 was presented and was thoroughly discussed. So far as I can recall, there was no intimation whatever that the article had for its intention and included any authority for the sending of Armed Forces prior to aggression. It was limited strictly to the question of furnishing armaments to our allies, or they, on their part, to us.

It seems to me that the proponents of the treaty and the administration of this country and other countries involved are limited by that interpretation and that legislative construction as shown by its history.

I have checked the pact again to ascertain if there is any possibility that the authority to send troops to Europe to implement the pact prior to an armed aggression is contained in article 5. Again the answer is "No."

The debate on article 5 indicates clearly that it was not intended as an authorization for the sending of troops to Europe. Article 5 is a pledge of mutual assistance in the event of armed attack in Europe or North America on one or more of the signatory powers.

The reservation I offered with respect to this article attempted to make it clear that the United States assumed no obligation to restore and maintain the security of the North Atlantic area or to assist any other party or parties in said area by Armed Forces, or to employ the military, air, or naval forces of the United States under article 5 or any article of the treaty for any purpose unless the Congress shall by act or joint resolution so provide and authorize. This reservation, it will be noted, not only contained a reservation to article 5 but to any other article of the treaty which might in any way tend to give or actually give any power to declare war or to authorize the employment of the military, air, or naval forces of the United States without congressional authorization.

During the debate it was said by the proponents of the treaty that this reservation was absolutely unnecessary. It was contended that our constitutional

processes which included the right of the Congress to declare war and authorize the employment of our Armed Forces in the preparation for, or in the prosecution of a war, were unimpaired and in no wise affected by the treaty.

I took the opposite position. I felt that the treaty was a commitment which placed us in a position where a declaration of war was no longer a matter of debate, but merely a question of the fulfillment of a treaty obligation.

I felt by interpretation of the treaty the time might come when action would be taken under the treaty and in reliance on its terms without allowing the Congress to exercise its constitutional right in determining whether the Nation should be taken into war or not.

My suggested reservations were rejected, and, by that rejection, my construction of the meaning of article 5 and other articles of the treaty was also rejected. The debate, however, made it clear that the theory on which the treaty was presented to the Senate implied that our Armed Forces were not to be involved in Europe by reason of obligations contained in the treaty until armed aggression had happened against one of the signatory powers and until Congress had been consulted. That was the sense of the Congress when the treaty was ratified.

The argument that additional war-making powers were given to the President by the Congress when it ratified the North Atlantic Pact has no validity. If the President has any power whatsoever to send American troops to Europe in anticipation of an attack against our Atlantic Pact allies and without congressional authorization, that power must be derived from a construction of the Constitution of the United States and not from the provisions of the Atlantic Pact or any other treaty.

I concede that promises of such assistance have been made. They were made at Brussels by Dean Acheson, speaking for the United States. At Brussels, Dean Acheson sat down and worked out the structure of a European Defense Army. The conferees as Brussels decided how this army should be composed, where the troops should come from, and how its commander should be selected and appointed.

Earlier, at the time of the conferences in Washington, the President himself assured the representatives of the North Atlantic nations gathered there that American troops would be committed to the proposed European army. In reply to queries as to whether he had this authority and could make such commitments without first consulting the Congress, the President, in statements which were given wide press publicity, took the position that he possessed this power in himself and that the fears that Congress might not agree to the dispatch of American troops to Europe therefore need not greatly concern the conference.

At some future time I intend to analyze the legislative history of the Atlantic Pact in greater detail. Its meaning and its purposes no doubt will be discussed if the majority of this body, acting under instructions from the President, attempts to secure passage of a

resolution to authorize the President to send American ground forces to Europe to meet a threat of war prior to an actual armed attack.

Editorial writers and columnists and some Members of Congress are taking the position that the question as to the power of the President to send our Armed Forces anywhere in the world with the intention of being there to engage in war, is largely academic. They also take that position with respect to the intervention in Korea. They take the position that since such action has already been taken by the President, the question is of no further importance, and that discussion of the question at this time, therefore, can do little good.

I totally disagree with this view. The question is one of usurpation of power by the President. The fact that he has usurped the powers of Congress and committed the Nation to war in Korea does not make his action right. Unless it is challenged, however, it will be regarded as a precedent and will form the basis for further similar usurpations in the future.

The entire question is of vital importance to the people of the country. It should be openly and freely debated and the people should be made aware of the terrible implications of the grasp for absolute power in respect to the Armed Forces of the United States which is represented by the President's action in regard to intervention in Korea and his proposal to send troops to Europe without consulting Congress.

The contention that the President has absolute and unlimited powers in respect to the use and control of the Armed Forces of the United States to enlarge upon the North Atlantic Pact is an example of the development of the executive agreement as a substitute for treaties and as a means of getting around the right of Congress to participate in the making of treaties.

The bypassing of the United States Senate in the making of treaties by use of the so-called executive agreement has positively endangered the very existence of this Nation. I cite for the Senate's attention the executive agreements made by the President of the United States at Yalta, Tehran, and Potsdam.

If the Yalta, Tehran, and Potsdam agreements had been submitted to the Senate for approval, as they should have been under the Constitution, their flaws, their weaknesses, and their outright surrender to the Soviet Union would have been recognized and brought to attention. The sell-out of the great principles of the Atlantic Charter objectives would have been discovered in time and our Nation would not have committed itself to the fulfillment of the imperialistic objectives of Russia. It is my belief that if the Senate had been consulted in respect to the Tehran, Yalta, and Potsdam agreements, there would have been no sell-out of Asia and that the history of the past 5 years would have been vastly different.

The war in Korea is the most tragic chapter in American history. It is a chapter which is being written by executive action of the President without consultation with the Congress. It is my

belief that the Korean disaster would not have fallen upon the world if the Congress had been consulted before the intervention in Korea was ordered.

I do not say that the Congress might not have ordered our troops into Korea. I do say, however, that sober minds and native hardheadedness might have prevailed over the impetuous and spur-of-the-moment way of doing things.

The Congress would have wanted knowledge of the facts and would have required an estimate of the probable consequences.

The United States withdrew its troops from Korea on June 30, 1949. This was done in pursuance of a United Nations General Assembly request of December 12, 1948. The withdrawal was ordered by the President without consulting the Congress.

On June 9, 1949—not 1950—Maj. Gen. Charles B. Helmick, a former deputy military governor of Korea, testified before the House Foreign Affairs Committee that if Russia decided she wanted to take over in South Korea, she could do so without any military difficulty. General Helmick said:

They are right there with large armies. Any troops there would suffer another Bataan.

General Helmick's testimony represented the generally accepted military viewpoint.

This is a matter of record. On June 21, Brig. Gen. P. M. Hamilton, Chief of the Policy Division, Directorate of Plans and Operations, United States Air Forces, testified before the House Foreign Affairs Committee and stated that it would not be wise to keep troops in Korea. Rear Adm. E. T. Woolridge, Assistant Chief of Naval Operations, told the committee that he concurred in that testimony. General Hamilton then went on to inform the committee that the view expressed by him was the position of the Joint Chiefs of Staff and that that position was unanimous.

It was on the basis of testimony of that type that the minority members of the House Foreign Affairs Committee concluded that the extension of vast amounts of economic aid to Korea was pouring money down a rat hole unless Korea could be defended. It was their feeling that by extending economic aid with no assurance that Korea could be defended, we were merely fattening the prize for the Communists. In a minority report, the five Republican members of the House Foreign Affairs Committee stated as follows:

Every authority who has testified before the Committee on Foreign Affairs with respect to the Korean situation has acknowledged the fact that there would be no effective defense against an armed aggression originating in the northern half of the country . . . our forces, with the exception of an advisory mission, have been withdrawn from South Korea at the very instant when logic and common sense both demanded no retreat from the realities of the situation.

The withdrawal from Korea was a matter of Executive decision. The Congress was not consulted, and had no part in that decision.

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Some 6 months later the Secretary of State informed the world that Korea was outside the defense perimeter of the United States. That decision was taken by the executive department. The Congress was not consulted.

As recent history has shown, this decision announced by Dean Acheson was the engraved invitation which the Communists accepted and translated into action within 6 months. The record will show that many Members of the Congress of the United States and many of our citizens who are acquainted with foreign affairs, raised questions regarding every one of the three actions which I have mentioned. As far back as November 1947, Thomas E. Dewey declared that the Russians "anticipated that immediately upon the withdrawal of American and Soviet occupation troops, the armed forces of the north will engulf all of Korea." Mr. Dewey was not alone. Many other Americans felt as he did.

It is my feeling that the question of the withdrawal of our occupation forces from Korea should have been submitted to the Congress. The decision that Korea was outside the defense perimeter of the United States should likewise have been submitted to the Congress. The question as to whether or not our forces should have been sent to intervene in the Korean civil war should likewise have been submitted to the Congress.

I interpolate to say that I so declared at the time, on June 27, when the President had taken action without referring the subject to Congress.

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

Mr. WATKINS. I yield.

Mr. KEM. Earlier in the afternoon the Senator from Texas [Mr. CONNALLY] made reference to the time when the press release from the White House was read to the Senate. I refer to the press release in which the Senate was advised that the President had ordered the Armed Forces of the United States into Korea. The Senator from Texas made the observation that most people threw up their hats and applauded the action of the President. I should like to ask the Senator from Utah if he applauded the action of the President on that occasion.

Mr. WATKINS. I think the RECORD will show that on that occasion I interrogated the majority leader during his reading of the press release—not a message to Congress, but a press release—as to the authority of the President under which he was taking the action at that time. The majority leader responded by saying that the statement would have to speak for itself. Then I went on to make some further observations, for which I was criticized by some people in Utah. Some columnists took me to task for my observations. Apparently some columnists are the kind of strange animal that believes the Constitution should not be mentioned in the Senate or in other decent company, and therefore they immediately said I was an isolationist.

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

Mr. WATKINS. I yield.

Mr. KEM. I ask the Senator from Utah whether he in any way approved of or applauded the action of the President of the United States on that occasion.

Mr. WATKINS. I did not. On the contrary, I felt that certain questions should have been asked of the President, and that the matter should have been considered by Congress.

Mr. KEM. I ask the Senator from Utah if his views in regard to the Korean episode today are the same as those he entertained on June 27, 1950.

Mr. WATKINS. With respect to the necessity of submitting the question to Congress, yes. I may say that I have received literally hundreds of letters from my constituents in Utah who have approved my stand. Incidentally, some of those who are now demanding that Congress take an interest in the decision as to where our troops are to be sent are the same ones who were condemning me at the time I asked the question of the majority leader, and indicated that Congress should have been given some consideration in the matter before the President sent our Armed Forces to intervene in a war between North Korea and South Korea.

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

Mr. WATKINS. Yes.

Mr. KEM. I ask the Senator from Utah whether the position he took on hearing of the President's action in ordering our troops into Korea was made the subject of a cartoon published in the Washington Evening Star a day or so afterwards.

Mr. WATKINS. As I recall, it was. As I remember the cartoon, it portrayed the senior Senator from Missouri [Mr. KEM], the senior Senator from Ohio [Mr. TAFT], and the senior Senator from Utah [Mr. WATKINS], as marching at the head of an army, with the senior Senator from Ohio turning around to see where the followers were. Apparently there were only three of us, and no one else was following us in taking the stand that the matter should have been submitted to Congress before troops were ordered into Korea.

Mr. KEM. Mr. President, will the Senator yield further?

Mr. WATKINS. I yield.

Mr. KEM. I should like to ask the Senator if the number of followers has not been augmented since that time.

Mr. WATKINS. I would say that Senators will probably find that letters from their constituents are very numerous on this subject, and that the letters will be found to be close to 100 to 1 in favor of insisting that from now on the question of sending American troops into positions where they will be engaging in war should be submitted to Congress. There will be found to be almost unanimous approval of the action for which we were condemned at that time.

The Senator from Missouri raises substantially the same question which I raised. The next day the Senator from Ohio made a speech on the subject, pointing out that in his judgment the President had violated the Constitution, and that the entire matter should first

have been submitted to Congress for approval.

Mr. KEM. I thank the Senator from Utah.

Mr. WATKINS. I thank the Senator for asking the questions, and I have a rather keen memory of what occurred. In my own State some of the leading citizens bought space in the daily newspapers, quoted from columnists who did not know what they were talking about, and who had never read the *RECORD*, and stated, in effect, that I had held the State of Utah up to shame and disgrace by taking such a stand. I felt it rather keenly, because all I had done was to raise the constitutional question as to the authority under which the President was acting, pointing out that in my judgment, in response to a request from the majority leader, former Senator Lucas, of Illinois, the President should have sent a message to the Congress giving the Congress the facts and asking Congress for authority to do whatever was necessary to protect the interest of the United States.

Mr. KEM. I gather from what the Senator says that, judging from the present state of his mail from Utah, he is not now a prophet without honor in his own country.

Mr. WATKINS. I have not been home since this subject became so torrid, but I believe that I would be received with a little more grace by a good many persons, some of whom probably thought that I had disgraced the State by mentioning the Constitution of the United States on the floor of the Senate, and calling the attention of the country to the duty which I thought was incumbent upon the President, and to what he had done, which, in effect, it seemed to me was in violation of his responsibility, by ordering American troops, without congressional approval, into not merely a police action, but a full-fledged war in which we have suffered more casualties to date than in all the other wars of the United States put together, with the exception of the Civil War and the two World Wars.

I now resume my prepared text.

Had the decision of the Congress with respect to Korea been the same as that made by the President alone, at least it could be said that the action taken was taken by the President in cooperation with the Congress of the United States. Thus would have been avoided the present confusion and the people of the United States would at least have known that the action represented the will of their Government, not merely the impulsiveness of the President.

Mr. President, having pointed out that the question of the powers of the President and the powers of Congress with relation to war and foreign policy are matters of vital concern to our present and future existence as a nation, I believe further discussion of the constitutional questions is fully justified.

The great men who presided at the birth of our Republic had had their fill of absolutism in government. They were determined that the new government which they helped to bring into being should not fall into the hands of any individual or group of individuals.

In pursuit of that they set up a government of three branches and contrived and wrote into the Constitution a system of checks and balances designed to prevent any one of these branches from assuming too much power.

In recent years, behind the screen of one national emergency after another, more and more power has been concentrated in the hands of the Executive at the expense of the legislative branch. This has gone so far that the present Executive now does not hesitate to claim that he has indisputable and sole authority over the Armed Forces of the United States and that his powers are so absolute in that respect that he can order our Armed Forces into an all-out war in Asia or to the European continent in anticipation of large-scale war without consulting Congress or anyone else.

My opposition to such a usurpation of power dates back many years. The most recent manifestation of it was my statement to the Senate on June 27, 1950, the day the President ordered our Armed Forces to intervene in Korea.

That is the statement which has just been the subject of colloquy with my distinguished friend from Missouri [Mr. KEM].

I do not know on whose advice the President suddenly decided last June to reverse his previous policy and to plunge us into war in Korea. I do know that he did not consult the Congress; he merely told the Congress, at the same time he told the rest of the world, what he had done, after he had ordered United States troops into the Korean war. He told Congress by reason of the same press release, which did not even have the dignity of an address to the Congress.

In a colloquy on this floor on January 17, 1951, between the Senator from Colorado [Mr. MILLIKIN], the Senator from South Dakota [Mr. MUNDT], and myself, certain constitutional points were re-emphasized. The Senator from Colorado pointed out that the Congress has the power to declare war and that that power carries its own implications of very wide scope, inclusive and exclusive. He pointed out, too, that under the Constitution the Congress has the power to raise and support armies. It was brought out that while the President has a vast field of implied power arising out of his status of Commander in Chief, the Congress, too, has large powers in respect to the Armed Forces, both by expressed terms of the Constitution and by implication flowing from the express grants of power.

It was brought out in the colloquy of January 17 that if the role of the Congress in determining whether our Armed Forces should be used in war were derived solely from Congress' power of the purse, such role would amount to very little. It is obvious that if the President by unilateral action had taken us into war or into a situation where war could not be avoided, the Congress thereafter could not refuse the funds necessary to extricate us from a situation of national peril.

Last June, when our forces were ordered into action in Korea, the Congress was in session here in Washington. As will be recalled, the President called

members of the Foreign Affairs and Armed Services Committees of Congress to the White House and read to them the announcement that our sea and air forces had been ordered into action in Korea. He did not consult them. He told them what he had already done. That is the nearest he ever came to telling Congress, in a dignified and official way, what action he had taken. Thereafter the announcement was read on the floor of the Senate, as I have already related.

The President asked for no advice, nor did he ask for the consent of the Congress. No resolution was introduced requesting congressional approval and endorsement of his action. The Congress was merely told by the majority leader that the Armed Forces of the United States had been ordered into action in Korea by the President. There it stopped—no more, no less.

As will be recalled, I took the floor that day to suggest that the President's action in committing the Armed Forces of the United States into Korea without consulting the Congress was illegal and unconstitutional.

Events are such that today the whole Nation is asking the questions I asked on this floor last June. In the face of rising public opinion it now appears that the President himself is wavering in his determination that he need not consult the Congress in respect to the waging of war on foreign soil. Even he seems reluctantly to be coming to the conclusion that he went too far in his action last June. Aroused public opinion seems to be having its effect.

(At this point Mr. WATKINS yielded to Mr. FERGUSON, and debate ensued regarding the postponement of action on the resolution submitted to Mr. KEFAUVER, citing certain persons for contempt, which, on request of Mr. WATKINS, was ordered to be printed at the conclusion of his remarks.)

Mr. WATKINS. Mr. President, in order to avoid misunderstanding, I want to point out that I am not disputing the validity of the basic doctrine of intervention which has been relied upon by the United States on many occasions when the lives and the property of American citizens were under grave threat in foreign lands. That doctrine is well established in international law. I want to emphasize, however, that from the earliest days of our Republic the guiding principle in our foreign relations has been the doctrine of nonintervention rather than its opposite, the doctrine of intervention.

Prof. Charles E. Martin, in his treatise entitled "The Policy of the United States as Regards Intervention," which was published in 1921, states that European and American foreign policies in relation to intervention differ both historically and theoretically. He points out that intervention is a definite and well-established principle in the European political system and that it finds its origin in the theories of the balance of power. Thus he says at page 20:

The idea of state-interest extended to a group of states, by means of alliances designed to preserve the balance of power, furnishes the key generally, to the history of the principle of intervention.

Professor Martin goes on to say—and I quote from page 23 of his work:

Opposed to the theory of intervention was the doctrine of nonintervention. It did not, however, gain much approval, except among the smaller states. It is obvious how difficult it was for such a principle to flourish in Europe. No sovereign state would agree not to intervene in the internal affairs of another state, when such abstinence might seem directly to involve its own existence; and nonintervention might have meant the ruin even of a large European state, so long as the system of alliances continued.

The idea of state-interest extended to a group of states, by means of alliances designed to preserve the balance of power, furnishes the key, generally, to the history of the principle of intervention.

The adoption of nonintervention as a deliberate and consistent policy was reserved to the United States; the wisdom of which became very real after an instructive experience with a European alliance and a narrow escape from being drawn into the European conflict during the French Revolution and the Napoleonic wars.

Professor Martin then says at page 68 of the work I have cited:

Some foreign policies develop casually without conscious direction. Others are the result of the discerning and guiding will of statesmen. The policy of nonintervention, while lacking an orderly plan of development, enjoyed the conscious and deliberate attention and direction of our ablest leaders. Its origin and adoption, then, is attributed to a conscious purpose, and not to circumstance or accident.

The principles of the doctrine of nonintervention have had wide popular approval as the proper cornerstone of our foreign policies. It has only been in the more recent years of our national history that our leadership has forsaken those principles. The consequences of that tendency can be reckoned in terms of billions of dollars of national indebtedness and ever lengthening rows of tombstones in our national cemeteries.

It has been in respect to our relations with the smaller nations in the Americas that the United States has most often departed from strict adherence to the doctrine of nonintervention. This started early in our history and developed into the so-called Monroe Doctrine which, today, is the cornerstone of the conduct of our foreign relations in relation to the nations of the Western Hemisphere.

The most significant of our interventions in the affair of nations in the Western Hemisphere was the intervention in Cuba.

It should be noted, however, that even that intervention followed passage of a joint resolution by the Congress. That resolution specifically authorized the President to use our Armed Forces in Cuba. Section 3 of the joint resolution stated:

That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

It was passed by Congress on April 19, 1898, and was signed into law by President McKinley on April 20, 1898. It was

followed on April 25 by a formal declaration of war on Spain.

American intervention in Cuba, which, as I have said, was the most striking departure from our policy of nonintervention, was based on authority from Congress. President McKinley asked and received that authority prior to ordering the Armed Forces of the United States into what was then the territory of Spain.

J. Reuben Clark, Jr., former solicitor of the Department of State, and, incidentally, I might say, a very distinguished citizen of the State of Utah, in a memorandum dated August 1912 to the Secretary of State, points out that from the time of President Jefferson the Executive has consistently declared that it possessed the right to protect with forces of the United States the lives and property of American citizens in foreign countries. Mr. Clark's memorandum points out, however, that there is a difference between intervention for the protection of American citizens and the taking of the Nation into war. Thus the memorandum opinion quotes the following from a statement by President Jefferson in 1805 in discussing Spanish depredations on our territory:

Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions, to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them, but when necessary to repel an inroad, or to rescue a citizen, or his property.

There is also quoted in the memorandum I have cited the following paragraphs from a note written by Secretary of State Lewis Cass to Lord Napier, British Minister to Washington, regarding the proposed American participation in an intervention in China:

This proposition, looking to a participation by the United States in the existing hostilities against China, makes it proper to remind Your Lordship that, under the Constitution of the United States, the executive branch of the Government is not the war-making power. This exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken.

Our naval officers have the right—it is their duty, indeed—to employ the forces under their command, not only in self-defense, but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done both in China and elsewhere, and will do again when necessary. But military expeditions into the Chinese territory cannot be undertaken without the authority of the National Legislature.

The administration and its friends and apologists have gone to ridiculous extremes in their attempts to give a color of legal propriety to the President's usurpation of power in connection with the commitment of American Armed Forces in the war in Korea. In their efforts to find historical precedent to support the President's action they have indiscriminately cited many events in American history which in some way involved the use of armed force beyond the territorial limits of the United States. It is

claimed that these events are precedents establishing a recognized and well-established practice now recognized as legitimate and proper.

A Department of State memorandum, dated July 3, 1950, on the subject of the authority of the President to repel the attack on Korea contains such a list. It is pointed out in this memorandum that the United States has throughout its history, upon orders of the Commander in Chief of the Armed Forces, and without congressional authorization, intervened to prevent violent and unlawful acts in other states from depriving the United States and its nationals of the benefits of international peace and security. Reference is then made to a tabulation of 85 instances of the use of American Armed Forces without a declaration of war which was incorporated in the CONGRESSIONAL RECORD for July 10, 1941, at pages 5930-5931. The State Department's memorandum also invites attention to the appendix to a pamphlet by James Grafton Rogers entitled "World Policing and the Constitution; an Inquiry Into the Powers of the President and Congress, Nine Wars and a Hundred Military Operations, 1789-1945," published in 1945 by the World Peace Foundation.

The Department of State memorandum of July 3, 1950, also contains certain quotations from a speech by former United States Senator Warren Austin which is reported in the CONGRESSIONAL RECORD, Seventy-ninth Congress, first session, volume 91, July 26, 1945, pages 8064-8065. In that speech Senator Austin pointed out that he had seen three different compilations of occasions on which the Chief Executive had used the Armed Forces beyond the territory of the United States without any prior act of Congress. The Senator stated that one of these compilations listed no less than 150 such occasions.

On July 5, 1950, my colleague, the then junior Senator from Illinois, now the senior Senator [Mr. DOUGLAS], made a speech on this floor in which he attempted to justify the President in his action in ordering our Armed Forces into the Korean war without consulting Congress. The then junior Senator from Illinois condensed the various listings I have referred to and came up with a reduced list totaling 15.

I have taken the trouble to examine each one of the incidents in the various lists. In the majority they amounted to nothing more than the sending ashore of American seamen and marines to prevent injury to American citizens and their property, or to pursue and punish pirates or other lawless elements, or to exact reparations for wrongs committed against American commerce or the dignity and honor of the United States. On many occasions the landing forces amounted to little more than a dozen or so seamen or marines. On other occasions the landing force amounted to hundreds. In the case of the landings in China during the Boxer Rebellion, several thousand troops were sent ashore.

I have examined the historical events cited in several of these listings. Admittedly there is a general sort of similarity between many of the events cited

from our historical past and the present intervention in Korea. Careful examination and study will bring out the fact, however, that practically without exception each one of the incidents cited in the various lists is clearly distinguishable from, and not in point with, the elements of fact and law surrounding the Korean intervention. As we say in the law: The cases which have been cited are not in point.

I have prepared a concise review of the 15 incidents cited by the Senator from Illinois, and I ask unanimous consent that the statement be inserted in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit I.)

Mr. WATKINS. Mr. President, an examination of that list and the remarks appearing therein will show how far-fetched is the reasoning which seeks to regard them as legitimate precedents to support the President's claim to the power to order our Armed Forces to carry the burden of the war in Korea.

Let me interpolate that in many of these instances it seems there was a plain violation on the part of the President of the United States. No one called him to task. Congress did not do anything about the matter, and the incidents turned out all right for the United States.

Today, when situations which might result in great danger to our country are developing, it seems to me that it is dangerous to reason that simply because so many of these unauthorized actions have been committed, we should be governed by them as precedents.

Article II of the Constitution of the United States establishes the Executive Department of the Government of the United States. Section 2 of that article gives the President command over the Armed Forces of the United States. There is no language in article II or elsewhere in the Constitution which specifically confers on the President the power to declare or to make war.

Section 8 of article I, on the other hand, says:

The Congress shall have the power * * * to declare war.

That provision of the Constitution of the United States is generally accepted and referred to as the war-making clause of the Constitution. As will be noted, it specifically and unequivocally reserves to the Congress the power "to declare war." Elsewhere in my statement today I have indicated four or five other places in the Constitution where Congress is given additional power to make war and to conduct the affairs of the country in case of war.

The Journal of Debates in the Constitutional Convention of 1787 as kept by James Madison, indicates that the war-making clause as originally presented to the Convention sought to empower the Congress to make war. After debate, however, the word "make" was changed to "declare" and the clause was adopted with that substitution. Thus this provision of the Constitution was made to

read "The Congress shall have the power * * * to declare war."

The exchange of views in the Constitutional Convention which led to this change is both interesting and pertinent. The following is a quotation of that debate as reported by Mr. Madison:

Mr. Pinckney opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to the large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. BUTLER. The objections against the Legislature lie in a vast degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. Sharman thought it stood very well. The Executive should be able to repel and not commence war. "Make" is better than "declare," the latter narrowing the power too much.

Mr. Gerry never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration; peace attended with intricate and secret negotiations.

Mr. Mason was against giving the power of war to the Executive because not safely to be trusted with it, or to the Senate because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert "declare," in place of "make," it was agreed to.

In light of the legislative history of the war-making power in the Constitution of the United States as it was drafted in Convention and later adopted and ratified by the States, it is plain that the founding fathers were aware of the fact that legislative processes are sometimes slow in a republican form of government. It was largely for that reason that they proposed to empower the Executive to take action necessary to the immediate self-defense of the Nation in the event of sudden attack. It was not their intention, however, to empower the Executive to declare war; nor was it their intention to empower the Executive to make war except in self-defense of the Nation in cases of sudden and unanticipated attack.

On the afternoon of January 15, 1951, in the speech which the senior Senator from Illinois made on this floor, he sought to give a color of propriety to the President's claim to the authority to send our Army, Navy, and Air Force into action anywhere in the world without consulting the Congress. In an effort to bolster his thesis, the Senator from Illinois quoted from a book entitled "Our Chief Magistrate and His

Power," by William Howard Taft, former President and Chief Justice of the United States, and father of our colleague, the Senior Senator from Ohio.

The Senator from Illinois lifted one sentence and a portion of another sentence from a paragraph on page 99 of William Howard Taft's work and quoted them out of context with the remainder of the paragraph in which they appeared. It was implied that thus the writings of the father of the senior Senator from Ohio were a refutation of the position now being taken by his son to the effect that the President did not have the constitutional power to order our Armies, our Navy, and our Air Force into war in Korea without consulting Congress.

The lead sentence of the paragraph quoted by the senior Senator from Illinois reads as follows:

The President is the Commander and Chief of the Army and Navy and the militia when called into the service of the United States. Under this he can order the Army and Navy anywhere he will, if the appropriations furnish the means of transportation.

The remainder of the paragraph in which that sentence appears reads as follows:

Of course, the instrumentality which this power furnishes gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution only Congress has the power to declare war, but with the Army and the Navy the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence. This was the charge made against President Polk in beginning the Mexican War. War as a legal fact, it was decided by the Supreme Court in prize cases, can exist by invasion of this country by a foreign enemy or by such an insurrection as occurred during the Civil War, without any declaration of war by Congress at all, and it is only in the case of a war of our aggression against a foreign country that the power of Congress must be affirmatively asserted to establish its legal existence.

It will be noted that the quotation I have read includes the two fragments quoted by the senior Senator from Illinois. It will be noted, too, that William Howard Taft said in part in that paragraph that the President apparently can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence, and that thus the President is given an opportunity to do things which involve consequences that would be quite beyond his power under the Constitution directly to effect.

I may say at this point that that power should certainly be construed against the right of the Executive, under the circumstances of today, to take us into a war, or issue orders which would have the ultimate effect of putting us into war, without any declaration of war by Congress. It is a dangerous power, one which should never be allowed in this country. If it should finally be construed by a court of last resort that the President has the powers which he claims he has, we should then do something about limiting those powers for the sake of the future of the United States.

For the benefit of the RECORD, the paragraph from William Howard Taft's statement, which follows the paragraph I have just quoted, reads:

What constitutes an act of war by the land or naval forces of the United States is sometimes a nice question of law and fact. It really seems to differ with the character of the nation whose relations with the United States are affected. The unstable condition as to law and order of some of the Central American republics seems to create different rules of international law from those that obtain in governments that can be depended upon to maintain their own peace and order. It has been frequently necessary for the President to direct the landing of naval marines from United States vessels in Central America to protect the American consulate and American citizens and their property. He has done this under his general power as Commander in Chief. It grows not out of any specific act of Congress but out of that obligation, inferable from the Constitution, of the Government to protect the rights of an American citizen against foreign aggression, as in the Kotza incident, cited by Mr. Justice Miller in the Neagle case. In practice the use of the naval marines for such a purpose has become so common that their landing is treated as a mere local police measure, whereas if troops of the Regular Army are used for such a purpose, it seems to take on the color of an act of war.

The action in Korea is not a mere landing of American forces to protect the rights and property of American citizens. The action in Korea is war. It is terrible and bloody war on a large scale.

The Americans who are engaged in the fighting in Korea are soldiers, sailors, marines, and airmen numbering in the neighborhood of 200,000. The weapons they use are cannon and tanks and ships and planes and all of the other weapons of modern all-out warfare.

The President is waging war in Korea. It is an undeclared war into which the United States has been taken by the unilateral action of the President without consulting the Congress. The President's action in waging war in Korea without consulting Congress is an outright violation of the letter and the spirit of the Constitution of the United States.

I say to the Senate in all seriousness that if the President is now permitted to order American armies into Europe without consulting Congress, we will wake up one of these days and find that we have again been taken into all-out large-scale war on the order of the President in violation of the spirit as well as the letter of the Constitution.

EXHIBIT I

LIST OF 15 INTERVENTIONS BY THE ARMED FORCES OF THE UNITED STATES AND THEIR STATUS AS PRECEDENTS TO SUPPORT THE PRESIDENT'S CLAIM TO AUTHORITY TO SEND THE ARMED FORCES INTO FOREIGN COUNTRIES WITHOUT CONSULTING THE CONGRESS

NAVAL HOSTILITIES WITH FRANCE, 1798

On February 1, 1793, France declared war on England. The Republic of France claimed, according to the Franco-American Convention of 1778 and the 1778 Treaties of Alliance, Amity, and Commerce which had been negotiated with France prior to the overthrow of the monarchy, that the United States should assist them. However, on April 22, 1793, President Washington, on the advice of his Cabinet, which included Thomas Jefferson and Alexander Hamilton, issued his neutrality proclamation. When

Citizen Edmond Genet, France's Minister to the United States, later organized privateering enterprises in America against England, he was forced to retire by President Washington.

On November 19, 1794, the Jay Treaty was signed between the United States and England. The French angrily vented their feelings by seizing American ships and manhandling their crews. Secretary of State Pickens, on June 21, 1797, reported that 316 vessels flying the American flag had been captured by French cruisers.

After John Adams became President in 1797, hoping to avoid war, he sent a commission of three men to France, Charles C. Pinckney, Elbridge Gerry, and John Marshall. The French Foreign Minister, Talleyrand, and his puppets insisted on a huge bribe and loan. When the news of this insult reached America and President Adams lay the dispatches from the American Envoys before Congress, designating the French go-betweens as X, Y, and Z, Americans angrily shouted:

"Millions for defense but not one cent for tribute."

In May and July of 1798 Congress authorized the capture of the armed ships of France. On June 13, 1798, commercial intercourse with France was suspended, and on July 7, 1798, Congress declared the treaties with France void, contending that the French Government had already violated their various provisions.

Acting on congressional authority, the small but courageous American Navy, assisted by privately owned vessels, launched an undeclared naval war against France, which lasted over 2 years and resulted in the capture of more than 80 armed French ships. General Washington was asked to command the American Army, anticipating an invasion of the United States.

Meanwhile, President Adams, with congressional concurrence, sent a commission consisting of William Vans Murray, William R. Davie, and Oliver Ellsworth to France. The United States insisted on \$20,000,000 for damages done to American commerce. For 7 months the discussion was deadlocked. Ultimately, in September 1800, Napoleon agreed to forget the American obligations in the Treaty of 1778 if America would forget its claims against France. This was a small amount to pay in order to be released from the only formal treaty of alliance to which the United States was a party until the North Atlantic Pact was signed.

JEFFERSON'S EXPEDITION AGAINST THE BARBARY PIRATES, 1804

During the administration of Washington and John Adams America had been forced in humiliation to purchase treaties with three north African states.

Soon after Thomas Jefferson took the oath of office the Pasha of Tripoli, head of one of the three states, charged that he was not receiving his share of the tribute money. He chopped down the flag pole of the American consulate in Tripoli and made war on the United States. This insult to the Stars and Stripes was the culmination of many insulting incidents of pirate brutality against American seamen. President Jefferson sent warships into the Mediterranean Sea. In 1805, after several engagements in which our infant Navy made a brilliant account of itself, the United States compelled Tripoli to sign the most favorable treaty yet secured from her by any power. Our struggle with England, resulting in the embargo and the War of 1812, delayed further punishment of the other Barbary States. But in 1816 the United States dictated a treaty to Algiers at the mouth of cannon.

Meanwhile Jefferson had relied heavily on Congress. In his message to Congress on November 4, 1803, while referring to the capture of an American vessel by an armed ship of Morocco, he stated:

"It is for Congress to consider the provisional authorities that may be necessary to restrain the depredations of this power should they be continued."

The actions against the Barbary pirates were exactly what their name implies: They were expeditious to suppress piracy. They were taken by President Jefferson in full consultation with Congress.

Some years later, in the administration of President Monroe, the United States found it advisable to take action against pirates in the Caribbean area who had their havens on the islands of Cuba and Puerto Rico. This action, like that in Tripoli, was an action to suppress piracy.

On March 3, 1819, Congress passed an act entitled "An act to protect the commerce of the United States and punish the crime of piracy." This act provided:

"That the President of the United States be * * * authorized and requested to employ so many of the public armed vessels, as, in his judgment, the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredation."

Another act of December 1822, authorized an additional naval force for the suppression of piracy and for affording effectual protection to the citizens and commerce of the United States.

In a special message to the Senate on January 13, 1825, President Monroe informed the Senate that it would be impossible to suppress piracy in the Caribbean with naval action alone. He suggested that our forces be authorized either to pursue the escaping pirates into the settled as well as the unsettled parts of the island from whence they issue, or take reprisal on the property of the inhabitants of the islands on which the pirates found hiding and shelter, or blockade the ports of those islands.

In his request for this authority the President said in part—and I quote from his message to the Senate:

"It will be obvious that neither of these measures can be resorted to in a spirit of amity with Spain otherwise than in a firm belief that neither the Government of Spain nor the government of either of the islands has the power to suppress that atrocious practice, and that the United States interposed their aid for the accomplishment of an object which is of equal importance to them as well as to us."

"Acting on this principle, the facts which justify the proceeding being universally known and felt by all engaged in commerce in that sea, it may fairly be presumed that neither will the Government of Spain nor the government of either of those islands complain of a resort to either of those measures or to all of them, should such resort be necessary. It is therefore suggested that a power commensurate with either resource be granted to the Executive, to be exercised according to his discretion and as circumstances may imperiously require."

Neither the expeditions against the Barbary pirates in 1804, nor the expeditions against the pirates in the Caribbean a few years later, are proper precedents for the President's action in ordering our troops into the Korean war or onto the European Continent without consulting Congress.

THE SEMINOLE WAR, 1817

In December 1817, President Monroe commissioned Gen. Andrew Jackson to command American troops in chastising the Seminole Indians.

Jackson advanced into the Spanish possessions of Florida and in a few weeks fighting defeated the Indians, executed two renegade British subjects on charges of inciting the Indians, seized every important post in Florida except St. Augustine, and depossessed

the Spanish Governor. Had not Spain been then engaged in the wars of independence with her Latin-American colonies, it is very likely that war would have resulted from this incident.

Although Jackson may have gone beyond the needs of the occasion, the expedition itself was legally justifiable under international law as an act of self-preservation grounded on imminent and clear and present danger. In that respect, let me quote the following paragraph from pages 24 and 25 of the Doctrine of Intervention by Henry G. Hodges:

"It was the preservation of our people and our institutions that prompted Jackson's interventions in Florida. The Spanish authorities in that country were either unable or unwilling to prevent the semicivilized Indians from crossing into the United States on marauding expeditions, and then returning to Spanish territory where they felt safe from pursuit on the part of American troops.

"Although it is very probable that the intervention was justified in this instance, nevertheless a State cannot intervene forcibly where the Central Government is making decided efforts to put down the threatening conditions, but due to great difficulties is momentarily unsuccessful. Self-preservation in all these cases must be imminent and clear from the fact. It cannot be regarded as a just principle when its results are remote or indirect."

At first the entire Cabinet agreed with President Monroe, with the exception of one, that Jackson had committed an unauthorized and unjustifiable act of war against Spain. Secretary of State John Quincy Adams held out, however, for a defiant course toward Spain. Adams induced the President not to discipline the general.

The Florida raid was critically viewed in Congress. A Senate committee conducted an investigation. It reported that some of the Members began to carry arms after Jackson allegedly threatened to cut off the ears of anyone who reported against him. However, after a 27-day debate in Congress, four resolutions condemning him were defeated.

Jackson's expedition into Florida was a measure to put a stop to the depredations of Indians and desperados.

POLK'S OCCUPATION OF DISPUTED TEXAS-MEXICAN BORDER TERRITORY, 1846

In reference to "Polk's occupation in 1846 of disputed Texas-Mexican territory," historians tell us that President Polk sent Gen. Zachary Taylor with American troops into the disputed territory within a provokingly short distance of Mexican troops. The Mexican troops attacked the American soldiers, and Polk, on March 11, 1846, urged the Congress to recognize the existence of hostility and take steps for the prosecution of the war. Two days later, on March 13, 1846, Congress formally declared war on Mexico. Several months later, during the Mexican War, Congressman Abraham Lincoln introduced his famous "spot resolutions," which questioned the assertion of the President that hostilities had begun on American territory.

The wars between Mexico and its rebelling State of Texas placed a very serious strain on the theretofore friendly relations between Mexico and the United States. Relations between the two countries did not improve during the period of the Texas Republic, and anti-American feeling really became acute in Mexico when, on December 29, 1845, Texas was admitted to the Union as a State. The squabble over the border between Texas and Mexico was but one aspect of the whole situation incident to the fixing of the southern borders of the United States.

The occupation of the disputed Texas-Mexican border territory in 1846 was not, in my view, a sound precedent on which to lay the President's claim to the right to wage

war in Korea and send troops to Europe without consulting Congress.

INTERVENTION IN SAMOA, 1840-41, 1888, 1899

In 1841 when visiting one of the Samoan Islands, Lieutenant Commander Hudson of the U. S. S. *Peacock* demanded the surrender of the native who had killed a white man. The native chief not only refused to give up the offender but also defied the American military power. A landing party was sent in protected by the ship's guns. The natives scattered inland and their towns and villages were burned without opposition. Apparently this was meant as a lesson to the natives to preserve the lives of the white men and impress upon them that America was a world power with military strength.

In 1888-89, following a native revolt, a German commander landed forces to protect, it was claimed, German plantations. American ships were present in Samoan waters to protect American interests. For several days both German, American, and British seamen in the Apia Harbor were glaring at each other over their guns. A disastrous hurricane in December 1889, wrecked most of the ships and thereby helped to terminate possible hostilities between the rival powers.

In February 1899, 80 American officers and men were landed from the U. S. S. *Philadelphia*, in Samoa, where an insurrection had arisen as to the succession to the throne. This trouble arose in the vicinity of Vailele, Samoa. The Americans were joined by British troops and a short skirmish was had with the natives. The primary reason for the landing was to protect American citizens and interests.

USE ON NAVAL FORCES IN CHINA, 1891

In August 1891 in the midst of a civil war in Chile between the supporters of President Balmaceda and the liberal faction, known as the Congressional Party, Rear Admiral George Brown, commander of the United States South Pacific station, ordered a landing force of 67 seamen and 37 marines from the U. S. S. *San Francisco* and the U. S. S. *Baltimore* to protect the United States Consulate at Valparaiso, and the women and children who had taken refuge in it. The landing force remained on shore 3 days, August 28, 29, and 30, 1891.

This incident cannot be compared with the intervention in Korea nor can it properly be cited as precedent to support the ordering of American armies to Europe without the consent of Congress.

BOXER REBELLION IN CHINA, 1900

During and after the Boxer Rebellion in China in 1900, American troops were sent to the various parts of the Chinese Empire to protect American lives and property. In addition to having two Marine detachments protecting the American Legation, the United States furnished 2,500 soldiers to the International Rescue Expedition which on August 14, 1900, relieved the besieged legations at Peking.

John W. Foster in his book entitled "American Diplomacy in the Orient," published in 1903, sets the intervention in China in its proper perspective.

Thus he says at pages 419 and 420:

"Events that startled the world followed swiftly. A column of naval troops marched overland to open up communications with the legations, and military forces were hurried forward from the American Army in the Philippines and by the other treaty powers from the nearest foreign post. The Taku forts were occupied by the allied forces after a few hours' bombardment, the American admiral declining, however, to take part in it, as he held it to be an act of war, and his instructions were to use his forces only for the protection of American interests; but it proved to be a wise military precaution, as the Chinese Government was then under control

of the Boxers, and its forces were cooperating with them against the foreigner. Tientsin was attacked by the Chinese troops in large numbers, and the foreign residents were saved from slaughter only by the timely arrival of the allied forces. News from Peking told of the murder of the German minister and the siege of the legations, succeeded by the frightful rumors of the extermination of the diplomatic corps and all foreigners in the capital."

I want to quote further from Mr. Foster's book. Thus he says on page 422:

"In 1900 the American forces were sent to China to protect American citizens and their interest in extreme peril at a time when the authority of the Chinese Government was suspended and unable to give them protection."

Even after finding such justification for the intervention in China in 1900, Mr. Foster nevertheless says, and I quote from pages 421 and 422:

"The dispatch of a division of the American Army, composed of all arms of the service and fully equipped for a campaign was one of the most extreme acts of Executive authority in the history of the United States. It has been seen that when the Secretary of State was requested by the representatives of Great Britain and France in 1857 to cooperate with them in an expedition to Tientsin, he replied that, although the objects sought to be gained by the United States were the same as those entertained by the allies, the executive branch of the Government was not the war-making power, and that military expeditions into Chinese territory could not be undertaken without the authority of Congress. Doubtless that body would have been consulted by the President had it been in session when the crisis came in 1900; but emergency was great, and if the Government of the United States was to participate in the relief of its minister and citizens besieged at Peking, no time was to be lost."

THEODORE ROOSEVELT'S INTERVENTION IN PANAMA, 1903

When Theodore Roosevelt intervened in Panama in 1903 it was alleged that the obvious reason was to permit the Panamanian forces to successfully revolt against Colombia in order for the United States to acquire a right-of-way for the Panama Canal.

During the uprising from November 4 to 6, 1903, landing parties were sent ashore from the U. S. S. *Nashville* and U. S. S. *Dixie* to protect American interests, citizens, and property; but no shots were fired. It was a bloodless revolution, and American troops did not engage in military action.

The first of many American landings of Armed Forces in Panama occurred in 1856. This and subsequent landings were made, however, under the terms of article 35 of the treaty of 1846 between the United States and the Republic of New Granada. Through that treaty the United States undertook to—and I quote from article 35:

"Guarantee, positively and efficaciously, to New Granada, by the present stipulation the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists."

President Polk, in transmitting the treaty of 1846 to the Senate, pointed out that the guaranties contained in article 35 were necessary in order to secure for the world a passage across the Isthmus which would be free of wars and revolutions. It was under this specific treaty authority that the United States undertook on many occasions to maintain order and peace in the Isthmus of Panama.

Theodore Roosevelt's action in Panama, even though it may have been motivated by the desire to secure a way for the Panama Canal, is not a proper precedent for Korea.

It is the slenderest kind of thread on which to try to justify the President's claim to the right to order troops to Europe in large numbers without consulting the Congress.

SANTO DOMINGO, 1904

In January 1904 a revolution was going on in the Dominican Republic. The U. S. S. *Detroit* was sent to the north coast to protect American lives and property. The American commander, A. C. Dillingham, joined with the British commander, who was sent there for the same purpose and established a cordon on the outside of, and around, the entire town of Puerto Plata. The American troops also protected the interests of British nationals in Sosua and Santo Domingo City during the revolutionary fighting.

The intervention in Santo Domingo was another instance where American landing forces were used in North America to enforce a prohibition of fighting in the districts containing American citizens and property.

NICARAGUA, 1899, 1910, 1912, 1928

There were several landings during these dates by American forces in Nicaragua in order to, it was claimed, protect the lives and property of the American citizens. Landings were made at Bluefields, Corinto, San Juan del Sur, and other places where Americans had interests.

The landing in 1899, during the Reyes insurrection, was a joint British-American operation, for the purpose of protecting life and property. Troops were landed on the petition of foreign merchants whose property and lives were in danger.

President Taft, in his lectures on Our Chief Magistrate and His Powers, had this to say regarding the intervention in Nicaragua during his administration:

"In Nicaragua in my administration an insurrection had led to the immurement of American citizens by insurgents and the threatened destruction of American property. The President of Nicaragua, whom we had recognized and whose minister we had received, called upon us to protect our own citizens and their property because he was unable to render them the protection which their treaty rights gave them. This led to the landing of marines, and quite a campaign, which resulted in the maintenance of law and order and the elimination of the insurgents. This was not an act of war because it was done at the request and with the consent of the lawful authorities of the territory where it took place."

In that and other cases where United States troops intervened in Nicaragua by executive action, it was invariably done to protect Americans and their property during revolutionary activities. It can hardly be said that those actions are precedent upon which to justify the President's usurpation of the war-making power of Congress to the extent of involving the United States in all-out war in Asia. Nor can it be said with intellectual honesty that the interventions in Nicaragua are precedents for the President's claim to power to send armies to Europe in anticipation of possible future war in Europe.

HAITI, 1914

In 1914, during an outbreak of revolutionary forces under Oreste Zamor against President Oreste of Haiti, American seamen and Marines were called to guard the American Legation and protect American interests. There was several months of guerrilla warfare. Zamor was overthrown later in the year. However, while the American forces were there, they did not take either side. They were there only to guard the American Legation and protect American interests.

WILSON'S INTERVENTION AT VERACRUZ, 1914

In 1914, General Huerta overthrew the Madero regime in Mexico. President Wilson refused to recognize the de facto president,

charging that he was responsible for the murder of Madero. Huerta retaliated with acts of reprisal on American citizens, which culminated in the arrest on April 9, 1914, of the Navy Paymaster and seven seamen, who had just bought some cases of gasoline from a German merchant and were loading them into the whaleboat of the U. S. S. *Dolphin* at Tampico, Mexico. The unpleasantness of the situation was increased on April 11 when a mail orderly of the U. S. S. *Minnesota* at Vera Cruz was arrested in the post office of that port and publicly marched to jail.

Eventually matters grew worse, until on April 20, 1914, President Wilson referred the matter to Congress in a special message reviewing the Tampico and Veracruz insults along with others. He asked the approval of Congress for his intended course in using the Armed Forces of the country, "in such a way and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and integrity of the United States."

Congress gave its sanction by a large majority of both Houses. Immediately the President directed the commanders in Mexican waters to take action and on April 21st forces were landed. Hostilities began immediately and continued until April 23rd, when Veracruz was in the hands of the Americans. It looked as if there would be another war with Mexico. However, the three great powers of South America, Argentina, Brazil and Chile, offered their good services to the American Government in an effort at mediation and on May 20, a peace conference was assembled. Immediately after Huerta resigned as President of Mexico, on July 15, the emergency passed over.

SANTO DOMINGO, 1916

On March 30th and during June and July of 1916 a revolution against the Government of Jose Burdas Valdes, President of the Dominican Republic began at Lavega, Santiago. In June 1916, Capt. Russell of the U. S. S. *South Carolina* lying at Puerto Plata, notified the President of Santo Domingo that a bombardment of Puerto Plata would be answered by forces under his orders. Nine days later Government troops began a careful bombardment of the town. Soon afterward the United States ships opened fire on the Valdes batteries. The shelling of the city stopped. Secretary of State Bryan approved the action of Captain Russell and the Americans informed the Dominican Governor that the city must be a neutral zone. This entire action was taken in order to protect American lives and property in San Domingo.

THE PURSUIT OF PANCHE VILLA, 1916

Early in 1916, General Carranza, having seized power in Mexico, gave promise of establishing an orderly government. President Wilson gave the new regime a de facto recognition. However, Carranza failed to control the outlaw Pancho Villa who persecuted Americans and destroyed American property in Mexico. Finally he led a raid across the border into Columbus, New Mexico. President Wilson, with Carranza's permission, sent an American expeditionary force, under Gen. John J. Pershing into Mexico. Pershing and his men failed to capture Villa. The American Army was withdrawn as World War I loomed, in 1917.

INTERVENTION IN RUSSIA—ARCHANGEL, SIBERIA, 1919

During the latter part of World War I, in 1918, in order to protect American and Allied interests from the Bolsheviks, American troops to the number of 5,100 were dispatched to Archangel, Siberia, where they were based until July 1919. Again, on July 30, 1919, American marines were landed at Tyutuke Bay, a short distance from Vladivostok, Siberia, to protect American interests. The landing party was returned aboard ship the following day.

Professors Harley Farnsworth MacNair and Donald F. Lach, in their excellent textbook, *Modern Far Eastern International Relations*, published in 1950, point out that the allied interventions in Siberia in the period 1918-20 grew out of the Russian revolutions of March and November 1917 which had brought about the collapse of the eastern front against Germany and the fear that Austrian and German prisoners of war then in Siberia might be used in Russia on behalf of the Central Powers. The Allies hoped to restore the eastern front and were anxious to help an army of about 50,000 Czechoslovaks who were in Siberia and anxious to get into the fight against Germany and Austria, their old enemies. On June 29, 1918, they seized Vladivostok.

Certain patriotic elements in Russia refused to accept the Bolshevik usurpation of power. The largest anti-Bolshevik force collected around Admiral Kolchak in Siberia and established a far-eastern republic. The Allied Supreme War Council decided to send troops to Siberia to cooperate with these anti-Bolshevik Russians. The American troops which participated in this venture sailed from England on August 26, 1918. They were withdrawn from Siberia in August 1919, leaving behind only a small detachment of graves registration troops.

Professors MacNair and Lach note that President Wilson was hesitant about American participation in the Siberian expedition. Thus they say on page 207 of their book:

"On July 6, after it had become clear that, with or without the cooperation of the United States, intervention was practically certain, President Wilson agreed to carefully limited participation. Over the date of the 17th he personally wrote an aide-memoire which Secretary Lansing made known to the Allied Ambassadors in Washington."

Professors MacNair and Lach then go on to say:

"President Wilson's friendship for Russia; his doubts of the value, and fears of the dangers, of intervention; and his determination to safeguard Russian interests to the best of his ability were frankly stated. Analysis of the Wilson aide-memoire, of the correspondence which followed, and of the actions of Maj. Gen. Wilson S. Graves, commander of the American forces which were sent to Siberia in August and September following, leads to the conclusion that the President, personally, was unalterably opposed to a military occupation of that area by any of the Allied Powers and that he hoped American forces might in part serve as a brake upon the chariots of war which were being sent thither."

CITATION OF JOSEPH DOTO AND OTHERS FOR CONTEMPT

During the delivery of Mr. WATKINS' speech,

Mr. FERGUSON. Mr. President, will the Senator yield for a question, provided he does not lose the floor?

Mr. WATKINS. I yield.

Mr. FERGUSON. I wonder whether the Senator would allow the Senator from Michigan to ask the Senator from Tennessee [Mr. KEFAUVER] if he would consent to put over until tomorrow the vote on the pending motion, which was to have been voted upon this afternoon. I should like to ask the Senator from Tennessee if he would object to putting it over until tomorrow, following the vote already set for tomorrow on the resolution of the Senator from Nebraska [Mr. WHEERY].

Mr. WATKINS. If I may yield without losing the floor, I am glad to yield for that purpose, with the further understanding that this discussion may be

placed at the end of my remarks, in order to preserve the unbroken continuity of my speech.

Mr. FERGUSON. Certainly. The Senator understands, of course, that the resolution to be voted upon tomorrow involves the question now being debated. As I understand, there are two more speeches to follow, which would make the vote on the pending motion late. Neither the Senator from Michigan nor other Senators are anxious to have a delay. However, it is felt that Senators ought to have an opportunity to read the RECORD. A day's delay is just as good as 2 or 3. The only reason why the Senator from Michigan mentioned Thursday in the earlier discussion was that he felt there would be no session on Wednesday, and therefore he suggested Thursday, the following day. Would the Senator consent to the matter being put over until after the vote is had on the Wherry resolution tomorrow, which action has been unanimously agreed upon?

Mr. KEFAUVER. Mr. President, a number of speeches are to be made today, so I do not know whether we can get to a vote on the matter tonight anyway. I would be willing to have my matter put over with the understanding that it be voted upon immediately following the vote on the Wherry resolution tomorrow; and also that the Tony Acardo and other contempt citations which have been voted upon by the committee this afternoon, be voted on at the same time tomorrow.

Mr. FERGUSON. The Senator from Michigan understands all the citations will come up at the same time.

Mr. WATKINS. Mr. President, will the Senator from Tennessee yield to me for an observation?

Mr. KEFAUVER. I yield.

Mr. WATKINS. I want it to be clearly understood that in making the statement I made this afternoon I am not opposed to the citing of the individual mentioned for contempt and for prosecution. I do not know enough about the facts really to make a sound decision. Inasmuch as we had the unanimous-consent agreement for a vote to be had tomorrow at 2 o'clock, I felt that Senators who were in the same position I am in, who have not given an expression on this vital problem which is now before the country, and the world, would be practically cut off without any opportunity whatever to speak on the floor of the Senate, unless we use the opportunity we now have today to take part in the discussion.

I think the matter submitted by the Senator from Tennessee should go to the Committee on the Judiciary, and as a member of that committee I certainly agree with the chairman that it will be reported out promptly—at least that we will make a quick decision and get the question back to the Senate. I take that position particularly in view of the fact that several legal questions have been raised. The statement of the Senator from Vermont [Mr. AIKEN] also inclined me to look upon the matter in that way, when he said that the special committee know all the facts, and they know whether these individuals are guilty of

contempt or not. The committee heard the facts, and they are in very much the position of a prosecutor. That is why I thought the matter should go to the Committee on the Judiciary for decision.

Mr. KEFAUVER. If it were not for the fact that several speeches are to be made tonight I would not agree to delaying action on the resolutions until tomorrow. But it is now perfectly apparent that they cannot be taken up until tomorrow anyway. So, if it is agreed that the vote on the Joe Adonis resolution and resolutions dealing with other witnesses shall follow the vote on the Wherry resolution tomorrow, that will be agreeable to me.

Mr. HOLLAND. Mr. President, as acting majority leader, I will say that course is perfectly agreeable to me. But I have asked the clerk to see if he can secure the immediate presence of the Senator from Nevada [Mr. McCARRAN], so we may secure his ideas on the matter, as he seemed to be the one who felt that a delay was necessary. If the Senator from Tennessee will withhold his request for unanimous consent until we can hear from the Senator from Nevada, I shall not ask for a quorum.

Mr. President, I am now advised that the Senator from Nevada is agreeable to the suggestion which is made that this first resolution which has been before the Senate today, and which was reported by the Senator from Tennessee, the chairman of the Special Crime Investigating Committee, may be acted upon immediately after the action of the Senate on the Wherry resolution tomorrow pursuant to the unanimous-consent agreement now in force.

The PRESIDENT pro tempore. The Chair will say that the motion to refer the resolution to the Committee on the Judiciary has preference. It comes first. He is so advised by the Parliamentarian.

Mr. HOLLAND. The acting majority leader will also communicate to the Senator from Nevada the information that it is the expectation of the Senator from Tennessee immediately after the vote on the Adonis resolution to call up other similar resolutions which he has filed and which he had intended to take up today if possible. I ask that the Senator from Tennessee supplement this statement if there is anything further he wishes to say.

Mr. KEFAUVER. Yes. I had understood that the unanimous-consent request would include the other resolutions; that they would also be acted upon following the one with respect to Adonis.

The PRESIDENT pro tempore. There is no unanimous-consent agreement pending now.

Mr. HOLLAND. Mr. President, as the Senator from Florida understood, a unanimous-consent request is going to be made, and the Senator from Florida will say that he would have no objection to it in the form stated by the Senator from Michigan provided it were approved by the Senator from Nevada [Mr. McCARRAN], and he now understands the Senator from Nevada has agreed as to the Adonis resolution.

Mr. FERGUSON. Therefore, Mr. President, I ask unanimous consent that the resolution referred to by the Senator

from Tennessee be considered by a vote immediately following the disposal of the Wherry resolution and all incidental motions to that resolution tomorrow.

The PRESIDENT pro tempore. If the Chair correctly understands the request of the Senator from Michigan, it is that the matter of the contempt proceedings will follow the disposal of the Wherry resolution tomorrow; and the question will recur on the McCarran motion to refer the resolution to the Committee on the Judiciary, as now pending.

Mr. FERGUSON. That is all it is; yes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection, it is so ordered.

NOMINATION OF DEFENSE PRODUCTION ADMINISTRATOR

Mr. HOLLAND. Mr. President, by agreement with the minority leader, it has been suggested, provided there is no objection, that the Senate consider the Executive Calendar, as in executive session, and confirm the nomination of William H. Harrison, of New York, to be Defense Production Administrator. I move, therefore, that the Senate proceed as in executive session—

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

Mr. HOLLAND. I yield.

Mr. CONNALLY. Is the Senator referring to the Harrison nomination?

Mr. HOLLAND. Yes.

Mr. CONNALLY. I should like to have it go over.

Mr. HOLLAND. I withdraw my motion, Mr. President.

AMERICAN FOREIGN POLICY

Mr. FULBRIGHT. Mr. President, the debate on foreign policy which has been in progress now for some time has, I believe, been beneficial to all concerned. Its particular merit has been to lift our foreign policy out of the realm of personalities into the field of issues and real progress has been made.

One important issue has been quite clearly defined. That issue is whether the President should seek the advice of Congress on the question of sending troops to Europe now, or whether his discretion should be subject to the consent of Congress. Apparently the President is agreeable to the idea that it is proper for Congress to give him its advice about this question, leaving to him the full responsibility for making the final decision. He is not willing, however, to accept the principle that the consent of the Congress is necessary to validate his decision. In other words, he does not agree that his decision in this matter must be subject to the approval of Congress.

Personally, I agree with the position of the President. I do not agree with the proposal of the minority leader. The Congress has the right and power to raise the Armed Forces, but the President has the responsibility for the command of those forces. If in the exercise of his best judgment the defense of this country requires the sending of troops to Europe, he has the power and the duty to do so. Congress, of course, can refuse to appropriate the money for the troops but that is a decision for which Congress must take the responsibility. In the long

run decisions on military strategy are best left to the Executive. That is the plain intent of our constitutional system. It would be dangerous for our future welfare to change the underlying principle simply because a strong minority or even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

Mr. President, aside from the question of the proper relations of the Executive and the Congress there is, of course, the question of the substantive decision itself. In other words, regardless of who makes the decision and what procedure is followed, the important question is what is the best policy for us to follow. There have been marked differences of views expressed in the Senate as well as by private individuals in recent weeks.

We have heard the only living ex-President of our country advocates a policy directly contrary to the present official policy of our Government. Other prominent men have disagreed with both policies and the rest of us are left to choose among them or to try to invent some new solution. It is this apparent babel of voices which almost persuaded me not to add to the confusion by making another speech on the subject, but yet, under the circumstances as we find them, it would seem to be our duty to try to clarify the issues and to find, as best we can, a course of action which at least a clear majority of us can support.

Another observation that I wish to make, relative to the nervousness that presently afflicts us, especially in Washington, is that we should remember that we and our democratic allies have had reverses before. In fact, it is characteristic of free self-governing peoples that they suffer reverses in the initial stages of every war. That is because we hate war and are always reluctant to prepare for war until forced to do so by an attack. Let us not forget that on December 7, 1941, we thought Pearl Harbor was the blackest day in our history. In 1914, as well as in 1940, the British and the French suffered disastrous reverses and yet they have survived. The initial advantage in all wars is with the aggressor, and yet the free peoples have prevailed in the last two world conflicts in spite of their initial reverses.

I do not by any means wish to leave the impression that we should be complacent, or that our success is inevitable, in the present struggle. I merely suggest that we should not, in a panic of despair and an atmosphere of recrimination, make ill-considered and hasty decisions. On the contrary, we must approach the problems with a calm, unemotional, and objective attitude, and with the most serious consideration of our long-term interests.

At the outset there is one matter which I believe we can agree upon and which I think may clear away one tiny corner of the confusion. We should recognize in the beginning that we are matching with and strategy with an adversary who accepts no rules, and has no honor, no moral code, no respect for word or contract; who ridicules religion and be-

lieves that any means justifies the end. With such an adversary, any agreement or policy adopted today may look foolish a month from today. In other words, by bitter experience we have learned that promissory agreements with the masters of the Kremlin cannot be relied upon. Agreements which we made in good faith with Russia during and after the war, had they been carried out in good faith as intended, would have resulted in a very different world from that which we have today. Our leaders who made those agreements, however, now look improvident and foolish and are condemned from every side.

The objective of our foreign policy is, in a few words, the maintenance of peace and the freedom and security of our people. The difficult question is what measures or policies are most likely to assure this objective. Broadly speaking, there may be said to be three policies that have been advanced in recent weeks of debate in the Senate and by private citizens. First, the limitation of our commitments to the defense of the Western Hemisphere with emphasis upon air and sea power. Second, the so-called Truman doctrine of opposing aggression in every area where it appears. Third, participation in the creation of a land army in western Europe, in addition to the defense of the Western Hemisphere. One may perhaps call this the Truman doctrine with limitations.

A foreign policy, of course, cannot be adequately described in so few words, but I think these brief descriptions are sufficient to give us a basis for discussion. One mistake that we are often prone to make, in dealing with matters of the greatest complexity, is to oversimplify the proposed solution. It is human nature to want to find quickly a simple, clear answer to the most difficult problem so that we can stop worrying about what we should do and get about doing it. We Americans are an impatient people and we cannot understand why our leaders do not tell us right off just exactly, in detail, what we should do and quit arguing about it. With a little reflection, I believe it becomes apparent that, in a matter as difficult as combating the imperialism of the Russian Politburo, there is no simple blueprint for action, and it is a dangerous illusion to accept one even if it is offered.

In dealing with an enemy as ruthless, as resourceful, and as unpredictable as the Politburo, we must be prepared on the one hand to meet wholly unexpected moves and at the same time to agree upon certain positive objectives of our own from which we must not allow ourselves to be diverted. This means that, although we agree upon broad policy objectives, we cannot follow blindly and stubbornly a preconceived pattern, but, on the contrary, we should be able to adapt ourselves promptly to changing circumstances. There must be an element of flexibility in any policy.

An example of what I have in mind is the situation that developed in Korea. So long as the objective was to resist the aggression of North Korea and to restore the integrity of the Republic of South Korea, we were carrying out a program

of the United Nations which was consistent with the Truman doctrine. At the time President Truman ordered troops to Korea, there was general approval of his actions in the Congress and among the people. The current outspoken critics of the situation were not so outspoken then. However, when Red China entered the war, the entire character of the struggle changed. Purely as a military matter, the undertaking in Korea at that moment became untenable. We should not undertake at this time a major land war with China. If this is the beginning of world war III, we must not forget that the Kremlin is the primary enemy and China merely a satellite. It is far wiser to recognize the hard military facts of the situation and to withdraw from Korea than to persist in an undertaking which is now quite a different one from that which we began in June. In spite of the valid principle which we sought to support, we should not jeopardize the military security of the free world by pursuing an impracticable undertaking.

Before discussing the three broad policies mentioned a moment ago, we should recall for a moment the background of the present conflict. In the war with Hitler's Nazi Germany, we and our western allies not only did a large part of the fighting, but we also generously and wholeheartedly furnished enormous quantities of war material to Russia; thousands of tanks, planes, trucks, guns, ships, and tons of food. At one point even Stalin acknowledged the decisive importance of our contribution to Russian survival.

During and after the war we made agreements with Russia, in good faith, designed to reestablish peace and freedom in the war-torn world. We assumed that after such a long and devastating struggle, the masters of the Kremlin would be anxious to lighten the crushing burdens of the Russian people. We expected that the Kremlin would want to give the tired, long-suffering Russian masses shoes, warm clothes, good housing, and nourishing food; not only because it would be the humane thing to do, but as a reward for their sacrifices during the war.

However, we all know that instead of seeking to give the Russian people some of the good things of life the Kremlin tightened the screws and lashed the defenseless people into ever-increasing efforts and sacrifices for the creation of a monstrous war machine. At the same time, a vicious and relentless campaign of sabotage, subversion, and threats was directed against Russia's former allies.

Our leaders have been severely criticized for misjudging the character and intentions of the Politburo during and immediately after the war. Our hindsight, of course, tells us that we should not have trusted the Russians. However, in America we are accustomed to taking men at their word, and I submit that it is almost beyond the capacity of civilized people to understand, even now, let alone anticipate then, the savage and relentless attack of the Russians upon allies who so recently had saved them from annihilation.

It seems to me that the only logical alternative to the course of action we did follow—that is, of trusting the Russians—was, in distrust of them, to assume and maintain a position of military strength from which to deal with them. In other words, even had our leaders correctly judged the character and intentions of the Politburo in 1945, would we have been willing to make the sacrifices necessary to meet that challenge? How long would our people have been willing to keep the boys in uniform in foreign lands and pay the taxes required to support them, even though our leaders may have thought it the wise thing to do? We now find ourselves, belatedly, preparing our defenses, creating a military potential by which we hope to deter the Russians. But this is only after a disastrous military reversal.

Regardless of what might have been, we are now confronted with ever bolder aggression by the Communists, and we must agree upon a course of action. The first of the proposed policies, which I mentioned a moment ago, calls for the limitation of our commitments to the defense of the Western Hemisphere, with emphasis upon air and sea power, and was advocated recently by ex-President Hoover and former Ambassador Kennedy. More recently, the Senator from Ohio [Mr. TAFT] advocated a program quite similar, with some extensions of our responsibilities to what he called island bases and to such key places as the Suez Canal and certain strategic airfields. The all-important distinction between the position of these gentlemen and the third policy mentioned above, is the policy toward Western Europe. The Hoover-Kennedy view would prevent the supplying of ground troops to a European army for the defense of Western Europe. This view, in short, would abandon Western Europe to the tender mercies of the Kremlin. Although some of the advocates of this position seek to deny that this is the intention or would be the result, I am unable to agree with their reasoning. It seems clear to me that if we refuse not only to make an equitable and fair contribution to the ground forces of a European army, but also fail to take the leadership in organizing it, we will, in effect, have abandoned those people to domination by the Kremlin. I believe that such a course is dangerous to our security and is morally dishonorable. It is dangerous to our security because the great industrial potential of Europe would fall to the Russians. It is dishonorable because it repudiates obligations to friends and allies and denies our debt to all those generations of Europeans who struggled through the centuries to bring liberty and justice to mankind.

I believe that our foreign policy should revolve around the basic assumption that the preservation of Western Europe from domination by Moscow is essential to our security and to the long-term objective of establishing, eventually, a peaceful world of freemen. We must help protect Europe, but not for sentimental reasons. We must help protect Western Europe because the best military brains we have believe that our own physical defense would be gravely jeopardized if

the industrial power of Europe should be merged with the manpower of Russia and her satellites. This reason should be decisive even to those among us who regard themselves as being hard-headed, practical realists. Furthermore, and of equal importance to me, we are morally bound to protect Europe by all reasonable means at our disposal. We are morally bound not only by such formal agreements as the Atlantic Treaty, duly ratified by the Senate, but also by our historical relationship to the peoples of Western Europe. These nations—England, France, Germany, Italy, to mention only a few—are the source, the fountain head of our civilization. All our forebears came from these lands. Our institutions of government, our religious principles, our system of law, our sense of justice, our regard for the dignity of man, our sense of fair play, all derived from the peoples of these lands. To abandon them without a struggle would be final proof to the world of the moral bankruptcy of our Nation.

To return for a moment to the question of military and industrial potential, today the steel production capacity of the United States is approximately 95,000,000 tons; of Western Europe, including Great Britain, about 60,000,000 tons; and of Russia and her satellites nearly 35,000,000 tons, although the latter is an estimate. In any case, at present we and our allies have an enormous advantage in the production of this basic all-important war material. However, if the 60,000,000-ton capacity of Western Europe is transferred to Russia, we would have a bare equality in this strategic material, but since Russia would then have an overwhelming manpower, we would be at a dangerous disadvantage in the ultimate contest. If Western Europe should fall, Russia would have the skilled manpower of the Germans, the French, and the Belgians to make the machines of war—guns, tanks, ships, rockets, and guided missiles—in addition to virtually an unlimited supply of expendable human beings. If anyone doubts that they would be generously expended, he should recall the use of masses of Russian infantry against the Germans or the recent slaughter of the Chinese in Korea under Russian direction.

One of the arguments upon which Mr. Hoover and Mr. Kennedy rely very heavily is that it is our primary duty, not only to ourselves but also to the free world, to withdraw to the Western Hemisphere and build up impregnable military strength in order that we may be the bastion of freedom. The idea seems to be that when the Communist world begins to crumble in the distant future, we will sally forth to reestablish freedom and civilization. This thought seems to me to be a rationalization of a desired course of action rather than a serious and genuine argument. It is too obviously an attempt to justify saving oneself at the expense of others to be acceptable by any of our friends across the seas. If we accept this reasoning and voluntarily follow this course, I believe that, for the foreseeable future, we will be regarded by civilized people as unworthy of trust and confidence.

I am quite willing to concede that something needed to be done to awaken the Europeans to the deadly peril of their position and to induce them to bear their full share of the burden of rearming. If the speeches advocating withdrawal into our shell had this objective in mind, they may have had some merit, but, as an expression of sound policy for us to follow, I cannot agree with them.

The argument is also made that Europe has lost the will to resist and, therefore, it is useless to try to assist her. It is an insidious argument, and I believe it is unsound and misleading. Europeans may well be confused, as we are, and they may be hesitant to assume a belligerent attitude toward Russia—at least until some progress is made toward developing a respectable army. I do not believe that basically the people of Western Europe have lost their spirit of independence or their desire to remain freemen. The fact is that few people realize how much the Europeans have already done in increasing their industrial production and in putting their house in order so that they can support increased armed forces. General Eisenhower will advise us about this aspect of the matter upon his return, but I am confident that the situation is not nearly as hopeless as some would lead us to believe. On Monday the Senator from Illinois [Mr. DOUGLAS] presented to the Senate facts showing a very substantial war effort by the countries of Western Europe.

The Europeans need assurance, not that we will furnish all, or even a major fraction, of the ground troops for their defense, but assurance that the shifting political scene in our own country will not expose them to sudden death in a futile undertaking. In other words, they want to feel that we are in this struggle with them, that we will not repudiate our Atlantic Treaty obligations nor by legalistic interpretation nullify the treaty's meaning. I quite agree that our troops should not be exposed to danger in Europe unless and until the Europeans give convincing evidence that they are willing to go the limit in their own defense. This is very different, however, from Mr. Hoover's idea that a "sure dam" against Russian aggression must first be built by the Europeans alone. We must not jockey about, each waiting on the other to take the first step. We should proceed simultaneously, in good faith, to do what needs to be done.

When influential public men like the Senator from Ohio [Mr. TAFT] insist that we should not assume the leadership or the initiative in organizing the defenses of Europe, in effect they are saying there can be no leadership of the western allies. Whether we like it or not, ours is the only country with the prestige and power necessary to organize and lead the free peoples in opposition to the Kremlin. To refuse to accept the leadership and to provide the initiative, when it is obvious that we alone among the free peoples have the power to provide both, seems to me to be tantamount to ultimate surrender. I believe the most powerful influence toward fatalistic defeatism in free Europe is the doubt they entertain about our willingness to lead

them vigorously and confidently in this struggle. We and the Europeans possess sufficient resources and manpower to restrain or, if we must, to defeat the Russians, but as yet we have neither unity of purpose nor strong leadership. The masters of the Kremlin lead their slave world in no uncertain manner. Unless we can do likewise for the free world, a return to the Dark Ages is no idle fantasy.

To sum up this phase of our discussion, I believe we should plan to help defend Western Europe from Russian invasion as best we can in accordance with our obligations under the Atlantic Treaty. The broad question of policy, as to whether or not the best interests of this country require that we help Europe defend itself with troops as well as guns, is properly a question for Congress to decide. But the question of the precise number of men and machines needed to achieve the objective should be left to the judgment of our military leaders. Such decisions are inherently executive in character. With regard to other critical strategic areas such as Turkey and Greece and Japan, we should, within the limit of our available resources, give assistance to their efforts to resist Russian aggression. In these areas the need is for materials rather than manpower, and, if we can possibly spare the weapons, these areas should be assisted. The Turks in particular have demonstrated in Korea a superb courage and fighting spirit. They should be helped.

As to China, frankly I do not see how we can do anything effective, other than the encouragement of guerrilla warfare and sabotage of a clandestine nature. The basic situation in China was, and is, I believe, quite different from that in Europe. Even before the First World War China was experiencing a revolution inspired by the desire of the people to throw off the shackles of a decadent, feudalistic social and political order. Unfortunately for us, the Kremlin, quick to recognize the possibilities of the situation, stepped in and took charge of the revolt against the old order.

The impulse of the Chinese masses to revolt against the exploitation and oppression and chaos following the break-up of the old imperial Manchu dynasty probably could have been directed along democratic lines had we understood clearly what was going on. However, the fact is that the Communists, directed by Moscow, did move in and usurp the control of the revolutionary movement. Instead of freedom and self-government, China now has a stern dictator subject to the domination of Moscow. It is a major tragedy. Nevertheless I am unable to see what we can do about it at this late date other than as I have indicated.

It is my view that the safest and wisest policy for us to follow is neither the Hoover-Kennedy-Taft policy nor the Truman policy. The former is dangerous to our security and is morally wrong. The latter is beyond our capacity to carry out. I firmly believe, however, that by limiting our commitments to Europe and certain additional strategic areas as I have indicated, we can bring about the unity of the free world and with wisdom

lay the foundation for a lasting peace founded upon freedom and justice.

It is high time that some of our public men—and I do not exclude Senators—stop wringing their hands, stop searching for scapegoats, stop bemoaning our fate, and stop condemning our allies. What a spectacle we must be to little Finland, or Turkey, or Sweden, calm and determined as they are, and yet confronted at their very doors by the Russian bear. We are a great Nation, a rich, powerful, productive people capable of accomplishments beyond our imagination. We should not act like spoiled, hysterical children just because we have suffered a temporary though bitter defeat. I say "temporary" because our people still have a deep respect for and faith in the Christian virtues which made this country great and which will pull us through this crisis. They are hard-working, honest, tolerant human beings, and above all, our people still have personal freedom.

Freedom of the individual is our non-secret weapon which in the long run will out-produce and out-manuever the serfs of the Kremlin. The imagination, the initiative, the ingenuity of genuinely free people have no limits. When necessity prods and the leaders wisely direct them, free people will always prevail over slaves.

THE KOREAN CEASE-FIRE PROPOSAL

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a news dispatch taken from the ticker in the cloakroom. It deals with the latest proposal made by the Chinese Communist regime. I wish to point out that on the face of it under the proposed cease-fire agreement, which would set up a 7-nation conference, four of the nations mentioned have already expressed themselves as favoring the seating of the Chinese Communist regime in the United Nations, and have already expressed their willingness to barter Formosa to the Chinese Communists. Therefore I believe that in that respect the latest proposal has not changed the situation in any regard.

In the past I have been critical of the State Department when I felt criticism of it was justified. At this time I wish to commend the recent statement of Mr. Gross, which very clearly indicated that the United States would not barter Formosa, and that no discussions would be had in relation to Formosa without the participation of the Government of the Republic of China in such discussions.

Mr. President, based on press dispatches which have been received today it seems to me that the latest maneuver on the part of the Government of India in calling for another 48-hour delay is purely an obstructive tactic. In the final analysis, what the UN must do, if it is not to lose the confidence of the people of the world, is clearly and frankly to brand Communist China as the aggressor that she is. If the United Nations fails to do so, it will lose the right to the moral support of the people of the world. Failure to designate Communist China as an aggressor will

in fact be saying that a small aggressor is an aggressor, but a large aggressor is not an aggressor, and that, frankly stated, the doctrine of might makes right. I do not believe that the United Nations can continue to enjoy the confidence of the people of the world if it fails to face up to that issue.

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

Sir Benegal Rau told the UN that Communist China has agreed to a cease-fire in Korea for a limited-time period that would be established at the start of a proposed seven-nation conference on far-eastern problems.

Rau told the General Assembly's main political committee that the Chinese Communist Government had given such assurance to Sardar Pannikar, the Indian Ambassador in Peking, in reply to a request for clarification of the Peking regime's position as outlined in an earlier statement rejecting a UN peace program.

The Chinese Communists, however, insist that the seven-nation conference—to include the Peking Government, the United States, Russia, Britain, France, India, and Egypt—must discuss the withdrawal of American forces from Formosa and the ousting of Nationalist China from the UN in favor of Mao Tze-tung's regime.

Ambassador Ernest A. Gross, deputy chief of the United States delegation to the UN, declared in a statement last night that this country would not agree to discuss the future of Formosa unless the Chinese Nationalists were represented, and said the question must be "handled in a way completely consistent with our national interests and security."

Rau's announcement led immediately to suggestions that the political committee adjourn to study it. Rau himself suggested a 48-hour adjournment and Antonio Quevedo, of Ecuador, supported the proposal.

Rau told the committee that the Indian Ambassador had submitted certain points on which doubts were entertained in various quarters to the Chinese Communist Foreign Office and received the following reply:

"1. If the principle that all foreign troops should be withdrawn from Korea has been accepted and put into practice, the Chinese People's Government assume the responsibility to advise its volunteers to return to China.

"2. Regarding the conclusion of the war in Korea and a peaceful settlement of the Korean problems, we think we can proceed in two steps:

"The first step: A cease-fire for a limited-time period can be agreed upon at the first meeting of the seven-nation conference and put into effect so that negotiations may proceed further.

"The second step: In order that the war in Korea may be concluded completely and peace in Asia be assured, all conditions for the conclusion of the war must be discussed in connection with political problems in order that there may be agreement on the following:

"A. Steps and measures for the withdrawal of all foreign troops.

"B. Proposals to the Korean people for settling internal affairs by the Korean people.

"C. Withdrawal of United States forces from Formosa and the Straits of Formosa in accordance with the Cairo and Potsdam declarations.

"D. Other problems of the Far East.

"3. A definite affirmation of the legitimate status of the Chinese People's Republic in the UN must be insured."

Informed sources said the questions submitted by Pannikar to the Peking government originated with Canadian Premier

Louis St. Laurent who communicated them to Indian Prime Minister Jawaharlal Nehru, who relayed them, in turn, to his ambassador.

Opposition to the Chinese plan, as relayed by India, was immediately voiced by Alexis Kyrrou, of Greece, who said UN prestige would suffer by submitting to the counterplan put forward by the Chinese Communists in reply to the world organization's five-point offer of peace.

The new communication marked the first time that Communist China has retreated from its adamant demand for negotiations first and cease fire afterward. The Chinese appeared also to have backed down from their demand for immediate seating in the UN as a prelude to peace.

POWER OF THE PRESIDENT TO SEND TROOPS ABROAD WITHOUT SPECIFIC AUTHORIZATION BY CONGRESS

Mr. FERGUSON. Mr. President, in my remarks on the pending question I shall make extensive use of numerous reference works, and I ask unanimous consent that citations to such reference works be printed in the Record in the form of footnotes. I feel that because of the lateness of the hour I should not take the time of the Senate to read the footnotes into the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FERGUSON. Mr. President, I also ask unanimous consent that certain extracts from the Constitution of the United States be set forth in the Record at the close of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FERGUSON. Mr. President, there are two great issues before the Nation and the Congress at this moment. They are distinct issues, but somehow they appear to be blurred in the public mind. That confusion is also reflected in some of the recent Senate debate.

The first issue goes to the policy determination on the nature and scope of our participation in European defense.

The second issue goes solely to the question of authority for that ultimate decision, and the relative responsibilities of the Executive and the Congress in making it.

The pending resolution is related to the second issue alone.

As such, the pending resolution seriously raises the question of the President's power to send troops abroad without specific authorization from Congress in circumstances short of a declaration of war.

It is to this question that I wish to address myself by reference to some of the historical and legal precedents on the subject.

Conflicting concepts of executive power have struggled for dominance in American governmental practice and theory since 1789. According to the one concept, the legislative power was and should remain supreme, with the executive power subordinate. Another viewpoint conceives of the Presidency as cloaked with the prerogatives of sovereignty and presidential powers as almost autonomous and self-directing. Under yet another theory the legislative and executive—along with the judicial—powers are coordinate and supposed to be in balance.

The discussion to follow does not deal with the issue between the President and Congress with regard to the making of treaties or executive agreements. This would require a lengthy study by itself.

Whatever the merits of these basic concepts, taken by and large, the history of the Presidency, as one modern authority phrases it, has been "a history of aggrandizement."¹ While the growth of the powers of the President was evidenced throughout the nineteenth century, this increase in power was greatly accelerated in the twentieth century. With the replacement of the laissez faire theory of Government and the active participation of the United States in international politics the executive department has expanded greatly in size and influence.

In the field of foreign relations, in particular, the increase of Presidential power has become obvious. In 1936 this increase was upheld by the Supreme Court in the case of the United States against Curtiss-Wright Export Corp. At that time the Court stated that the President's power in the field of international relations was "plenary and exclusive" and did not require the sanction of Congress. Since 1936 the President has acted in a number of occasions—most notably in the case of the destroyer deal in 1940—in clear violation of statutory law, if not in violation of the Constitution as well, but the Court has had no occasion to expand or modify the 1936 decision.

It is questionable, however, whether the power of the President in the role of Commander in Chief has grown to the same extent as his power in the field of diplomacy. Although Presidents have frequently taken action as Commander in Chief, asserting the title "to eke out a paucity of statutory authority," it is generally recognized that being Commander in Chief is one of the incidents inseparable from the office of President.² It is useful, nevertheless, to discuss the power of the President as Commander in Chief as a separate category particularly in regard to the employment of the Armed Forces where Congress, under the Constitution, has also been given powers and more specific powers than those of the President. Despite the number of occasions on which the President has sent American forces overseas without a declaration of war or other specific congressional authority, the Supreme Court has never ruled as to the constitutionality or unconstitutionality of any of such actions. In the face of charges of usurpation of power made by Congressmen and constitutional authorities when the President has so acted, the legality of such acts in time of peace remains open to question.

I. THE INTENTIONS OF THE FOUNDING FATHERS

One of the major struggles in the evolution of both modern and ancient democracy has been to popularize control of the decision on war or peace and to

¹ Edward S. Corwin, *The Presidency in Perspective*, *The Journal of Politics*, II (February 1949), p. 8.

² Charles Fairmen, *The President as Commander in Chief*, *The Journal of Politics*, II (February 1949), p. 145.

restrict the freedom of the head of the nation to use the armed forces at his discretion. For centuries kings, at whim, sent armies to fight in foreign lands where thousands of voiceless subjects paid the price of their lives. Memories of these evils left strong fears in the minds of western democratic and constitutional thinkers in the seventeenth and eighteenth centuries. The American colonists inherited these fears, strengthened by forced participation in colonial wars which were the result of decisions over which the colonists had no control. The colonists also feared the very existence of a large army and navy as a temptation to engage in international conflicts. As one student of the Constitution has said:

Judging by the hot debates that occurred over the popular ratification of the Constitution, nothing was more feared by the American people at the time than a standing army.³

It was with these traditional fears that the founding fathers set out in framing the Constitution to control the power to involve the new Nation in war. It was to Congress that the Constitution specifically entrusted not only the sole power to declare war, but also the authority to "provide for the common defense," to "raise and support armies," and to "make rules for the Government and regulation of the land and naval forces." It limited appropriations of money to raise and support armies to a term of 2 years, so that Congress would have to review the use of such money at least that frequently.

As Thomas Jefferson commented on these decisions of the founding fathers, the Constitution had "muzzled the dog of war" by transferring the power of "letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay." Some decades later, Senator Charles Sumner pointed out on the floor of Congress the significance of the decision of the Constitutional Convention in regard to the question of war and peace:

This is a peculiar principle of our Government by which it is distinguished from monarchical governments, where power to declare war, and also the treaty-making power, is in the Executive alone.⁴

The makers of the Constitution recognized that the President must have the power to use the Armed Forces to repel a sudden attack without a declaration of war by Congress. In the days when it took weeks for Congress to be called and assembled such a contingency had to be met by Presidential action. There were, however, obvious limitations on the President's power to use the Armed Forces. Every 2 years, at least, the President was at the mercy of Congress for a new appropriation for the Army. The makers of the Constitution also thought of the standing army as a relatively small volunteer force since standing

³ Charles A. Beard, *The Republic* (1944), pp. 98-99.

⁴ *Congressional Globe*, 42d Cong., 1st sess., part 1, p. 294.

armies were at best a necessary evil.⁵ They placed major reliance upon the militia which each State was to provide and to train.⁶ But Congress could call for the militia and the Commander in Chief could use the militia only in three contingencies: First, in case of an insurrection against the Federal authority; second, in case a State, threatened by internal disorder, called for aid; and, third, in case of invasion by a foreign foe.

When in 1812 it was suggested that the militia be used for the invasion and occupation of Canada, Congress rejected the idea as unconstitutional. Congressional action in 1846, giving President Polk authority to employ militia against Mexican forces in what was expected to be a foreign war, has been generally regarded as unconstitutional.⁷ It was not until the Spanish-American War when the President planned the dispatch of militia to Cuba that the constitutional limitation was circumvented by mustering all militia out of the service of their respective States and into that of the United States. And it was not until the Selective Service Act of 1917 that Congress authorized the draft of men for service abroad. Since this action broke with an Anglo-American legal tradition which had remained intact since the latter half of the fourteenth century, charges of unconstitutionality were brought before the Supreme Court.⁸ The Court, however, unanimously upheld the Selective Service Act.

The Constitutional Convention not only gave thought to the contingencies in which the President could employ a conscript army but held some fear over the President's role as Commander in Chief. A desire was expressed by one delegate to prevent the President from assuming personal command of the troops, but no action was taken. An example of the fear of Presidential misuse of the army is also found in the New York State convention called to ratify the Constitution where there was a debate over an amendment to forbid the President to command the army without special consent of Congress. Even such a strong proponent of the executive power as Alexander Hamilton wrote in *Federalist* 69 that the President's power as Commander in Chief was "in substance much inferior" to that of the King of England and would amount to "nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy." This appears to mean that the President was to be top general and top admiral but to have no powers other than those of any high military or naval commander.⁹ This view was reinforced by an outstanding nineteenth century student of the Amer-

ican Constitution who believed that the President was "simply Commander in Chief and not at all the lord of peace and war."¹⁰

II. STATEMENTS BY PRESIDENTS ON THE WAR-MAKING POWER

Although the President, by the nature of his position is given often to the broadest interpretation of the powers of the Presidency, many Presidents have publicly recognized the supremacy of the legislative power in situations involving the use of military force in such a way as to threaten war. John Adams, confronted by a series of depredations against American ships on the high seas, sent a message to Congress on May 16, 1797, in which he said:

It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations and at the same time restrain them from committing acts of hostility against the powers at war.¹¹

Before assuming the Presidency himself, Thomas Jefferson viewed even a Presidential declaration of neutrality as unconstitutional. Referring to the action of Washington, Jefferson said that it was "a declaration there should be no war, to which the Executive was not competent."¹² In his first annual message to Congress as President, Jefferson reported an American naval attack on a marauding Tripolitan cruiser which was bent on raiding American shipping in the Mediterranean:

Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the [Tripolitan] vessel, being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtlessly consider whether, by authorizing measures of offense also, they will place our forces on equal footing with that of its adversaries.¹³

Even President Jackson, who so vigorously advanced the powers of the Presidency, took occasion to refer the question of Texas to Congress as one "probably leading to war" and therefore a proper subject for "a previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished."¹⁴ Again in 1831 after ordering an armed vessel to the South Atlantic to protect American shipping against raiders from Buenos Aires, Jackson went to Congress.

I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in these seas.¹⁵

¹⁰ Hermann von Holst, *The Constitutional Law of the United States of America* (1887), pp. 192-193.

¹¹ Quoted by Albert H. Putney, "Executive Assumption of the War-Making Power," S. Doc. No. 39, 70th Cong., 1st sess. This article, appearing originally in the *National University Law Review*, May 1927, collects the most significant Presidential statements bearing on this subject.

¹² Letter to Madison, June 23, 1793.

¹³ Quoted in Putney, op. cit., p. 4.

¹⁴ Ibid., p. 7.

¹⁵ Ibid., p. 7.

President Buchanan was also clear in his recognition of the constitutional authority of Congress in the use of armed force for an offensive purpose outside the territory of the United States.

The first occasion was in his annual message of December 8, 1857, when he asked Congress to implement the treaty with Colombia by which the United States guaranteed the neutrality of the Isthmus of Panama.

Under these circumstances I recommend to Congress the passage of an act authorizing the President, in case of necessity, to employ the land and naval forces of the United States to carry into effect this guaranty of neutrality and protection.

On December 6, 1858, Buchanan went further to say:

The Executive Government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone.

I repeat "is limited to the employment of diplomacy alone."

When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.

Buchanan was also careful to disavow Presidential power to act in the shadow-land area between open war and peace.

It will not be denied that the general "power to declare war" is without limitation and embraces within itself not only what writers on the law of nations term a public or perfect war, but also an imperfect war, and, in short, every species of hostility, however confined or limited. Without the authority of Congress the President cannot fire a hostile gun in any case except to repel the attacks of an enemy.¹⁶

He said:

Without the authority of Congress the President cannot fire a hostile gun in any case except to repel the attacks of an enemy.

Although Abraham Lincoln as President was responsible for the greatest expansion to that date in the powers of the Presidency by wedding the role of Commander in Chief with the clause that makes it the duty of the President to see that "the laws be faithfully executed," he was also clear in his understanding of the intent of the makers of the Constitution. In a letter written in February 1848 he said:

Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our [Constitutional] Convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

But in the first decade of the twentieth century President Theodore Roosevelt set a number of radical precedents by his action in Panama and the Caribbean, using American forces in an offensive capacity without seeking authorization from Congress. It remained for Woodrow Wilson, both a believer in a strong Executive and a student of the Constitution, again to appear before Congress for

¹⁶ This and the above quotations from Buchanan are cited in Putney, op. cit., p. 9.

⁵ Madison and three other members of the Constitutional Convention went on record as opposing any standing army in peacetime.

⁶ For a study of the Convention's thinking on this subject, see Howard White, *Executive Influence in Determining Military Policy in the United States* (1924), pp. 16-21.

⁷ White, op. cit., p. 21.

⁸ Edward S. Corwin, *Total War and the Constitution* (1947), pp. 87-88.

⁹ Ibid., p. 14.

authorization to use American forces outside the country.

On April 20, 1914, after a serious clash of authority between American and Mexican forces in the port of Tampico, Wilson sent a message to a joint session of Congress which is of particular significance since it presents Wilson's view as a student of the Constitution in its opening sentences and his belief in Executive supremacy in its closing. Wilson opened his request by saying:

It is my duty—

I underscore and emphasize the words, "It is my duty"—

to call your attention to a situation * * * which calls for action and to ask your advice and cooperation in acting upon it. * * * I have come to ask your approval and support in the course I now propose to pursue.¹⁷

After explaining the situation, Wilson went on to say:

No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President, but I do not wish to act in a matter of so grave consequence except in close conference and cooperation with both Senate and House. I therefore come to ask your approval that I should use the Armed Forces of the United States in such ways and to such an extent as may be necessary to obtain * * * the fullest recognition of the rights and dignity of the United States.

The House on the same day of the President's message voted him the authority to use troops by 337 to 37, with 56 Members not voting. The Senate referred the resolution to committee and debated it on the 21st of April. It was on that day that an army of 6,000 men were landed in Mexico, capturing Veracruz and holding possession of that city for 7 months. The Senate debated the resolution until early on the morning of the 22d when it was passed by a vote of 72 to 13 before news of the military action reached Washington.

In March 1916 the executive department again sought authority from Congress to use troops, this time to cross the Mexican border in pursuit of Pancho Villa who had been raiding American border towns. Congress was given to understand that full agreement had been reached with Mexico for the border crossing and on March 17 a concurrent resolution was passed approving the use of the Armed Forces "for the sole purpose of apprehending and punishing. . . ."

III. DECISIONS OF THE COURTS

Court decisions on the powers of the President in the use of the Armed Forces without a declaration of war have been almost completely lacking. Recognition has been given to two instances where the President can employ troops without a declaration of war—rebellion and invasion—but actions taken outside of those categories have not been subject to judicial review. In 1853 American naval forces bombarded the port of San Juan del Norte on the coast of Nicaragua in default of reparation which the naval

commander had demanded for a mob attack on the United States consul.

President Pierce in his annual message to Congress defended the action as necessary to protect the lives and property of American citizens from future attacks. Some years later the American officer in charge of the bombardment was sued in a lower Federal court for the value of some property destroyed in the course of the naval action. Justice Nelson in his decision said:

As respects the interposition of the Executive abroad for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President.¹⁸

But in 1863 the Supreme Court in the Prize cases reaffirmed the supremacy of the legislative power in war-making. The President, said the Court, has "no power to initiate or declare a war." Yet as late as 1945, a former Assistant Secretary of State, after studying the decisions of the courts, said:

The final authority on constitutional law has not yet spoken on the use of the Army and Navy for violence abroad in times of nominal peace.¹⁹

IV. PRESIDENTIAL PRACTICE

It is customary for the proponents of wide Executive power to cite the numerous cases in which the armed forces of the United States have been used abroad without declarations of war and often without any congressional sanction other than that given indirectly through the appropriation of funds for the Armed Forces. A number of compilations have been made of the landing of American forces on foreign soil which range upwards from a hundred or more cases.²⁰

Most of these incidents, however, were efforts to protect definite rights of persons and property against impending violence, and were claimed not to be acts of war. Many of them took place in the Caribbean, and can be considered as special cases because of the Monroe Doctrine. But these actions are discredited today with the commitments of the United States to treat the Monroe Doctrine as a multilateral declaration, rather than a unilateral justification for political intervention.

More significant are the recent actions of President Franklin Roosevelt in the period prior to Pearl Harbor. While claiming the immunities of a neutral in time of war, troops were sent not only to bases in the Western Hemisphere leased from one of the belligerents, but also to advanced posts such as Iceland, while American naval vessels were conveying materials of war to one of the belligerents in a war zone and unofficially were attacking the submarine forces of the other belligerent—all without prior consultation or authorization from Congress.

¹⁸ *Durand v. Hollins* (4 Blatchford 451 (1859)).

¹⁹ James Grafton Rogers, *World Policing and the Constitution* (1945), p. 42.

²⁰ See, for example, Rogers, *op. cit.*, pp. 92-123; and *Right To Protect Citizens in Foreign Countries by Landing Forces*, memorandum of the Solicitor for the Department of State (third revised edition, 1934), *passim*.

Mr. President, the Senator from Michigan was one of the members of the select committee which held hearings in regard to the attack on Pearl Harbor. The evidence showed clearly that at one time the President of the United States had in contemplation—and had prepared plans accordingly—the sending of an American force to an island in the Atlantic, which it was expected would be taken over from Portugal. There is nothing in that particular record to show that the President contemplated doing that without obtaining the consent of the Congress. Therefore that incident cannot be cited as one involving a belief on the part of the President of the United States that he had authority to send a United States armed force to foreign soil without obtaining the consent of Congress.

If none of these actions has been challenged in the Supreme Court—as appears to be the case—it is largely because the issue was a public one and not in form suitable for judicial determination. Such grave questions as the ones we are now discussing hardly constitute the subject matter of cases which could be taken to the Supreme Court, for under the circumstances there would be no way by which a man serving in the Armed Forces could obtain a hearing of such a question in a lower court. By the time he was sent abroad, for service in the Armed Forces, he would not even be able to use our courts, to get a writ of habeas corpus. I mention that point because some persons will wonder why these matters have not been reviewed by the courts. They involve grave public questions which nevertheless are simply not suitable for judicial determination by the courts.

There is no question, however, that such an interpretation of the powers of the Presidency conflicts not only with the intent of the makers of the Constitution but also with most of the precedents and interpretations of the past.

The authority for such actions has been challenged from time to time by eminent Members of the Congress and by outstanding publicists. However, we find that on repeated occasions the issue has been foreclosed when the President confronted the Congress with the facts of the action taken, which, however unauthorized, left Congress with no alternative but to accept it.

At the same time when President Roosevelt was taking unilateral action, he did seek to find a legal basis for some of his actions—such as the opinion of Attorney General Jackson on June 5, 1940, in regard to the sale of arms to Britain as "surplus," and the Attorney General's opinion in September of the same year in regard to the legality of the transfer of American destroyers to Britain.

In 1942 the President made an interesting exception to his previous assumptions about Presidential power over the use of American troops, in appealing to Congress for authority to send military missions to friendly nations. The executive branch asked Congress to amend the act of May 19, 1926, and the act of May 14, 1935, which had given

¹⁷ CONGRESSIONAL RECORD, 63d Cong., 2d sess., pp. 6908-6909.

the President authority to detail military and naval missions at his discretion to assist governments of Latin American countries and the Government of the Philippines. The amendment requested gave the President authority "during war or a declared national emergency" to detail missions to other countries as he deemed it in the national interest. Congress so authorized the President by an act of October 1, 1942.

The military mission authorization not only involved the congressional power over the military forces, but also the need for congressional authorization for an officer of the United States to accept any remuneration or office from a foreign government, under article I, section 9, of the Constitution.

Recently, Mr. President, when it was suggested by the Chinese Nationalist Government on Formosa that they could use certain American officers in connection with the training of their troops and in the preparation of their men for the use of arms which they had obtained from the United States, the President of the United States and the executive branch of the Government gave as one of the reasons why that could not be done, that it was not authorized, and could not be done because of the act of Congress which made it illegal for an officer of the United States to accept any remuneration from a foreign government. Mr. President, if that law was constitutional and if it was recognized as the law of the land, it was because of the legislative authority to make that law; and if it was legal then, it is legal all the time. The President cannot use the law in one way, as a political weapon, on one occasion, and on a subsequent occasion use it in an opposite way. Certainly the President should abide by the law on all occasions.

In the Seventy-ninth and Eightieth Congresses, President Truman unsuccessfully renewed a request for authority to dispatch missions to any countries in time of peace. Although the bill was amended in the Eightieth Congress so as to exclude any possible authorization of combat troops, it died in the Senate committee to which it was referred.

V. CONCLUSIONS

On these precedents, historical and judicial, the question of constitutionality as it relates to the power of the President to send American forces overseas, without a declaration of war or other congressional authorization, must remain open in 1951.

Opinions of constitutional authorities fall on either side.

There can be no question, however, of the original intent of the Constitution, regardless of contemporary interpretations of that document.

The makers of the Constitution did not conceive of the President's powers as Commander in Chief to be unlimited.

They did not contemplate the use of conscript forces outside the territory of the United States.

They clearly intended that the dangers of an irresponsible sovereign were to be avoided in the United States. To that end they concentrated the power

to raise, finance, and govern the Armed Forces as well as the power to declare war in the hands of Congress.

A long line of distinguished Presidents, reaching down into the twentieth century, thought these decisions wise and abided by them.

And despite the tremendous growth in the power of the Presidency, the employment of American forces under the sole authority of the Commander in Chief in such a way as to create a threat of war must still be looked upon as a deviation from the main stream of American Presidential and constitutional tradition.

Mr. President, what I have discussed thus far deals mainly with the legal and historical relations between the President and Congress.

It does not touch upon or dispose of the policy question. Statecraft operates more in the area of conscience than in strict legality. Even if it were constitutional, legal, and proper for the President to assert a personal power against the Congress, he ought not to do it in a matter involving the lives and fortunes of all our people. That is what hangs in the balance in the present proposal to implement the Atlantic Pact.

In the House there has been placed a series of plaques depicting the long line of great statesmen and jurists. One of these presents Edward I, King of England, in whose reign the people of England gained important rights over their sovereign.

The parliamentary constitution of England was established as the result of Edward's convocation of the model Parliament of 1295. In his writ of summons, Edward incorporated these words:

What touches all should be approved by all, and it is also clear that common dangers should be met by measures agreed upon in common.

Mr. President, this is wise policy and marks a tremendous forward step in the development of representative government. It is no less applicable to our problem today.

The idea of sending American troops overseas as something of a permanent garrison in Europe is new in American history. It is a tremendous decision to make. It should not be made as the result of a dispute on powers between the President and Congress. It should be made by the President and Congress working in the closest teamwork. In no other way can the confidence, strength, and support of the people be mobilized in these times when the spirit of a nation is the essential breath of life to a nation's foreign policy, and even its survival.

EXHIBIT 1

The following are provisions of the Constitution containing specific delegations of power to the Congress and to the President, respectively, which bear on the question of the authority to use troops abroad.

Article I, section 8, states:

"The Congress shall have power to * * * provide for the common defense * * *; to declare war * * *; to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years; to provide and maintain a navy; to make rules for the government and regula-

tion of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; * * * [to provide] for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

Article II, section 2, states:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

RECESS

Mr. HOLLAND. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, January 23, 1951, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 22 (legislative day of January 8), 1951:

ECONOMIC STABILIZATION ADMINISTRATOR

Eric A. Johnston, of Washington, to be Economic Stabilization Administrator.

UNITED STATES JUDGE

Paul D. Shriver, of Colorado, to be United States judge for the district court of Guam. He is now serving under a recess appointment.

UNITED STATES ATTORNEYS

Dalton T. Pierson, of Montana, to be United States attorney for the district of Montana, vice John B. Tansil, deceased.

James G. Mackey, of New York, to be United States attorney for Guam. He is now serving under a recess appointment.

Powless W. Lanier, of North Dakota, to be United States attorney for the district of North Dakota. He is now serving in this office under an appointment which expired June 4, 1950.

Arthur A. Maguire, of Pennsylvania, to be United States attorney for the middle district of Pennsylvania. He is now serving in this office under an appointment which expired August 7, 1950.

George Morris Fay, of the District of Columbia, to the United States attorney for the District of Columbia. He is now serving in this office under an appointment which expires January 22, 1951.

COLLECTOR OF INTERNAL REVENUE

Herbert I. Hinds, of Tahlequah, Okla., to be collector of internal revenue for the district of Oklahoma, in place of Henry Clifford Jones, resigned.

COMPTROLLER OF CUSTOMS

Gilbert J. Fortier, of New Orleans, La., to be comptroller of customs with headquarters at New Orleans, La., to fill an existing vacancy.

APPOINTMENTS IN THE UNITED STATES AIR FORCE

The following-named persons for appointment in the United States Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947), and title II, Public Law 365, Eightieth Congress (Army-Navy-Public

Health Service Medical Officer Procurement Act of 1947):

To be majors, USAF (medical)

James G. Espey, Jr., [REDACTED]
Livingston P. Noell, Jr., [REDACTED]
John A. Norcross, [REDACTED]

To be captains, USAF (medical)

Peter H. Dillard, [REDACTED]
Tom W. Duke, [REDACTED]
Paul W. Myers, [REDACTED]

To be captain, USAF (dental)

Benjamin C. Gore, [REDACTED]

To be first lieutenant, USAF (medical)

Samuel E. Neely, [REDACTED] USNR

To be first lieutenants, USAF (dental)

Robert W. Bergmann, [REDACTED]
James H. Dirlam, [REDACTED]
Lee W. Helm, Jr., [REDACTED]
Raymond C. Morris, [REDACTED]
Charles T. Schwatka, Jr., [REDACTED]

The following-named persons for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947), and section 2, Public Law 775, Eightieth Congress (act of June 25, 1948):

To be first lieutenants

Samuel E. Birdsong, Jr., [REDACTED]
David A. Botte, [REDACTED]
William A. Crawford, Jr., [REDACTED]
James S. Dale, Jr., [REDACTED]
John V. Davies, [REDACTED]
Cornell DeGrothy, [REDACTED]
John J. Ensley, [REDACTED]
Nicholas E. Gasaway, [REDACTED]
Carl Goldschlager, [REDACTED]
Morris A. Hale, [REDACTED]
Fred Hamblen, [REDACTED]
Billy S. Holland, [REDACTED]
LeRoy Kahn, [REDACTED]
William J. Keeler, [REDACTED]
James J. Keough, [REDACTED]
Francis G. McDonald, [REDACTED]
William H. Packer, [REDACTED]
Carl R. Pearson, [REDACTED]
Robert A. Prince, [REDACTED]
John M. Rankin, [REDACTED]
Albert M. Scruton, [REDACTED]
William E. Shannon, [REDACTED]
Everett S. Van Matre, [REDACTED]
Robert L. Vickers, [REDACTED]
Charlie Y. Wier, [REDACTED]
John E. Wilcox, [REDACTED]
John C. Wiley, [REDACTED]
George M. Wilson, [REDACTED]

Subject to physical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the senior division, Reserve Officers' Training Corps, for appointment in the United States Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

Robert P. Adams	Charles H. Blanchard
Conrad F. Ahrens	Robert G. Blanchard
Dale R. Anderson	John M. Blount, Jr.
Richard M. Anderson	Waldemar E. Bode
Gerard J. Andeskie	Stanley Braun
William O. Armstrong	Edmond J. Bronner
Robert B. Artz	James H. Broussard
Earl L. Babcock	Edward A. Brown
Billy N. Baker	Howard J. Browning
John W. Baker	Gerald B. Bunker,
Robert E. Baker	[REDACTED]
Melville R. Barlow	George M. Burgess
Warren S. Barnes	Duane C. Burton
Lee N. Barnett	Robert P. Cady
Herbert E. Bell	Charles R. Campbell
Schuyler P. Berry, Jr.	Albert M. Card
Herman M. Blagg, Jr.	William E. Carr

John L. Carson
Robert D. Carter
John E. Catlin, Jr.
Joe L. Church
Ralph A. Clack
Billy M. Collins
William J. Collins
Thomas P. Connolly
Vernon L. Connor
Fred D. Courtney
Francis G. Crawford, Jr.
Clifford D. Crompton
Walter R. Danielson, Jr.
Hubert P. Davis
Thomas B. Deen
Charles G. Deese
Randolph L. Dodd
Henry A. Domian
Cloyd J. Dowling, Jr.
Hans H. Driessnack
Charles H. Dudley
Richard E. Dussault
Richard A. Dutton
William C. Eagle
Gordon C. Edgar
William E. Elmore
Merle W. Emmert
Robert B. English, [REDACTED]
William C. Evans
Donald M. Fehlings
Bruce H. Ferguson
John A. Fiebelkorn
Bruce M. Fisher
Stephen M. Flanagan
Harold L. Fox
Frank D. Frazier
Francis W. Freeman, Jr., [REDACTED]
Donald F. Fryauf
David L. Gasser
Allison G. Glover
Paul F. Goodwin
Vernon D. Gores
Carl K. Greene, [REDACTED]
Kenneth W. Grubaugh
Leo W. Hall
Edward D. Hallett
Lawrence C. Harrington
William E. Harris, Jr.
James B. Harrison
John T. Hart
Joseph L. Hart
Edmund H. T. Hay, Jr.
Daymond E. Helton
John R. Higson
Lawrence W. Hitchins
Anthony E. Holland
Lemuel D. Horton
David R. Howard
William F. Hoyer
John D. Hunt
Evan E. Huston
Delmar G. Jacobs
John H. James, Jr.
Arthur L. Javela
Nathan L. Joel
Thomas H. Johns
Eugene A. Johnson
Harlan W. Johnson
William T. Johnson, Jr.
Richard A. Johnston
Frank G. Jones
Jacob N. Jones, Jr.
Nolan T. Jones
Richard M. Joppa
Leonard I. Kaplan
Evangells H. Karalls
Arthur Karma
Edward W. Kassor, Jr.
Francis M. Kavanagh
Dare K. Keelan
Philip E. Kelgard
Robert J. Kiker
Paul E. Killion, [REDACTED]
William M. King
Dennett H. Kinnard
Philip E. Klein
John S. Knowles
Frederick G. Koehler
Edward F. Kramer, Jr.
Raymond A. Kuchar-chuk
Thomas J. Kuchera
Gladstone S. Lewis, Jr.
James P. Lindberg, Jr.
John T. Lindsay
Robert G. Little, Jr.
Curtis C. Love
Robert M. Lucas
John H. Ludwig
William G. MacLaren, Jr.
Solomon L. Madison
Hughie M. Maples, Jr.
Gerald E. Marsh
Don L. Marshall
James H. Marshall
Fernand F. Martin
Daniel P. Maxfield
Edward P. Mazak, Jr., [REDACTED]
John P. McConnell
David R. McDonald
Joseph H. Moendehall
John Miller
Frank A. Modic
Marshall W. Moore
Guy L. Morrison, Jr.
Jimmy W. Mullins
Robert B. Murray, [REDACTED]
Roger R. Neel
Earle E. Nelson
Crawford Nevins
William L. Nichols
Joseph W. Noah
Paul L. Norris
Waymond C. Nutt
William C. O'Brien, [REDACTED]
Robert L. O'Connell
James J. Odom, Jr.
David J. Ottensmeyer
Henry W. Parlett
Francis W. Penney
George Penovich
Donald K. Percival
Donald C. Peterson
Harold E. Pfeifer
George K. Pickett
Joseph T. Pilcher, Jr.
Francis S. Plonowski
Jackson L. Raley
John W. Ray
Donald L. Reinertson
Charles R. Renfro, [REDACTED]
William H. Risteen, [REDACTED]
Samuel M. Robinson
Samuel Romano
John J. Ross, III
B. W. Ryan
James H. Scharff
Alden A. Scott
William S. Selers
James R. Selig
Robert B. Shaw
Hugh W. Shoults, [REDACTED]
Henry W. Simpson
Chadwick B. Smith
Lowell J. Smith, [REDACTED]
Roy W. Smith, Jr.
William E. Smurro
William R. Sommer
Orval C. Sorensen
John M. Staab
Richard R. Stanton, [REDACTED]
Gerald E. Starkey
James G. Steger

Spencer Struble
Emil Sturmthal, [REDACTED]
George E. Swick, Jr.
Shoji Takasugi
Henry L. Thomas
Ralph W. Thomas
James C. Thompson
Robert P. Tiel
John O. Tinius
George P. Tynan
John N. Van Dusen
William P. Venable, Jr.
William A. Volk
Charles W. Wallace
White M. Wallenborn
Frank A. Wallington
Marvin L. Walters
Eugene R. R. Warner
Robert W. Ward
Walter R. Weck
Burton L. Weller
Jerry D. Wethington
B. D. White, [REDACTED]
Clarence W. White, Jr.
John W. White
Simon S. White, Jr.
James L. Whitlaw
Edmund M. Whit-meyer
Richard B. Whit-tington
Richard J. Wieland
John C. Wilkerson
Bernard R. Williams, Jr., [REDACTED]
Henry N. Williams
James C. Williams III
Robert K. Wolf
Edward J. Woodhouse
Howard E. Wright
Benjamin F. Yancey, Jr.
Samuel D. Young, Jr.
Clarence E. Youngman

The following-named distinguished aviation cadets for appointment in the United States Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

Alfred S. Allen	William H. Martin
Vernon H. Carter, Jr.	William J. Pollock
Lynwood E. Clark	Eugene Raunika
Robert E. Darlington	Eugene R. Starke
William E. Dudley, Jr.	Virgil P. Swim
Leland R. Kirk	William W. Yary,
Allen D. LeBaron	[REDACTED]
Gilbert F. Libby	
Vincent P. Luchsinger,	
Jr.	

IN THE NAVY

Vice Adm. Arthur D. Struble, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as a fleet commander.

Vice Adm. Felix B. Stump, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as a fleet commander.

Vice Adm. John J. Ballentine, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Air Force, Atlantic Fleet.

Vice Adm. Matthias B. Gardner, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as a fleet commander.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 22, 1951

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou Holy Spirit of the Eternal God, may this moment of prayer be one of reverence and sincerity, of gladness and gratitude, of humility and penitence, as we unburden our souls to Thy listening ear and understanding heart.

Thou knowest that daily we need the blessings of insight and inspiration, of hope and courage, which Thou alone canst give. Fill our minds with wisdom, our hearts with love, and our hands with usefulness.

Grant that for our war-torn and divided world we may discover those unities which underlie all diversities.

Enable us by Thy grace to have a clearer vision and a more vivid sense of