are getting everything they want in the St. Lawrence seaway.

There are many examples of our willingness to cooperate with our Canadian neighbors. The other body has passed and sent to the House a bill to provide for joint development of the St. Lawrence seaway. The people of Montana are willing to work with Canada in an attempt to solve mutual problems. But cooperation should not stop at the headwaters of the St. Lawrence. A good neighbor is one who assumes his just obligations as well as his privileges. Canada should indicate its realization of this fact.

Analysis of Bill Amending Immigration and Nationality Act, McCarran-Walter Immigration Act, Public Law 414, 82d Congress

EXTENSION OF REMARKS

OF

HON. JACOB K. JAVITS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1954

Mr. JAVITS. Mr. Speaker, appended is an analysis of a bill to be introduced in the House by six Republican Members of this body, Representatives CRETELLA, FINO, FRELINGHUYSEN, MORANO, SCOTT, and myself:

Short title: "Immigration and Nationality Act Amendments of 1954."

TITLE I

This title follows recommendations of President Eisenhower as contained in his April 6, 1953, letter to Senator ARTHUR V. WATKINS proposing a Senate inquiry into the operations of the McCarran-Walter Act.

Section 101: Amends sections 212 (a) (15) and 241 (a) (8) of Public Law 414 with respect to standards for determining whether aliens are or are likely to become public charges. The provision which gives controlling effect to the opinion of the consul or of immigration officials, without adequate supporting evidence, is eliminated.

Section 102: Amends subsections (27) and (29) of section 212 (a) of Public Law 414 with respect to standards for determining whether immigrants would engage in subversive activities. The consul and immigration officials would no longer be vested with the authority, without restraint, to determine by their own mental processes the probability of future proscribed conduct.

Section 103: Amends section 287 (a) (1) of Public Law 414 with respect to power of officers and employees of the Immigration and Naturalization Service to interrogate without warrant persons believed to be aliens as to their right to be or remain in this country. Strengthens the term "believed" by requiring "with probable cause," thus preventing improper interrogation of citizens.

Section 104: Repeals sections 352, 353 and 354 of Public Law 414, which provide for loss of nationality by naturalized citizens because of residence abroad. This amendment thus eliminates the stigma of "second class citizenship." Section 104 of the bill also repeals sections 350 and 355 of Public Law 414 which provide for loss of citizenship by native-born citizens because of residence abroad. The principle that native-born citizens will lose their American nationality by residence abroad was introduced to our nationality laws for the first time by Public Law 414. To permit that principle to remain in our law, while repealing the corresponding provision as to naturalized citizens, would discriminate against the native-born citizen.

Section 105: Amends sections 101 (2) (37), 212 (a) (28) (D), 241 (a) (6) (D) and 313 (a) (3) of Public Law 414 by broadening restrictions contained in that act with respect to persons who have advocated a totalitarian dictatorship or have belonged to totalitarian organizations. Nazis and Fascists would, as a result, be barred from the United States without the necessity of proving, as Public Law 414 now requires, that they have advocated, or belonged to organizations which advocated, the establishment of a totalitarian dictatorship in the United States. This closes the loophole in Public Law 414 that now permits Nazis and Fascists to enter the United States and to become naturalized.

Section 106: By amending section 244 (a) (1) (2) (3) (4) and (5) of Public Law 414 eliminates the standards of "exceptional and extremely unusual hardship" in granting suspension of deportation, substituting the term "serious hardship."

Sections 107 and 108: By repealing section 3 (c) of the Displaced Persons Act and amending section 201 (e) of Public Law 414 eliminates provision requiring future mortgaging of quotas.

Section 109: By amending sections 202 (a) (5) and 202 (e) and repealing section 202 (b), (c) and (d) of Public Law 414, eliminates quota provisions in the present act which discriminate against Asiatic and colonial peoples. The amendment will restore the law as it existed prior to Public Law 414, by which colonial peoples came under the quota of their mother country. Public Law 414 establishes a quota determined by race for Asiatic peoples no matter in what country of the world they are born, while the quota for non-Asiatics is determined simply by birth within quota area. The amendment extends the latter provision to persons of an Asiatic race and thus removes the stigma of racial discrimination.

TITLE II

This title corrects certain administrative deficiencies that have become generally apparent since the beginning of enforcement of Public Law 414.

Section 201: By amending section 101 (a) (6) of Public Law 414, restored preexamination (an administrative procedure adopted in 1935 which permitted an alien in the United States to become a permanent resident by obtaining his immigration visa in Canada instead of being required to make the long and expensive journey to his country of origin for that purpose).

Section 202: By amending section 212 (9) and (10) permits entry of an alien who has received a pardon for a crime.

Section 203: Amends section 212 (c) of Public Law 414 to restore the law as it existed, and operated satisfactorily, from 1917 to 1952. The result would be to give the Attorney General discretionary power to admit an alien who is returning to an unrelinquished American residence of at least 7 years, with no requirement that the alien was originally admitted to this country for permanent residence.

Section 204: Repeals section 235 (c) of Public Law 414 which permits exclusion without a hearing.

Section 205: Repeals section 241 (d) of Public Law 414, the retroactive provision which makes an alien deportable for conduct prior to December 24, 1952, even though that conduct was not a ground of deportation before Public Law 414 came into effect.

Section 206: Amends section 245 of Public Law 414 which permits the Attorney General to adjust the status of an alien temporarily here to that of an alien admitted for permanent residence. The amendment softens the unnecessarily rigorous requirements which an alien must now meet.

Section 207: (a) Permits judicial review in exclusion and deportation cases. (b) Establishes a statute of limitations whereby no alien may be deported by reason of conduct occurring more than 10 years prior to the institution of deportation proceedings.

Section 208: Repeals section 360 (a) of Public Law 414 and substitutes a provision granting judicial review for a person claiming American citizenship who has been denied such right.

Section 209: Amends section 360 (c) of Public Law 414 by broadening provision for judicial review of final determination by Attorney General in refusing entry to persons issued certificate of identity as claimants of American citizenship under section 360 (b).

Section 210: Establishes a Board of Visa Appeals in State Department to review questions involving the denying of visas and the application or meaning of State Department regulations applying to immigration.

TITLE III

Section 301: Provides for the pooling of unused quotas and their allocation the next succeeding fiscal year to those on waiting lists of quotas 7,000 and under (includes Italian, Greek, Dutch, Austrian, and Eastern European quotas). Quotas are to be determined on the basis of the 1950 census instead of the 1920 census as is now the practice.

SENATE

WEDNESDAY, APRIL 7, 1954

(Legislative day of Monday, April 5, 1954)

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

Rev. George A. Taylor, rector of St. David's Church, Baltimore, Md., offered the following prayer:

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senate and Representatives in Congress assembled, that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy Church, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These and all other necessaries, for them, for us, and Thy whole Church, we humbly beg in the Name and mediation of Jesus Christ, our most blessed Lord and Saviour. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 6, 1954, was dispensed with.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1432) for the relief of Peter Penovic, Milos Grahovac, and Nikola Maljkovic, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 60) favoring the suspension of deportation of certain aliens, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 675. An act for the relief of Mrs. Romola Nijinsky and Paul Bohus-Vilagosi;

H. R. 689. An act for the relief of Mrs. Keiko Inouye;

H. R. 692. An act for the relief of Nina Makeef, also known as Nina Berberova;

H. R. 707. An act for the relief of Dr. Ignacy Adam, Mrs. Amalya Alexander Adam, and George Adam;

H. R. 737. An act for the relief of Harold Donaghy Bishop;

H. R. 792. An act for the relief of Faiga Kunda;

H. R. 807. An act for the relief of Sister Isabel (Purificacion Montemayor Maceo);

H. R. 808. An act for the relief of Joseph Vyskocil;

H. R. 848. An act for the relief of Nicholas Katem, Theodosia Katem, Basil Katem, and Josephine Katem;

H. R. 849. An act for the relief of Mrs. Stella Rebner;

H. R. 897. An act for the relief of Abul K. Barik;

H. R. 967. An act for the relief of Robert George Bulldeath and Lenora Patricia Bulldeath;

H. R. 1107. An act for the relief of the J. A. Vance Co.;

H. R. 1144. An act for the relief of Martha Farah;

H. R. 1348. An act for the relief of Alwine Reichenbauch;

H. R. 1465. An act for the relief of Helga Rossmann and her child;

H. R. 1657. An act for the relief of Antonio Messina;

H. R. 1699. An act for the relief of Rev. Roger Knutsen;

H. R. 1948. An act for the relief of Mrs. Fung Hwa Liu Lee;

H. R. 2009. An act to authorize the sale of certain land in Alaska to the Ninilchik Hospital Association, of Ninilchik, Alaska, for the use as a hospital site and related purposes;

H. R. 2014. An act to authorize the sale of certain public land in Alaska to the Community Club of Chugiak, Alaska;

H. R. 2016. An act to authorize the Secretary of the Interior to sell certain land to the Board of National Missions of the Presbyterian Church in the United States of America;

H. R. 2427. An act for the relief of Annie Litke;

H. R. 2505. An act for the relief of Lajos Schmidt and his wife, Magda;

H. R. 2874. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Mary K. Reynolds, as successor in interest to the Colonial Realty Co.;

H. R. 2875. An act for the relief of Dr. James K-Thong Yu;

H. R. 2907. An act for the relief of Elizabeth Just Mayer;

H. R. 3026. An act for the relief of Barbara Gene Coster;

H. R. 3038. An act for the relief of Mrs. Olympia Cue;

H. R. 3131. An act for the relief of Wesley Howard Leahy;

H. R. 3249. An act for the relief of Katharina Link;

H. R. 3903. An act for the relief of Sister Iolanda Sita, Sister Guerrina Brioli, Sister Pasqualina Coppari, Sister Anna Urbinati, Sister Ida Raschi, and Sister Elvira P. Mencarelli;

H. R. 4236. An act for the relief of Nahi Youssef;

H. R. 4496. An act to authorize and direct the conveyance of certain lands to the Board of Education of Prince Georges County, Upper Marlboro, Md., so as to permit the construction of public educational facilities urgently required as a result of increased defense and other essential Federal activities in the District of Columbia and its environs;

H. R. 4510. An act for the relief of Mrs. Helen Kon;

H. R. 4701. An act for the relief of Josip Stanic;

H. R. 4747. An act for the relief of Gio Batta Podesta;

H. R. 4813. An act for the relief of Radu Florescu and Nicole Elizabeth Michel Florescu;

H. R. 4869. An act for the relief of Mrs. Bert I. Biedermann (nee Ermenegilda Vittoria Cernecca);

H. R. 5265. An act for the relief of Margarete Hohmann Springer;

H. R. 5355. An act for the relief of Eva Gyori;

H. R. 5578. An act for the relief of Hatsuko Kuniyoshi Dillon;

H. R. 5820. An act for the relief of Michael K. Kaprielyan;

H. R. 5842. An act for the relief of Viktor R. Kandlin;

H. R. 6026. An act for the relief of Gertrud O. Heinz;

H. R. 6086. An act for the relief of the estate of Preston Leon Stubblefield;

H. R. 6478. An act for the relief of Nick Joseph Beni, Jr.;

H. R. 6636. An act for the relief of Gregory Harry Bezenar;

H. R. 6998. An act for the relief of Erna White;

H. R. 7012. An act for the relief of Nicole Goldman;

H. R. 7413. An act for the relief of Harold J. Davis;

H. R. 7500. An act for the relief of Kurt Forsell;

H. R. 7802. An act for the relief of Hanna Werner and her child, Hanna Elizabeth Werner; and

H. R. 8680. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1955, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced that on today, April 7, 1954, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 1456. An act to amend the act entitled "An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory," approved May 7, 1928, as amended;

S. 2405. An act to authorize the exchange, upon terms fully protecting the public interest, of the United States Public Health quarantine station at Marcus Hook, Pa., for a new quarantine station;

H. R. 962. An act for the relief of Gabrielle Marie Smith (nee Staub);

H. R. 1148. An act for the relief of Antonino Cangialosi (or Anthony Consola);

H. R. 1529. An act to facilitate the development of building materials in Alaska through the removal of volcanic ash from portions of Katmai National Monument, Alaska, and for other purposes;

H. R. 1568. An act to amend section 6 of chapter 786 of the act of June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes" (31 Stat. 323; title 48, sec. 108, U. S. C.);

H. R. 2351. An act for the relief of Sam Rosenblat;

H. R. 2441. An act for the relief of Husnu Ataullah Berker;

H. R. 2747. An act to amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday;

H. R. 3045. An act for the relief of Nickolas K. Ioannides;

H. R. 3306. An act to provide for the relief of certain reclamation homestead entrymen;

H. R. 3961. An act for the relief of Margherita Di Meo;

H. R. 4024. An act to change the name of the Appomattox Court House National Historical Monument to the "Appomattox Court House National Historical Park";

H. R. 4056. An act for the relief of Manfred Singer;

H. R. 4707. An act for the relief of Lee Yim Quon;

H. R. 4738. An act for the relief of Gabriel Hittrich;

H. R. 4886. An act for the relief of Ingrid Birgitta Maria Colwell (nee Friberg);

H. R. 4984. An act to remove certain limitations upon the sale or conveyance of land heretofore conveyed to the city of Miles City, Mont., by the United States;

H. R. 5085. An act for the relief of Mrs. Maria Tcherepnin;

H. R. 5529. An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the battles of Manassas, and for other purposes;

H. R. 6434. An act to amend sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act so as to simplify the procedures governing the establishment of food standards; and

H. J. Res. 238. Joint resolution granting the status of permanent residence to certain aliens.

LEAVES OF ABSENCE

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. CHAVEZ was excused from attendance on the sessions of the Senate beginning today and continuing until May 1, 1954.

On his own request, and by unanimous consent, Mr. THYE was excused from attendance on the sessions of the Senate for the remainder of this week.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. BEALL, and by unanimous consent, a subcommittee of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

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

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

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATION, COUNCIL OF ECONOMIC ADVISERS (S. DOC. No. 112)

A communication from the President of the United States, transmitting a proposed supplemental appropriation, in the amount of $35,000 for the Council of Economic Advisers, fiscal year 1955, in the form of an amendment to the budget (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

INTERNAL DEVELOPMENT OF VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act entitled "An act to assist in the internal development of the Virgin Islands by the undertaking of useful projects therein, and for other purposes," approved December 20, 1944 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF TRADING WITH THE ENEMY ACT RELATING TO FEES OF AGENTS

A letter from the Attorney General, transmitting a draft of proposed legislation to further amend section 20 of the Trading With the Enemy Act, relating to fees of agents, attorneys, and representatives (with an accompanying paper); to the Committee on the Judiciary.

CONSTRUCTION AT MILITARY AND NAVAL INSTALLATIONS AND FOR ALASKA COMMUNICATIONS SYSTEM

A letter from the Assistant Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military and naval installations and for the Alaska communications system, and for other purposes (with accompanying papers); to the Committee on Armed Services.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. CARLSON and Mr. JOHNSTON of South Carolina members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"Assembly Joint Resolution 2

"Joint resolution relative to Congress appropriating funds for the construction of a fence along the Mexican boundary from the Pacific Ocean to the Arizona State line

"Whereas there is a lack of adequate fencing along the Mexican boundary from the Pacific Ocean to the Arizona State line; and

"Whereas a properly constructed fence would be of considerable aid in preventing diseased animals from straying across the boundary into California and spreading such diseases as tick fever, foot-and-mouth disease, and dourine; and

"Whereas in 1949 stray cattle from Mexico caused the introduction of tick fever into California, the outbreak of which was successfully brought under control only at a cost in excess of $10,000; and

"Whereas if such diseases should in the future be carried into California and spread throughout the State the result would be economic loss measured in the millions of dollars; and

"Whereas the present fence along the boundary has fallen into disrepair and does not provide adequate protection against the introduction of diseases; and

"Whereas the construction and maintenance of an adequate fence is necessary if the California cattle and dairy industries are to be protected against the possibility of great economic loss due to the introduction of disease from Mexico; and

"Whereas the International Boundary Commission has reported its willingness to supervise the construction of a fence if adequate funds are provided; and

"Whereas the appropriation of the funds necessary for the construction of a fence would constitute a wise investment of benefit to the entire Nation, as it would protect a significant portion of the Nation's food supply from the destructive ravages of disease: Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Congress of the United States is hereby urged and memorialized to immediately appropriate the funds necessary to construct a fence along the Mexican boundary from the Pacific Ocean to the Arizona State line; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"Assembly Joint Resolution 3

"Joint resolution relative to memorializing Congress to establish a strategic materials stockpile and shipping center at Red Bluff, Calif.

"Whereas the United States has undertaken a program of stockpiling strategic minerals for the purposes of national defense; and

"Whereas the mineral wealth of northern and central California is the source of many of the strategic minerals which are stockpiled; and

"Whereas the strategic minerals produced in California are not stockpiled in California, but elsewhere in the Nation, which results in the addition of large and unnecessary costs to the price of the materials; and

"Whereas the wasteful nature of this procedure is demonstrated by the fact that 90 percent of the chrome delivered to the Grants Pass, Oreg., stockpile is produced in California and must be shipped through Red Bluff, with the result that the cost of chrome is doubled to producers as well as to consumers; and

"Whereas these unnecessary costs of shipping can be reduced by establishing a strategic materials stockpile and shipping center in Red Bluff, Calif., which is located closer to the points where the materials are consumed; and

"Whereas Red Bluff is served by an excellent railroad and highway system; and

"Whereas there is located in Red Bluff an area of 15 acres adjoining a railroad spur track and buildings, which is ideally suited for development as a stockpile: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish a strategic materials stockpile and shipping center at Red Bluff, Calif.; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"Assembly Joint Resolution 7

"Joint resolution relative to memorializing Congress to direct the General Services Administration to standardize purchasing procedures for strategic metals

"Whereas the United States is presently purchasing and stockpiling strategic metals for the purposes of national defense; and

"Whereas chrome and manganese are two of these strategic metals that are being stockpiled; and

"Whereas the producers of chrome and manganese are required to ship these metals at their own expense, to a Government purchasing depot for assaying; and

"Whereas after assaying, the metals are shipped at Government expense to a Government stockpile; and

"Whereas there are many extremely competent bonded California assaying firms, located in or near the areas where chrome and manganese are produced, that could test these metals at the time and at the place of production, thereby eliminating the necessity for the Government to maintain and operate costly purchasing depots and making the direct shipment of these metals from the mine to the stockpile possible as is the present practice with many of the other metals also being stockpiled with the Government assuming the freight costs from mine to stockpile: Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to direct the General Services Administration to have chrome and manganese assayed at the time and place of production by local bonded assaying firms and to have the chrome and manganese shipped directly from the place of production to the Government stockpile, thereby reducing the cost of these metals to the taxpayers

of the United States by eliminating the wasteful handling incident to the present purchasing system; and be it further

"*Resolved*, That the chief clerk of the assembly be hereby directed to prepare and to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Senate Joint Resolution 4

"Joint resolution memorializing Congress and the President of the United States to refrain from terminating Federal control and protection of Indian reservations

"Whereas there are presently before the Congress of the United States three bills, S. 2749, S. 2515, and H. R. 7322, which would affect Indian tribes, bands, groups, and individual members thereof in California by abolishing the Bureau of Indian Affairs of the Department of the Interior, by removing Federal guardianship, and by terminating supervision over Indian property; and

"Whereas the American Indians conveyed their property to the United States Government in exchange for the promise of perpetual Federal protection and certain other benefits; and

"Whereas the Federal Government set aside certain of the ancestral homelands of the American Indians for their perpetual use and enjoyment; and

"Whereas Federal control and protection of Indian reservations has served to prepare the American Indian for transition to a different way of life by continuing on the reservations a culture deeply cherished by the Indians and at the same time permitting tribal members to leave a reservation when they so desire; and

"Whereas there are 117 separate Indian reservations in California upon which 40 tribes of American Indians reside; and

"Whereas these tribes vary widely in their educational level, and social and economic development and many of them would suffer greatly if Federal control and protection of their reservations was terminated; and

"Whereas the State of California is not prepared to take over control and protection of the Indians within its boundaries with the results that termination of Federal protection will mean that many tribes that are not sufficiently developed economically to fend for themselves will suffer greatly; and

"Whereas Federal control and protection of the Indians should be gradually withdrawn as each tribe reaches the proper cultural development to assume responsibilities for its members; and

"Whereas the Legislature of the State of California has not and does not seek to terminate Federal control and protection of the Indians: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to continue Federal control and protection over the American Indians within California; and be it further

"*Resolved*, That the secretary of the Senate of the State of California is authorized to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"Assembly Joint Resolution 5

"Joint resolution relative to outlawing the Communist Party of the United States and the members thereof

"Whereas the Communist Party of the United States is engaged in and committed to a worldwide conspiracy to overthrow and illegally dominate and supersede non-Communist governments, including the Government of the United States; and

"Whereas to accomplish its objectives, the Communist Party of the United States advocates the use of force, violence, and other illegal means; and

"Whereas the Communist Party of the United States permits its members no deviation from its policies and programs, with the result that each member thereof is a participant in its unlawful subversive conspiracy to overthrow the Government of the United States; and

"Whereas such nefarious activities should not be permitted to continue under sanction of law; and

"Whereas at present, there are several bills pending before the Congress of the United States, which would outlaw the Communist Party of the United States and the members thereof: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Congress of the United States be and it hereby is petitioned and urged to immediately enact legislation to outlaw the Communist Party of the United States and the members thereof; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"Assembly Joint Resolution 9

"Joint resolution relative to compensation of postal employees

"Whereas United States postal employees have not received a wage increase since 1951, and the increase of that year was insufficient to compensate for the rise in the cost of living that had occurred up to that time, let alone the rise that has since occurred; and

"Whereas the inadequacy of their compensation has required some 45 percent of letter carriers to work from 32 to 42 hours per week at outside jobs in addition to their postal employment and has made it necessary that some 38 percent of the wives of letter carriers take employment outside the home; and

"Whereas the position of these public servants compares very unfavorably with that of persons in private employment, and there is no justification for this inequality; and

"Whereas granting a pay increase to postal employees would have the incidental and beneficial effect of opening up to others many of the jobs presently held by these employees and their wives: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Congress of the United States is respectfully memorialized to enact legislation for an increase in the compensation of postal employees to enable them to catch up with the increased cost of living; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution 8

"Joint resolution relative to the construction of a road through the Joshua Tree National Monument

"Whereas for a substantial period of time the desirability of constructing a new highway between Twentynine Palms, Calif., and the Coachella Valley has been under study by various local governmental agencies and civic groups; and

"Whereas it appears that a portion of the proposed route would traverse the most scenic canyon and split rock formations of the Joshua Tree National Monument and reach primitive areas far from the present park-service roads in the monument; and

"Whereas such a highway would be a vital connecting link, joining major Federal and State highways from San Diego, Calif., to Las Vegas, Nev.; and

"Whereas the establishment of such a road through the Joshua Tree National Monument would open this scenic wonderland to many more park visitors and tourists; and

"Whereas if the Federal Government would authorize the construction of that portion of the proposed route which lies within this national monument, the construction of other portions of the route would be made feasible, and a highway necessary to the economic development of the area in question, and one which would be of great military value to our country, could be established: Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to take all steps necessary to authorize the construction of that portion of the proposed Twentynine Palms-Coachella Valley Highway which traverses the Joshua Tree National Monument, and the Department of the Interior to take all steps necessary to construct such roads as may be necessary; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior."

OLD-AGE AND SURVIVORS INSURANCE SYSTEM—LETTER FROM MARINETTE-OCONTO DENTAL SOCIETY, SURING, WIS.

Mr. WILEY. Mr. President, one of the important issues facing this Congress is the matter of expansion of the Nation's old-age and survivors insurance system.

I present a brief letter which I have received from the Marinette-Oconto Dental Society in my State of Wisconsin. I ask unanimous consent that it be printed in the RECORD and referred to the Senate Finance Committee.

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

SURING, WIS., *April 5, 1954.*

ALEXANDER WILEY, *Senator,*
Washington, D. C.

DEAR SENATOR WILEY: On behalf of the Marinette-Oconto Dental Society, I wish to

state that we have voted unanimously in favor of the survivors and old-age-assistance plan.

Thanking you in advance, I remain,

Sincerely yours,

K. A. MANKA, D. D. S.,
Secretary, Marinette-Oconto Dental Society.

PROPOSED CONGRESSIONAL CHARTER FOR AMERICAN FEDERATION OF PHYSICALLY HANDICAPPED

Mr. WILEY. Mr. President, one of the most important efforts being made in our Nation today is to rehabilitate great numbers of the handicapped.

As I have pointed out on many occasions, it does not make sense to leave the handicapped in a condition where they must be a drain on their families, their relatives, their communities. It makes sense from every standpoint to help retrain them to use their remaining faculties in new types of jobs so that they can become self-supporting citizens, proud, independent, and realizing their birthright.

The American Federation of the Physically Handicapped has long been engaged in this noble task, which is highlighted each year by Presidential proclamation of National Employ the Physically Handicapped Week.

I send to the desk the text of a brief letter which I have received from a local lodge of the AFPH endorsing a bill introduced by my colleague, the distinguished Senator from Kansas [Mr. CARLSON] on behalf of a Federal charter for the AFPH. I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

WASHINGTON, D. C., *April 5, 1954.*

Hon. ALEXANDER WILEY,
Senate Committee on the Judiciary,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: May I urge you to act favorably on bill S. 3027, which has been introduced by Senator FRANK CARLSON, to grant the American Federation of the Physically Handicapped a congressional charter. A congressional charter will enable AFPH to achieve greater results to aid our vast number of handicapped population as a whole throughout the country.

Thank you very much for your support, which I am sure is in the public interest.

Respectfully yours,

MOLLIE K. TINNELL,
President, Challenger Lodge 143, AFPH.

THE TOLL OF FIREWORKS ACCIDENTS

Mr. WILEY. Mr. President, last Monday the Senate Judiciary Committee again failed to report S. 2245 to control the terrible menace of fireworks maiming our children. Next Monday I will again attempt to secure enactment of this bill. I am deeply concerned, however, that unless the people of this Nation speak up to the members of the Judiciary Committee, the bill will once more be delayed.

Meanwhile, the July 4 celebration looms closer and closer. On the morning of July 5, there will be countless American homes filled with heartbroken parents and relatives whose children will have lost eyes, fingers, hands, or suffered terrible scars, because fireworks with 2, 3, or 4 second fuses blew up in their faces and near their bodies.

S. 2245 has been delayed for a variety of reasons, week after week after week.

A so-called alternative, S. 1722, has been offered, but it is, in my judgment, completely ineffective, unsound, and impractical. It would simply pass the buck to the ICC, which has neither the facilities, the authority, the staff, nor the desire to try to control the fireworks problem.

From all over our Nation I have received great numbers of messages from public-spirited groups endorsing my fight to control the fireworks evil. But now I send to the desk the text of a memorandum from the Illinois Society for the Prevention of Blindness regarding the toll on children from these fireworks.

I cannot believe that Members of the United States Senate want to tolerate this senseless injury to our children for one Independence Day more.

I ask unanimous consent that the memorandum on fireworks accidents be printed at this point in the body of the RECORD.

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

Few States have collected statistics on fireworks injuries since the American Medical Society discontinued doing so after 1946. It was thought that model fireworks-control legislation in the majority of States had greatly reduced these needless accidents. In Illinois we have found that bootleg fireworks continue to cause an alarming number of injuries. In the last 3 years, for 1 day's celebration, 721 injuries were reported to the society, and 176 of these were eye injuries, and 9 were deaths. The figures will mean more if you understand what treatment involves.

Nine-year-old burned by sparkler, second and third degree burns of the body. Hospitalized for 11 months. Blood transfusions, other medical care, and extensive skin grafting were necessary.

Six-year-old burned by sparkler, second and third degree burns of the body and face. Hospitalized for 11½ months. Blood transfusions, other medical care, and extensive skin grafting were necessary.

Eleven-year-old suffered firecracker explosion. Left hand amputated. Serious visual damage to left eye, which may have to be enucleated. Hospitalized.

Three-year-old burned by sparkler in right eye in 1946. Hospital care periodically over a period of 4 years. Constant medical care and surgery during this time saved only fair perception of light in right eye.

Eight-year-old firecracker caused penetrating corneal second degree burns in left eye with hyperemia. Cornea scarred. Hospitalized.

Four-year-old hospitalized when firecracker placed under tin can caused extensive large jagged wound of right forearm; wound about 4 inches long, severed muscles, and deep tissue.

Eleven-year-old suffered first and second degree burns on left thigh when firecrackers caught on fire in pocket. Emergency care.

Two-year-old suffered nostril burns when firecracker exploded in face. Emergency care.

Eight-year-old suffered lacerated forehead when cherry bomb exploded in face. Emergency care.

Eleven-year-old suffered severe laceration of right hand and loss of index finger when aerial bomb held in hand backfired. Hospitalized.

Six-year-old suffered deep contusions on surface of chest, possible fracture of sternum and ribs, multiple abrasions on chest and neck, from explosion of aerial bomb. Hospitalized.

Five-year-old suffered chest burns. Unable to describe type of fireworks friends were playing with. Emergency care.

Eleven-year-old suffered perforation of the sclera when firecracker explosion punctured eyeball. Impairment of vision resulted from scarring of the cornea. Hospital care necessary.

Ten-year-old suffered firecracker explosion in face. Left eye removed. Hospitalized.

Nine-year-old suffered serious injury to right eye when torpedo exploded in face. Surgery and hospital care necessary. The pupil of right eye remains dilated.

Four-year-old suffered burns in face when firecracker tossed by teen-agers exploded. Hospitalized and right eye removed.

DAIRY AND OTHER AGRICULTURAL PRICE SUPPORTS AND PUBLIC POWER

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the board of directors of Trico Cooperative Oil Association, Cloquet, Minn., opposing the drastic reduction in dairy price supports, be printed in the RECORD.

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

TRICO COOPERATIVE OIL ASSOCIATION,
Cloquet, Minn., March 23, 1954.

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: The board of directors of Trico Cooperative Oil Association passed the following resolution at their meeting on March 20:

"Whereas Secretary of Agriculture Ezra Benson has announced a reduction in Government price supports on dairy products, from 90 percent of parity to 75 percent of parity; and

"Whereas we consider this action an unwarranted discrimination against the dairy farmer, inasmuch as the support price for feed grains will still be 90 percent of parity; and

"Whereas we believe the action of the Secretary will not reduce surpluses, since each dairy farmer will, of necessity, have to produce even more in order to meet his expenses; and

"Whereas the loss of income resulting from the reduction in the Secretary's action will affect not only the dairy farmer, but also the economy of the entire dairy region, including merchants, implement dealers, and others: Be it therefore

"*Resolved*, That we go on record as vigorously protesting the hasty and discriminatory action of the Secretary, and instruct our board secretary to file our protest with our Representatives in Congress."

Your truly,

E. HAROLD HALMET,
Secretary.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the East Central Electric Association, Braham, Minn., with regard to the reduction in dairy price supports, be printed in the RECORD.

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

RESOLUTION OF EAST CENTRAL ELECTRIC ASSOCIATION, BRAHAM, MINN.

Whereas the Secretary of Agriculture has taken steps to reduce the present support price for dairy products from 90 percent of parity to 75 percent of parity: Therefore be it

Resolved by the members of the East Central Electric Association at their annual meeting held on March 20, 1954, That the price support level for milk, butterfat, and the products of milk and buttterfat for any year shall not be reduced by more than 5 percent of the actual price intended to be reflected to farmers for the preceding marketing year, except that such limitation does not apply to reductions due exclusively to adjustments in the parity index.

Notwithstanding any other provision of law, the parity percentage level at which price supports for milk and butterfat and the products of milk and butterfat are provided shall not be less than the parity percentage level at which rigid mandatory price supports are provided for the basic commodities; and be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of Agriculture, Congressmen MARSHALL and WIER, and Minnesota Senators, THYE and HUMPHREY.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a letter which I have received from Mr. E. C. Ditlevson, manager of the Hutchinson Cooperative Creamery Association, and setting forth the recommendations of the McLeod County Farm Bureau Dairy Committee with regard to dairy products, be printed in the RECORD.

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

HUTCHINSON COOPERATIVE CREAMERY ASSOCIATION,
Hutchinson, Minn., March 25, 1954.

Hon. Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SIR: At a meeting of the McLeod County Farm Bureau Dairy Committee on March 24, 1954, the following resolution was unanimously passed.

We recommend direct subsidy payments to plants in price support operation to enable the Government to move stocks of dairy products into consumption. All butter scoring below 90 to be converted into butter oil and sold as cooking fat at competitive prices. That consumer grades be established and that all butter sold be labeled as to grade.

Yours very truly,
E. C. DITLEVSON, *Manager.*

Mr. HUMPHREY. Mr. President, I ask unanimous consent that three resolutions which I have received from Mr. Verner Anderson, Secretary of Co-op Services, Inc., New York Mills, Minn., concerning REA, dairy price supports, and price supports for all major farm products be printed in the RECORD.

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

NEW YORK MILLS, MINN.,
March 22, 1954.

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: We, the members of Co-op Services, Inc., representing 1,500 shareholders, passed the following resolution at our 43d annual meeting which was held in New York Mills, Minn., on March 19, 1954. We ask that you give this resolution your gravest consideration:

"The members of this cooperative have always stood out in front in the battle for wide distribution of electric energy to farms. When profit type utilities failed to meet their responsibilities, cooperative organizations and their members helped in the formation of rural power cooperatives.

"The job of rural electrification is not complete in this region, though only a few hundred farms remain without central power plant connection. The immediate job is to provide adequate transmission facilities for an ever-increasing use of energy and to expand generating capacity to insure plentiful supplies of electricity at fair prices.

"We ask our Members of the Congress and Senate of the United States to work strenuously to protect the rights of cooperatives, municipalities, State governments and other nonprofit organizations, as preference power customers, and their rights to expand generating and transmission facilities by law, by effective administration policies and by adequate credit opportunities.

"Specifically, we oppose increased interest rates on REA loans. We favor immediate public construction of a grid to bring Missouri Basin power into this region. We ask review of the current public power marketing policy to restore fully the traditional relationships of cooperatives as power buyers. And, we ask restoration of the traditional "yardstick" policy of comparing electric power costs."

VERNER ANDERSON, *Secretary.*

NEW YORK MILLS, MINN., *March 22, 1954.*

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Whereas farmers and business, not only in the trade area of this cooperative, but in the entire State of Minnesota, and the Nation, are greatly disturbed by the Secretary of Agriculture's proposed 75 percent of parity price supports to take effect April 1, 1954; and

Whereas such a policy will cause untold hardship for the family-type farmer and the Main Street businessmen, to the extent many cannot continue in business.

We, therefore, urge immediate adoption of a production payment system (similarly administered as the one for wool producers) to assure 100 percent parity returns and avoid the reliance on heavy Government purchases and storage.

VERNER ANDERSON,
Secretary.

The above resolution was passed at the 43d annual meeting of Co-op Services, Inc., which was held March 19, 1954, in New York Mills, Minn., and represents 1,500 shareholders.

NEW YORK MILLS, MINN., *March 22, 1954.*

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Whereas the economic squeeze between falling farm prices and rising operating costs still continues on the farms of our Nation, endangering not only our family-type farm families, but also the jobs and living standards of working people, the welfare of small, independent businessmen on Main Street and our entire national economy;

We, therefore, urge immediate action to stop the downward flexing of prices for the produce from our farms.

In its stead (flexing) we again reiterate our demand for 100 percent parity price supports for all major farm products, including perishables, under plans similar to those now being used for sugar and wool producers.

There is justice in equality.

The above resolution was passed at the 43d annual meeting of Co-op Services, Inc., which was held March 19, 1954, in New York Mills, Minn., and represents 1,500 shareholders.

VERNER ANDERSON,
Secretary.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a copy of a resolution addressed to Secretary Benson and forwarded to me by Mr. Victor Bjorkquist, president of the Wawina Cooperative Society of Wawina, Minn., opposing the cut in dairy-price supports from 90 to 75 percent of parity, be printed in the RECORD.

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

WAWINA COOPERATIVE SOCIETY,
Wawina, Minn.

To the Honorable EZRA BENSON,
Secretary of Agriculture:

Whereas the dairy industry is among the most essential for the Nation's welfare; and

Whereas it is of the utmost importance to our economy that the dairy farmers will receive reasonable compensation for their investment and labor: Therefore be it

Resolved, That we the members and patrons of the Wawina Cooperative Society, representing the dairy farmers in this area, assembled at our annual meeting this 27th day of February 1954, go on record as being against the executive order by the Secretary of Agriculture to cut the present price support on dairy products from 90 to 75 percent of parity; be it further

Resolved, That a copy of this resolution be sent to the United States Senators Mr. EDWARD THYE and Mr. HUBERT HUMPHREY, and also to our Representatives in Congress.

VICTOR BJORKQUIST,
President.
HULDA HAKALA,
Secretary.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that two resolutions adopted by the Braham Area Farmers Union Local, concerning dairy price supports, and the preference clause in the sale of electric power, be printed in the RECORD.

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

Whereas the Secretary of Agriculture has announced the reduction in support price of dairy products from 90 percent of parity effective April 1; and

Whereas it is felt that this is discriminatory to the dairy farmer and the dairy industry; and

Whereas there has been a proposed plan to assure the producer 90 percent of parity and not have reliance on heavy Government purchases and storage and provide the lowest practicable prices for consumers: Now, therefore, be it

Resolved by the members of the Braham Area Farmers Union Local, That we unanimously approve and endorse H. R. 8359, known as the Dairy Products Marketing Act of 1954, and urge earliest consideration and adoption of said act by Congress of the United States, and approval of the Secretary of Agriculture and the President; be it further

Resolved, That copies of this resolution be forwarded to our Minnesota Congressmen and Senators and Secretary Benson and President Eisenhower.

ARCHIE GABRIELSON,
Secretary.

Whereas it has been the policy of the United States Government, as established under the administration of Theodore Roosevelt and reaffirmed by acts of Congress under both Republican and Democratic administrations, that the sale of electrical power produced at Government owned and constructed hydroelectric dams be sold as first choice to preference customers, such as public bodies, municipalities, and REA cooperatives; and

Whereas during recent months there has been an attack made on the so-called preference clause in the sale of electric energy from dams constructed by the United States: Therefore be it

Resolved by the members of the Braham Area Farmers Union Local organization, That we urge and request the retention of the preference clause by the Bureau of Reclamation in marketing of all electrical energy produced at dams built by the Government and operated by the Bureau of Reclamation, by continuing to give preference to public-power districts, municipalities, and REA cooperatives in their application for purchase of power.

ARCHIE GABRIELSON,
Secretary.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that resolutions adopted by Thief Lake Local, No. 328, of the Farmers Union, Marshall County, Minn., in regard to farm price supports and public power, be printed in the RECORD.

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

THIEF LAKE FARMERS UNION,
Middle River, Minn., March 23, 1954.

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SIR: The following resolutions were unanimously adopted at a recent meeting of the Thief Lake Local, No. 328, of the Farmers Union, Marshall County, Minn.:

"Be it resolved—

"I

"1. We are not in favor of the so-called flexible supports as proposed by Secretary of Agriculture, Mr. Benson and President Eisenhower in his state of the Union message. We favor full 100-percent parity on basic commodities, based on the old parity formula. Soybeans, rye, oats, and barley should be considered basic and be placed on the mandatory support list. We recommend that 100 percent or full parity be enacted into the legislation at this 83d session of Congress.

"2. We favor mandatory support for livestock and that this support be given directly to the producer in the form of compensatory payments.

"3. We favor the extension of the 90-percent support law for dairy products for at least 2 more years and the use of compensatory payments which go directly to the producer rather than the stockpiling of surplus dairy products.

"II

"1. We are opposed, to the sale of public power and transmission lines to private utilities, to the infringement of the new power criterion upon the preference and withdrawal clauses, and to any change which would force the REA cooperative to estimate its power needs far in advance.

"2. We are in favor of more and larger appropriations for REA transmission lines from Government projects. We favor the present preference and withdrawal clauses."

This resolutions committee: Mr. Clifford Haugen, Mrs. Ray Curtiss, Mr. Ernest Berg, and Mrs. Hollis Thygeson and supported by its entire Farmers Union Local, No. 328—of 74 farm families, respectfully request that you support this legislation, if and when the same is introduced in Congress.

Very sincerely yours,
MRS. HOLLIS THYGESON,
Chairman.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that resolutions adopted by the seven locals of the Watonwan County Farmers Union, concerning agricultural price supports, be printed in the RECORD.

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

ST. JAMES, MINN., *March 18, 1954.*

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SIR: The following resolutions were unanimously adopted by the seven locals of the Watonwan County Farmers Union on March 18, 1954: Whereas dairying makes up a substantial part of the income of the farmers in this area:

"Be it resolved that we urge Congress to adopt the Dairy Products Marketing Act of 1954, as put forth by the Farmers Union, which would assure 90 percent of parity minimum returns to farmers, provide lowest practicable prices for consumers, and end reliance on heavy Government purchases and storage. This plan would provide experience with stabilization of prices at a specified level, so that the farmers could better evaluate the merits of so-called self-help plans.

"Be it resolved that we go on record as favoring continuation of the present 90-percent supports on dairy products until Congress can enact the Dairy Products Marketing Act of 1954. We feel that as President Eisenhower has recommended such a program on wool, and we already have it on sugar, that it should be put into effect on dairy products.

"Whereas, in 1947 the farmers received 11.6 percent of the national income, and in 1953 his share dropped to 7.4 percent of the national income, we feel that the farmers are not receiving anywhere near a just share of the national income, and it will not be long before there will be a depression in the small towns, and that depression will be carried to the industrial centers in a very few months.

"Be it resolved, that we are not in favor of the so-called flexible supports as proposed by Secretary of Agriculture Benson and President Eisenhower."

We urge Congress to write into the statutes a farm law favoring continuation of 90-percent of parity on the six basic crops, and also extend the mandatory supports to include oats, rye, barley, soybeans, and flax at 90 percent of parity by use of the old parity formula.

RICHARD HARBITZ,
Chairman of Watonwan County Farmers Union, St. James, Minn.

REPORT OF COMMITTEE ON GOVERNMENT OPERATIONS

Mr. POTTER, from the Committee on Government Operations, to which was referred the bill (S. 3200) to amend section 3 of the Travel Expense Act of 1949, as amended, to provide an increased maximum per diem allowance for subsistence and travel expenses, reported it favorably, without amendment, and submitted a report (No. 1196) thereon.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT RELATIVE TO POSTAL RATES AND POSTAL POLICY OF POST OFFICE DEPARTMENT

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably Senate Resolution 222, submitted by the Senator from Kansas [Mr. CARLSON] on March 24, 1954. I ask for its immediate consideration.

The resolution will permit the Committee on Post Office and Civil Service to obtain 3,000 extra copies of its report on postal rates at a considerable saving of money by getting them from the Government Printing Office on an overrun basis.

The total cost of the extra copies will not exceed $1,200.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Post Office and Civil Service 3,000 copies of Senate Report No. 1086, 83d Congress, relative to postal rates and postal policy of the Post Office Department.

ADDITIONAL CLERK FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Resolution 221, submitted on March 22 by the Senator from Kansas [Mr. CARLSON].

The resolution was ordered reported unanimously from the Committee on Rules and Administration, and provides for the employment of a clerical assistant by the Committee on Post Office and Civil Service from April 1, 1954, to and including January 31, 1955.

I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consideration of the resolution.

Mr. JOHNSTON of South Carolina. Mr. President, I think I should say that in reality, this is not for an additional clerk. The committee has a vacancy which could be filled, but it would cost the Government much more to have an additional staff member, so we ask only for a clerk, which will make the expense much less.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Committee on Post Office and Civil Service is authorized, from April 1, 1954, through January 31, 1955, to employ one additional clerical assistant to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202 (e), as amended, of the Legislative Reorganization Act of 1946, and the provisions of Public Law 4, 80th Congress, approved February 19, 1947, as amended.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 7, 1954, he presented to the President of the United States the following enrolled bills:

S. 1456. An act to amend the act entitled "An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory," approved May 7, 1928, as amended; and

S. 2405. An act to authorize the exchange, upon terms fully protecting the public interest, of the United States Public Health quarantine station at Marcus Hook, Pa., for a new quarantine station.

BILLS INTRODUCED

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

By Mr. KERR:

S. 3263. A bill to readjust size and weight limitations on fourth-class parcel post; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN (by request):

S. 3264. A bill for the relief of Vassiliki Elias Economou; to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3265. A bill to modify the project for Intracoastal Waterway in the vicinity of Algiers at New Orleans, La.; to the Committee on Public Works.

By Mr. PASTORE:

S. 3266. A bill for the relief of Rosa Tomasina Maria Puglisi (Rose Tomasina Maria Sano); to the Committee on the Judiciary.

By Mr. LANGER:

S. 3267. A bill to reduce the period of residence in the District of Columbia required in certain divorce proceedings; to the Committee on the District of Columbia.

By Mr. CAPEHART:

S. 3268. A bill to repeal the provisions of section 16 of the Federal Reserve Act which prohibit a Federal Reserve bank from paying out notes of another Federal Reserve bank; to the Committee on Banking and Currency.

By Mr. JACKSON:

S. 3269. A bill to authorize and direct the Secretary of the Interior to convey certain lands erroneously conveyed to the United States; to the Committee on Interior and Insular Affairs.

EXTENSION OF AUTHORITY FOR EXAMINATION AND REVIEW OF ADMINISTRATION OF TRADING WITH THE ENEMY ACT

Mr. LANGER submitted the following resolution (S. Res. 227), which was referred to the Committee on the Judiciary:

Resolved, That the authority conferred upon the Senate Committee on the Judiciary by Senate Resolution 245, 82d Congress, agreed to March 24, 1952, Senate Resolution 47, 82d Congress, agreed to January 30, 1953, and Senate Resolution 120, 83d Congress, agreed to June 24, 1953, to conduct a full and complete examination and review of the administration of the Trading With the Enemy Act, which authority expired January 31, 1954, is hereby revived, and the time for reporting the results of such study and investigation is hereby extended to January 31, 1955.

SEC. 2. The unexpended balances of all sums previously authorized to be expended under such resolutions, and in addition thereto not more than $10,000 to be paid from the contingent fund of the Senate, shall be available for the expenses of the committee covering obligations incurred on or before January 31, 1955.

REVISION OF INTERNAL REVENUE LAWS—AMENDMENT

Mr. KERR (for himself and Mrs. SMITH of Maine) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8300) to revise the internal revenue laws of the United States, which was referred to the Committee on Finance, and ordered to be printed.

FEDERAL SAFETY DIVISION IN DEPARTMENT OF LABOR — ADDITIONAL COSPONSOR OF BILL

Mr. SALTONSTALL. Mr. President, the Senator from New Hampshire [Mr. BRIDGES] would like to join in the sponsorship of Senate Bill 3088, to provide for the establishment in the Department of Labor of a Federal Safety Division, and for other purposes. I ask unanimous consent that when the bill is reported from the Committee on Labor and Public Welfare, that the name of the Senator from New Hampshire [Mr. BRIDGES] be added as a cosponsor.

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

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

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

H. R. 675. An act for the relief of Mrs. Romola Nijinsky and Paul Bohus-Vilagosi;

H. R. 689. An act for the relief of Mrs. Keiko Inouye;

H. R. 692. An act for the relief of Nina Makeef, also known as Nina Berberova;

H. R. 707. An act for the relief of Dr. Ignacy Adam, Mrs. Amalya Alexander Adam, and George Adam;

H. R. 737. An act for the relief of Harold Donaghy Bishop;

H. R. 792. An act for the relief of Faiga Kunda;

H. R. 807. An act for the relief of Sister Isabel (Purificacion Montemayor Maceo);

H. R. 808. An act for the relief of Joseph Vyskocil;

H. R. 848. An act for the relief of Nicholas Katem, Theodosia Katem, Basil Katem, and Josephine Katem;

H. R. 849. An act for the relief of Mrs. Stella Rebner;

H. R. 897. An act for the relief of Abul K. Barik;

H. R. 967. An act for the relief of Robert George Bulldeath and Lenora Patricia Bulldeath;

H. R. 1107. An act for the relief of the J. A. Vance Co.;

H. R. 1144. An act for the relief of Martha Farah;

H. R. 1348. An act for the relief of Alwine Reichenbauch;

H. R. 1465. An act for the relief of Helga Rossmann and her child;

H. R. 1657. An act for the relief of Antonio Messina;

H. R. 1699. An act for the relief of Rev. Roger Knutsen;

H. R. 1948. An act for the relief of Mrs. Fung Hwa Liu Lee;

H. R. 2427. An act for the relief of Annie Litke;

H. R. 2505. An act for the relief of Lajos Schmidt and his wife, Magda;

H. R. 2874. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Mary K. Reynolds, as successor in interest to the Colonial Realty Co.;

H. R. 2875. An act for the relief of Dr. James K-Thong Yu;

H. R. 2907. An act for the relief of Elizabeth Just Mayer;

H. R. 3026. An act for the relief of Barbara Gene Coster;

H. R. 3038. An act for the relief of Mrs. Olympia Cue;

H. R. 3131. An act for the relief of Wesley Howard Leahy;

H. R. 3249. An act for the relief of Katharina Link;

H. R. 3903. An act for the relief of Sister Iolanda Sita, Sister Guerrina Brioli, Sister Pasqualina Coppari, Sister Anna Urbinati, Sister Ida Raschi, and Sister Elvira P. Mencarelli;

H. R. 4510. An act for the relief of Mrs. Helen Kon;

H. R. 4701. An act for the relief of Josip Stanic;

H. R. 4747. An act for the relief of Gio Batta Podesta;

H. R. 4813. An act for the relief of Radu Florescu and Nicole Elizabeth Michel Florescu;

H. R. 5265. An act for the relief of Margarete Hohmann Springer;

H. R. 5355. An act for the relief of Eva Gyori;

H. R. 5578. An act for the relief of Hatsuko Kuniyoshi Dillon;

H. R. 5820. An act for the relief of Michael K. Kaprielyan;

H. R. 5842. An act for the relief of Viktor R. Kandiin;

H. R. 6026. An act for the relief of Gertrud O. Heinz;

H. R. 6086. An act for the relief of the estate of Preston Leon Stubblefield;

H. R. 6478. An act for the relief of Nick Joseph Beni, Jr.;

H. R. 6636. An act for the relief of Gregory Harry Bezenar;

H. R. 6998. An act for the relief of Erna White;

H. R. 7012. An act for the relief of Nicole Goldman;

H. R. 7413. An act for the relief of Harold J. Davis;

H. R. 7500. An act for the relief of Kurt Forsell; and

H. R. 7802. An act for the relief of Hanna Werner and her child, Hanna Elizabeth Werner; to the Committee on the Judiciary.

H. R. 2009. An act to authorize the sale of certain land in Alaska to the Ninilchik Hospital Association, of Ninilchik, Alaska, for use as a hospital site and related purposes;

H. R. 2014. An act to authorize the sale of certain public land in Alaska to the Community Club of Chugiak, Alaska; and

H. R. 2016. An act to authorize the Secretary of the Interior to sell certain land to the Board of National Missions of the Presbyterian Church in the United States of America; to the Committee on Interior and Insular Affairs.

H. R. 4236. An act for the relief of Nahi Youssef; and

H. R. 4869. An act for the relief of Mrs. Bert I. Biedermann (nee Ermenegilda Vittoria Cernecca); ordered to be placed on the calendar.

H. R. 4496. An act to authorize and direct the conveyance of certain lands to the Board of Education of Prince Georges County, Upper Marlboro, Md., so as to permit the construction of public educational facilities urgently required as a result of increased defense and other essential Federal activities in the District of Columbia and its environs; to the Committee on Labor and Public Welfare.

H. R. 8680. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1955, and for other purposes; to the Committee on Appropriations.

NOTICE OF HEARING ON S. 2420, TO AMEND SECTION 32 OF THE TRADING WITH THE ENEMY ACT

Mr. DIRKSEN. Mr. President, on behalf of a subcommittee of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 14, 1954, at 10 a. m., in room 424, Senate Office Building, on the bill (S. 2420) to amend section 32 of the Trading With the Enemy Act, as amended, with reference to the designation of organizations as successors in interest to deceased persons. At the indicated time and place all persons interested in the proposed legislation may make such representations as may be pertinent. The subcommittee consists of myself, chairman; the Senator from North Dakota [Mr. LANGER]; the Senator from New Jersey [Mr. HENDRICKSON]; the Senator from Maryland [Mr. BUTLER]; the Senator from Tennessee [Mr. KEFAUVER]; the Senator from Missouri [Mr. HENNINGS]; and the Senator from Arkansas [Mr. MCCLELLAN].

NOTICE OF HEARING ON NOMINATIONS OF UNITED STATES CIRCUIT AND DISTRICT JUDGES

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 15, 1954, at 10 a. m., in room 424, Senate Office Building, upon the following nominations. At the indicated time and place all persons interested in the nominations may make such representations as may be pertinent. The subcommittee consists of myself, chairman; the Senator from New Jersey [Mr. HENDRICKSON]; and the Senator from Tennessee [Mr. KEFAUVER].

Potter Stewart, of Ohio, to be United States circuit judge, sixth circuit, vice Xenophon Hicks, retired.

James Alger Fee, of Oregon, to be United States circuit judge, ninth circuit, vice Clifton Mathews, retired.

Francis L. Van Dusen, of Pennsylvania, to be United States district judge for eastern district of Pennsylvania, vice Guy K. Bard, resigned.

John W. Lord, Jr., of Pennsylvania, to be United States district judge for eastern district of Pennsylvania, vice James P. McGranery, resigned.

John L. Miller, of Pennsylvania, to be United States district judge for western district of Pennsylvania, vice William A. Stewart, deceased.

Bailey Aldrich, of Massachusetts, to be United States district judge for the district of Massachusetts, to fill a new position.

Alexander Bicks, of New York, to be United States district judge for southern district of New York, vice Vincent L. Leibell, retired.

Archie Owen Dawson, of New York, to be United States district judge for southern district of New York, vice Henry W. Goddard, retired.

Edmund L. Palmieri, of New York, to be United States district judge for southern district of New York, to fill a new position.

Lawrence Edward Walsh, of New York, to be United States district judge for southern district of New York, to fill a new position.

Jean Sala Breitenstein, of Colorado, to be United States district judge for district of Colorado, to fill a new position.

Robert Palmer Anderson, of Connecticut, to be United States district judge for the district of Connecticut, vice Carroll C. Hincks, elevated.

TRIBUTE TO SENATOR JOHNSON OF COLORADO

Mr. MCCARRAN. Mr. President, I regret that because of attendance upon a committee the other day I was prevented from making the remarks I now desire to make.

Mr. President, it was a shock and a blow and a cause for sadness throughout the West to learn that the senior Senator from Colorado [Mr. JOHNSON] had decided to leave this body at the end of his present term. Senator EDWIN C. JOHNSON has endeared himself to all the western region by his notable service, not only to his own State of Colorado, but to the other States which make up our great western empire. If Senator JOHNSON had chosen to run again, he could have been elected overwhelmingly. He has chosen, instead, to retire from the Senate. He has done this for reasons of his own, and I no more question his reasons than I would question his motives. I know that he will understand there is not a trace of criticism intended when I say that his choice saddens all of us who have stood shoulder to shoulder with him in fighting for the best interests of the West; and his decision saddens, I know, the people of the West, whom Senator JOHNSON has so well served.

Senator JOHNSON is a real product of the West. He was born in Kansas when Kansas was a frontier. As a boy he moved farther, farther west, into western Nebraska. He grew up on a cattle ranch. Then he moved farther west still, into Colorado; and that was Colorado's gain, and Nebraska's loss. But in the long run, Colorado's gain was a gain for all the West. ED JOHNSON served Colorado for many years as a legislator—four times in the Colorado House of Representatives, for many years as an executive, one time as lieutenant governor, and two times as governor. Then he moved into the larger arena, coming to the Senate of the United States in 1937. He will have served three terms in this body when he retires, by his own choice, on January 3, 1955.

I shall not attempt to recite all of Senator JOHNSON's achievements in the Senate. It would take a long time; and, while I think it would be time well spent, I wanted at this moment only to recognize the saddening impact which Senator JOHNSON's announcement of voluntary retirement has made upon the West.

To whatever haven of retirement Senator JOHNSON may go, he will take with him the love and respect of his colleagues in the Senate whom he leaves behind; and he will have with him always the warm feeling deep down inside that comes from knowledge of a job well done.

Mr. BYRD. Mr. President, I was unavoidably absent from the Senate and did not have an opportunity to join with my colleagues in paying tribute to Senator ED JOHNSON, of Colorado.

ED JOHNSON and I have been closely and intimately associated during our respective terms in the Senate. He is my desk mate in the Senate Chamber, and I sit next to him in the Finance Committee.

I do not think I have ever come in contact with a man of greater abilities. He is able, conscientious, and courageous. If I were asked to name his outstanding attribute of ability, I would say it is his superb judgment. Time and time again in the Finance Committee and on the floor of the Senate I have seen him strike at the very heart of the most complicated questions by a simple sentence or so, showing clearly his understanding of the subject under discussion, and, in the briefest possible language, give his conclusions, which, to my way of thinking, nearly always indicated in a supreme sense his capacity to form a decision based upon wise judgment.

Mr. President, I was more than shocked when I heard of his determination not to be a candidate for reelection. I had discussed the matter with him in the Senate the day of his press conference, and I had urged him to stand for reelection. There has never been a time, I believe, in the history of our country when we have had greater need in public life for persons of the character and capacity possessed by ED JOHNSON. He will leave in the Senate deliberations and in the work of the committees of which he is a member a void that will be most difficult, if not impossible, in my opinion, to fill.

Of him it can be said that his public actions are determined by what in his conscience he believes to be for the best interests of his country.

I wish him much happiness in whatever activities he may undertake at the end of his term in the Senate.

ED JOHNSON is a man who will always bear serious responsibilities. I can only hope that in his future career he will contribute his superb intellect and his patriotic efforts to the things that will aid in the solution of the many difficult problems that confront our country.

My friendship for him and my close association with him during our work in the Senate will always remain one of the happiest and most cherished memories of my life. I can only hope that in the future our paths will cross frequently, so that I can continue to obtain from him the inspiration of courage and of patriotism and of the fine judgment with which he is so richly endowed.

Mr. WELKER. Mr. President, I am happy to join the senior Senator from Nevada [Mr. MCCARRAN] and the senior Senator from Virginia [Mr. BYRD], in

paying tribute to our distinguished colleague, Senator EDWIN JOHNSON, of Colorado.

The senior Senator from Colorado is a neighbor of the people of Idaho, and we love and respect him, regardless of political affiliations. I cannot begin to equal the eloquence of great statesmen who have paid tribute to Senator JOHNSON. In the neighboring State of Colorado he made his way to fame as governor, and as a fine public servant. Since coming to the United States Senate he has certainly justified the great tributes which have been paid to him. He is a man of character, integrity, and ability.

My wife joins me in these tokens of respect to that great man, for the reason that Mrs. Johnson is a close personal friend of hers.

I think the greatest tribute I can pay to Senator ED JOHNSON is a tribute we use out West when we pay our respects to men whom we greatly admire. Senator EDWIN C. JOHNSON is "strictly western."

Mr. President, I should like to relate one of the most interesting things that happened to me when I first entered the Hall of the United States Senate. Our party was then in the minority, under the leadership of the late Senator Wherry. I asked Senator Wherry how to find my way about, and how to be a good Senator. Senator Wherry replied, "Senator WELKER, always watch ED JOHNSON. Even though he is of the opposite political faith, he is a profound, fine, and able legislator.

I wish for Senator and Mrs. JOHNSON every happiness in the years ahead. I hope the fine, warm, western winds will always caress them in Denver, and that sunshine will be theirs for the rest of their lives.

I regret to see him go. I am not interested in the political aspect, or the fact that the Democratic Party is losing a Senator. I am interested in the fact that the Nation and the State of Colorado are losing the services of a great man.

I am further interested in the fact that a great team of statesmen is being broken up. I refer to the senior Senator from Colorado and the senior Senator from Virginia [Mr. BYRD]. All of us have observed their friendship and have had the benefit of their thinking. It is sad to see such a team broken up.

After Senator EDWIN JOHNSON shall have closed his book of public service it will be truthfully said of him that the State of Colorado and the United States of America have gained new luster by reason of his eminent career.

THE SLUM-CLEARANCE PUBLIC-HOUSING PROGRAM

Mr. LEHMAN. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks, a very interesting and informative editorial entitled "Housing and the Senate," which was published in the New York Times of April 6. I commend the editorial to the careful attention of all Members of the Senate and the public.

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

HOUSING AND THE SENATE

The fate of low-rent slum-clearance public housing now lies with the Senate, which in past years has, through its own affirmative action and its influence in conference, managed, to its credit, to keep this program alive.

The House, in rejecting President Eisenhower's request for authority to contract with local public-housing authorities for construction of 35,000 dwelling units a year for the next 4 years, showed itself either ignorant of or insensitive to the conditions in our large cities. The vote was 211 to 176, with 150 Republicans and 61 Democrats against the 4-year program, and 51 Republicans, 124 Democrats, and 1 Independent for it. This was the roll call on a Democratic motion. Our Washington dispatch reported that "the trouble appeared to be that neither side wanted the other to get credit for putting public-housing provisions into the bill," but the net result is that there is no assurance for a continuing program after present commitments are exhausted.

Senator MAYBANK, Democrat, of South Carolina, is taking up the fight, not only for restoring the 35,000 quota but also to reinstate the scope of the 1949 goal of 135,000 units a year. Party politics being what it is, we hope some strong Republican leadership will appear, to assure the rescue of the public-housing program. Public housing has a long record of bipartisan support. It is a principle that should be above narrow partisanship, yet we have little doubt that if the Republicans are looking to the November elections with any realism they should realize that the party that scuttles public housing will feel the effects of such callousness at the polls.

People who do not live in the largest cities simply cannot realize the conditions that develop from lack of living space. Whole families are living in single rooms and paying a high rent. The result is demoralizing, to children and adults alike. These families have no place to go. The housing shortage has greatly reduced turnover of apartments, and because there is no satisfactory margin of vacancy, as in the old days, it is impossible in New York to consider the total abandonment of rent control and the return of a free market. Private enterprise makes no claim to being able to supply accommodations for these thousands of families of low income, and any filtering-down process is not working fast enough to benefit them. The result is degradation of living standards to a point that shocks the conscience. If it is socialism to help these people, what is it if we don't help them?

HUMAN RIGHTS IN THE UNITED NATIONS

Mr. McCARRAN. Mr. President, the first issue of a new publication entitled "U. S. A.," which is described as "an American bulletin of fact and opinion," has come to my attention. In this particular issue there is an article entitled "Test Case of U. N. Human Rights," by Alice Widener, which discusses in most interesting fashion the contrast between action taken in the case of certain Communists who were dismissed by the United Nations, and subsequently granted large sums as indemnities and damages, and the action taken in the case of an employee of the United Nations Economic and Social Council Secretariat, who was definitely anti-Communist, and who was dismissed and was allowed no indemnity or damages whatsoever.

Because I believe this subject is of substantial interest to my colleagues and to the public, I ask unanimous consent that the article be printed at this point in the RECORD, as a part of my remarks.

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

TEST CASE OF U. N. HUMAN RIGHTS

(By Alice Widener)

In U. S. News & World Report, December 25, 1953, there appeared on page 6 the following paragraph:

"Anticommunism, as well as procommunism, seems to be ground for the discharge of United Nations employees. At least one employee of the U. N. was fired because of his alertness in correcting pro-Communist propaganda that filtered into his department's reports."

Back of this item is a shocking tale of U. N. intrigue and of flagrant injustice to a distinguished American, Dr. Lyman C. White.

A loyal, competent member of the U. N. Economic and Social Council Secretariat from April 1, 1946, to December 31, 1952, Dr. White was dismissed from his job on the queer-sounding charge that he did not possess qualities of reliable judgment in handling liaison with nongovernmental organizations enjoying consultative status at the United Nations.

In December 1953, Dr. White appealed to the U. N. Administrative Tribunal for redress from injustice. During the hearings, the U. N. Legal Department did not present to the tribunal a single instance—documented or undocumented—of Dr. White's alleged unreliable judgment. Yet the tribunal rejected his claim for reinstatement to U. N. employment, and awarded him neither indemnities nor damages.

The tribunal's decision (from which there is no recourse under U. N. rules) was taken only 3 months after its judges had ordered the reinstatement and/or payment of heavy indemnities and damages to 11 United States nationals. They had been dismissed by the U. N. after presumptive evidence of their disloyalty to and/or espionage against the United States had been uncovered by a Federal grand jury and a Senate subcommittee.

In comparing the case of Dr. White with that of the "Red eleven," as they are described in the press, it is imperative to consider the legal aspects of job tenure at the United Nations. Dr. White held a fixed-term contract with pension rights. One of the Red eleven had a temporary-indefinite contract; the other 10 enjoyed the extraordinary privilege of holding permanent contracts.

The administrative tribunal itself found in 1951[1] that "a majority of U. N. staff members held temporary-indefinite or fixed term contracts," that many of the latter were held by personnel engaged in work which would continue "as long as the United Nations itself shall continue"; and that fixed term contracts "may give rise to expectancies not necessarily concluded by the fact that a fixed date of termination is incorporated in their provisions."

There were two main factors under consideration in Dr. White's case:

1. The question of whether or not the U. N. accorded him due process.

2. The matter of the quality of his judgment.

Concerning due process, Dr. White's employment was terminated after a U. N. per-

[1] Judgment 4, p. 16.

sonnel selection committee (known as the Walters committee) made the finding:

The committee considers that Mr. White does not possess the qualities of reliable judgment required by a permanent civil servant and particularly so in the special function which he has been performing.

Informed sources at the United Nations have described the Walters committee (whose members were appointed by and responsible only to the Secretary General) as a "kangaroo court" before which the accused were not permitted to face their accusers and were not informed about the testimony.

A most extraordinary fact is that during the legal preparation of Dr. White's case, neither his counsel nor the U. N. legal department could examine the proceedings of the Walters committee. This body had destroyed the minutes of its meetings, and never filed a single public record.

Later, an indignant U. N. delegate, Mr. Bakr of Iraq, told the General Assembly: "the procedure of destroying the minutes of the committee was certainly unorthodox and wrong." Under this procedure, said Mr. Bakr, a U. N. staff member could be "investigated, judged, and convicted" without the U. N. being able to refer to the committee's records.[2]

The U. N. staff committee (representing all Secretariat employees) declared it had "serious misgivings" about the Walters committee[3] and said "the absence of a record makes it difficult, in some cases, for any appellate body to review the committee's decisions."

The most outraged protest against these methods came from Ambassador Hoppenot of France, who told the General Assembly[4] that at the U. N. there must be no more abolition of jobs which were "concealed dismissals," no more "secret procedures," no more "doctored files," and no more records destroyed after use.

This statement by the French Ambassador is in strong contrast to the statements made by Ambassador Henry Cabot Lodge and Mrs. Eleanor Roosevelt that there are no secrets at the U. N., and that all information there is available to everybody.

But despite all criticism leveled at the U. N. "kangaroo court," the Administrative Tribunal decided[5] that the Secretary General (Trygve Lie), "by stating that he accepted the Walters committee's recommendation, gave a valid reason for not granting a new appointment to the applicant (Dr. White)."

The tribunal further washed its hands of moral responsibility concerning due process in this case by stating:

"It is not for the tribunal to express an opinion on internal administrative practices adopted by the Secretary-General."[6]

DR. WHITE'S JUDGMENT

Now, as to the vital question of Dr. White's judgment, which is the nub of the whole affair:

The fact is that his judgment was never questioned by his superior officers until after Dr. White protested in September 1948, against the quality of work and accuracy of facts furnished to the U. N. by a Rumanian with the alias Louis Dolivet who has been described as "a topflight Kremlin operator," and is today barred by the United States Government from entry into this country. As a matter of fact, Dr. White had been promoted twice, with substantial salary increases, by the U. N. and his status there had continually improved up until the time of his clash with Dolivet.

It was on March 24, 1948, that Dr. White received the following communication from the U. N. Assistant Secretary General for Social Affairs:

"I wish to inform you that in agreement with Mr. David Owen I have entrusted Mr. Louis Dolivet, Consultant of the Department of Social Affairs, with the task of preparing and drafting a handbook containing information on nongovernmental organizations having some form of consultative status with the Economic and Social Council.

"Mr. Dolivet will be in touch with you for the gathering of the necessary material and will also arrange, in consultation with the Department of Public Information, for the publication and circulation of this handbook. He will call on your assistance whenever required."

Not knowing that Dolivet was an agent of the Comintern, Dr. White complied with this directive without protest. But 6 months later he felt compelled to send a cable to Paris to his superior officer, Mr. Gilbert Yates, complaining about irrelevancies, important omissions, and lack of scientific approach in Dolivet's introductory chapters for the handbook.

In answer, Mr. Yates cabled on October 9, 1948, that Dolivet would devote the major part of his time to preparation of the handbook, and that the section in which Dr. White was employed should give [Dolivet] all assistance, including access papers as member Secretariat.

Still ignorant of Dolivet's real role (it was not publicly disclosed until the following summer), Dr. White replied to Yates: "Will cooperate fully."

But soon the differences of opinion between Dolivet and Dr. White grew acute.

Dr. White testified before the Tribunal that Dolivet warned him: "If you criticize my work to others I'll make plenty of trouble for you, and don't you think I can't do it."

On November 30, 1948, Mr. Yates sent a handwritten letter to Dr. White stating in part:

"Again, I could not honestly say your 'official' judgment is a strong point * * * your appreciation of the bearing of international political trends on our work is not good; you may have a natural and easily understandable aversion to the 'political' aspect of matters, but in the U. N. as it has to work it is often necessary to have a greater appreciation of these questions in order to be able to know what is the really correct line."

Yates added that others of Dr. White's senior officers shared this opinion concerning his judgment, and Yates suggested that perhaps Dr. White might find himself better suited to a post elsewhere than in the U. N. Secretariat.

Dr. White continued his criticisms of Dolivet's work.

Careful study of the documents in Dr. White's case leads a researcher to question seriously the reliability of his superior officers' judgment. They hired and backed "Comintern agent" Dolivet. One of them, a Mr. Charles Hogan, bore executive responsibility for the issuance of a press release[7] which caused a scandal at the U. N. because it unduly favored the Communist-dominated World Federation of Trade Unions. More important still, Dr. White's top boss was Mr. David Owen, in whose Department of Economic Affairs—according to charts in the Senate Internal Security Subcommittee report of January 2, 1953—there was the greatest concentration of fifth-amendment United States nationals.

After the Dolivet episode and other incidents involving White's strong aversion to the Red line, his position at the U. N. grew less and less secure. Eventually the Walters committee recommended termination of his employment on expiration of his fixed-term contract, and Dr. White appealed first to a joint appeals board and then to the administrative tribunal. The tribunal found that the allegations presented by Dr. White's counsel concerning hidden political motives of some of his superior officers were unsubstantiated, and noted that he had received on dismissal an act of grace payment of 5 months' salary.

In considering the tribunal's decision, Americans might take into account the fact that when charges amounting to serious misconduct were brought against the U. N. Red 11 the Secretary General leaned over backwards to accord them due process; he consulted a special commission of jurists who recommended their dismissal. Despite this the tribunal awarded the 11 (including the holder of only a temporary-indefinite contract) reinstatement and/or indemnification and damages. But when loyal Dr. White was dismissed without a single charge of misconduct, the tribunal awarded him nothing.

Dr. White's legal counsel, a former president of the American Foreign Law Association, has stated his belief that White's termination was the result of hidden political motives on the part of some of his superiors. Counsel also wrote: "Mr. White's superiors in the United Nations Secretariat, practically without exception or limitation, affirmed the high quality and standing of his work throughout his service in the Secretariat."

The leaders of 20 outstanding nongovernmental organizations with consultative status at the United Nations sent a letter to the Honorable Byed Amjad Ali, then president of the Economic and Social Council, expressing their confidence in Dr. White's "integrity, competence and spirit of service" and also their belief that "no one in the Secretariat more than he has helped to interpret the significance of charter provisions for the recognition of nongovernmental organizations as a means of giving the voluntarily-organized public opportunity to participate in the work of the Economic and Social Council."

Thus, it seems, a review of the facts in the case of Dr. White should lead Americans to inquire: "Whose human rights does the United Nations Administration wish to protect?"

On January 1, 1954, Secretary General Dag Hammarskjold issued a new year message that concluded:

"Our work for peace must begin within the private world of each one of us. To build for man a world without fear, we must be without fear. To build a world of justice, we must be just."

Yes, indeed.

PROPOSED SALARY INCREASE IN JUDICIAL AND LEGISLATIVE BRANCHES

Mr. McCARRAN. Mr. President, I have received a letter from the Secretary of the American Bar Association, informing me of the text of a resolution adopted by the House of Delegates of the American Bar Association at its recent meeting in Atlanta, Ga. The resolution approves the salary increases in the judicial and legislative branches of the Federal Government, as recommended in the report of the Commission on Judicial and Congressional Salaries,

[2] U. N. document GA/958, April 1, 1953.
[3] U. N. Doc. SCC/158, 10 April 1953.
[4] U. N. Doc. GA/953, 30 March 1953.
[5] U. N. Doc. AT/DEC/46.
[6] Ibid.
[7] U. N. Docs. ECOSOC/745.

and as incorporated in amendments which I offered for printing last January, and which I intend to propose to my bill S. 1663, now pending on the Senate Calendar, whenever that bill may be called up for consideration in the Senate.

In this connection, Mr. President, it is my understanding the majority leader some time ago informed leaders of the bench and the bar that it was his intention to call up this proposed legislation during the first week in April. I should like to ask the able majority leader if he can tell us now when this bill will be brought before the Senate for consideration.

Mr. KNOWLAND. Mr. President, I will say to the Senator from Nevada that the bill has not yet been scheduled by the majority policy committee for consideration. I believe the Senator will agree with me that there is some proposed legislation of higher priority which needs to be considered. However, I shall keep the Senator and the Senate advised of the developments.

Mr. McCARRAN. I do not know whether I agree with the majority leader that there is any proposed legislation of higher priority, but I should like to obtain consideration for the bill.

Mr. KNOWLAND. I am glad to have the distinguished Senator's views, and will keep them in mind.

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred.

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

AMERICAN BAR ASSOCIATION,
Chicago, Ill., March 31, 1954.

Hon. PAT McCARRAN,
Chairman, Standing Subcommittee on Improvements in Judicial Machinery, United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: At the recent meeting of the House of Delegates of the American Bar Association, the following resolution was adopted upon recommendation of the Standing Committee on Judicial Selection, Tenure and Compensation:

"*Resolved*, That the American Bar Association approves the salary increases in the judicial and legislative branches of the Federal Government, as recommended in the report of the Commission on Judicial and Congressional Salaries, dated January 15, 1954, and as incorporated in amendments to S. 1663, offered January 18, 1954, by Senator McCARRAN, of Nevada, and in H. R. 7510, introduced by Congressman CHAUNCEY W. REED, of Illinois."

This is being sent for your information and whatever action may be appropriate.

Sincerely yours,
JOSEPH D. STECHER, *Secretary.*

CONSTRUCTION OF HIGHWAYS

The Senate resumed the consideration of the bill (S. 3184) to amend and supplement the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended, and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KNOWLAND. Is not the pending question the so-called Chavez amendment?

The VICE PRESIDENT. The Senator is correct.

Mr. KNOWLAND. Is it correct that the yeas and nays have been ordered on the Chavez amendment?

The VICE PRESIDENT. The yeas and nays have been ordered.

Mr. MARTIN. Mr. President, I do not know whether any Senators desire to speak in support of the Chavez amendment or not.

Mr. JOHNSON of Texas. Mr. President, the Senator from Arizona [Mr. HAYDEN] expects to speak in opposition to it.

Mr. MARTIN. I should like to make a brief statement.

Mr. JOHNSON of Texas. I wonder if the Senator from Arizona could not be recognized so that he may proceed at this time. He is compelled to leave the Chamber shortly.

Mr. MARTIN. Certainly.

Mr. HAYDEN. Mr. President, I must confess that I have had much difficulty in making up my mind as to how to vote on the Chavez amendment. It has not been easy to decide what is the right way to do.

I have before me a memorial adopted by the Legislature of the State of Arizona under date of March 1, 1954, which concludes with the following resolution:

1. That the Congress of the United States retain the formula set forth under section 21 of the Federal Aid Highway Act of 1952, and that said present formula be applied to all similar legislation which may be enacted and all appropriations which may be authorized for Federal aid to highways, and specifically that it be applied to future interstate allocations.

It is stated in the preamble:

In order to cite a comparison which will highlight and emphasize the glaring inequity of the 1954 proposal—

The 1954 proposal referred to in the memorial is that a larger amount of money be applied to the national system of interstate highways to be apportioned according to population. That is not what the pending bill provides. The bill as reported to the Senate provides that only one-half the amount authorized for the interstate highway system shall be apportioned according to population—

attention is directed to the State of Kansas, which has 701.5 miles of interstate mileage, and improvement to the interstate system is fixed at 0.80 percent of the total allocation. Under the proposed formula, Kansas will receive a net amount of $2,919,000. On the other hand, and in sharp contrast, is Arizona's position under the proposed population formula. As previously pointed out, this State has 1,136.9 miles of interstate highways. Arizona's estimated cost of improvement to this system is 0.82 percent of the total allocation, but it is scheduled to receive but 0.75 percent, or a net amount of $1,838,000. Here, then is a case where one State, Arizona, has 435.4 more miles to improve, a higher improvement estimate, but more than $1 million less than the State of Kansas with which to achieve the improvement.

The situation as stated in the memorial adopted by the Arizona Legislature has been changed by agreement of both the House and Senate Committees on Public Works that only one-half of the funds authorized for interstate roads shall be apportioned according to population, and the other half according to the usual formula. That formula was adopted in 1916 at the suggestion of Hon. Dorsey W. Shackleford, of Missouri, chairman of the Good Roads Committee of the House of Representatives. It was by the adoption of his proposed compromise which made possible the enactment of the original Federal-Aid Road Act. It was then provided that one-third of the money appropriated by Congress for Federal aid should be apportioned according to population, one-third according to area, and one-third according to the mileage of post roads. Representative Shackleford placed that last provision in the bill because the Constitution provides that Congress shall have power to establish post roads.

I reported to the Senate the Federal-Aid Highway Act of 1944 from the Committee on Post Offices and Post Roads. If I do so say myself, it has proved to be a very effective piece of legislation. In that act it was provided that—

There shall be designated within the continental United States a national system of interstate highways not exceeding 40,000 miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico.

The concept of a strategic network of national highways was first developed shortly after the First World War, when the Bureau of Public Roads inquired of the War Department whether it would be desirable to concentrate appropriations for highway construction upon routes determined to be of strategic value.

Gen. John J. Pershing was at that time Chief of Staff. The map submitted by the War Department to the Bureau of Public Roads is known as the Pershing map. It comprises approximately 56,000 miles of roads as of strategic importance.

The 1944 Highway Act provided for the designation of not more than 40,000 miles. It is my understanding that up to the present time approximately 38,000 miles have been designated as being in this category.

We did something else in the 1944 act. For the first time Congress breached the original formula of area, population, and mileage of post roads, by providing in that act for an appropriation for urban highways based solely upon population. Therefore, the formula which it has been stated has not been changed up to this time actually was substantially modified in the 1944 act.

Since 1944 Congress has appropriated money for urban highways, apportioned strictly according to population. The reason for that is simple. In order to get in and out of cities and towns with wide enough streets to carry the ever-expanding flow of traffic, frontage must be condemned. The larger the town, the higher the cost of highway frontage.

We did prevent all the money going to the big cities by providing that it should be allocated to municipalities having a population of 5,000 or more, but, nevertheless, the appropriations are apportioned upon population, and nothing else.

It has been represented to me by the Bureau of Public Roads that the great difficulty in constructing the strategic highway system is that the Bureau runs into bottlenecks in trying to build roads through populous centers. Therefore, it was recommended originally that the entire sum be apportioned according to population.

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

Mr. HAYDEN. I yield.

Mr. CORDON. Is there any source the Senator knows of to which one may turn to determine where a given primary highway stops and the interstate highway commences?

Mr. CASE. If the Senator from Arizona will yield——

Mr. HAYDEN. It is obvious that the 38,000 miles which have been designated as strategic are also a part of the Federal-aid highway system. According to the findings of the War Department that particular mileage would be more important to the national defense than any other mileage on the Federal-aid system.

Mr. CORDON. Is there extant any map or any source of information regarding the precise roads which have been designated as making up the 40,000 miles, or whatever the mileage is?

Mr. HAYDEN. The Senator from South Dakota [Mr. CASE] probably may answer the Senator's question better than I can. I yield to him for that purpose.

Mr. CASE. The committee has arranged to have a map placed at the rear of the Chamber showing the interstate designations. Small copies of the map are available, and I shall be happy to send one to the Senator from Oregon.

Mr. CORDON. How many lineal miles have been so designated?

Mr. HAYDEN. Thirty-eight thousand miles, out of the forty thousand miles, which were authorized to be so designated by Congress in 1944.

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

Mr. HAYDEN. I yield.

Mr. HOLLAND. I believe the distinguished Senator from Oregon will find his question answered if he will turn to page 269 of the hearings. At page 269 he will find a copy of the official map furnished by the Public Roads Administration covering the national system of interstate highways, now amounting to about 38,000 miles.

Mr. CORDON. Is it planned that these 38,000 miles of highways, most of which I assume have already been constructed in some form or other, are now to be reconstructed or widened, or to have lanes added to them?

Mr. HAYDEN. That need is evident on most of the main highways throughout the United States.

Mr. CORDON. Is it particularly true with respect to this strategic highway system?

Mr. HAYDEN. Yes.

Mr. CORDON. It would be idle to call them interstate highways and do nothing on them. There must be something it is intended to do on those highways which it is not intended to do on other primary highways. What is it?

Mr. HAYDEN. According to the pending bill, $150 million would be applied each year for 2 years to the 38,000 miles of highways. According to the House bill, $200 million a year would be applied to the same designated 38,000 miles.

Mr. CORDON. The Senator from Arizona is speaking in terms of money. I am speaking of construction or reconstruction, and what is intended to be done to the so-called interstate highways, which would make them different from a primary highway in any given area. Are they to be wider, are they to have a heavier base, are they to be changed in length, or what is to be done to them?

Mr. HAYDEN. Mr. President, I yield to the Senator from South Dakota so that he may give a more complete answer to the question of the Senator from Oregon.

Mr. CASE. With the indulgence of the Senator from Arizona, under the description that has been given to me of interstate highways, the Senator from Oregon has pretty well indicated what the situation is. In some cases it means a wider highway. In some cases it means a heavier base. For example, on the limited interstate highway with which I am familiar in my own State, it has meant putting concrete in place of tarvia, where the traffic was heavy and the highway had a particular military use. In other cases it has meant improving the alinement. In still other cases it has meant changing the grade. It has also meant straightening the highway, and it has meant moving the primary road and bypassing a town or city so that it would be possible to avoid the traffic flow in urban centers.

In a letter which I received from the Commissioner of Public Roads this morning, with relation to another question which has arisen, he pointed out the problem the Bureau has encountered in getting roads through or around cities, with the widening that is taking place and the cloverleaf designs which have to be developed, to afford access to the roads. Although a section of an interstate road may not be a limited access road, in the sense that a toll road would be, there are places where there must be controlled access to the interstate system by means of cloverleaf patterns, or something of that sort.

Mr. STENNIS. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yielded to the Senator from South Dakota, to answer a question of the senior Senator from Oregon, because I was satisfied that he could answer the Senator's question in more detail than I could, since I am not now a member of the Public Roads Committee. However, what the Senator from South Dakota has stated confirms my understanding of the situation.

Mr. CORDON. Mr. President, will the Senator from Arizona yield for a brief statement?

Mr. HAYDEN. I yield.

Mr. CORDON. The reason I asked the question was that I have not been able to get the type of information I feel I should have, if I am to support the position of the committee. When I find the committee submitting a report containing this kind of recommendation, since I know the personnel of the committee, the recommendation carries weight with me. However, when I turn to an independent examination, to determine why the report is as it is, I am unable to find, for myself independently, the information I desire to have. I believe it is very important that on the floor of the Senate as complete a statement be made as can be made with respect to precisely why, in the case of interstate roads, there is a need for a different yardstick of measurement in apportionments between the several States.

Mr. HAYDEN. One answer is that, as I have previously stated, back in the 1920's, the Bureau of Public Roads asked the War Department to designate a road mileage which they considered to be of high strategic value for the national defense. Approximately 56,000 miles were so designated on a map submitted by General Pershing. In 1944 the committee and the Congress adopted 40,000 of the 56,000 miles as essential for the national defense. It is now being proposed to appropriate money for that mileage. Last year, for the first time, $25 million was specifically appropriated for that purpose. It is now proposed by the House to authorize for such strategic highways $200 million a year and the Senate committee has recommended $150 million a year.

What the Arizona State Legislature was complaining about in the memorial sent to me was that the money was to be apportioned entirely according to population. Both the House and the Senate committees have recommended a compromise in that respect, with one-half to be apportioned according to population and the other half according to the long-established formula.

Mr. President, when I first became a Member of Congress many years ago Champ Clark told me to remember that there never was an important piece of legislation placed upon the statute books except as a result of compromise. I have found that to be invariably true.

Under the present circumstances, I have been persuaded to make up my mind that Congress might well try out this change in the basis of apportionment for the next 2 years. After all, there is nothing permanent about any Federal-aid highway legislation. It is always a 2-year arrangement. If we find that it does not work properly, Congress can return to the old system of apportionment of Federal aid among the States.

The legislature of my State adopted another memorial on March 1, 1954, which recommends "that the Congress of the United States increase the annual amount of Federal aid for highways to $900 million."

This memorial was based upon the understanding that the total amount of funds derived from the excise tax on gasoline by the Federal Government was approximately that sum of money. The

Congress is now in process of doing what the Arizona Legislature asked to be done in that regard. The Congress will also undoubtedly agree that only one-half of the money made available for the construction of the national system of interstate highways shall be apportioned according to population under these changed circumstances, it now seems to me that I would be justified in voting against the pending amendment.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. HOLLAND. Mr. President, I particularly appreciate the way the Senator has developed this matter, as the sponsor and founder of the Federal-aid system. I am deeply grateful for his having gone into the question and having gotten to the heart of the problem. In the first place, the committee report does follow the suggestion made by the distinguished Senator, by authorizing a total appropriation of $1 billion a year, which is the estimated amount of revenue derived from the gas tax.

The real reason for giving special recognition to interstate highways is that they are not being built. I have had the committee staff prepare a compilation, copies of which some of the Senators have, showing the average cost per mile of removing the bottlenecks in the system. In the eight great States which are customarily listed first by those who are supporting the idea of allotting all the interstate funds on a basis of population—namely, California, Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas—it appears that the cost per mile for the completion of the incomplete links is $532,000, whereas, in the case of 15 other States chosen from all parts of the Nation, in which the total mileage of the interstate system is approximately equal to that in the 8 States which I mentioned, the average cost per mile is $92,000, or approximately one-sixth of the cost of construction in all States where there is heavily congested population. So, as a result of that situation, the bottlenecks have not been eliminated.

New Jersey has the greatest problem of all, as I have been told this morning by Mr. Hale, the executive head of the American Association of State Highway Officials. On the interstate system in New Jersey, there is a road which, leaving New York, goes through cities across the river from New York, such as Newark and Jersey City and on to Philadelphia. The expense of constructing that highway as a through highway has been so great that the road authorities have not attempted it. They are using old roads, and have built, instead, partly to meet the need, a toll highway which misses some of the cities, but which does connect with Wilmington at the lower end of the State of New Jersey. Additional construction has been practically stopped because of the enormous expense involved.

Similar situations exist in New York, Massachusetts, and other States. It seemed quite clear to the committee that progress should be made toward eliminating these bottlenecks. Work along that line is critically important in this age of atomic bombs and hydrogen bombs. The Defense Department and other agencies have made it clear that the elimination of these bottlenecks is of immense importance to the security of the Nation.

Mr. HAYDEN. If the Senator from Florida will permit me to interrupt him, we heard that same kind of testimony before the Committee on Post Offices and Post Roads when Congress adopted the Federal Aid Highway Act of 1944. It was stated that a road could be built in the country areas without undue cost, but in cities and towns the cost would be increased so greatly that the project could not be undertaken. So in the 1944 law we authorized an appropriation of $125 million a year for highways in urban areas, to be apportioned among the States upon the sole basis of population.

A showing quite similar to the one which the Senator from Florida has mentioned induced Congress to depart from the previous formula.

Mr. STENNIS. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. STENNIS. Mr. President, did not the Senator from South Dakota, a while ago, seek to justify the interstate fund as a special fund? I am not opposing the fund as such, but the Senator from South Dakota spoke of the immense cost of constructing roads in cities. Does not the bill carry $190 million to be used exclusively to overcome the various bottlenecks, and is not even that apportioned on a basis of population?

Mr. HAYDEN. That is entirely correct. The amount of money carried in the bill for that purpose has been increased, as the amount heretofore appropriated has not been sufficient to accomplish the desired result.

Mr. STENNIS. I point out in that connection that I have figures before me indicating that 46 percent of the funds for urban roads is to be spent under the interstate system, and the bill authorizes $87 million——

Mr. HAYDEN. We are authorizing a much larger sum of money for all highway purposes than has ever before been authorized, and if a part of it is to be devoted to the strategic highway network, I feel we can afford to take a chance on a different apportionment for the next 2 years and see how it will work.

Mr. STENNIS. According to the present practice, 34 percent of the funds for primary funds is used on the interstate highway system. Under the pending bill it will amount to $116 million. Forty-six percent of the funds for urban roads amounts to approximately $87 million, making a total of approximately $203 million. Then under the bill, $150 million more goes to interstate highways, which will make a total of $353 million of the $910 million provided by the bill. According to express provision in the bill, and under present practice, that is to be spent on the interstate system. In addition to that, the bill provides that the Federal Government will put up 60 percent of the cost of the interstate highways and the States will put up only 40 percent.

Those facts, taken together, constitute one of the main reasons why I oppose going a step further and providing a special cut when it comes to apportioning among the States. That is the very heart of this fight.

Mr. HAYDEN. I confess to the Senator from Mississippi that it was not easy for me not to make up my mind to disagree with him, but I felt we could proceed under the new formula for the next 2 years, and in that time ascertain how the plan works.

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

Mr. HAYDEN. I yield.

Mr. GORE. The distinguished Senator from Mississippi has referred to the fact that the distribution of the funds under the matching formula for the interstate system will be on a basis of 60–40. That, as the distinguished Senator from Arizona knows, is a departure from the previous formula.

Mr. HAYDEN. The Senator is correct.

Mr. GORE. I think it is fair to relate that in the committee I opposed the 60–40 formula. I thought it would be advisable to retain the 50–50 matching method. However, a majority of the committee favored the 60–40 method. The reason given was that the interstate system is a national system, and that the national interest is paramount. Because of this national need for an interstate system, the committee felt justified in matching funds on a 60–40 basis.

If that be true, as I believe it to be true, then would it not follow that the Senate, in giving consideration to the interstate system, should bear in mind that the national need for an interlocking strategic system of first-class interstate highways is paramount, and that, therefore, we should place the most money where the need is the greatest, rather than to proceed with the old system of allocating funds on a basis that does not give proper recognition of population.

Let us authorize the money for interstate roads on the basis of national need. If it is to be for local development, then we have the secondary highway system which I support. If it is to be half national and half State, then there is the primary system remaining on a 50–50 basis.

We are here considering the building of a system of interstate highways throughout the Nation, a comparatively new venture, on a 60–40 matching basis. Whether the cost be small or great, a system of national interstate highways is to be built to serve the entire country. I believe that is the basis upon which the question should be judged.

Mr. HAYDEN. The Senator from Tennessee has made a very sound argument. It must always be remembered that there is an imperative need for every kind of road. The farmer needs roads to get from his farm to town. Cities need better and wider streets in order to prevent decay. The hearts of many cities are rotting because of the lack of proper transportation to enable people to get into and out of them. The demand for modern highways, as is

demonstrated by the increasing number of automobiles and trucks, is tremendous, and the demand has not been met, and will not be met even by this bill.

Mr. MARTIN. Mr. President, will the Senator yield for an observation?

Mr. HAYDEN. I yield.

Mr. MARTIN. The Senator from Arizona has discussed this proposal in connection with the original plan, or the Pershing map. I have always been very greatly interested in the highway system, because its first consideration was the needs of the Military Establishment. The distinguished Senator from Oregon [Mr. CORDON] raised the same question.

I apologize for a personal reference, but I have had a great deal of experience in the use of the interstate system for military purposes. In 1941, I think I had occasion to use a total of seven projects of that kind. In one instance, I traveled with 2,400 vehicles, carrying about 16,000 men with their equipment, for 1,600 miles. That gave me an excellent opportunity to see what had been accomplished.

Last summer, as the chairman of the committee, I traveled over the Nation to observe our roads, our waterways, and other transportation facilities. I came to the conclusion that the United States is further behind in the construction of roads, particularly the interstate system, than it is with respect to any other need confronting the country at present. That is why I started, last December, to try to sell to the administration the idea that there should be appropriated for roads this year approximately the amount of money which is collected from gasoline taxes. The bill practically covers that amount.

The House authorized an appropriation of $200 million for the interstate system. I did not want to have the Senate go too strong on the proposal. I feel a great deal as does the distinguished Senator from Arizona. This is an experiment. I have spoken from the military standpoint; but the highway system means just as much from the civilian standpoint, if not more, because people travel by buses from one part of the Nation to another, and materials are transported by trucks from one part of the Nation to another, thus increasing the strength of our economy.

I just came from a committee meeting, at which the Secretary of the Treasury gave an outline of the proposed new tax bill, the whole purpose of which is to strengthen our economy and to provide more jobs. That is the reason why I think the bill now under consideration is very important, and I appreciate the statement of the Senator from Arizona very much.

Mr. THYE. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. THYE. As I examine the record with reference to the new formula, I find that 19 States stand to gain in amounts ranging from $2 million to $6 million. Twenty-nine States will lose, under the new formula. Some will lose as much as $1 million or more. Here is the information which has been laid before me.

Of the 29 States, Minnesota, according to the figures I have been able to obtain, stands to lose about $1 million under the new formula. If I am in error, then I wish to be corrected. But before I cast a vote on this question, I wish to know, first, why a new formula? What is the specific justification for adopting a new formula?

I am not a member of the committee. I have not been on the floor throughout the entire discussion of the bill; I have been here only a part of the time. But the very first question I should like to have answered is, Why is it desired to adopt a new formula?

Federal aid to State highways has served exceedingly well, and much has been accomplished in the development of the national highway system which enables a person to travel in comfort from a given place in the Nation to a distant point with a minimum of difficulty in finding his way. Therefore, I think the present system is good.

Will Senators explain to me why it is desired to improve upon our national system by adopting a new formula for the apportionment of the funds?

Mr. HAYDEN. The first information I had about a change in the formula with respect to the strategic system of highways was as a result of a complaint I received from Arizona, stating that Mr. Francis V. du Pont, Commissioner of Public Roads had, it was understood, recommended to the House Committee on Public Works that the money for all classes of Federal aid for highways be distributed 100 percent on the basis of population. I discussed that matter with Mr. du Pont, and I found that that was not his recommendation at all.

It never was the intention of Commissioner du Pont that all Federal aid should be apportioned to the States on a 100-percent population basis. Merely because of the excessive cost of constructing roads into and out of cities, he thought it was proper that the 100-percent population basis should apply to the strategic system of highways. That was his sole suggestion.

The House has provided and the Senate committee has recommended that the amount authorized for the national system of interstate highways be apportioned on the basis of population.

Mr. THYE. Mr. President, if the Senator will yield, I should like to ask the Senator from South Dakota a question.

Mr. HAYDEN. I am glad to yield the floor to the Senator from Minnesota.

Mr. THYE. The Senator from South Dakota seemed to raise a question when I said that Minnesota stood to lose substantially under the new formula. Some of the figures which I have seen would indicate that the State of Minnesota stands to lose $1,186,000. I do not say that is the exact figure. I do state, however, that I have seen figures which would indicate that would be the amount Minnesota would lose under the new formula.

When I examined the question further, I found that other States would lose under the new formula. I also discovered that 19 States would gain in allocations under the new formula, those States being California, Connecticut, Delaware, Florida, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

For instance, according to the figures which I have been able to gather and those which have been furnished me, the State of New York would stand to gain more than $6 million under the new formula. Before a vote is cast on the pending question, I want to be certain, first, of the justification for this type of new formula. Secondly, I wish to know why one State stands to gain under the new formula while another State is to suffer a loss.

I go back to the original statement made, that Federal aid to States in the development of our highway system has functioned quite wonderfully and that we do have an excellent system of national roads. I wish to be certain that we go forward rather than crosswise or backwards when the Senate adopts a new formula.

Mr. CASE. I shall try to answer the questions which the Senator from Minnesota has raised, which I think are very logical.

Before I answer the question as to the origin of the change, I may state that the Senator from South Dakota in the committee voted for what was substantially the Chavez amendment. I did that because I was looking at the provision particularly from the standpoint of its effect on the State of South Dakota. A majority of the committee voted the other way and I made a further study of the matter.

Mr. THYE. If I may refer to the figures I have obtained, the State of South Dakota would lose about $1,254,000 under the amendment.

Mr. CASE. That would be on a 2-year basis.

Mr. THYE. I am now speaking about the formula provided.

Mr. CASE. If someone wanted to go into the State of South Dakota and say that he knew that FRANCIS CASE, on the floor of the Senate, advocated a change in the formula which would cost the State of South Dakota $1,200,000 in the way of highway funds over the remainder of time to which the funds would apply, he could do so. My reaction, first of all, would be that I do not want to kill the goose that lays the golden egg. The States which are going to be affected by the change in the formula are States which now, even with the change in formula, in the main, will not get as much in highway allocations as they pay in gasoline taxes.

Discussions of the bill started with the idea that as much money would be devoted for highway purposes as was collected by the Federal Government in taxes on gasoline, diesel fuel, and lubricating oils. So it was stated on the floor of the Senate that money was being taken away from certain States. Actually, the taking away is the other way around. For instance, the State of California collects $78 million in revenues from taxes on gasoline and lubricating oils for the Federal Government.

But even with this change in formula, California will get back only $48 million. The State of California will collect $30 million more in gasoline and lubricating oil taxes than she will be allocated out of highway funds.

The origin of the change in formula came from two sources. It came, first of all, through an examination of the cost of completing the interstate system. It was an examination of that cost which led the Association of State Highway Officials to adopt a resolution recommending an appropriation of $250 million for the interstate system, which amount increased 10 times the $25 million provided for in the present law. That resolution was adopted by the Association of State Highway Officials by an affirmative vote of 46 of the 48 States. The State of Minnesota, in its ratification of the action of the Association of State Highway Officials, not only agreed with an appropriation authorization of $250 million, but wanted the $250 million allocated on a population basis.

Mr. THYE. If the Senator from South Dakota will yield further, I have communications on the question. I hold in my hand a telegram from Mr. E. Ray Cory, president of the Minnesota State Automobile Association, which reads, in part, as follows:

> We request your support on—
>
> 1. Maintaining $200 million of Federal aid for the vitally important interstate system, instead of $150 million as recommended in Senate bill.
>
> 2. Holding that interstate system funds be apportioned among States of population formula with a minimum of 1 percent to any State.
>
> 3. Denying use of Federal aid funds for cost of utility relocations until results of nationwide study of subject are known.

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

Mr. THYE. I yield to the Senator from Florida.

Mr. HOLLAND. That recommendation from that very reputable body, as I am sure it is, goes a great deal further than does the bill reported by the committee, in following the population basis.

Mr. THYE. I recognize that.

Mr. HOLLAND. Will the Senator yield, so that I may make another statement?

Mr. THYE. I yield.

Mr. HOLLAND. The recommendation of the Association of State Highway Officials went a great deal further in recommending $250 million as a minimum out of the $900 million, which was all they were asking for, than does this bill which authorizes $1 billion. Under their recommendation $250 million dollars would go for the interstate highway system. The association also recommended that the amount be apportioned entirely on a population basis and on a 75–25 matching basis. The association went further than the suggestion which the distinguished Senator from Minnesota has frankly read into the RECORD, and it went further than the bill, which is more or less of a compromise, which the committee reported in an effort to meet various points of view.

Mr. THYE. I have another telegram in my hand, this one from Mr. Lou Hosking, of the Minnesota Motor Transport Association, which reads in part, referring to Senate bill 3184:

> Urge you to support move on Senate floor to restore sum of $200 million for interstate highway system and support of proposed new formula for distribution of funds. We support exclusion of provision to provide funds for relocation of utility services.

Both these organizations in the State of Minnesota have been among the foremost in efforts to improve the highway system of Minnesota, as well as of the Nation as a whole. They have been organized not only to promote the State highway system endeavors, but for general highway improvement. The State of Minnesota has an excellent system of highways.

The main thought which occurs to me is that when I look at the proposed new formula, certain States are going to suffer a loss, whereas other States stand to gain substantially because of the revision in the formula. I must make certain I shall not be voting Minnesota out of some funds to which she justly and rightfully should be entitled.

Mr. HOLLAND. Mr. President, will the Senator from South Dakota yield to me at this point?

The PRESIDING OFFICER (Mr. UPTON in the chair). Does the Senator from South Dakota yield to the Senator from Florida?

Mr. CASE. I yield.

Mr. HOLLAND. I wish to assure the Senator from Minnesota that I not only appreciate his position, but I can understand it very fully, and I would expect him to take it.

The fact of the matter is that in the committee, I took the identical position taken by the two officials in the telegrams the Senator from Minnesota has just read.

I wanted the $200 million figure. I felt that even under the $150 million figure we would be paying too little attention to the bottlenecks in urban areas. I also would have been glad to go along with the House authorization of $200 million, and to make all of it available on a population basis—which would have meant applying the population basis to 20 percent of the entire authorization.

Under this compromise bill, developed by the give and take process, only 7½ percent of the total authorization, or $75 million in each of the 2 years covered, is to be apportioned on the population basis.

We feel that the advocates of preferred attention to the interstate network have gone a long way in trying to be practical about this matter. So I hope the distinguished Senator from Minnesota will feel that it is not necessary to ask for the restoration of the $200 million figure, which originally was supported by me; because if he were to ask for its restoration, I would have to oppose such an effort at this time. Having given and taken in committee, in order to bring forth a fair compromise measure, I feel just as the Senator from South Dakota has indicated he feels; namely, that I should stand by the bill.

Mr. STENNIS. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I yield.

Mr. STENNIS. I thank the Senator from South Dakota for yielding to me.

Mr. President, the Senator from Florida says that in view of the fact that the pending bill is a compromise measure, and has been brought here as such, it should be supported. I wish to point out to the Senator from Florida and to all other Senators that no Senator is bound by what happened in the committee on a compromise vote. On the particular matter under discussion there was a difference of only one vote in the committee; and those of us there served notice then that we would reserve the right to oppose the provision when it came to the floor. So any reference to being bound by a compromise does not apply.

Mr. CASE. Mr. President, what the Senator from Mississippi has said is correct; there was no binding effect, other than as certain members of the committee might feel themselves bound.

Mr. STENNIS. Furthermore, I have been told by the Senator from Florida that this provision, the new formula, affects only 7½ percent of the total authorization provided by the bill. While the Senator from Minnesota is making up his mind about the amendment, he might remember that although his State is being treated as he has pointed out, 42 percent of the increase provided by the bill as reported by the Senate committee, as compared with the authorization provided by last year's bill, will go to the interstate highways. So when we vote for the enormous increase in the authorization, making it $1 billion, let us remember that 42 percent of it will go directly to the interstate highway system, with respect to which his State is being left out to the extent he has stated, whereas under present practices 34 percent of the primary road funds provided in the bill could be spent and would be spent on interstate highways, and 46 percent of the urban highway funds, according to present practices, would be spent on the interstate highways. So they are faring very well.

Mr. THYE. Mr. President, will the Senator from South Dakota yield once more to me?

Mr. CASE. I yield.

Mr. THYE. The Senator from Mississippi is a member of the committee, and was present at its hearings and deliberations; therefore he knows all the questions which were discussed and studied as the bill was drafted.

On the other hand, I do not serve on the committee; therefore, I pick up this question and try to acquaint myself with it. The very first thing with which I am faced is that under the new formula it is immediately proposed to take away from quite a number of States a certain portion of this Federal fund, which under the old formula would be allotted to them. Furthermore, the old formula has given the Nation a splendid and excellent highway system. So I must be certain that I am not discarding something that has served well for something that will not serve my State as well as it was served by the provisions of the old formula.

The Senator from South Dakota, a very intelligent member of the committee, will, in voting for the amendment,

be voting his State out of approximately $1,256,000, over a period of 2 years, according to the figures I have gathered. I know the Senator from South Dakota, intelligent as he is, would not vote for the amendment and would not vote to do that unless he had a good and just reason for doing it, because he will have to answer to the people of his State when they look at this particular set of figures.

For that reason, I fully understand and appreciate that there must be some good reason why the Senator from South Dakota supports the committee version of the bill, even though it will cost his State approximately $600,000 a year.

If the Senator from South Dakota can convince me that all of us should support the bill under the new formula, I wish to do so, because the president of our State association, Mr. Goring, and also Mr. Lou Hosking, who heads the largest trucking association in our State, and is one of the ablest businessmen in Minnesota, seem to recommend to me that I support the committee version of the bill. I do not wish to be in error and I do not wish to disappoint those men; but I also have the State of Minnesota as a whole, including all the highway system which exists in Minnesota, to take into consideration; and I do not wish to be a party to legislation which may take care of one specific train of thought at the expense of the network of highways in my State.

If the Senator from South Dakota can convince me that the committee version of the bill will result in the doing of the proper thing, I will support that version. If not, I will support the amendment now before the Senate.

Mr. CASE. Mr. President, I certainly respect the conscientious way in which the Senator from Minnesota attacks this problem, as well as other problems which come before the Senate.

Let me say that whatever way the Senate votes on this amendment will be the position I shall take in conference. I believe in trying to carry forward the ideas which I feel I may have any responsibility for carrying forward. I do not know that I shall be one of the conferees; but assuming that I may be, I will try to carry out the will of the Senate as evidenced by its vote.

A quick answer to what the Senator from Minnesota has said and to what I have said about South Dakota is that, first of all, South Dakota's Federal gasoline tax and lubricating-oil Federal excise-tax collections amounted to $3,682,000 in 1952. Under the apportionment clause of the committee version of the bill, South Dakota will receive $11,252,000, even under the new formula.

Mr. THYE. Mr. President, will the Senator from South Dakota read into the RECORD the figures for Minnesota?

Mr. CASE. Yes. For 1952 the Federal Government tax on gasoline and the Federal Government excise tax on lubricating oil in Minnesota amounted to $16,827,000. The State of Minnesota will receive from the allocations provided by the committee version of the bill, under the formula reported by the committee, $21,514,000. The State of Minnesota will thus receive more than $5 million more than she collects in gasoline taxes and lubricating-oil excise taxes for the Federal Government.

Mr. THYE. However, Minnesota pays more in proportion than does South Dakota, in terms of what is received.

Mr. CASE. Yes; but that is not because of the new formula. That situation would be more adverse under the old formula.

Mr. THYE. Let us consider the situation in Florida, one of the States which stands to gain. I do not single out Florida for any particular purpose, for I have the greatest respect in the world for the senior Senator from Florida [Mr. HOLLAND]. Florida is one State which stands to gain. So long as we are considering the amount allocated, let us compare that figure.

Mr. CASE. In 1953 Florida collected for the Federal Government in excise taxes on gasoline and lubricating oils $18,921,000. Under the apportionment recommended in the bill, it will receive $15,052,000. It still will not receive as much as it collected.

Mr. THYE. Let us take the State of New York. That is one State which stands to gain quite substantially. In fact, under the new formula, that State will gain the most.

Mr. CASE. New York State collected $57,068,000. It will receive $57,954,000.

Mr. THYE. Can the Senator tell me why that one State should have a better ratio than the other States? It would be receiving back all it contributes.

Mr. CASE. The two amounts are almost the same so far as New York is concerned. But take New Jersey, immediately next to it. New Jersey collected $29,191,000, yet will receive back, even under the new apportionment, only $17,320,000.

Mr. THYE. Going back to New York, which, under the new formula, will have allocated to it as much as it collects, why should New York have as much allocated to it under the new formula as it collects, except on the pro rata basis?

Mr. CASE. What happens to New York under this formula is really incidental to the total picture. If we consider all the States which will gain, it will be found that practically all of them are not now getting as much, even under the new apportionment, as they collect from gas taxes. But that is not the primary reason why the American Association of Highway Officials endorsed this proposal. Representatives of the association came before the committee and said that they recommended $250 million for interstate highways, and that 46 of the 48 States, through their representatives in the American Association of Highway Officials, endorsed the authorization of the amount.

The Senator from South Dakota is a little provincial in his thinking about highway funds. I did not like to jump up the interstate system from $25 million to $250 million, and leave the secondary roads where they were. I was too provincial to accept the bill which was recommended by the administration, or the House bill, in that respect. Under the bill recommended by the administration, the secondary road funds would have been increased only from $165 million to $180 million. Funds for the primary system would have been increased only from $247,500,000 to $270 million, whereas funds for the interstate system would have been increased under the administration proposal from $25 million to $200 million.

So in our deliberations in the committee I sought to win support for the bill which I had introduced, which would have provided a large increase in primary, secondary, and urban road funds. Those are the old categories. I proposed to increase the interstate system only from $25 million to $35 million, an increase of $10 million, or 40 percent, about the same increase as was proposed for the other categories.

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

Mr. CASE. I yield.

Mr. THYE. I am sure the Senator will agree with me that the States are faced with a very severe problem in trying to build up the roads to meet the traffic needs. Our towns are also faced with problems. A revolutionary change is taking place in local communities. The little schoolhouse is being closed. Consolidated schools require school buses, making necessary an improved highway system in the township of school district to accommodate the school buses. That means a terrific expense upon the township and upon the county, because of the roads which the county must take over in order that the system of highways in the county may be improved.

Taking into consideration all the State problems in connection with roads, I am led to examine the bill with exceeding care to make certain that we do not appropriate huge sums of Federal funds and then, by legislative action, deny a State the right to a proportionate share of such funds to meet its problems, while giving to certain other States a greater proportionate share. Those States may be in a much better financial condition to meet their problems than are some of the States with respect to which it is proposed to decrease the sum of money to be allocated to them. I am trying to get a complete answer so that I may vote intelligently.

Mr. CASE. I appreciate the searching way in which the Senator from Minnesota is going into the subject, because it helps to bring out the facts which I think the Senate should have. For the very reasons which the Senator has suggested—the consolidation of schools, the need for better roads from farm to market, and so forth—I was unwilling to accept the proposal to make a great increase in interstate road funds, practically none for the secondary system, and none for the normal primary system.

Mr. THYE. I commend the Senator.

Mr. CASE. I resisted as best I could the proposal to authorize $250 million for the interstate system, and make practically no increase in funds for the secondary system. I resisted the authorization of $200 million, which the House provided, and which the administration suggested. I suggested in committee that if we were to increase the secondary road funds, we should go up to not more than $100 million for interstate

roads, and place the bulk of the increase in the primary and secondary road funds. We discussed the question thoroughly, and finally arrived at an amount of $150 million for interstate roads. By holding the amount to $150 million, we could place the remainder of the increase in the primary and secondary road funds. The amount in the present law for secondary roads is $165 million. The House proposes to go only to $180 million, or an increase of $15 million.

In the bill before us we propose to go to $228 million. We went $48 million above the House proposal in connection with secondary roads. In the case of the normal primary system, we went $72 million above the House figure.

So, having persuaded the committee to accept larger increases in connection with primary and secondary roads, when a majority of the committee approved $150 million for interstate roads, although I voted against it and voted for the lower figure, having served as chairman of the subcommittee conducting the hearings, I felt that when the bill came to the floor I should have another look at it. I have gone back through the hearings and studied them, with the result that there has been a little shock to my own thinking. I find that the cost of building the interstate system is much greater in some States than I had expected. I had thought that, in connection with that part of the interstate system in my section of the country, the portion around the northern edge of the Black Hills might be somewhat more expensive. I felt that I knew something about the terrain in California and in other States. When I came to examine the mileage, in comparison with the costs, as shown in the table on page 66 of the hearings, I came to the conclusion that if we were to complete the interstate system at approximately the same date throughout the country, we must do something different in connection with the formula. On page 66 I think there is most convincing evidence as to why a change in the formula was needed with respect to the interstate system. I invite the Senator's attention to the table on page 60 of the hearings.

He will find, for example, that my State of South Dakota has four-tenths of 1 percent of the cost of completing the designated portion of the interstate system, yet under the old formula it would receive 1.61 percent of the dollars—in other words, 4 times its share of the cost.

Mr. THYE. The State of South Dakota is not a small State. Can the Senator explain to me why the cost is so much lower in the State of South Dakota than in other States? Why is there a greater cost in other States?

Mr. CASE. I should say primarily because construction over the prairie area is much cheaper than it is in States which have a high congestion of traffic, or States such as Pennsylvania, in which there is a great deal of mountainous or rough terrain.

Mr. THYE. We realize that in the construction of a modern highway across the countryside, where values are high and where farmsteads are numerous, it is often necessary, if it is a part of the national network, to relocate buildings or to acquire city property, which is highly expensive, in order to widen streets, and so forth. I assume that is why the Senator is endeavoring to allocate more money to certain States where the density of not only the farms but of city property also, involves a tremendous expense in obtaining rights-of-way. Is that correct?

Mr. CASE. That is definitely a part of it. We are concerned also with the flow of traffic and wider highways and highways of heavier base.

Mr. THYE. Mr. President, may I ask one more question of the Senator?

Mr. CASE. I yield.

Mr. THYE. Does the bill permit a State to draw on Federal funds in order to prepare plans and to obtain information relative to the proper location of the highways? In other words, some of the States are faced with the question of where to obtain funds with which to make plans. I wish to make certain that it is clearly stated in the RECORD how a State could acquire such funds. In other words, I have a question before me, asked by the Minnesota commissioner of highways, Mr. M. J. Hoffmann.

I will read the question to the Senator:

> Is there a provision in the Highway Act whereby States could utilize Federal money for designating and planning important highway projects, to be later deducted by the Bureau of Public Roads from the total amount paid on final reimbursement after completion of the project?

Does the bill provide for such an advance to States for planning purposes in the preparation of a highway project?

Mr. CASE. The pending bill does not specifically provide for it. However, in my judgment, a former act does so provide. I may say to the Senator from Minnesota that a gentleman who is connected with the highway department of the State of Minnesota, Mr. C. D. Johnston, whom I knew many years ago—in fact, I went to college with him—called me and asked me the same question Mr. Hoffmann presented to the Senator from Minnesota.

Mr. THYE. I am acquainted with Mr. Johnston.

Mr. CASE. I find that section 2 of the act of July 19, 1939, amended section 10 of the Federal-Aid Highway Act of 1938, as follows:

> SEC. 10. With the approval of the Federal Works Administrator—

This was written at the time the Bureau of Public Roads was under the Federal Works Administration, and, of course, the Commissioner of Roads has inherited the title and authority of the Administrator—

> not to exceed 1½ percent of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads or grade-crossing eliminations.

Therefore, in my opinion, if a State found it did not have sufficient funds with which to take care of its matching funds and also to do some advance planning, money could be obtained in an amount up to 1½ percent of the amount of the apportionment.

I assume that amount would be charged against the allocation to the State when the final settlement was made on the project.

Mr. THYE. I thank the Senator from South Dakota.

Mr. ANDERSON. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. ANDERSON. The Senator from South Dakota referred to page 66 of the hearings a few moments ago. I should like to inquire as to who prepared the table, and how much authority there is behind it. I have seen a table showing how much it would cost to construct highways in my own State and how much it would cost to construct highways in other States.

I have in mind that it is stated it would cost from $50,000 to $60,000 a mile in my State, and $2 million a mile in another State. Of course, if we ran a main highway through the center of the city of Washington, making it necessary to tear down a great many buildings, I could understand that the cost of construction would be $2 million a mile. However, that is not the way to construct a highway that would be of the greatest use.

I should like to inquire who prepared the figures and how much validity is behind them.

Mr. CASE. The clerk of the committee advises me that the table was supplied to the committee by the American Association of Highway Officials, on which each State has representation. It was presented to the committee in connection with the testimony of Mr. Alfred E. Johnson, president of the association.

I may say to the Senator from New Mexico that I, too, wondered about the costs. I believe some of them would have to be revised in the light of possible modifications of the system. I had a letter this morning from Mr. Francis V. du Pont, Commissioner, Bureau of Public Roads, in which he stated that the remaining mileage within the interstate limitation of 40,000 miles is to be used for keeping some of the roads outside the cities, instead of having them go through the cities, and he hopes it may be possible to do so. That may reduce the cost incident to constructing roads through cities.

Mr. ANDERSON. I have seen tabulations showing the per-mile cost of highways in the various States of the Union. Those figures do not even remotely resemble the figures introduced the other day. I wondered where the figures were obtained, because it seems impossible that the cost in one State could be 70 times the cost in another State.

A bag of cement costs about the same everywhere in the United States, giving a few pennies one way or the other. Gravel is available all over the United

States. Mixing machines work at about the same capacity. Labor costs on the highways do not vary very much. How can the committee justify figures which show the cost of construction per mile as even 52 times greater in one State than in another?

Mr. STENNIS. Mr. President, will the Senator from South Dakota yield so that I may point out something to the Senator from New Mexico?

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

Mr. STENNIS. The Senator from South Dakota referred to the table at page 66 of the hearings, as did the Senator from New Mexico. In the column "Cost of work needed" there appears the footnote figure 1. The footnote at the bottom of the page reads: "Thousands, based on estimates by individual States, not adjusted to current price levels."

Apparently the figures were not given careful scrutiny and were not adjusted to the current price levels. That fact sheds considerable light on the point on which the Senator from New Mexico has put his finger.

Mr. CASE. Except that it should be a compensating error in the several States, if the figures were not adjusted to the current prices.

Mr. STENNIS. The Senator from South Dakota referred to the enormous cost of construction in the congested areas. In referring to the cost of the highways of the interstate system in congested areas, we must bear in mind that it also costs money to build highways in the rural areas. However, going back to the table on page 66, New Mexico, for illustration is shown as having 2.72 percent of the miles of the national system of interstate highways.

Skipping over to the next to the last column, the apportionment to New Mexico under section 21, which is the Chavez amendment, would be 1.69 percent of the money. On a population basis, under the Senate bill as it now reads, New Mexico would get only 0.75 percent of the funds. That shows the other side of the picture.

Mr. CASE. Mr. President, will the Senator also point out that New Mexico's share of the cost is 0.52, approximately half of 1 percent, and if it receives 1.69 percent of the money that is about three times its percentage of the total cost.

Mr. ANDERSON. I could not possibly more greatly commend the Senator from South Dakota. I realize that both the Senator from Minnesota and I, by a strange coincidence, were born in the State of South Dakota, and we realize that miles spread out there as rapidly as they do in Minnesota or in any other State. I drove through many States in returning to the Senate last fall. Are these figures based on the actual cost of constructing a mile of road, or is there another factor included which is not apparent?

Mr. CASE. So far as I know, I can only rely on the estimate furnished by the State highway officials of the States. This table was furnished by the Association of State Highway Officials.

Mr. ANDERSON. Was the State highway representative from my State asked how much it would cost to finish the interstate road system in that State, or was he asked how many miles there are, and how much it would cost per mile in each State? He might say that one good road in New Mexico going east and west and one going north and south would be all that the State would need.

Mr. CASE. The map showing the situation appears in the hearings at page 269, and there is also a map in the rear of the Chamber.

Mr. HOLLAND. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. HOLLAND. The further question raised by the Senator from New Mexico troubled me, so that I went not only to the staff of the committee but also to Mr. Hale, who is head of the American Association of State Highway Officials. We found that the first column on page 66 shows the accurate mileage for each State of the total of the national system of interstate highways which has been allocated. Congress fixed it at not to exceed 40,000 miles, and there have been designated between 37,000 and 38,000 miles of that system. So that the figure, I have been advised, for each of the States is the accurate actual mileage of the interstate highway system found in each State.

With reference to the cost of the work involved, I am told by Mr. Hale and by the witness who presented the testimony, who is the head of the Highway Department of Arkansas and is strongly supporting this measure, that the cost of the work was carefully estimated by each State and reconciled in the Bureau of Public Roads office here, and that appears in the third column as the cost of work needed to complete the system. There is a difference between those two columns. Much of the mileage has already been completed in some States, and in other States, where there is mileage either passing through or surrounding large industrial areas and cities, there has been practically nothing done on the highway system since it was designated. The total figure of $11,266,372,000, is the total of the estimates coming to the national headquarters and reconciled and compiled here as being the cost of the work needed to complete the system.

I repeat, that in some States a large part of the mileage has been completed, and in other States the opposite is true.

The other figures are carefully and accurately shown as to the population percentage, and are completely accurate, based on the 1950 census. The apportionment under section 21 which would be received by each State is based on section 21 as it applies to the primary system, and the apportionment on the population basis, if it were all made on the population basis, is shown in the final column.

The only thing which could cause trouble in interpreting this particular compilation is that when we come to the estimate by each State as to the cost per mile the only way available to us to compute that cost is on the full mileage of the interstate system in each State, because we do not have the final figures as to how much mileage has been completed in each State. That accounts for some of the differences which the Senator from New Mexico has mentioned.

The one figure which particularly bothered me was the figure opposite the State of New Jersey. I am sure that is the one which has bothered the Senator from New Mexico, because it shows that with a mileage of 192.4 miles the estimate for the completion of the project is $404,053,000, or more than $2 million a mile. I addressed Mr. Hale particularly as to that item. He said, "The trouble is that the cost is so great for the branches of the highway system in New Jersey that they have not done anything on it." He said they use the old road going to Jersey City, Newark, and through various other cities to Philadelphia, which is the branch of the interstate system in New Jersey. The only other highway now existing is a toll road which does not reach the city of Philadelphia, but goes on down to Wilmington, Del. The cost has been simply prohibitive.

The figure in the table is the best estimate of what it will cost to acquire the rights-of-way and to build that very badly needed road which throughout almost all its mileage traverses heavily congested industrial and urban areas.

Mr. ANDERSON. Can we have the figures showing what the New Jersey Turnpike cost per mile?

Mr. HOLLAND. I do not have those figures. The New Jersey Turnpike was located, I remind the Senator, on areas away from industrial developments.

Mr. ANDERSON. That is what the Senator from Minnesota was talking about. That is where such a highway should be located.

Mr. CASE. Mr. President, I yield the floor.

Mr. FERGUSON. Mr. President, I should like to say a few words in connection with the interstate highway fund.

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield so that I may make an additional statement?

Mr. ANDERSON. I do not understand the parliamentary situation. The Senator from Florida and I were discussing the situation in New Jersey.

Mr. FERGUSON. I shall be glad to yield.

Mr. HOLLAND. I call the attention of the Senator from New Mexico to the fact that on page 221 of the hearings the New Jersey Turnpike is shown to have cost $285 million for a distance of 118 miles. This indicates that the cost was at the rate of $2.4 million per mile, if my quick calculation is correct.

Mr. ANDERSON. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. ANDERSON. I merely wish to point out that the contemplated 192-mile project in New Jersey would cost $404 million, which is certainly at a rate which is the equivalent of the cost of the New Jersey Turnpike. That indicates that apparently none of this road has been built by the State of New Jersey.

But the State of South Dakota has done a great deal of work by stretching the road from Sioux Falls to Rapid City,

and South Dakota received very little money.

So by locating highways where they should be located, a State gets no money; but if a State refuses to build highways where they ought to be located, it gets a lot of money.

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield briefly to me?

Mr. FERGUSON. I yield.

Mr. HOLLAND. Unfortunately, the New Jersey Turnpike does not render the services to the highly industrialized parts of New Jersey which are required to be served by the interstate system.

Mr. ANDERSON. I grant that. I merely say that South Dakota has one road stretching across the entire State. That happens to be, I am quite certain, Highway 30, because I once lived along that highway. That road is pretty well finished. Therefore, South Dakota will not get much money, since it built its road where it should have been built, according to the interstate plan. But because New Jersey will build a turnpike in another direction, it will receive $400 million with which to build it. I do not see why the funds should be apportioned in that fashion.

Mr. HOLLAND. For fear the Senator from New Mexico may not correctly understand the situation, none of this amount would go to the building of the turnpike. None of this amount would have any relation to the turnpike.

Mr. ANDERSON. I understand that. I am only saying that because New Jersey built a toll road, it will, under the new interstate highway system plan, now be able to build an entire new project, which the Senator has correctly pointed out has not yet been built.

Mr. HOLLAND. It does not serve the important military objectives required to be served by the interstate system, which would be served, as to the congested area from New York City to Philadelphia, by constructing it as part of the New Jersey mileage in the interstate highway system.

Mr. GORE. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. GORE. If the philosophy of the suggestion made by the Senator from New Mexico should be carried to the extreme, would it not defeat the very purpose of having a free system of interstate highways in the United States?

Mr. HOLLAND. The Senator is correct. I am certain the Senator from New Mexico did not mean to suggest that he preferred to have toll highways, which do not serve the needs of the interstate highway system, rather than free highways, which do serve the needs of the interstate highway system.

Mr. ANDERSON. Not at all. The Senator from Minnesota [Mr. THYE] had addressed some questions to the Senator from South Dakota [Mr. CASE]. I was very much interested in the replies. I thought the Senator from South Dakota had made a very fine presentation, but he did not answer the question in my mind as to the reason for the difference in cost.

I say the cost in New Jersey, where there are very highly industrialized areas, if the type of highway desired is to be built, probably would have to run to $2 million a mile, because the New Jersey Turnpike cost $2 million a mile. On the other hand, to construct a road across South Dakota would cost less, because the road would stretch across fairly open country. I know that to be so, because I once lived in that part of the country.

Mr. HOLLAND. If the Senator would refer to the list of comparative costs under the plan of aid to States which have suffered most heavily, but which have done the least in opening the bottlenecks, he will find, for instance, that the State of New York shows a much simpler picture than does the State of New Jersey, and a much less expensive picture per mile, $830,000 a mile, according to the method of which I advised the Senator awhile ago. I took that up, also, with the statistical experts, and I was told that the difference between New Jersey and New York is that, while there are very heavy needs in New York, in and around New York City and other large cities, there are long stretches of rural mileage involved, mileage between small towns in New York, so that the situation in New York is not comparable to that in New Jersey, with its limited mileage. They find no fault with the comparative estimates of cost because of the difference between the 2 States and the 2 highway systems.

Mr. FERGUSON. Mr. President, I wish to say a few words about the apportionment of funds for the interstate highway system. I do so because I think the sums mentioned, for instance, $150 million in the Senate bill, and $200 million in the House bill, are not sufficient to put the interstate highways in a condition which is adequate to the needs of a great Nation such as ours. The bill I submitted to the Senate proposed a $900 million authorization for this system. I believe that amount is essential, in order that we may build this system to an adequate, safe level. I realize also that compromises have to be made, but we must not forget that the highway system of America is a very vital part of our national defense.

I shall say a few words about the particular amendment which is pending. I think it ought to be defeated. I am glad it was possible to defer its consideration until today, when we have a longer time to discuss it. I wish to thank the Senator from South Dakota [Mr. CASE] and the Senator from Florida [Mr. HOLLAND], and other Senators, for discussing the matter in detail today, because I think it involves an issue which should be clarified. In order that it might be discussed today I did something that I do not believe I have ever done before, namely, gave a live pair to the Senator from New Mexico [Mr. CHAVEZ].

The interstate system is a national highway system; it is not merely a State system, as some would indicate. I think the question raised by this amendment is much broader than whether my State would lose a small amount or gain a small amount. I do not think we can look at the picture and say that if my State would lose a certain number of dollars, I should not be for the amendment; or that if it gained a certain amount of dollars I should be for it. As I think one Senator indicated, he felt he could figure out exactly how the vote would go. He would list the States which would lose money under the committee proposal. They would be for the amendment. If a State would gain money, that State would be against the amendment.

Michigan pays 4½ percent of the Federal gasoline tax collected. If S. 3184 were passed, Michigan would get 3.59 percent of the interstate road funds. According to the same schedule, our needs on the interstate system are 3.7 percent. So even though we received more money, we would not get all that we had paid in gasoline taxes.

But be that as it may, I wish to point out that what is proposed is an interstate system of highways. It is a national system of highways, not a State system. Anyone who come to the national capital, be he a Senator or a Representative, except if he lives in one of the States immediately contiguous to the District of Columbia, will travel on some of these highways. I might cite an example. When I travel from Detroit to Washington, I travel on 165 miles of toll road through Pennsylvania. That distance can be covered in 3 or 4 hours. The total distance from Washington to Detroit is 550 miles. From 10 to 12 hours are spent on the rest of the trip, so it is necessary to consider the proposed highways as national highways.

I wish to compliment the Senator from Pennsylvania [Mr. MARTIN] for the great work he has done on the bill. I think personally this is the greatest highway bill ever to be considered by Congress. But I shall say some things about it. I am disappointed, even though it is a fine bill. Some may say that the Senator from Michigan speaks in this way because automobiles are made in his State. I speak in behalf of the interests of my State, but I speak also for the entire Nation, because I do not know of a four corners in the United States which does not have some concern about highways, and which does not have a concern about automobiles.

A 10-percent excise tax is imposed on automobiles. It was imposed in the early days of the war, because it was said, it was not desired to have people buy large numbers of automobiles at a time when it was necessary to make war materiel and munitions. Therefore it was said, "Let us put a tax on luxuries that people can do without."

Today I do not believe the people of America consider that an automobile, whether a pleasure car or a truck, is a luxury. Even if a man is out of a job, an automobile is a necessity, because he has to use an automobile even to look for a job. Car owners pay more than $2,208,000,000 a year in taxes on automobiles and highway uses; and up until the bill under consideration was proposed, only about half of the gas tax was ever devoted to the building of highways. The previous bills provided for about $550 million to be used for highways. The gas tax alone will produce $900 million in revenue.

One out of every seven employees in the United States is directly or indirectly

connected with the automobile industry; so the automobile is a necessity. I can name many parts for automobiles which are made in States other than Michigan; so that the bill is of interest not only to Michigan, but it has a nationwide application, so far as automobiles are concerned.

The time has come when we ought to think about excise taxes levied on particular products such as automobiles, trucks, or parts, which are worn out because of defective roads, taxes which are now used for the general support of the United States. I think the time has come when a great amount of such tax money—I believe all of it—should go into the construction of highways, which are essential to our civilian life, to the very life of the Nation as a whole, and to the defense of America. Therefore, as I said, the interstate system is a national system. While the bill is only a halfway measure, a compromise, yet it is a step in the right direction.

Why do I say that population should have a greater consideration in the allocation of interstate road funds in the bill? Because population indicates automobile ownership. We have come to know that population has a close relationship to the number of registered automobiles. Therefore, I personally would rather have seen the allocation of funds based on the registration of automobiles, because highways are used for automobiles. However, I think the next best way is to use population as a base, because it indicates the number of automobiles and the amount of traffic.

Congress is concerned with the national highway problem and with the inadequacy of the national interstate highway system. We can solve a national problem only by taking a national viewpoint. We cannot circumscribe our horizon any longer by State lines; we have to have a larger horizon. The time has come when driving an automobile encompasses much more than driving home. Therefore, the national viewpoint must be considered, rather than a State or local viewpoint. The highway problem needs to be solved in places where it exists, and the problem is most acute in places where the number of cars and people is the greatest.

The American Association of Highway Officials have recognized the situation with respect to the interstate system as being most serious. This organization of State highway officials from 46 States came to the conclusion that apportioning highway funds on a 100 percent population basis was the best way to arrive at a correct solution of the problem. It is easy to see why. That factor represents the number of automobiles. Roads are used for automobiles; they are no longer used for the oxcart.

The association to which I just referred surveyed the entire interstate system, and it determined that 51½ percent of the total cost of bringing the interstate system up to the requirements of the national defense and commercial needs of the Nation would be used in 8 States, the most heavily populated States, and that the cost for the other 40 States would be only 48½ percent of the total. If there is to be constructed an adequate highway system, it must be done on that basis.

As I have indicated, the committee has struck a compromise with respect to this section. The House has already approved a similar method of apportioning the interstate funds. It is a start in the right direction.

What was the compromise? It was that one-half of the funds for interstate roads should be apportioned on the basis of the old formula and the other half on the basis of population. As I said, I do not always like compromises, but I think the committee did well; it got started on the right road and in the right direction. I think the entire amount should be apportioned on a population basis. However, half a solution is better than none, and I am interested in solving the highway problem on a national basis. I shall support the committee compromise, because I recognize that in view of the serious problems which the members of the committee faced, they arrived at an equitable conclusion, under all the circumstances.

Mr. President, I also wish to make a few remarks on the entire bill. The Federal-aid bill now before the Senate is a disappointment to me, as I have indicated, even though I believe it is the best bill on this subject the Congress has ever had before it. As Members of the Senate are aware, I introduced Senate bill 3069, which provides for more than twice the mileage of roads provided by the pending bill.

For a few minutes, I wish to discuss this subject from the beginning, since it is one of the most important and fundamental problems in the Nation today. I feel compelled to call attention to a domestic problem which is likely to be lost in our concern for matters of hydrogen warfare, or the right kind of foreign-trade policy. I would be less than frank or true to my duty as a United States Senator if I did not rise to discuss this issue today.

We might now call this the hydrogen age instead of the atomic age. There is nothing more important to America today, Mr. President, than highways, because the time has come to change our whole idea of civilian defense in view of what was disclosed by the hydrogen bomb test in the Pacific.

The country is now faced with the question of how we are going to preserve and maintain our great cities. America's way of life requires that we protect and preserve our great cities, and even increase them in size and facilities. One of the essential needs is an adequate highway system.

For many years I have advocated and fought for economy in the operations of the Federal Government. I sponsored, and now have the pleasure of serving on, the Hoover Commission, which is designed to eliminate waste and duplication in the administration of the Government. As an executive commission, we even have the privilege of recommending the elimination of programs presently performed. But I have never willfully or knowingly suggested or intimated that the Federal Government should not assume full responsibility for those programs which everyone acknowledges it must develop. For a number of decades one of the most important of our programs, if not the most important, has been Federal aid for highway construction.

Anyone who examines the Constitution and reads the provision referring to post roads must be reminded that at that time there was a different idea concerning highways. Delivery of mail over post roads was one thing, compared now to the tremendous use of highways throughout the country. Furthermore, we have the great question of national defense, which was an entirely different matter in the days of the musket and the cannon.

Federal aid for highway construction can truthfully be said to be ingrained in our Federal system of government. Constitutional recognition of this fact is evidenced by the inclusion by the Founding Fathers, themselves, of a provision for the establishment of post roads. The post-road idea originated early in our history, and therefore the Federal Government has been in the highway business for a long time.

Mr. President, I am still a firm believer in economy. The American people, through their taxes and through other expenditures, pay for all the things that make up our national standard of living. By investing more on highways, Congress can save the taxpayers money. Adequate highways are a matter of economy, as I shall prove.

Mr. President, I believe that investments in highways are capital investments and produce wealth and an improved standard of living, and therefore are not dead appropriations or a use of funds without a return.

American highways are admittedly inadequate. It is a matter of plain hard fact that large portions of our present road system are unsafe; in fact, critically so, and are wholly inadequate to meet the needs. The highway accidents, deaths, and injuries indicate that beyond any doubt.

The construction of adequate highways is admitted by all to be very expensive. I am told that 6-lane expressways can cost up to 10 millions of dollars a mile. Even a minor 2-lane highway, properly constructed, can cost today more than $100,000 a mile.

Acknowledging the evident inadequacy of our system, and recognizing the large expense involved in bringing the system up to date, to meet our country's needs, the question may well be asked, "Is it worth it to broaden the base of highway construction at this moment?"

I say it is. Today we are faced by a condition, not a theory. The true statesman does not deceive himself.

Mr. President, the former head of the Bureau of Public Roads recognized that there is such a matter as false economy. Let me quote Thomas H. MacDonald, the former Commissioner of Public Roads, who gives emphasis to my point in his statement that—

> We pay for good roads whether we have them or not—and we pay less if we have them than if we do not.

What this means to me is that we ought to construct the roads we need,

when we need them. If we do not, we shall pay for them, anyway, in terms of lives lost, unnecessary accidents, and higher costs of operating passenger cars and commercial vehicles.

I am told that a completely adequate interstate highway system would save the highway users $2.2 billion yearly—the approximate amount which my bill, S. 3069, would provide for highway construction for 1956 and 1957. In other words, we might as well invest this money in improved highways, because the cost to us will be that much, anyway.

Let us ask ourselves again the question, "Is it worth it to broaden the base of highway construction?"

I shall not belabor the obvious national-defense aspects of our highway system. Let me only say I completely agree with our great President who recognized the tremendous significance of highways when he said:

> Next to the manufacture of the most modern implements of war as a guaranty of peace through strength, a network of modern roads is as necessary to defense as it is to our national economy and personal safety.

Another phase of national security is protection of our citizens in the event of enemy aggression. The evacuation of our people from points of attack will depend almost entirely upon public roads. It is obvious that the present roads in the United States will not and cannot meet our civil-defense needs.

Is it worth it to build more roads now? I certainly think it is. I feel the American people know it is.

We can solve our Nation's highway problem. It is within our power to do so, if we wish. But we cannot do it with half measures; and in the light of my own conscience, I cannot but regard the measure before us as a half measure.

Mr. President, some persons say we should be building toll roads. I do not think toll roads demonstrate anything other than that even though the people pay more than $2,200,000,000 annually in taxes on automobiles, automobile parts, and gasoline—taxes which many persons think are being used by the Federal Government for highways—the people are paying even more for the use of toll roads, in order to get better roads. To my mind, that is a clear demonstration of the fact that we have not been adequately providing for highways; and I believe it is time that we applied the taxes on gasoline and automobile parts to the building of highways.

Mr. President, I believe I have demonstrated that our highway system is inadequate. It is obvious that the solution to the problem will be costly. There is no question, however, that it will be worth while to solve it. After all, the simple fact remains that we are paying for it, either way.

We can solve it with an approach such as the one I have advocated, Senate bill 3069. If we do not provide a solution now, we shall have to do so in the near future, and at a greater ultimate cost.

Mr. President, Americans are accustomed by nature and tradition to think and act big. We have achieved our eminence in world affairs by doing things bigger and better than other people have done them in the past. There is absolutely no reason why we cannot follow our natural inclinations in providing ourselves with the finest highway system in the world.

Unfortunately, we do not have it now. That is the reason for my disappointment about the measure we are now considering, even though it is considered the best highway bill we have had to date.

Mr. KERR rose.

Mr. BUSH. Mr. President, if the distinguished Senator from Oklahoma does not wish to speak at this time, I should like to suggest the absence of a quorum.

Mr. KERR. The Senator from Oklahoma wishes to say a few words. He would not wish to interfere with the quorum call.

Mr. KEFAUVER. Mr. President, there was some discussion yesterday with reference to a proposed amendment relating to a study to be made in connection with payment of the cost of relocating utilities, made necessary by highway construction. The question arose as to whether the study should be made by the Commissioner of Public Roads or by the Secretary of Commerce. I should like to inquire of the Senator from South Dakota whether he has agreed to accept such an amendment.

Mr. CASE. Mr. President, in response to the question of the Senator from Tennessee, let me say that I have no personal objection to the proposed amendment. I have talked with the chairman of the committee, and he has no objection. In a great deal of highway legislation, the two officers are used interchangeably. However, in view of the the fact that there seems to be a little feeling that the study might better serve the purposes for which it is intended if the Secretary of Commerce were designated to make the study, I see no objection to the suggested amendment. If the Senator from Tennessee desires to offer it, so far as I am concerned, it will be agreeable to me.

Mr. KEFAUVER. I thank the Senator. While we all have confidence in the Commissioner of Public Roads, the proposed study involves other economic factors and conditions which enter into the survey. It seems to me that it should be on a broader basis, and that the study should be made by the Secretary of Commerce.

Mr. BUSH. Mr. President, I shall be glad to withhold the suggestion of the absence of a quorum, if the Senator from Oklahoma wishes the floor at the present time.

Mr. KERR. Mr. President, I rise in support of the amendment sponsored by the Senator from New Mexico [Mr. CHAVEZ], the Senator from Oregon [Mr. MORSE], the Senator from Mississippi [Mr. STENNIS], and myself.

I listened to the remarks of the distinguished Senator from Michigan [Mr. FERGUSON]. I was intrigued, impressed, and interested by many of the things he said. I thought it was a very salutary situation that the Senator from Michigan had found a matter with reference to which he could agree with our President.

I agree with anyone who advances the statement that this country has not been and is not now building roads as fast as conditions warrant, and the necessities, health, and welfare of our people require.

I have long favored an accelerated roadbuilding program for the construction of free roads by the Federal, State, and local governments. I think there are provisions in the pending bill which would help to accelerate the building of such roads. However, that does not justify a change in the basic policy of the National Government and the formula for allocation of road money which has been followed for almost half a century.

States of larger area and greater road mileage have just as much of a necessity for more and better roads as do neighboring States with greater population. I have no case to make against a State with greater population. That element has always been recognized in the formula under which Federal road funds have been allocated. But, I ask, What is there now, in 1954, in the element of population alone, which should compel the Federal Government to change its formula of allocation?

I thank the Senator from Michigan for being frank enough to say that this is the opening wedge. I thank the Senator for making it plain to Members of the Senate that this is the opening wedge in the drive by those whose interests are determined by population alone to bring about a condition whereby all Federal funds for road building will be allocated on the basis of population. I say to those of my colleagues who, perhaps, had thought that this was merely a little item, a special item, that the Senator from Michigan has made it plain that this is not the end of the aims and objectives of those to whom I have referred, but the beginning.

It has been said on the floor of the Senate that the formula applies to only 7½ percent of the billion dollars authorized by the road bill. As I interpret the bill, it applies to 15 percent. It applies to the allocation for the interstate system, which is $150 million. That is approximately 15 percent of the amount authorized by the bill.

The so-called interstate system is not something that came into being with the writing of the bill. The interstate system has been there all the time. The so-called interstate system is now and has been a primary system of roads.

Someone in Washington looked at a map of the United States showing the highways constituting the primary system, and took a ruler or a pencil or a stick and said, "We are going to give portions of these primary roads a new name, a new designation. We will create a new segment of the national highway system and call it the interstate system."

It is not a new system at all. I say that the Highway Department of the State of Oklahoma did not so designate it. I am aware of the fact that a part of the interstate system is in Oklahoma. I am aware of the fact that a part of it is in every other State, perhaps. However, the State highway departments, the governors, and the legisla-

tures of the States did not say what part of the primary system of roads would be known as the interstate system and receive special consideration.

The only case that has been or can be made for a separate allocation is on the basis of national necessity. I do not believe that the representatives of the States in the Senate can overlook this fact with respect to the bill, namely, that whatever we do to meet a national need and a national necessity is a responsibility of the National Government, and should not be permitted to be used as an instrumentality to penalize the States of the Nation. The sole justification for the designation of this interstate highway system is on the basis of national defense. The designation, so I am advised, was made by the Defense Department and the Federal Bureau of Roads.

To whatever extent the historic formula for the distribution of allocated funds is changed because of national-defense necessities is and must be regarded as a responsibility of the National Government.

Under the cloak of national defense and national necessity, the State of Oklahoma should not be penalized in a manner that results in the great State of Michigan or any other State getting a portion of the road money to which the State of Oklahoma is entitled. That is what is involved in the bill.

If the interstate highway system is justified and demanded and required for national defense, it ought to be built by the Federal Government, and the formula governing Federal contributions to roadbuilding should not be changed under the guise of acting on the necessity of national defense, when the sole result is to penalize the many for the benefit of the few. That is what the formula does.

I say to Senators that if this entering wedge is permitted to go into the bill, next year, as was indicated in the speech by the Senator from Michigan [Mr. FERGUSON], or 2 years from now, when the next road bill comes to the Senate, an effort will be made to have the entire amount for primary roads allocated on the basis of population.

As I looked at the map, I found that there are thousands of miles of primary roads in this country which are not included in the so-called designated interstate highway system, but which are just as vital for national-defense purposes in time of war as are those which are included in that system.

I challenge the proponents of the bill as written by the committee, and those who oppose the pending amendment, to tell the Senate when the so-called interstate highway system was designated.

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

Mr. KERR. I do.

Mr. HOLLAND. I hold in my hand quite a lengthy and scholarly report on interregional highways, transmitted to Congress in a message from the President of the United States, then Franklin D. Roosevelt, in 1944, as we neared the end of the war. In it he recites the record of the development of the interstate system, and sets forth that on April 14, 1941, looking to defense needs, and also to the economic needs and the transportation needs, he had appointed a National Interregional Highway Committee, and that that committee, as the war was coming to an end, had made its report. He made certain observations with reference to it, and then he transmitted it to Congress.

The substance of it was that during the war a strategic network of roads had been set up by the military authorities, consisting of about 79,000 miles; that on going over it the military felt that about half of that mileage was more important than the other half, and that substantially half of the so-called strategic network was recommended to be set up in the interstate system.

The committee made a study of it at the time. If the distinguished Senator from Oklahoma had been in the Chamber earlier today he would have heard the able senior Senator from Arizona [Mr. HAYDEN], who participated in the setting up of the interstate system, recite the fact that the interstate system was the result of long study within his committee after the preparation of the report of the Interregional Committee of the President of the United States and after transmittal to the Congress of the message of the President of the United States. The road bill of 1944 established the interstate highway system along the lines recommended by that committee. The distinguished Senator from Oklahoma will find a very comprehensive report and many maps in this compilation, and he will find quite a number of other publications coming from the committees of the House and Senate at that time.

Mr. CASE. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I have yielded to the Senator from Florida, and I want to reply to him.

Mr. HOLLAND. I have tried to show that the interstate road system did not simply grow up like Topsy, but that it was the result of a long and difficult study and of the application of wartime experience.

Mr. KERR. I thank the Senator from Florida. He has brought forth the information as I have understood it to be. I have not read the compilation to which he has referred, but I am sure that if it is as comprehensive as the distinguished Senator has indicated it is, it will show that such a system has been in the minds of planners for many years.

Mr. CASE. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. In a moment.

I have seen maps of strategic highways, now interstate highways, which date back to the 1930's, and during all that time, Mr. President, men have sought by one device or another to change the historic formula of the allocation of funds to the several States. In view of the statement of the distinguished Senator from Florida, who in his remarks carried us back in history to at least 1941, 13 years ago, I wish Senators would explain on the floor what there is in 1954, Mr. President, that warrants the drastic action recommended by the Public Works Committee of the Senate to change the historic formula of allocation of funds for roadbuilding purposes.

Mr. HOLLAND. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I yield.

Mr. HOLLAND. One of the things that has happened in 1954 has been the development of atomic power and the hydrogen bomb.

Mr. KERR. Atomic power was developed some years ago, and a hydrogen bomb was exploded last year.

Mr. HOLLAND. This is the first time the committee has had a chance to study this subject since the explosion of the hydrogen bomb.

Mr. KERR. The committee has explored the situation.

Mr. HOLLAND. It is likewise the first time the committee has had a chance to explore this question since the recommendation, which was almost unanimous, of the American Association of State Highway Officials came to the Congress and to the committee. That recommendation, approved by 46 of the 48 States, in accordance with the statement in the record by the witness who gave us the facts, strongly points out that the completion of the interstate system is not only most vital to all States, but also that its completion is being stymied by the lack of funds in important areas where the costs are prohibitive.

It also points out the fact that by 46 out of the 48 States participating it was recommended that not less than $250 million of a suggested total appropriation of $900 million for Federal aid to roads be dedicated to the interstate system, and that the money be apportioned wholly on a population basis and also on a basis of 75 percent Federal aid and 25 percent matching contribution by the States.

That had much to do with the consideration of the question by both the Senate and House committees.

The Senator will, no doubt, recall that the President of the United States, in his message on the budget, called attention to the imperative necessity of the completion of the interstate system. The Senator will also recall that when the Secretary of Commerce, by his assistant, appeared before our committee, he testified that not less than $200 million should be appropriated upon the basis provided by the House bill, which is a much more generous basis than that provided by the Senate bill. That was the recommendation at that time, and is now, so far as I know, the recommendation of the administration.

Mr. KERR. Mr. President, the greater the national necessity, the greater the justification for the work on the interstate system being done by the Federal Government, and the less basis there is for the States to be penalized in order to accomplish it.

The distinguished Senator from Florida says that something was recommended by 46 out of the 48 State highway commissions. They are not charged with that responsibility in my State. This is the first time I have seen the great and distinguished and able Senator from Florida leaning on the recommendation of an anonymous highway group as a justification for his own acts

and those of the Senate. He says this is the first time the matter was considered by the committee. I have been on the committee for 5 years, and the effort has been made every time a road bill has been before the committee to get in an entering wedge to change the formula of allocation. This is the first time a majority of the members of the committee have been from the more populous States. That is the historic "first" about the deal, Mr. President.

I cast no reflection upon the distinguished members of the committee. I know of no committee composed of more able members. But they happen to represent States which will benefit by a change in the formula. That is the reason why the bill is on the floor containing the language which appears in it. That is the reason why it came from the House in that manner. But that does not mean that Senators from the 29 States which will be penalized are either bound by what 7 men from the more populous States thought and did, or are thereby absolved from their responsibility to their separate States.

I do not presume to answer for another State, Mr. President, but, so far as the State of Oklahoma is concerned, my people did not send the highway department here to represent them. They sent two Senators here to represent them. When I arrived here, there had been in existence for more than a quarter of a century, and, I think, for a third of a century, a formula for the distribution of Federal funds for road-building purposes. I should be derelict in my responsibility to my State, Mr. President, if I did not do all within my power to remind my colleagues that the question before the Senate today is whether the historic formula which benefits the great majority of the States and does justice to all is to be changed and an entering wedge driven by a small number of States on the basis of taking from the minority of States for the benefit of the majority of States.

The interstate highway system is all right, Mr. President, but I remind Senators that it is still a part of the primary system, and I remind them, further, that every mile of it is within the boundaries of some sovereign State. It is not built in the air nor out yonder somewhere. Every mile of it goes through a sovereign State. I did not draw the map of the interstate highway system. No one representing the State of Oklahoma drew it or designed it or selected it. I think, Mr. President, it would be a tragedy if someone could do that and thereby create an instrumentality or a vehicle whereby violence would be done, not only to the historic formula of distribution, but also to justice as between the States.

Mr. President, under the bill the Federal Government would provide 60 percent of the cost of roads on the interstate system, so-called, and the States would contribute only 40 percent. The bill would make available a vast amount. If a greater sum is needed, Congress should provide it. If the necessity for national defense is so compelling, the Federal Government should pay the cost of national defense. Otherwise, there is nothing about the interstate highway system which either sets it apart, or permits it to be set apart and accorded special treatment, resulting in discrimination against a majority of the States.

I have seen the map of the so-called interstate highway system. I have as good eyes as anyone I know of my age. I wish to say, Mr. President, that I could take a pencil and designate twice as many highways and call them interstate highways; or, with just as equitable a result, I could mark off half of the number of highways shown, and then designate the remainder as the interstate highway system.

This proposal will not add a single highway mile to the highway system of the United States; it simply designates a part of the present primary system for preferential treatment, and is used as an entering wedge. I thank the Senator from Michigan for his frankness and sincerity in saying that he thinks all this money ought to be apportioned on a population basis. He says this is a start in the right direction.

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

Mr. KERR. I am glad to yield to the Senator from Michigan.

Mr. FERGUSON. Of course, I was speaking of the pending amendment, and also of the interstate highway system. I said that the committee has struck a compromise, one-half based on the old formula, and one-half based on population. I went on to say that I thought that was a good thing, so far as it went; that in the case of these particular roads, I felt that it was an opening, so that population would be considered as the criterion in authorizing funds for this kind of highway, because population is related to the number of cars in use.

Mr. KERR. Certainly the Senator from Michigan said it was a good thing, so far as it went. He went on to say that possibly the allocation ought to be on the basis of the automobile population, did he not?

Mr. FERGUSON. Yes, I did.

Mr. KERR. It is apparent to any Member of the Senate who wants to know what the deal is, that this is an instrumentality or a vehicle of representatives of the more populous States to take from the other States a part of the road money which they would receive under the historic formula for allocation, and to increase the amount to be allocated to a minority of the States.

I do not blame the distinguished Senator from Michigan. If I were from Michigan and wanted to be reelected, I would be doing exactly what the Senator from Michigan is doing. But I would not expect anybody to be misled by it.

I must say, Mr. President, that I should be astounded if Senators from States which would suffer by the amendment would be induced, or seduced, into voting, as representatives of their States, in the manner in which I would expect them to vote if they were from a more populous State.

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

Mr. KERR. I yield to the Senator from South Dakota.

Mr. CASE. I was wondering if the Senator from Oklahoma would permit himself to be the instrument through which I might address a question to the Senator from Michigan.

Mr. KERR. I would rather be the vehicle than the instrumentality, but I shall be delighted to listen while the Senator from South Dakota asks the question.

Mr. CASE. I thank the Senator from Oklahoma.

Would the Senator from Michigan state whether or not, when he was referring to the use of the population formula, he had in mind any application of it to the Federal primary system or the Federal secondary system?

Mr. FERGUSON. I did not have that in mind, although the bill I introduced indicated that I felt that would be the best way. But today I was speaking of the interstate highway fund. That is the way I feel about the interstate highway funds. I think the amounts should be apportioned on the basis of population.

The Senator from South Dakota went half way, which I think is proper. As I have indicated, I shall vote against the pending amendment, although I wanted to have a full discussion last night, and I agreed to a pair with the Senator from New Mexico [Mr. CHAVEZ].

Mr. CASE. I thank the Senator from Oklahoma for his vehicular help.

Mr. KERR. I thank the Senator from South Dakota for pinpointing the attitude of the Senator from Michigan. I wish to say that if the Senator from South Dakota will probe the thoughts of the Senator from Michigan to their uttermost limits, he will not find them deviating from the track which benefits the State of Michigan the most. I congratulate the Senator from Michigan on his views. But I must say, Mr. President, that I do not think the Senator from South Dakota is bound by them. I know the Senator from Oklahoma is not bound by them.

Why should the Senators from 29 States which have been penalized by the provision in the bill written by a majority of the committee, representing the more populous States, be compelled to vote in any manner other than that which does justice to all the States, and follows the time-honored, historical, traditional formula for the allocation of road funds?

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

Mr. KERR. I yield.

Mr. BUSH. As the Senator from Oklahoma is a member of the committee, he must recall that the population allocation provision of the bill was not written in our committee. This recommendation came to us from the American Association of Highway Officials, which very strongly endorses the philosophy in the bill which recognizes the population factor in connection with interstate highways. Also, in the bill which came to the Senate from the House, $50 million more was appropriated for interstate highways, and on a formula recognizing the greater importance of population in connection with the interstate roads.

The Senator from Oklahoma seems to convey the impression that this philosophy has been written into the bill by Senators from the more populous States. I venture to remind the Senator that that has not been the case at all. We on the committee have really taken the philosophy which has been handed us by the experts, and also, I might say, by the administration and the Bureau of Public Roads. This idea did not originate in our committee.

Mr. KERR. I thank the Senator from Connecticut for his contribution to the discussion and to the fortification of the arguments being made by the Senator from Oklahoma. I did not accuse the members of the committee which reported the measure to the Senate of having no originality whatsoever. I merely said they followed a pattern dictated by the interests of the States which they represented. I only said they followed the pattern of the bill as passed by the House.

I wish to say to the great Senator from Connecticut that he is beginning what I hope will be a long and distinguished career. But if he lets the Highway Association of the United States tell him how to vote, I must say that he will not be doing justice to his own great intellect and ability.

Mr. BUSH. I thank the Senator from Oklahoma for his advice and also for his very kind compliment.

Mr. KERR. Yes, sir. If it was considered to be in the form of advice, I will withdraw it. I intended it only as an observation, as a courtesy, and as a compliment.

I will say to the Senate that this was not the only formula or the only language considered by the committee. The distinguished committee had every opportunity in the world to use some originality and to write its own language. They had every opportunity in the world to follow the historical pattern, because they were reminded of it. It was read to them. I do not think they drafted the bill in this way simply because the Association of Highway Departments, or contractors, or engineers, recommended it. I simply think they used that as an argument to follow up and fortify the position which they took, which I do them the credit of recognizing was dictated by the interests of their States. But I remind the Senate that their action is not binding on the Senate of the United States, It is not binding on the Senator from Oklahoma, and I shall continue to oppose the proposed new formula as unjust and discriminatory language in the bill reported by the committee.

Mr. HUMPHREY. Mr. President, will the Senator from Oklahoma yield?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. KERR. I yield.

Mr. HUMPHREY. In listening to the colloquy between the Senator from Oklahoma and the Senator from Florida, I believe I heard some comment which described the nature of the interstate highway system. Is the Senator from Minnesota properly informed that the interstate highway program which is contemplated under the bill is mainly a primary highway program?

Mr. KERR. No, but every mile is included in what has been known as the primary highway system.

Mr. HUMPHREY. In other words, the interstate system is included in what is now known as the primary highway system?

Mr. KERR. The primary system includes every mile of what is now being called the interstate system.

Mr. HUMPHREY. So that one system really complements the other. Am I correct in my understanding?

Mr. KERR. One system includes the other.

Mr. HUMPHREY. Is it the view of the Senator from Oklahoma that an integrated highway system is of great importance to our national security and national defense?

Mr. KERR. Certainly, and the whole primary system, which constitutes 6 or 7 times as many miles as are included in the interstate highway system, is of nearly as much importance as this limited part of the system called the interstate highway system, if not of equal importance.

Mr. HUMPHREY. The Senator is aware of the fact, is he not, that the RECORD of yesterday and the day before indicate that one of the reasons why the proposed formula was suggested, which formula benefits the more populous States in terms of the Federal grants, was that the more densely populated States have greater costs to bear in the construction of highways?

Mr. KERR. No; it was because the more densely populated States had a majority of the members on the committee.

Mr. HUMPHREY. I say, such an argument was made, was it not?

Mr. KERR. Yes.

Mr. HUMPHREY. The force of that argument is that the thinly populated States, by whatever legal measures might be necessary to obtain land for the purpose of road construction, would have less costs to bear.

Mr. KERR. I think that is a reasonable deduction.

Mr. HUMPHREY. That was the argument that was made, was it not?

Mr. KERR. Yes.

Mr. HUMPHREY. Is it not likewise true that the more densely populated States have greater sources of revenue than sparsely populated States?

Mr. KERR. Yes; and fewer miles of road to construct.

Mr. HUMPHREY. In other words, in the Far West, the Middle West, and in some areas of the Southwest, or practically all parts of the Southwest, the area to be covered in terms of construction is much greater, is it not, than that which would be necessary in most of the thickly populated States which would be given the benefits under the proposal?

Mr. KERR. Is the Senator referring to the area to be served by the roads?

Mr. HUMPHREY. That is correct.

Mr. KERR. Yes.

Mr. HUMPHREY. I have received communications from some of our colleagues. I have in my hands a communication signed by the two Senators from Utah [Mr. WATKINS and Mr. BENNETT]. I also have another communication signed by our distinguished colleague, the Senator from New Mexico [Mr. CHAVEZ].

I notice in the communication from the two Senators from Utah that according to an analysis of the differences between apportionment of interstate highway funds to the States under the new population formula of S. 2859, as contrasted with the amount that would be received by them if the entire total authorizations for fiscal 1956 and 1957 were apportioned under the existing Federal-aid formula, 29 States would lose substantial sums of Federal moneys. Is that the understanding of the Senator from Oklahoma?

Mr. KERR. Yes, it is; and that was the evidence which was presented before the committee. That is evidence with reference to which there is no controversy. That is evidence which, for all purposes I know of, must be accepted as fact.

Mr. HUMPHREY. I notice that the State of Oklahoma would lose approximately $1,186,000. I may say that the State of Minnesota would also lose $1,186,000, under this formula, according to the analysis of the two Senators to whom I have referred.

Mr. KERR. I think the Senator is eminently correct. That is for a 2-year period. Such figures are based on an allocation of $150 million, which the House bill increased and which some members of the Senate committee wanted to increase, and the new formula applies to only half of the sum authorized for the interstate system.

I wish to say to the distinguished Senator from Minnesota that I appreciate his alertness and his vigilance in the Senate. Not only would the States of Oklahoma and Minnesota lose, by the passage of the bill, approximately $1,200,000, but, as stated by the Senator from Michigan [Mr. FERGUSON], the entering wedge would be driven in the right direction. The Senator from Michigan stated that the bill was good so far as it went, but he did not think it went far enough. I venture to say that if one were to cross-examine and probe the minds of the other Senators favoring the bill, they also would say it does not go far enough. If they get this bill through, this will not be nearly so far as they will go the next time.

Mr. HUMPHREY. Is the Senator aware of the fact that there is a concerted move to take the Federal gas tax and allocate it to the States on the basis of the amount of the collections from the States? In other words, the move is to do away with the Federal gas tax and let such States as New Jersey, Pennsylvania, New York, and Michigan get their gas tax back and keep it, and not let such taxes be taken into the general revenue funds to be used for the general purposes of the Government. Is not the purpose of the pending bill a part of the same pattern? Is it not part of the pattern, in other words, really to disregard the national interest and to

place the emphasis on the basis of provincial, parochial, or State interest, without regard to serving the great national program of highways?

Mr. KERR. The Senator from Minnesota is eminently correct, and this is but part and parcel of the ancient principle that "they that have a great deal shall get the rest, and they that ain't got so much, shall lose what they have."

Mr. HUMPHREY. Is not that the same principle as the saying "He who has, gets; and he who gets, gets more?"

Mr. KERR. The Senator is correct; and I am delighted to have heard the remarks of the Senator from Minnesota, and I am glad that he is fighting for justice and the welfare of the State of Minnesota.

Mr. HUMPHREY. I commend the Senator from Oklahoma for joining the issue. I have not had an opportunity to go over all the matters pertaining to the bill, but I did look at the RECORD for the last 2 days, and I have seen the report of the committee. I have discovered very little to show that the traditional formula which has been in effect has become unworkable. It seems to me that it has worked quite well. My feeling is that this country needs a great public highway program, and a much broader and expanded highway program, but I do not think it is necessary to tinker with the formula. What we really need is money to be applied to roads. If we get the money, we can build the roads; but if we get the money and then tinker with the formula, certain areas are going to be foreclosed greatly in their capacity to build highways.

I think we have got to ask some questions. If we are going to have a great national highway system, we must think about how great roads will be constructed through the States of the Far West and the Rocky Mountain area, where costs are terrific, and also in the midwestern area, where land costs are high because of the fertility of the soil and the price of the land.

We have to think not only in terms of the number of roads in California, Pennsylvania, Michigan, New York, or other Eastern States, but also how cars are going to travel across the country. People who live in the States I have mentioned do business across the country. An integrated highway system is just as important in the interior of America as at the terminal points. Obviously, the formula which has been concocted discriminates against 29 States, and if Hawaii and Alaska should be admitted as States, it would discriminate against 31 of the 50 States. Perhaps we should examine it. I intend to examine it very, very carefully.

Let me say at this point that I have not read or seen or heard anything to indicate to me that the new formula pertaining to the interstate highway system is anything more than what the Senator from Oklahoma has said of it, namely, a formula arrived at because the heavily populated States have on the committee more members than do the less heavily populated States; the old formula was changed simply on the basis that a majority of the members of the committee had the voting strength to do it. I do not think such procedure adds anything to the merit or strength of the Nation's overall highway program; in fact, I think it weakens the program.

Mr. KERR. Mr. President, again I wish to say that I have the highest respect for every Member of the committee. The Members of the committee are intelligent; they are great Americans; and they are fine representatives of their States. But, after all, they are representatives of their States, and the other Senators are representatives of their States. Although we may have for the members of the committee all the respect, esteem, and affection to which they are entitled, and which generosity on our part would provide, I am sure we need not be persuaded to go beyond the point that the interest of our own States indicates as being a fair one.

Mr. STENNIS. Mr. President, will the Senator from Oklahoma yield to me?

Mr. KERR. I yield.

Mr. STENNIS. A while ago reference was made to the fact that the bill came to us from the House of Representatives. Let me say this is the first billion-dollar highway bill ever presented to the Senate, as the Senator from Oklahoma realizes.

Let me ask whether he also realizes that of the increase provided in this bill, as compared with the authorizations under last year's bill—the increase being not quite $400 million—42 percent will go into the interstate system, to be matched by the States, not on a 50–50 basis with the Federal Government, but on a 40–60 basis with the Federal Government, the States to provide 40 percent and the Federal Government to provide 60 percent.

Furthermore, let me point out that under the House version of the bill 88 percent of the increase voted by the House would go to the interstate highway system. All that adds to the meaning of the attempt to change the formula, which is the third step; after receiving these enormous increases and after receiving a betterment in respect to the matching basis of the Federal and State contributions, the third step is the one which goes too far, as the Senator sees it, and calls for a new formula, by which large amounts of the money would be transferred from the States which need it most.

Mr. KERR. The Senator from Mississippi is eminently correct, Mr. President, and I thank him for his contribution.

Mr. HUMPHREY. Mr. President, will the Senator from Oklahoma yield further to me?

Mr. KERR. I yield.

Mr. HUMPHREY. Does the Senator from Oklahoma recall seeing in the bill any provision that takes into consideration the tremendous amount of federally-owned land in many sections of the country?

Mr. KERR. The bill contains allowances which take some note of the situation to which the Senator from Minnesota refers, and does so on the basis of making considerable increases, as compared with the authorizations of former years.

Mr. HUMPHREY. Does the Senator from Oklahoma believe that the allocations and allotments which would be made for federally owned land, and which under the bill, as it is reported, represent increases over the allotments under the previous formula, would be adequate to cover the present cost of highway construction in many areas of the West and Southwest where the highways have to be constructed across desert lands, mountains, and other very difficult terrain?

Mr. KERR. On the basis of the bill as reported by the committee—and certainly this is true, aside from the amount of increase for the interstate highway system—I would say the roads the Senator from Minnesota has in mind will receive an increase which will be proportionate to the increases provided in the bill for the other roads.

Mr. HUMPHREY. So, insofar as federally owned lands are concerned—and, of course, a consideration of that problem involves, basically, the West and the Southwest—is it correct to say that the committee gave appropriate consideration to and made appropriate adjustment for those lands, by means of the new formula, so as to compensate the States concerned?

Mr. KERR. I would say that proportionate provision is made in the bill.

Mr. CASE. Mr. President, will the Senator from Oklahoma yield to me at this point?

Mr. KERR. I yield.

Mr. CASE. I think it is a fair statement that in the bill the Western States receive better treatment than they have received in any other road bill presented to the Congress. In this bill the amounts for the Western States are larger, and the bill also retains the provision for allowing credit for the land owned by the Federal Government.

Mr. KERR. That is correct.

Mr. HUMPHREY. Mr. President, I wish to have that point clarified, because I think it has a great deal to do with the so-called matching formula. In other words, we must take into consideration the areas to be covered and also the tax base and the per capita income and the volume of production. All those factors affect the ability of the States to finance their share of a highway-construction program.

Although my State is rather productive and rather prosperous, and although we have been able to do a fairly good job with our highway program, I do not think any of us should be thinking only in terms of the highway system of his own State. On the contrary, each one of us should be thinking in terms of an interstate system covering many States.

It seems to me that a factor based on the volume of traffic and the size of population is not a valid one for consideration in connection with this matter, because a large amount of traffic, large numbers of automobile registrations, and a large population are prima facie evidence of a large tax base and a large per capita income. Mr. President, anyone who thinks that the determining factors proper for consideration in connection with the formula to be used are

those based on a large volume of traffic, large numbers of automobile registrations, and a large population should examine the record, for the fact is that the States which rate the highest on the basis of those factors are, generally speaking, States which are comparatively small in area, whereas the States which have very large areas, and consequently which must construct very many miles of roads, are the States with smaller populations, smaller numbers of automobile registrations, and smaller volumes of traffic.

It is true that the sparsely populated States are long on ideas. However, all of us realize that roads are constructed, not on ideas, but by means of plans and money.

So the question is, Where are we to obtain the money with which to build a good interstate highway system? My interest in that question is my reason for bringing out these points.

Insofar as I can see, at least at this stage—and I suppose the debate on this measure will continue for some time—it appears to me that the new formula provided for in the bill as reported by the Senate committee will cause my State to lose approximately $1,200,000. Certainly I credit the committee with endeavoring to do a conscientious job. However, at a time when our State needs more roads, and in view of my realization that the national interstate road system is most important to all the States and all the people, I cannot be very happy about a new formula which will cause my State to lose approximately $1,200,000—just so that it can be said the formula is new. I do not need that much of a New Look, Mr. President. Under the circumstances, I prefer to get along with the old one.

Mr. KERR. Mr. President, in conclusion, I wish to say that the great concentration of population is on the eastern seaboard, in the north-central part of the Nation, on the west coast, and in limited areas on the southern coast.

An adequate interstate highway system must connect those areas; it is just as necessary for that system to be built across Oklahoma, connecting the East and the West and the North and the South, as it is for it to be built on the eastern coast, after one gets there; and on the West coast, after one gets there; and in Michigan, after one gets there; and along the southermost border, after one gets there.

Yet the bill would penalize the connecting areas where the greater mileage is, and where the service is equal to that rendered in the other areas; and the provisions of the bill amount to a premium or a bonus to the areas less entitled to it on the basis of equity and justice.

Mr. President, one can travel all over Connecticut—a delightful and marvelous State, in which I have traveled; but in order to travel on and make use of an interstate highway, one must leave Connecticut. To reach California, one must cross the midlands. Travelers from California must cross the midlands to get to Connecticut. That is what makes the highway system an interstate system. The midland section is just as vital as the section in the area of the termini of these great interstate roads. Yet it is proposed that States with the smallest area, contributing the smallest amount to the interstate highway system so far as area is concerned, shall receive the greatest allotments and that States which must provide the longer stretches of road, available in all four directions, shall be penalized, and receive a lesser amount of money from the Federal Treasury to build what is recognized as a national defense project. The proposal is based upon the principle of States which receive the least paying the most.

Mr. President, I yield the floor.

PROVISION FOR ORDERLY USE, IMPROVEMENT, AND DEVELOPMENT OF NATIONAL FORESTS AND OTHER LANDS—MOTION TO RECONSIDER

Mr. WELKER. Mr. President, I ask unanimous consent to withdraw my motion to reconsider the vote by which Senate bill 2548 previously passed the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, will the Senator withhold his request for a moment?

Mr. WELKER. Certainly.

Mr. HUMPHREY. Does the Senator have reference to the conservation and reforestation bill?

Mr. WELKER. It is a bill to facilitate the administration of the national forests and other lands under the jurisdiction of the Secretary of Agriculture; to provide for the orderly use, improvement, and development thereof; and for other purposes. The bill passed the Senate on March 8, and my motion was entered on March 9.

Mr. HUMPHREY. Will the Senator be kind enough to withhold his request for a moment, until I can confer with him?

Mr. WELKER. Very well, provided I do not lose the floor. I have been waiting for 2 hours.

Mr. HUMPHREY. I do not wish to be discourteous or unmindful of the Senator's request, but I must have the opportunity to talk with the Senator before I agree to the unanimous-consent request. Perhaps at a later hour we can persuade whatever Senator has the floor to yield for a moment.

Mr. WELKER. In order that we may have an opportunity to confer, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WELKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President——

Mr. WELKER. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I thought the Senator had concluded.

Mr. WELKER. I should like to make a brief observation.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WELKER. Has my unanimous-consent request to be permitted to withdraw my motion to reconsider the vote by which Senate bill 2548 was passed been acted upon?

The PRESIDING OFFICER. It has not.

Mr. WELKER. I ask unanimous consent to withdraw my motion to reconsider the vote by which Senate bill 2548 passed the Senate on March 8.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Idaho? The Chair hears none, and it is so ordered.

Mr. WELKER. Mr. President, the reason why I made the motion to reconsider the vote by which Senate bill 2548 was passed, is that when the bill came before this body I was in the hospital and unable to be present.

The committee print shows that I made vigorous objection to the scope of the provision relating to court appeals, and to other provisions of the bill. I have reluctantly asked for the withdrawal of my motion to reconsider the vote by which the bill was passed because I feel that I had a fundamental and good proposal to be considered by this body.

For example, I thought I was doing something for the vast livestock industry which uses the forest reserves of the United States Government. Briefly, my amendment would have provided for an appeal to a court of law if a permittee or user of the forest land had been arbitrarily, capriciously, or unlawfully subjected to a reduction in allotment. Some of the forest land has been used by permittees for hundreds of years. In other words, Mr. President, my amendment went to the point that I argued before the Committee on Agriculture and Forestry, of which I am a member. For example, if the Presiding Officer were operating 500 head of cattle on a certain forest reserve, and a regional forester or an administrator of the Forest Service came to him and said, "You will cut down your herd by 50 percent," the Presiding Officer could appeal to the chief of the Forest Service. I have never heard of any Forest Service chief overruling anyone in his organization. Mr. President, if you were denied the right of appeal you would have the right of appeal to the Secretary of Agriculture. It was stated in the debate in the committee by the distinguished Senator from New Mexico [Mr. ANDERSON], former Secretary of Agriculture, that in his opinion, he was the only Secretary of Agriculture who ever even listened to an appeal, let alone overruled one.

That is the basis on which I urged the adoption of my amendment. I was too late in arguing it. Some people were led to believe that the conclusion of the committee was unanimous, but that is not so.

Going back again to my point, if the administrator cut the Presiding Officer's

allotment, say, of 500 head of cattle, to 250 head of cattle, he would have to accept that administrative decision, whether the administrator was a Democrat or a Republican. That I do not like.

There are other provisions in the bill which I do not like. Mr. President, the bill would grant you the right of appeal with respect to other matters, but not with reference to a situation in which, if I were a forest ranger or supervisor or Chief of the Forest Service, or the Secretary of Agriculture, I could force you to dispense with one-half of your livestock, on which you have had an allotment from the Forest Service for many years. That means, Mr. President, that you would be ruined, and you would have to take your cattle to market and sell it for whatever you could get for it. It is utterly wrong.

I believe in a government of laws, not a government of men. I believe that any person who is deprived of any property right, such as the permissive use of national forest lands, year after year, is entitled to protect that right.

Let us keep in mind that my amendment went only to the capricious and arbitrary abuse of discretion on the part of the Secretary of Agriculture or the Chief of the Forest Service.

Let us consider a man who has 500 head of sheep or 50 head of cattle. It would mean in the case I have indicated that in order to get relief—which he would never get, of course—he would have to come from Idaho, Wyoming, or Oregon, to Washington. A decision made by the administration in Washington would be absolutely final.

In my proposed amendment, for which I argued earnestly, I even went to the extent of making the permittee, the little livestock operator, put up a bond to insure that he would not appeal to the courts unless he was justified in so doing, and in the event he did appeal and was not justified in making the appeal he would be assessed the damages the Government had sustained.

I am sorry I did not have the opportunity to present the matter to the full Senate. I realize I do not have the votes or the horsepower to get the amendment through the Senate. However, I assure the Senate that next year I shall be here with the same amendment, and I hope the Senate will pay more attention to it than the committee did.

Mr. HUMPHREY. Mr. President, with reference to the unanimous consent request to withdraw the motion to reconsider, to which I have no objection, I should like to have printed in the RECORD at this point in my remarks a statement which I have prepared on S. 2548.

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

STATEMENT BY SENATOR HUMPHREY

PROTECTING THE PUBLIC'S INTEREST

Legislation for which President Eisenhower asked approval of the Congress in his state of the Union message "to improve the conservation and management of publicly owned grazing lands in national forests" is now overwhelmingly opposed by major conservation groups of the country.

I have written members of the House Agriculture Committee as follows:

"Under an attractive facade of what appeared to be constructive purpose, I am afraid the Senate has acted contrary to the country's best interests in approving in rather routine fashion S. 2548. I am convinced the measure was not adequately studied or understood, and as a result was not opposed in the Senate in the belief that it would serve rather than weaken conservation efforts.

"Subsequent to the Senate's approval, action of conservation groups indicates my fears about this measure were justified. Twenty of the leading conservation groups in our country are now on record as opposed to this bill as being contrary to, rather than in support of, sound conservation policy."

The conservation groups opposing S. 2548 are the North American Wildlife Foundation, the Wildlife Management Institute, Sport Fishing Institute, Soil Conservation Society of America, Audubon Society of D. C., Sierra Club, International Wildlife Protection, Nature Conservancy, Friends of the Land, Independent Timber Farmers of America, the Wildlife Society, National Association of Soil Conservation Districts, Outdoor Writers Association of America, American Planning and Civic Association, National Parks Association, American Nature Association, Izaak Walton League of America, International Association of Game, Fish and Conservation Commissioners, the Wilderness Society, and the Forest Conservation Society of America. In my letter to the House committee I further stated:

"It appears rather significant to me that a measure proposed as carrying out the conservation aims of the President's message to the Congress is opposed by such a formidable group as now say this is a bad bill.

"I believe the House should listen to the advice of such respected conservation leaders as Dr. Hugh H. Bennett, Dr. Harold J. Coolidge, C. R. Gutermuth, George Heidrick, Dr. R. W. Eschmeyer, George B. Fell, Dr. Ira N. Gabrielson, Howard Zahniser, Jonathan Forman, William Voight, Jr., Harry E. Radcliffe, Michael Hudoba, David Brower, Fred M. Packard, Miss Harlean James, and Mrs. Gifford Pinchot—and kill this administration proposal which hides behind the name of conservation while undermining sound conservation policy."

This bill would make it more difficult in the long run to maintain forest range use as a privilege rather than as a private right. The House should act to protect the conservation traditions best serving the interest of the American people.

CONSTRUCTION OF HIGHWAYS

The Senate resumed the consideration of the bill (S. 3184) to amend and supplement the Federal Aid Road Act, approved July 11, 1916 (39 Stat. 355), as amended, and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Mr. LEHMAN. Mr. President, as far back as I can remember I favored the development of a great road system, both under Federal auspices and under State auspices. There is nothing of greater value to the country and to its people than an easy, safe, and economical means of transportation. Throughout the years I have been in public office I have continuously favored the development of our road system.

Frankly, I was shocked when I heard the distinguished Senator from Oklahoma [Mr. KERR]—and I am sorry he is not in the Chamber at the present time—state that the attitude of the Senators who are opposed to the Chavez amendment was based on purely selfish grounds. He stated that defeat of the amendment and the adoption of the proposed formula would mean discrimination against 29 States.

I say to you, Mr. President, that the formula which has been adhered to for a great many years has meant the penalization of many States, including my own State of New York, and that penalization is more drastic today than it has ever been. I believe that Senators who support the Chavez amendment, which would continue the old formula and give no effect whatever to the population factor in a State, have disregarded the fact that the populous States are under expenses in the development of their highway systems which are not paralleled in many, if any, of the sparsely populated States.

I speak only for New York—but I dare say I could speak also for New Jersey and Ohio and Rhode Island and other heavily populated States, although I do not assume to speak for them—when I say that we have expenses which are entirely unknown and not required in States of smaller population. We in the highly and densely populated States have areas which naturally and inevitably require far greater expenses in the building of roads than is the case in other States. We have expenses not only in connection with the ingress to and egress from our cities, but also greater costs in connection with the acquiring of rights-of-way and in the condemnation of property, which are inherent in the construction of any highway system.

The number of people from other States who use the roads in New York and in California is as great, in my opinion, as the number of people who live in the States of smaller population. It is not possible to get to New York or to California without passing through States such as Illinois, Michigan, New Jersey, Ohio, or Pennsylvania. They are all so-called highly populated States. According to the distinguished Senator from Oklahoma, they are desirous of putting something over on the Congress of the United States.

Mr. President, there is a great difference, also, between the character of roads which have to be built in States such as New York or New Jersey and those which are built in less populated States, such as Mississippi, Wyoming, South Dakota, Utah, Idaho, and other States. There is no standard of road building under the Federal act. Of course, plans for building roads have to be approved by the highway commissioners. Whereas States with small populations can build two-lane roads, or, at the most, three-lane roads, we in New York and New Jersey have to build roads of great width, divided roads, entailing very great expense.

Mr. President, when I first became an official of the State of New York, in 1928, and later became its governor, we were able to build what we thought were fine roads for less than $100,000 a mile. Today the same roads, if reconstructed,

would cost from a million dollars to two million dollars a mile, not because the quality would be better, but because we do not dare any longer to build two- and three-lane roads. We have to build great highways to take care of the density of traffic.

So, Mr. President, New York and New Jersey, by reason of their vastly greater problems, by reason of the greater density of traffic which requires far more expensive roads, and because of the cost of condemning and acquiring rights-of-way and other properties, are under an expense which States of smaller population do not have to incur.

Reference has been made to the fact that New York is a wealthy State. Of course, it is a wealthy State. But let it not be forgotten that New York pays into the Treasury of the United States—and the Treasury of the United States belongs to Wyoming, Tennessee, Mississippi, Idaho, and other States as much as it belongs to New York—far more than does any other State in the Union, to the extent of approximately 15 percent of all the revenues collected. Those revenues come from income taxes, corporation taxes, excise taxes, gasoline taxes, and all the other taxes which make up our fiscal structure. New York not only pays into the Treasury of the United States by far the greatest amount of money paid by any other State, but the per capita payment of the people of New York is greater than that of any other State in the Union. I think we are fortunate to be able to do that. I certainly do not begrudge the payment of taxes. I am happy that New York has a sufficiently large population and has safeguarded its employment, its workers, and its businessmen so that it is able to pay a large sum into the Treasury of the United States. But, certainly, Mr. President, that is no excuse for mulcting the people of New York in the conduct of the Government of the United States.

Mr. President, I wish to say, and I say it with great feeling, that what has been said here today by some of my colleagues on the floor of the Senate expresses a dangerous theory and a dangerous principle. As a Senator from New York, I wish to say that I have never hesitated to vote for large appropriations for many public projects, even for those which did not directly benefit my State.

I have voted for appropriations for power development in the South, in the West, and in the Northwest. I have voted for appropriations for reclamation and irrigation projects, when none of those developments, Mr. President, directly benefited the State of New York. I have voted for inland waterway developments, the development of the great rivers of the West and the Middle West. I have voted for them realizing full well that they did not benefit directly the people of New York, and that I was subjecting myself frequently to criticism and blame. I voted for them nonetheless, whether they were in Mississippi, Tennessee, Texas, Idaho, Minnesota, or Oklahoma, on the theory that that which would serve the interests of one part of the country would serve the interests of every part of the country, including my own State of New York. I think I was right, and I hope I shall be able to follow the same course in the future.

I have voted for agricultural price supports—and I am looking now at the distinguished chairman of the Committee on Agriculture and Forestry [Mr. AIKEN]—when, after all, the agricultural price supports for which I have been willing to vote have provided very little benefits to the people of New York.

I repeat, that I have been willing to do those things because I believe we are a nation, not simply a federation of States. What helps California, Idaho, Arizona, New Mexico, Illinois, Minnesota, Tennessee, and Mississippi, serves the interests of my own State.

But, Mr. President, if we are going to legislate on the basis of how a particular bill affects one particular section of the country or one particular State, and are going to make it appear as if the people of that State were voting against the interests of the Nation, when, as a matter of fact, I am convinced that the old formula penalized the densely populated States, I can say, Mr. President, that the incentive to vote in the national interest rather than in the parochial interest, in the interest of a narrow area, will have been destroyed.

I believe the new formula is fair. I believe it is sound, and, so far as I am concerned, I certainly intend to vote against the Chavez amendment and in support of the committee bill which is pending before the Senate.

Mr. HENDRICKSON. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. HENDRICKSON. I am very much interested in the observations of the distinguished Senator from New York concerning the problems of construction costs in densely populated areas of the country. I wonder if the Senator is aware that when New Jersey built its now somewhat famous turnpike the construction costs in the northern end of the State, where there is dense population, ran, in some instances, as high as $7 million or $8 million a mile, whereas in my end of the State, where there is a sparsely populated area, the costs ran approximately three quarters of a million dollars a mile.

Mr. LEHMAN. I thank the Senator from New Jersey for drawing my attention to that part. I have before me a sheet showing the construction costs per mile in the various States. I find that in New Jersey the cost was the highest of any State in the Union. I do not know the exact reason for that, but I do know that the connecting links between New Jersey and the populated areas of New York and Pennsylvania are very costly.

Mr. HENDRICKSON. The heavy costs arise from the fact that in New Jersey it is necessary to have a large amount of bridge and overpass construction.

Mr. LEHMAN. Yes. The cost in New Jersey was $2,105,000 a mile. The next highest cost was in New York, my own State, $830,000 a mile.

My experience, like that of the Senator from New Jersey, has shown that many times the cost per mile is three or four times the average cost.

As against that, we find the cost in Arizona per mile—and these figures have been given to me by the committee; they are not mine—is $81,000.

The cost in Nevada is $36,200.

The cost in New Mexico, the State from which the sponsor of the amendment comes, is $57,000.

The cost in Wyoming is $62,000.

I could continue to read the costs in many other States throughout the Union. Compare the cost of $36,200 in Nevada and the cost of $57,000 in New Mexico with the cost of $2,105,000 in New Jersey and $830,000 in New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico.

Mr. HOLLAND. Mr. President, this is primarily a national question, a question of the use of Federal money raised by Federal tax methods. None of us can regard it in any other light.

Ever since the beginning of the Federal-aid system, there has been a desire to use Federal gasoline tax money in the Federal program for the development of a Federal system of highways. Senators will remember that originally there was merely the Federal-aid road system. Then there was added a secondary system, to supply country areas. In 1944, it will be recalled, as a result of the troubles experienced in transportation in the cities during the war, there was added the urban system.

Senators will recall that in the same year, 1944, largely as a result of the experience during the war, a system of interstate highways was created.

I shall not repeat what I have already stated in colloquy with my distinguished friend, the Senator from Oklahoma [Mr. KERR], who I am sorry is not now on the floor, but in 1941 President Roosevelt appointed a very able and distinguished Commission, which studied the subject during the war years. In 1944 the Commission reported in favor of setting up an interstate highway system, based largely on the war experience, and on the inadequacy of road or highway transportation as it had appeared during the war.

Senators will recall that of the system of strategic highways, designated as such by officials of the armed services during the war, provision was made for the inclusion in the interstate system of about half of the mileage of the strategic system, the most necessitous half of that system. The system set up to constitute the interstate highway system in 1944 consisted of something less than 40,000 miles, with a 40,000-mile limitation as the maximum which could be included, the objective being to include all the principal trunk connections, so as to enable access to and from every heavily populated part of the country, so far as going to the hearts of the various States was concerned, and providing access to the various population and industrial centers in every State of the Union.

Much was hoped from the urban system, and it has appeared that something could be done under it, but nothing like

enough has been done to meet the critical needs at the bottlenecks of transportation, which are in the heavily congested centers of population.

Senators will remember that when we got into the Korean difficulty, it was necessary to pass a special access highway authorization and to make special appropriations under it, most of which were used. They were for circumferential routes around the heavy industrial areas, designed to enable traffic to go to and from cities and facilities, either for the transportation of military supplies, or for reaching military bases in the neighborhood of the great cities.

So many reports have now come to the attention of the committees of the Senate and the House that the committees have been forced to a realization of the fact—and it is a national fact, Mr. President—that our highway system is not adequate; that its place of greatest inadequacy is in the heavy centers of population along the mileage of the interstate highway system.

So there have come before the committee various representatives from highly reputable bodies, who have stated it to be their view that the interstate highway system was the bottleneck and should be given the earliest and the most consideration. The President of the United States, in his budget message, made such an observation. The Senator from South Dakota [Mr. CASE] has already put the text of the President's message on that subject in the RECORD. Under Secretary of Commerce Robert B. Murray, Jr., appeared before our committee and testified, at page 38 of the record of the hearings, as follows:

> The administration, while stepping up its participation generally throughout the Federal system, desires to place greater emphasis than before upon the deficiency in the interstate system.
>
> It was with that in mind that I was last week instructed to inform the House that with one amendment in H. R. 7818, of which S. 2982 is a companion bill, the administration desired to support that bill as the administration bill, and I am here for that purpose today, Mr. Chairman.

The House bill, which was made the administration bill, included $200 million for the interstate system, and provided for a matching basis of 60 percent of Federal money and 40 percent of State money. It also provided, in order to afford a basis for a real compromise between the so-called small States and the so-called great States, that 50 percent of the $200 million should be allotted among the States on the basis of population, and 50 percent on the time-honored basis provided by section 21 of the Federal-aid road bill, which is the basis applicable to the ordinary primary road-aid system. That was the administration measure.

Other strong recommendations came to us. For instance, there was the repeated recommendation of the American Association of State Highway Officials. Senators will find it referred to in various places in the RECORD, but it is stated in full from page 12 to page 19 of the record of the hearings.

Senators will find that the head of the Highway Department of the State of Arkansas, one of the States of large area and of relatively small population, appearing as president of the American Association of State Highway Officials, and speaking for 46 of the 48 States who had approved the recommendations, stated to the Senate committee exactly the basis of the recommendations. Mr. President, those recommendations will be found on pages 12, 17, 18, and 19 of the printed hearings. I shall not try to repeat them in detail in my remarks, but I call attention to two facts in them.

First, 46 of the 48 States recommended that $250 million be appropriated for the interstate system, and they recommended that the basis of distribution be one of population, not for half of the total sum, but for all of it. They recommended, also, that the matching ratio be 75 percent of Federal money to 25 percent of State money.

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

Mr. HOLLAND. I yield.

Mr. GORE. Upon what basis did the highway commissioner and the organization of highway officials base their recommendation of the matching basis of 75 percent and 25 percent?

Mr. HOLLAND. I think it was based upon the fact that there had been a brief experience with the 75 percent-25 percent matching arrangement during some of the war years. I cannot give the exact years now. But the Senator will recall that during the war years a 75 percent-25 percent matching basis was set up for a short time. It proved to expedite the construction of some roads which were very badly needed, and which were a part of the system of roads we are now talking about.

Mr. GORE. During that wartime experience, was it not decided to place it upon a 75–25 percent basis because of the paramount national concern for the construction of those particular highways?

Mr. HOLLAND. The Senator is exactly correct; and in order that I may make the reference entirely accurate, I wish to say that the act providing for the 75–25 matching funds was approved by President Roosevelt on December 26, 1941. That was shortly after Pearl Harbor. There was then provided the 75–25 percent arrangement for matching the funds which I have just mentioned to the Senate. So that the highway officials, drawing upon that war experience, which had proven effective in getting construction of expensive roads at the time they were badly needed during the war, and with the concurrence of 46 of the 48 of the State highway commissions, made the recommendation to which I have referred. The situation now, as compared with then, while not identical with that existing during World War II, is in many respects comparable when the national security and defense are considered.

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

Mr. HOLLAND. I yield to the Senator from Pennsylvania.

Mr. MARTIN. Will the Senator kindly explain the composition of the organization to which he has referred?

Mr. HOLLAND. The organization is the American Association of State Highway Officials. It consists of representatives from the highway departments of each of the States, the District of Columbia, and the Territories of Alaska, Hawaii, and Puerto Rico. The Federal department has a membership and its representative sits in the meetings, but does not have a right to vote on this kind of matter.

Mr. MARTIN. That would make a total membership of about 52?

Mr. HOLLAND. I believe that is correct, with 51 members eligible to vote. As we were told in the committee by Mr. Johnson, the head of the highway department of the State of Arkansas, who was the witness, 46 of the 48 States were represented and voted favorably, and two States, which he mentioned as the States of New Mexico and Arizona, opposed it.

Mr. MARTIN. I thank the Senator very much.

Mr. HOLLAND. Mr. President, so much for the recommendation of the highway officials of the Nation. While I know the distinguished Senator from Oklahoma was using his customary good humor when he indicated that some Senators might be allowing the highway departments of their States to write the ticket which they would use, I think it is very clear that Members of the Senate have never done that. I know of no Member of the Senate who does that. However, I hope the time will never come when a Member of the Senate will not have a right to resort to the skill, technical and practical assistance, and the excellent advice which as a rule is available from the career employees who make up the State highway departments of the several States. With a recommendation of this kind coming in, by the way, in writing, and then presented by Mr. Johnson, of the Highway Department of the State of Arkansas, the committee was greatly impressed, and I think the committee should have been greatly impressed.

Furthermore, the American Automobile Association was present with a strong delegation to make the same representation in favor of the interstate highway bill.

The American Municipal Association likewise was in favor of the bill, and told of the struggles and troubles in attempting to get in and out of great cities and large industrial areas.

In most instances, and I believe in every instance, these recommendations were much more generous than are the provisions contained in the Senate bill.

Most of the organizations wanted at least $200 million for the interstate highway system. Some wanted as much as $250 million, as I have already stated. Some wanted the 75–25 matching basis to be used. As I now recall, all these recommendations which reached the committee proposed more generous treatment for the big States than the bill provides. Far be it from me to plead always for the big States, but they are the ones we are hurting. They are the ones who have found it simply impossible, because of high costs, to complete their vital links in the interstate system.

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

Mr. HOLLAND. I yield to the Senator from Tennessee.

Mr. GORE. Though the committee did not agree to the 75–25 matching formula which had been recommended to it, did not the committee approve a 60–40 basis of matching for the reason that in the interstate highway development, the national interest was paramount?

Mr. HOLLAND. It was exactly for that reason, and that was the same reason which motivated the Congress when, in 1941, it speeded the construction of some of the highways provided for by the act passed on December 26, 1941, to which I have already alluded.

Those who would try to make it appear that Senators are provincial in their viewpoints when they support the action of their committee I think are going very far astray. Some mention was made that the State of Florida happens to be, for the first time, by the way, in the group of States which are heavily populated. I have been on the other side of the list prior to this bill. I am glad the State of Florida has had enough growth in recent years so that it has recently gotten over the line. However, I wish to make it clear for the record that Florida is so little over the line that the difference coming to Florida under one formula as compared to the other formula constitutes $41,000, which, in terms of highway construction, is nothing, as Senators know. The Senator from Florida wishes to say for the benefit of his generous friends—who are not present as he speaks now—that he wishes them to recognize that the Senator from Florida is not supporting a bill which happens to serve his State, but is supporting a bill which he thinks is vital in the public interest.

When the aid-to-education bill was before the Senate on two occasions, it received a favorable vote and support on the floor of the Senate from the Senator from Florida. It had been previously stated by the Senator from Florida that Florida was one of the States not helped by the bill because Florida happens to have a high standard of pay for its teachers, and it needed no aid. So the Senator from Florida feels it is ungenerous when it is stated that he is supporting the bill because the State of Florida will receive a few dollars more under one allocation as compared to another.

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

Mr. HOLLAND. I yield to the Senator from Tennessee.

Mr. GORE. I wish to congratulate the distinguished Senator from Florida for his broad thoughts and attitude in this regard.

I should like to take a moment to point out that the accusation or innuendo would not apply to the junior Senator from Tennessee, because it is my privilege to represent, in part, a State which will be, in some respects, by some interpretations, adversely affected by the change in formula. However, I would remind my colleagues who come from the less densely populated States, as I do, that we often ask our colleagues to vote for Federal appropriations from which the more densely populated States would not receive proportionate benefits. I wish to remind them that in legislation such as Federal aid to education, social security, and so forth, Senators from so-called poorer States are pleading for the levying of taxes on wealth and income wherever it exists for the benefit of people wherever they are. Can we not measure this bill by the same standard? The committee cannot properly be subject to the charge of being niggardly with the sparsely populated States. Let me remind the senior Senator from Florida that under the present system, in Nevada, for instance, the Federal Government now pays 84.14 percent of Federal highway construction. And when we add the 60–40 matching basis on the interstate system, we find that the Federal Government will contribute 87.30 percent of the money for the construction of all Federal-aid highways in that State. I do not cite this in disapproval but as an example to show that the committee has not dealt unfairly with sparsely populated States.

I send to the Senator from Florida a list which shows the situation in the case of many other States. For instance, in Arizona presently the percentage is 71.95. In Oregon, it is 66.11. Upon passage of this bill, these percentages will be increased.

So the bill will not in any way operate detrimentally to sparsely settled States. Indeed, through the recognition of public lands, Indian roads, area, and star route mileage, the sparsely settled States are given due recognition.

Here, however, we are considering a system of interstate, national highways, in connection with which we must give—as I see it—more regard to population because it is where the larger numbers of people live that 4-lane and 6-lane highways must be built and where the rights-of-ways are extremely expensive.

Mr. HOLLAND. I thank the distinguished Senator from Tennessee. His remarks are completely appropriate, and I believe them to be entirely true.

I know that in so far as his own position is concerned, it is, as he has suggested, against the interest of his State, although it happens that his State will not lose very much as a result of this proposal, and I am glad that is the case.

I desire to call to the attention of all Senators that several members of the Committee on Public Works have taken that position in the committee, and several members of the committee are now taking that position on the floor of the Senate, although their States are adversely affected by the provisions of the present bill.

Mr. GORE. Mr. President, let me ask the Senator from Florida a question: Is it not true that it is in the interest of Tennessee and in the interest of all the other States to have an adequate, workable national system of interstate highways, and that the way to obtain it is by giving recognition to the need to allocate the most money to the places where the greatest need exists?

Mr. HOLLAND. Of course that is true. Any product originating in Tennessee and moving to the large centers of population must move through the bottlenecks we have been discussing. Any transportation of persons or materials from the great centers to Tennessee must make use of the highways in those bottlenecks.

As to the State of Florida, the same situation is true; and of course we market most of our products in the other States of the Union.

So, Mr. President, I think we would be taking an extremely shortsighted view if we were to think that our States would be helped only to the extent that Federal funds are to come to us under the provisions of this bill. A citizen of Tennessee or a citizen of any of the other States has, I believe, a national interest and a national viewpoint, and is perfectly willing to face the fact that in large segments of the Nation there are real bottlenecks in the national transportation system, and consequently a serious lack of adequate road construction, and they should receive aid in respect to such construction.

Mr. STENNIS. Mr. President, if the Senator from Florida will yield to me, let me ask him a question: Does he not think that a Senator who supports a proposal to authorize the appropriation of $150 million for the national interstate highway system is taking the national view; and does not the Senator from Florida also believe that a Senator who votes in favor of a 60–40 matching basis in connection with the national interstate highway system is likewise taking the national point of view?

Mr. HOLLAND. Mr. President, I think such a Senator is then taking a viewpoint that is national and that applies to his State as much as it does to other States.

I remind the Senator from Mississippi that his State, for instance, has large mileage on the interstate system.

Mr. STENNIS. Mr. President, the Senator from Florida does not seem to be able to get away from a consideration of what each Senator's State is to receive.

Mr. HOLLAND. Mr. President, let me say, also, that the 60–40 percent matching basis applies to every dime which will go to Mississippi, regardless of what formula is used. As regards the State of Mississippi and as regards all the other States, including the State of Tennessee, the problem of constructing an adequate interstate highway system and providing for adequate interstate transportation is—as was so ably stated by the Senator from Tennessee—one of providing an interstate, national system which will be in accord with the proven needs of the Nation and the proven inadequacies of the present system. Certainly an adequate system of that sort has become of much more vital importance and applies to a situation involving much greater danger, because of the atomic- and hydrogen-bomb age in which we live.

Mr. President, I do not wish to detain the Senate at great length. I merely wish to say that it seems to me this bill is a very excellent compromise, and recognizes both the interests of the large and sparsely settled States and the

interests of the States where problems of large population and heavy traffic exist. Incidentally, at present most of the gasoline-tax funds come from the latter group of States

Insofar as the question of the amount in issue in connection with the pending amendment is concerned, I wish to call attention again to the fact that we are not talking about a revolutionary change or a denial to States of what they have received heretofore. On the contrary, under the provisions of this bill we shall be giving, from Federal funds, more money for primary-road aid than has ever before been given, and more money for secondary-road aid than has ever before been given, and more money for urban-road aid than has ever before been given; and, also, we have not disturbed the basis of allotment in the case of any of those three excellent systems. To the contrary, in this bill we insist that 7½ percent, only, of the entire amount of authorization for each year shall be subjected to a new basis of distribution, so that in the bottlenecks the needed roads can be constructed more quickly and more nearly in accord with the very grave need now existing.

Mr. President, I have had prepared a table of figures based upon the fine table already appearing in the hearings, on page 66; but it carries that table one step further. I ask all my colleagues to follow the matter upon the one-sheet exhibit which I am having distributed to Senators at this time. They will note from the sheet—which, as I say, is taken from and is based upon the compilation appearing on page 66 of the hearings—the total mileage in the eight States where the problem is most acute, namely, the States of California, Illinois, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Texas, with an aggregate mileage on the interstate system of 10,967 miles, which is not quite one-third of the total mileage of the interstate system; it is 29.51 percent of the entire mileage. Senators will notice that these 8 States have 47.44 percent of the total population, or almost half the population of the Nation, and form a part of the Nation whose problems in this field are so great that the cost of completion of their parts of the interstate system amounts to 51.74 percent of the cost of building the entire interstate system.

Those 8 States, which have 10,967 miles of the interstate highway system, are in a class by themselves, or are practically by themselves; there are a few other States that are nearly in the same classification. However, those eight States are in that classification simply because the congestion in parts of them is so great and because the cost of construction, due to that congestion, is so great.

Senators will note that in those States the cost per mile of construction varies from $157,000, in the case of Texas, to $2,105,000, in the case of New Jersey; and the average for the 8 States is $532,000 a mile.

Mr. President, the fact is that the cost of that construction—which also includes the cost of acquiring the rights-of-way—is so prohibitive that in most of these States construction of the particular mileage that is most strategic and most necessary has not been undertaken at all.

In the colloquy earlier in the day I called attention to the fact that in New Jersey, where the construction cost is high, the State has been unable to attack the problem, even with the urban aid it has had; and in order to meet a part of the problem the State has funded bonds and has built a turnpike toll road which misses most of its cities, but which does carry people expeditiously across the State, making it possible easily to reach many important places.

The distinguished Senator from New Mexico [Mr. ANDERSON] brought into the record the figures appearing on page 222 of the printed record, showing that the cost of construction of the toll road in New Jersey was $2.4 million a mile. That construction, of course, did not involve the heavy right-of-way costs which will be involved in some places when the interstate highway link in that State is built, extending from New York through Jersey City, Newark, and other cities, down to Philadelphia.

It is readily apparent that the problems in that group of States, which have an average cost of $532,000 a mile for the construction of the remaining mileage in the interstate highway system in those various States, face a very difficult problem. I think the big States have been good sports. They have paid most of the gas tax through the years, and have seen most of the benefits go to the smaller States—among which I still include my own. They have been good Americans and good sports, and my hat is off to them.

I think they are within their rights when they now say, "Under the new situation which we confront, with the multiplied use of automobiles and trucks mounting so heavily, an entirely new kind of construction is required to handle the enormous volume of traffic. We simply cannot face the construction cost that is ours to meet in the event the Federal Government will not help us. We are asking that a more equitable basis of disposition of the gas-tax revenue be used, at least as to 7½ percent of the entire amount which is covered by these authorizations."

If Senators will read down the list they will find that 15 other States, in all parts of the Union, are listed, with a total mileage in the interstate system of highways almost identical with the mileage in the 8 large States which I have mentioned. They will find that the avearge cost per mile in those 15 States is only $92,000, as contrasted with $532,000 per mile in the 8 large States which I have mentioned.

I think we might as well consider this matter from the standpoint that this is not a "pork barrel" bill. It should not be regarded as such. There is no justification for the continued existence of a Federal-aid system if we are to regard it on that basis. We must have a Federal system of highways which is adequate, and which will meet the very grave needs, both transportation and travelwise, as well as defensewise, which confront the Nation.

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

Mr. HOLLAND. I yield.

Mr. GORE. If the bill were to be regarded as a "pork barrel" bill, would there, indeed, be a case to be made for an interstate system? Would we not still have the primary Federal-aid system, if it were to be considered strictly on the old matching basis?

Mr. HOLLAND. The Senator is correct, of course. Congress first established a primary system, later a secondary system, and then, in 1944, an urban system to meet critical urban deficiencies. Likewise in 1944 there was designated as the National System of Interstate Highways a portion of the Federal-aid primary system, so located as to connect by as direct routes as possible the principal metropolitan areas, cities, and industrial centers; to serve national defense; and to connect at suitable border points with routes of continental importance. During the war we applied emergency measures, through the construction of access highways. We have applied various means to meet the same problem, which bore down on us more critically in wartime. I hope it may never bear down upon us with the maximum critical pressure which is reached in time of war. However, we cannot assume that such will not be the case.

It is my hope that distinguished Senators will make up their minds to face this question from the standpoint of what is good for the entire Nation, what is needed by the entire Nation. I hope Senators will fully consider the recommendations of the President, the Budget Bureau, the Defense Department, the American Association of State Highway Officials, the American Automobile Association, and the American Municipal Association. They are all composed of great numbers of good Americans. If the problem receives such consideration, we can move forward to meet the critical need more quickly. I believe it is entirely in the national interest that we do just that.

Mr. President, I wish to make one further comment. The House had exactly the same kind of problem confronting it. Members of the House come from every State in the Union. Members of the House Public Works Committee confronted the problem. They decided that the wise thing to do was to meet it by allocating 50 percent of the appropriation for the interstate system under the new method which was suggested; namely, the population basis, and that the old method be followed with respect to the other half.

When the bill came to the Senate many of us would have preferred to base the allocation of the entire amount of the interstate appropriation upon population. We discussed the question from all angles. There were various motions from various points of view. The majority of the committee finally reached the conclusion that the basis of 50–50 which

had already been reached in the House was very hard to beat.

I wish every Senator could have been present earlier today to hear the distinguished Senator from Arizona [Mr. HAYDEN]. His State is one which, from the standpoint of not receiving, under the population basis, what it would receive under the traditional basis, is worst hurt. His State is one of the few whose legislature had adopted a resolution addressed to its congressional delegation asking them not to support the bill.

The distinguished Senator from Arizona is the father of the Federal-aid system. The Hayden-Cartwright Act, which was the basis of the Federal system, bears his honored name. It will always be one of his claims to the greatest distinction, that back in 1916, when the first act was passed and the program established, he was able to think in terms of national interest. I think it is an additional feather in his cap that, notwithstanding the fact that he received from his own legislature and from other sources communications urging that he not approve the program, which is so clearly in the national interest, he rose in his place in the Senate today to say to the Senate that, although it has been a difficult decision for him to reach, he thought the national interest required that at least for a period of 2 years—so that we can see how the plan works—we should follow the recommendations of the experts which, in our opinion, would result in placing the roadbuilding program on a better basis. Coming, as he does, from a relatively small State in population and a large State in area, I think his view should be highly persuasive with Senators who may have doubt as to what is the proper thing for them to do under the circumstances.

There are many additional things which I should like to say, but time forbids. I conclude by reminding Senators that for the interstate system less than 40,000 miles is taken off the Federal aid primary system of 234,000 miles. That mileage is chosen by some of the ablest experts in the field as representing that part of the much larger mileage which serves, not State interests primarily, but primarily Federal and national interests. I believe that the improvement of that particular segment comprising the interstate highway system should be the particular regard of Senators who are serving the entire Nation, and who are looking at the whole problem while considering, always, the interests of their States. Primarily they view the problem from the standpoint of what is most needed for the service, and perhaps even for the salvation, the safety, the security of our country. I believe that if the problem is faced in that way the pending amendment will be defeated and the bill reported by the committee will be approved.

Mr. President, I ask unanimous consent that the table to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

National system of interstate highways

State	Mileage (miles)	Percent	Needs	Percent	Population (percent)	Cost per mile
California	1,900	5.11	$1,169,427	10.38	7.02	$616,000
Illinois	1,541	4.15	856,378	7.60	5.78	556,000
Michigan	962	2.59	416,399	3.70	4.23	433,000
New Jersey	192	.52	404,053	3.59	3.21	2,105,000
New York	1,034	2.78	862,261	7.65	9.84	830,000
Ohio	1,216	3.27	758,591	6.73	5.27	623,000
Pennsylvania	1,357	3.65	926,579	8.22	6.97	678,000
Texas	2,765	7.44	435,988	3.87	5.12	157,000
Total	10,967	29.51	5,829,676	51.74	47.44	532,000
Alabama	891	2.40	87,976	0.78	2.03	98,600
Arizona	1,137	3.06	92,108	.82	.50	81,000
Colorado	662	1.78	72,294	.64	.88	109,000
Idaho	617	1.66	50,243	.45	.39	81,800
Iowa	670	1.80	78,349	.70	1.74	117,000
Kansas	702	1.89	89,783	.80	1.26	128,000
Mississippi	691	1.86	88,140	.78	1.45	127,500
Nebraska	461	1.24	48,239	.43	.88	104,500
Nevada	537	1.45	19,568	.17	.11	36,200
New Mexico	1,013	2.72	58,110	.52	.45	57,300
North Carolina	713	1.92	72,857	.65	2.70	102,000
North Dakota	498	1.34	45,151	.40	.41	90,500
South Dakota	515	1.39	44,835	.40	.43	87,400
Utah	704	1.89	84,253	.75	.46	120,000
Wyoming	973	2.62	60,070	.53	.19	62,000
Total	10,784	29.02	991,976	8.82	13.88	92,000

Mr. STENNIS. Mr. President, I shall certainly not detain the Senate very long. I believe that some points ought to be made, in more or less summary, with reference to the pending amendment. I should like to preface my remarks with a word of personal appreciation, which I believe is shared by every Member of this body, to the Senator from Pennsylvania [Mr. MARTIN], the chairman of the Committee on Public Works, for the fine contribution he has made in the consideration of the very broad problem of a sound national highway system.

At times I call him Mr. Economy, because I know he is deeply concerned with budgetary matters and votes conservatively along that line. However, after he made a special study of the highway needs of the Nation during the past year, knowing that this bill would come before the Senate, he certainly rose to the occasion and now is leading the fight for a bill recommending an increase in authorizations of almost 100 percent over what was authorized heretofore. I commend him very highly for what I consider to be his very sound position, and I know he conscientiously considers it to be so.

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

Mr. STENNIS. I yield.

Mr. MARTIN. I appreciate the comment of the distinguished Senator from Mississippi. Every one of us has a hobby so far as governmental matters are concerned. I have always preached economy in government, but I have also at all times advocated the appropriation of large sums of money for national defense. After a very careful and thorough study, I believe the primary matter of importance today is the construction of highways, because they will do more than anything else to unite us as a nation. I appreciate the complimentary remarks of the Senator from Mississippi.

Mr. STENNIS. I wish also to commend the Senator from South Dakota [Mr. CASE], who served as chairman of the subcommitee which prepared the bill. He worked with his usual inexhaustible energy in conducting the hearings and in preparing the bill and in presenting it to the Senate. I know he has taken an unselfish view of all these matters, and we owe him a special debt of gratitude.

Perhaps I should say also that we had very amiable discussions in committee during the consideration of the bill, and there was never any suggestion about pork-barrel legislation, or anything of that nature. Almost all the major matters were considered and voted on unanimously.

I believe that on the point which I am now discussing there was only 2 or 3 minutes of discussion, and the vote on it was 6 to 5. It has not been discussed in adequate debate. Certainly there was no division on personal grounds in committee; there was merely a difference of opinion as to how the funds should be apportioned.

With reference to the military needs to which reference has been made, I do not remember any bill of major importance that has come before the Senate, especially since the Korean war began, with respect to which it has not been stated that it is bottomed on national defense. That is natural and proper with reference to many measures.

It should be remembered, in connection with the national defense program, that we will be called upon, as we are already being called upon, to appropriate hundreds of millions of dollars to provide special defenses for our great populous areas, and properly so. The Committee on Armed Services has before it bills for the approval of projects which run into hundreds of millions of dollars for special devices and designs in connection with special defenses for our populous areas, the expense for which will be borne by the Federal Government. That is as it should be. Therefore those areas are

getting very proper consideration on the subject of defense.

There is already in existence a highway from Washington to Baltimore, half of which, to Fort Meade, as I understand, was built entirely with Federal funds as a part of the national defense. In addition, $53 million worth of military access roads have been authorized, for which the demand is not sufficiently great to force appropriations for them. So, Mr. President, there is no great suffering along that line.

The whole national road system is on a defense basis, and very properly so. I believe the primary road system is also in that category. I wish to point out that the interstate system, after all, is nothing more than a special part of the primary system. Only the name is different for the more populous and the most heavily traveled stretches of the primary system. It has no particular military significance. The so-called interstate system is no more connected with the military defense than are other segments of the primary system, although it is an important and a very highly important part of defense. There is merely a difference of name.

I favor the interstate system. I have voted for $150 million of the total authorization to be specially set aside for this superprimary system called the interstate system. I voted for the provision under which the Federal Government will pay 60 percent of the cost and the States 40 percent of the cost.

What I balk at is going the third mile—not the second mile, but the third mile—in setting up a special formula for half of the money provided for the interstate system. Mark my words, Mr. President, 2 years from now the same argument and the same points will be made in favor of having all the money appropriated for interstate roads apportioned on a population basis, and the proponents will point to this law, if it is passed as proposed by the committee, as a precedent for allotting funds for the interstate system entirely on a population basis.

Therefore I do not believe it is a matter of pork barrel considerations, but it is a matter of the other areas of the country having fair warning that this is a material departure, and that we had better look closely before we go any further.

In that connection I point out that this superprimary system—and that is what the interstate system is—is to get 42 percent of the increased amount in the pending billion dollar Federal-aid bill. In the House bill it gets 88 percent of the increase. Certainly that is a considerable favor to the so-called interstate system. I approved of it; I went that far.

In addition to that, according to the present rate of expenditure, the so-called interstate system will get 34 percent of the funds for the primary highways designated in the bill. Under the present figures, that will amount to $116.2 million. The so-called interstate system will also get 46 percent of the urban funds, and, according to the figures in the bill that will amount to $87.4 million, to which may be added $150 million which we are specially marking for the interstate fund. So a total of $353.6 million is to go to this relatively small group of highways in the specially designated primary system, which is the cream, one might say, of the primary system; $353.6 million, of a total of $910 million, would go for that purpose, according to the present provisions of the bill.

Mr. CASE. Will the Senator agree with me that whatever portion of the primary road money of any State or whatever portion of the urban money of any State that goes to the interstate system will be entirely within the discretion of the local State highway commission which makes proposals for the allocation of funds?

Mr. STENNIS. They have a part in the decision. I am standing on what is the present practice. It is reasonably to be expected that we shall continue under it. So, in answer to the charge of pork-barrelism, I point out that $353.6 million of the $910 million in this bill for Federal aid can, and, under present practices, will go to the interstate highway system. One hundred and fifty million dollars of that will be on a basis of matching it 60 percent by the Federal Government and 40 percent by the local governments.

As I have already pointed out, under the House bill 88 percent of the increase in the bill would go to the interstate system, and it is fair to calculate, at least, that in conference the Senate figure will be increased in part to meet the higher figure of the House. It will make the number of millions of dollars spent on the Federal interstate system even higher. That is why I say if we are to keep it in equilibrium we must make a national highway system out of it, rather than to pour money into particular areas. I agree that there is great need in certain areas but I say that if we are going to follow the practice of improving highways throughout the Nation, we had better stick by a formula which would spread the money out further than the formula in the bill appears to do.

Someone has said that where the money is needed is in the populous areas, and it is said that in the rural areas it does not cost much to build roads. Mr. President, we already have a special fund to build primary highways in populous areas. They are urban funds. It seems to me that the proper way to get at the matter of the large increase in costs in populous areas would be to have a scientific survey made of the actual need, and then to consider on its merits the problem of increasing the urban funds, expanding their application, putting more money into the funds, and applying it where the need is the greatest.

Mr. President, there has never been any scientific congressional selection so far as the interstate highway system is concerned. I suppose some good efforts went into it. I am not impugning the motives of the Bureau of Public Roads or of the State highway officials, but so far Congress has never gone right down to the merits and the facts of the matter. I am not complaining about my own State, but so far as any congressional action with reference to this system is concerned, it has never been undertaken.

Mr. President, I should like to read from the annual report of the Bureau of Public Roads for the fiscal year 1953. From the top of page 6 of that report, beginning with the third sentence on that page, I read:

> In a survey of the condition of the rural portion of the interstate system it was found that only 24 percent of the mileage was adequate for present traffic.

There is no doubt, Mr. President, that rural areas have their problems, too, but on the basis of a survey—not a resolution passed in the dying minutes of a convention—it was found that only 24 percent of the mileage was adequate for present traffic, and no consideration was given to future traffic. It was found that 76 percent was in need of improvement or reconstruction. The report goes on to say:

> On 16 percent of the mileage the need was considered critical.

Those are the words of the Bureau of Public Roads, showing the absolute need for money for expansion, for rebuilding or reconstruction or widening, or whatever the case may be, of more than three-quarters of the rural mileage of the interstate system.

On the same subject, Mr. President, I point to a picture in the annual report, showing a fine highway going over the summit of Sherman Hill, in Wyoming, the high summit on United States Route No. 30. That picture is worth looking at. The cost of construction of a highway such as that, many, many miles of which are found in the West, is tremendous. It is not a local road; it is an interstate highway, a part of the interstate system.

I admit that there are problems in populous areas, but there are problems in rural areas, also. It requires a large amount of money to build roads in Wyoming and in many other places in the country.

So, Mr. President, I feel that we had better not disturb this ancient landmark. Let us make a survey and place the money where the need is found, but let us not disturb the situation and set a precedent and discontinue the use of a formula which has been proved by and large to be very sound.

I submit, Mr. President, that the amendment should be voted into the bill and we should let the bill go to conference. There it will meet head-on the apportionment made by the House. If there needs to be any further discussion of it, then the conferees, with the vote of the Senate behind them, can work out with the House a sound basis.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. CHAVEZ] for himself and other Senators.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the percentage of Federal contributions to highway construction in certain Western States.

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

Sliding-scale rates of Federal-aid participation in public-land States effective Dec. 1, 1950

State	Ratio of the area of unappropriated and unreserved public lands and nontaxable Indian lands to the total area of the State [1]	Percentage of cost of Federal-aid projects payable by the Federal Government
Arizona	0.4390	71.95
California	.1657	58.28
Colorado	.1319	56.60
Idaho	.2192	60.96
Montana	.1406	57.03
Nevada	.6827	84.14
New Mexico	.2803	64.02
Oklahoma	.0553	52.76
Oregon	.2422	62.11
South Dakota	.1226	56.13
Utah	.4756	73.78
Washington	.0735	53.68
Wyoming	.2983	64.92

[1] Area data as of June 30, 1950, furnished by Department of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. CHAVEZ] for himself and other Senators. On this question the yeas and nays have been ordered.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aiken	Goldwater	Malone
Anderson	Gore	Mansfield
Barrett	Green	Martin
Beall	Griswold	Maybank
Bennett	Hayden	McCarran
Bricker	Hendrickson	McClellan
Burke	Hennings	Millikin
Bush	Hickenlooper	Morse
Butler, Md.	Hill	Mundt
Butler, Nebr.	Hoey	Murray
Byrd	Holland	Neely
Capehart	Humphrey	Pastore
Carlson	Hunt	Payne
Case	Ives	Potter
Clements	Jackson	Purtell
Cooper	Jenner	Russell
Cordon	Johnson, Colo	Saltonstall
Daniel	Johnson, Tex.	Schoeppel
Dirksen	Johnston, S. C.	Smith, Maine
Douglas	Kefauver	Stennis
Duff	Kennedy	Thye
Dworshak	Kerr	Upton
Eastland	Kilgore	Watkins
Ellender	Knowland	Welker
Ferguson	Kuchel	Wiley
Flanders	Langer	Williams
Frear	Lehman	Young
Fulbright	Long	
Gillette	Magnuson	

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Georgia [Mr. GEORGE] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from North Carolina [Mr. LENNON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Virginia [Mr. ROBERTSON] is absent because of death in his family.

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. CHAVEZ], for himself and other Senators.

Mr. MORSE. Mr. President, I wish to speak very briefly in support of the amendment. We have before us a road bill which, in general, is a good bill, save and except that it does not begin to authorize the amount of money which we ought to be appropriating.

The bill does not authorize the amount of money which should be appropriated to meet the immediate road needs of the country. The figure should be much higher, in view of the economic conditions of the country and the importance of our proceeding to take action now which will avoid increases in unemployment, come October, November, and December of this year, and the first part of next year, after the seasonal pick-up which can be expected during the summer months has run its course.

As a member of the Committee on Public Works, I proposed an amendment to this bill in committee which provided for $1,875,000,000. In my opinion, that was the bare minimum amount which the committee should bring to the Senate for consideration. I did not think even that amount was enough, but I had hopes that the committee would be willing to go that far this year. My amendment was defeated in committee.

It is true that the bill provides for some increase over the last appropriation, but, in my judgment, it is not nearly enough when the following facts are considered.

It is impossible to find a highway expert testifying before congressional committees these days—at least, I have heard none, nor have I read the testimony of any such witness—who does not vouch for the fact that there is needed $35 billion to be used for the highways of this country if we are going to get them in a condition to take care of the traffic needs and uses of this country.

We now have an automobile population totalling 1 car for every 3 persons in the United States. This large automobile population places a tremendous load on the highways of America.

When Senators bear in mind that last year a little over 38,000 fellow Americans were killed on the highways, and several times that number were injured seriously or maimed, it seems to me that objectivity and statesmanship call for our meeting the problem of highway needs by appropriating the money which help reduce highway deaths and injuries. The amount of $1,875,000,000 which I proposed in committee is certainly small enough. In fact highway experts point out that the primary cause of highway accidents is the inadequacy of our roads to handle the traffic safely.

When one takes into account the need for a road-building public-works program, from the standpoint of stopping the fire of a serious recession before it really gets started, it seems to me that is added reason for the kind of amendment which I advocated and lost in committee.

Speaking now to the particular amendment before the Senate at this time, the amendment of the Senator from New Mexico [Mr. CHAVEZ], of which I am one of the cosponsors, I feel that the existing law, as far as the apportionment of funds for the so-called interstate system is concerned, is an equitable law. I think an arrangement of one-third based on mileage, one-third on population, and one-third on area is about as equitable and as fair an apportionment as can be made, particularly when one keeps in mind the fact that there is a provision in the law for so-called urban funds to be used for urban highways.

Therefore, Mr. President, because I think that is a fair and equitable amendment, I urge the Senate to retain the present distribution of interstate funds and modify the bill in accordance with the Chavez amendment. The proposed modification of the existing formula as contained in the committee bill would cost my State a loss of a good many thousands of dollars. The amendment I am cosponsoring under the authorship of the Senator from New Mexico [Mr. CHAVEZ] would protect Oregon's fair share to interstate highway funds under the existing law and in accordance with its terms. I think it is unfair to change the formula for dividing up interstate road funds because the proposal of the committee discriminates against States of small population such as Oregon and some other Western States. However our roads are costly to build and we have to build many more miles of them than do the smaller but more populated States. Therefore in fairness to the rural areas I hope the Chavez amendment passes.

Mr. CASE. Mr. President, I have had plenty of vocal exercise the last couple of days, and I am not anxious to make any further remarks. I think the issue has been thoroughly debated. I hope the Senate will support the bill reported by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. CHAVEZ] for himself and other Senators. The yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk proceed to call the roll.

Mr. BUTLER of Maryland (when his name was called). I have a pair with the junior Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. FERGUSON (when his name was called). On this vote, I have a pair with the senior Senator from New Mexico [Mr. CHAVEZ]. If the senior Senator

from New Mexico were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

Mr. GORE (when his name was called). On this vote, I have a pair with the junior Senator from Oklahoma (Mr. MONRONEY). If the junior Senator from Oklahoma were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote, I have a pair with the junior Senator from Florida [Mr. SMATHERS]. If the junior Senator from Florida were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

On this vote, the Senator from New Jersey [Mr. SMITH] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from New Jersey would vote "nay," and the Senator from Alabama would vote "yea."

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent by leave of the Senate.

The Senator from Georgia [Mr. GEORGE] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from North Carolina [Mr. LENNON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Virginia [Mr. ROBERTSON] is absent because of a death in his family.

I announce further that on this vote the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Alabama would vote "yea," and the Senator from New Jersey would vote "nay."

The result was announced—yeas 37, nays 44, as follows:

YEAS—37

Anderson	Humphrey	McClellan
Barrett	Hunt	Millikin
Bennett	Jackson	Morse
Clements	Johnson, Colo	Murray
Cordon	Johnson, Tex.	Russell
Daniel	Johnston, S. C.	Stennis
Dworshak	Kerr	Thye
Eastland	Kilgore	Watkins
Fulbright	Langer	Welker
Gillette	Malone	Wiley
Goldwater	Mansfield	Young
Hennings	Maybank	
Hill	McCarran	

NAYS—44

Aiken	Flanders	Lehman
Beall	Frear	Long
Bricker	Green	Martin
Burke	Griswold	Mundt
Bush	Hayden	Neely
Butler, Nebr.	Hendrickson	Pastore
Byrd	Hickenlooper	Payne
Capehart	Hoey	Potter
Carlson	Holland	Purtell
Case	Ives	Saltonstall
Cooper	Jenner	Schoeppel
Dirksen	Kefauver	Smith, Maine
Douglas	Kennedy	Upton
Duff	Knowland	Williams
Ellender	Kuchel	

NOT VOTING—15

Bridges	Gore	Robertson
Butler, Md.	Lennon	Smathers
Chavez	Magnuson	Smith, N. J.
Ferguson	McCarthy	Sparkman
George	Monroney	Symington

So the amendment was rejected.

Mr. CASE. Mr. President, I move that the vote by which the so-called Chavez amendment was rejected be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. BEALL in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CASE. Mr. President, I offer the two technical, brief amendments which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 10, in line 18, it is proposed to strike out the words "The Commissioner of Public Roads" and insert "The Secretary of Commerce."

On page 11, in line 19, after the word "study," it is proposed to insert: "of the costs of completing the several systems of highways in the several States and."

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from South Dakota.

Mr. CASE. Mr. President, the first amendment I have offered will make a change from designation of the Commissioner of Public Roads to designation of the Secretary of Commerce, as suggested by the Senator from Colorado [Mr. JOHNSON].

The second amendment will include in the paragraph providing for a study of highway financing a specific request that the study of highway financing to be made by the Bureau of Public Roads shall include a study of the costs of completing the several systems of highways—the primary, secondary, and urban—in the several States.

The PRESIDING OFFICER. The question is on agreeing to the amendments submitted by the Senator from South Dakota.

The amendments were agreed to.

Mr. BUSH. Mr. President, I offer on behalf of myself and my colleague, the junior Senator from Connecticut [Mr. PURTELL] the amendment which lies at the desk, and I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, after line 7, it is proposed to insert the following:

SEC. 22. (a) That all Federal-aid road funds heretofore paid on the section of Federal-aid Primary Route No. 39 included in Federal-aid Project UI-147 in the State of Connecticut, which section is to be made a part of a highway from the New York State line at Greenwich to the Rhode Island State line at Killingly, planned as an expressway authorized by chapter 107, part IV, general statutes of Connecticut, 1953 supplement, shall, prior to the collection of any tolls on said section, be repaid to the Treasurer of the United States, and the amount so repaid shall be deposited to the credit of the appropriation for Federal-aid highways. At the time of such repayment, the project agreement with respect to said Federal-aid project UI-147 shall be canceled. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on said project, shall be credited to the unprogramed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as now or hereafter amended and supplemented.

"(b) By virtue of the design and plan of said highway in relation to the three sections of Federal-aid primary route No. 1 included in Federal-aid projects UI-29, UI-64, and FI-145, which permit unrestricted use of said sections without payment of tolls, it is hereby declared that the incorporation of said sections into said highway will not violate any provision of said Federal Highway Act, as amended and supplemented, or any regulation thereunder. If at any time the Highway Commissioner of the State of Connecticut shall determine to impose tolls upon or for the use of any one or more of said sections, all Federal-aid road funds theretofore paid or programed for expenditure on such section or sections upon which tolls are to be imposed, shall be transferred for programing and expenditure in cooperation with the Connecticut State Highway Department pursuant to the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. At the time of such transfer, the project agreement with respect to the project for which the funds are transferred shall be canceled. Upon such cancellation, the Secretary of Commerce is authorized and directed to credit the Federal pro-rata share of such project agreement to the unprogramed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. In lieu of the transfer thereof, the Highway Commissioner of the State of Connecticut may repay the Federal-aid road funds paid on any such section in the same manner and with the same effect, as is provided with respect to the repayment of Federal-aid road funds in section 1 of this act.

(c) Upon the repayment or transfer of Federal-aid road funds, as hereinbefore provided, any such section or sections included in the project with respect to which such repayment or transfer is made, shall become and be free from any and all restrictions contained in said Federal Highway Act, as amended and supplemented, or any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

Renumber succeeding section.

Mr. KILGORE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. BUSH. I yield for that purpose.

Mr. KILGORE. Has this amendment ever been printed for distribution? I have been trying to find a copy of it.

Mr. BUSH. I think I can explain the amendment very briefly to the Senator. It has not been printed, but I think I can explain it very satisfactorily in a few moments.

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

Mr. CASE. The amendment was printed in the form of a bill.

Mr. BUSH. The amendment which I offer was printed in the form of a bill, Senate bill 796, or rather, a substitute for that bill, which has been printed for some time and is on the calendar.

For the purposes which I shall explain in a moment, I offer the bill as an amendment to the pending bill. I venture to say that if the Senator from West Virginia will allow me a few moments, he will be satisfied with the reasons why I am offering it as an amendment to the pending bill.

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

Mr. BUSH. I yield for a question.

Mr. KILGORE. Would not this amendment practically completely reverse the traditional Federal-aid policy of the United States in connection with highway construction?

Mr. BUSH. No. I think if the Senator will hear me out he will agree that it would not reverse any policy.

Mr. President, the amendment which I offer on behalf of my distinguished colleague from Connecticut [Mr. PURTELL] and myself is needed to facilitate the financing and construction of a $400 million toll expressway in the State of Connecticut.

It would help to accomplish a saving of approximately $17 million for the people of my State and the motoring public at large by permitting the incorporation into the expressway of four sections of highway upon which Federal-aid funds have been or are being expended. Unless this legislation were enacted Connecticut would be faced with the alternative of constructing duplicating sections of highway which would cost that amount and possibly more. This would be a burdensome and wasteful expenditure of public funds, and would postpone full use of the expressway.

The amendment would allow the State to lift the mortgage on a Federal-aid project in the harbor area of New Haven on which tolls are to be charged. This would be done by repayment in cash of the Federal-aid funds to the United States and their transfer for use on other projects eligible for Federal aid.

The amendment provides for the same procedure in the event that the State should find it necessary to charge tolls on sections of expressway which include three other Federal-aid projects—in Darien, in the Grannis corner section of New Haven, and in the towns of Old Lyme and East Lyme.

There is precedent for this procedure in a law enacted by the 81st Congress to facilitate the construction of the New Jersey Turnpike.

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

Mr. BUSH. If I may complete my statement, I shall be glad to yield.

This amendment has been approved by the Committee on Public Works and by the Department of Commerce and the Bureau of the Budget. I know of no opposition to the amendment.

The amendment originally was drafted as a substitute for S. 796. Its adoption at the present time is necessary because time is of the essence in regard to the State of Connecticut's plans for issuing the expressway bonds.

I ask unanimous consent that the reports of the Department of Commerce and the Bureau of the Budget on the amendment be printed in the RECORD at this point.

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

THE SECRETARY OF COMMERCE,
Washington, D. C., April 2, 1954.

Hon. EDWARD MARTIN,
Chairman, Committee on Public Works, United States Senate,
Washington, D. C.

DEAR MR. CHAIRMAN: This is in reply to your letter of March 12, 1954, requesting the views of this Department upon an amendment in the nature of a substitute for S. 796, a bill to permit the charging of tolls on certain highways constructed with Federal aid, which has been proposed by Senator BUSH.

The proposed amendment in the nature of a substitute is designed to permit the State of Connecticut to impose tolls on four sections of highway on which Federal-aid funds have been or are being expended. The amendment would make this possible by authorizing the State to repay or transfer the Federal-aid funds authorized for expenditure or expended on the Federal-aid projects in question, to other projects in the State eligible for Federal aid.

Under chapter 107, part IV, General Statutes of Connecticut, 1953 Supplement, the Connecticut Legislature has authorized the highway commissioner of the State to establish and construct an expressway which may be financed in whole or in part by means of tolls. The proposed expressway would not be a toll road in the usual sense in that certain sections of the expressway route would be available to the public without payment of tolls. Because of the numerous interchanges on the route and the small number of toll stations proposed, it will be possible for the highway user to enter and leave the expressway and to use portions thereof free of toll charges.

The State of Connecticut desires to incorporate into the expressway certain sections of road now located on Federal-aid Primary Routes 1 and 39. These sections have already been constructed, or are now being constructed, with Federal-aid funds.

One such section, namely, project UI-147 on Federal-aid Primary Route 39 in the harbor area of New Haven, is to be included in a section of the expressway on which tolls are to be charged. In view of the inhibition against tolls as contained in section 9 of the Federal Highway Act, it is not considered legally possible for the State of Connecticut to charge tolls on this section in the absence of congressional enactment. With respect to the other sections, namely, Federal-aid projects UI-29, UI-64, and FI-145 which are located on Federal-aid Primary Route 1 in Darien, in the Graniss corner section of New Haven, and in the towns of Old Lyme and East Lyme, respectively, the Department is informed by the State of Connecticut that under present plans the unrestricted use of these sections is to be permitted without payment of tolls and that adequate interchanges will permit an uninterrupted flow of traffic on free Federal-aid Primary Route 1. On such basis it would not appear that there would be any conflict with the toll free provisions of the Federal Highway Act notwithstanding the fact that these same sections are also incorporated as part of the expressway. The possibility exists, however, that the State of Connecticut may desire at a later date to impose tolls upon any one or more of these sections and accordingly provision should be made for this eventuality.

In order that the above-described situation may be resolved so as to eliminate any conflict with section 9 of the Federal Highway Act, legislation is considered necessary to provide for repayment or transfer by the State of Connecticut with respect to the Federal-aid funds heretofore authorized and paid on the projects referred to, for use on other projects eligible for Federal aid. Such repayment or transfer would not result in any gain or loss of Federal-aid funds to Connecticut and would retain the Federal investment in toll-free highways, in conformity with section 9 of the Federal Highway Act.

There is a precedent for such action in Public Law 646 81st Congress, approved August 3, 1950, permitting Federal-aid funds authorized for expenditure on New Jersey State Route 100, which became a part of the New Jersey turnpike, to be transferred to another highway project in New Jersey eligible for Federal aid.

The proposed amendment accompanying your letter would generally accomplish the above objective, but certain changes and technical refinements therein are considered essential; for example, to give assurance that the Federal-aid funds so repaid or transferred would be subject to the matching requirements and all other provisions of the Federal-aid highway legislation governing the expenditure of the particular class of funds involved. There is attached a revised draft bill which incorporates these necessary changes.

The Department favors the enactment of the attached revised draft of bill.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this letter.

If we can be of further assistance in this matter, please call on us.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., April 5, 1954.

Hon. EDWARD MARTIN,
Chairman, Committee on Public Works, United States Senate, Senate Office Building, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reply to your letter of March 12, 1954, requesting the views of this office with respect to an amendment, in the nature of a substitute for S. 796, a bill "To permit the charge of tolls on certain highways constructed with Federal aid."

In its report of June 26, 1953, to your committee, this office recommended against the enactment of S. 796 for reasons set forth in that report. The representatives of the Department of Commerce also testified in opposition to S. 796. The proposed amendment in the nature of a substitute is intended to overcome the objections to S. 796 previously expressed.

This office perceives no objection in substance to the proposed amendment. Its application would be limited to four designated Federal-aid projects, upon which tolls may be charged by the State of Connecticut after repayment to the Federal Government or transfer to other Federal-aid projects of Federal-aid funds expended or to be expended on the four sections involved. However, in order to assure that funds so transferred or repaid shall be expended under all applicable provisions of the Federal Highway Act and to simplify the budgeting and accounting procedures involved, a number of changes in the proposed amendment are regarded as necessary. The report of the Secretary of Commerce on the proposed amendment attaches a revised draft bill which is

intended to accomplish these nonsubstantive changes.

This office has no objection to the enactment of the revised draft bill submitted by the Secretary of Commerce as a substitute for the proposed amendment.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

Mr. BUSH. I now yield to my friend from Tennessee.

Mr. GORE. Mr. President, the bill which the Senator from Connecticut originally introduced met with opposition on the part of some members of the Public Works Committee. The junior Senator from Tennessee was one of those who signed minority views in opposition to the bill. The distinguished Senator very generously reconsidered his bill and, by his revisions, he has met all the objections which the junior Senator from Tennessee had to the bill. When the able Senator asked the Public Works Committee to reconsider the question, I believe his bill, after the amendments to which the Senator agreed were made, received unanimous support. I wish now to join the able Senator from Connecticut in support of his amendment. I think it preserves the basic principles, failure of which caused objections to be made and minority views to be filed with respect to the original bill.

Will not the distinguished Senator explain to the Senate the differences between the amendment now offered and the bill which he originally introduced?

Mr. BUSH. Mr. President, my bill was originally introduced last year. I am a little rusty on it, because the bill has been extensively revised.

In a general way, the bill originally applied to all States, giving them the same rights as are contemplated in the present amendment with respect to Connecticut. That seemed to be very broad authority. The bill has now been boiled down to meet a specific situation.

A further difference from the original bill is that the pending amendment involves payment in cash to the United States Government by the State of Connecticut of the so-called mortgage. I call it a mortgage for simplicity. The amendment provides that Connecticut shall pay in cash the amount of Federal-aid funds on the section of the road which we wish to incorporate in the expressway right-of-way and on which we desire to charge tolls. It also gives an option with respect to the other three sections of the road which will be incorporated, and with respect to which the Federal aid has been or is being extended, but on which no toll stations will be placed at the outset. However, if the traffic pattern should change over the years, and it should be desired to place one or more additional toll stations on the expressway to cover one or more of the three sections, we would have the option, under this amendment, to pay off the so-called mortgage by paying cash into the Treasury, for allocation elsewhere in connection with a Federal-aid project.

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

Mr. BUSH. I yield.

Mr. GORE. Does not the Senator's amendment follow the precedent set in the State of New Jersey in the construction of a toll highway there?

Mr. BUSH. The Senator is exactly correct. A precedent was set by the 81st Congress in connection with the New Jersey Turnpike.

Mr. GORE. Is it not true that if the bill as originally introduced had been enacted a new and different policy would have been adopted?

Mr. BUSH. I think the Senator is quite correct. I thank him very much for bringing out that point.

Mr. President, I shall detain the Senate only a moment more.

This a very important matter. It involves the expenditure of $400 million in the State of Connecticut within the next few years. It involves 129 miles of expressway. This expressway is paralleled throughout by free roads which are now extant and will continue in existence. As the Senator from Tennessee has so generously pointed out, the amendment has been approved without opposition by the Public Works Committee. I take occasion at this point to thank the distinguished Senator from Tennessee, and also the Senator from Florida [Mr. HOLLAND] and the Senator from Mississippi [Mr. STENNIS], who have given me a great deal of advice in connection with this subject, both last year and this year. They make it possible for me to put the amendment in acceptable form.

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

Mr. BUSH. I yield to the majority leader.

Mr. KNOWLAND. I should like to have the RECORD made clear by asking the distinguished Senator from Connecticut if his amendment is not identical with Calendar No. 703, S. 796, except for the amendments which have been worked out as a result of discussions with Senators on the other side of the aisle? Otherwise, is not the bill identical with the one I had given notice would be called up as the next measure to be considered?

Mr. BUSH. The Senator is absolutely correct. I thank him for bringing up that point.

I wish to make particular acknowledgment to the Senator from South Dakota [Mr. CASE], the distinguished chairman of the subcommittee, and to the distinguished chairman of the committee, the Senator from Pennsylvania [Mr. MARTIN], both of whom have been particularly helpful in working out the proposed amendment.

I have about concluded my remarks. I merely wish to add that the purpose of the amendment is to give to the State of Connecticut the privilege of lifting the mortgage on the one section, and on the other sections also, if it should be necessary to do so.

The purpose of offering the amendment at this time, instead of letting it come up in the form of a bill later, is because of the time element involved. I feel we will save considerable time if the Senate will accept the pending amendment to the bill, instead of making it necessary to go through the procedure of having the distinguished majority leader bring it up separately.

I very much hope that the Senate will adopt the amendment.

No appropriations are called for. However, the adoption of the amendment would make available $400 million with which to do a job that would improve travel conditions for the people of the country, not only the people of my own State, for it would affect many people who travel through Connecticut. Furthermore, it would provide employment, and certainly improve the safety and convenience of travel in our neighborhood, and add to the comfort and convenience and safety of those whom we welcome into our State every year.

Mr. MARTIN. Mr. President, the committee will be very glad to take the amendment to conference. It has been very well explained by the distinguished Senator from Connecticut and the very distinguished Senator from Tennessee [Mr. GORE]. It is agreeable to us to take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. BUSH] for himself and his colleague [Mr. PURTELL].

The amendment was agreed to.

Mr. FERGUSON. Mr. President, I call up my amendment 4-6-54-A.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 15, after line 15, it is proposed to insert the following new section:

SEC. 19. For the purpose of carrying out the provisions of section 10 of the Federal Aid Highway Act of 1952 (66 Stat. 162), there is hereby authorized to be appropriated the additional sum of $10,000,000, to remain available until expended: *Provided*, That $50,000,000 of the sums heretofore and herein authorized for the purposes of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended and supplemented, shall be available for contract immediately upon the passage of this Act.

Renumber succeeding section numbers.

Mr. FERGUSON. Mr. President, the amendment I have offered adds a new section to the bill, to provide some limited funds for the purpose of constructing or improving circumferential, or by-pass highways, around a city, or radial highways within a city, when such highways are designated as being important for civilian or military defense. The Secretary of Defense, or such other official as the President may designate, has the power to make the determination of whether or not such a highway is important to civilian or military defense.

In fiscal terms, the amendment provides an additional authorization of $10,000,000. It also provides for contract authority for $50,000,000 of the money previously and presently authorized for this purpose. Approximately $53,000,000 of unused authorizations are available for this purpose from previous authorizations by the Congress.

Mr. President, let me take a minute to outline the nature of the highways which are contemplated under this section. The radial intracity highways called for would be direct highways leading directly away from the heart of our large cities and out into the rural area. Such highways are recognized as being essential today for the evacuation of

cities in the event of an enemy attack. Furthermore, they are essential now in the everyday course of travel in our cities. Any one who drives home from downtown in any American city at 5:30 p. m. feels pretty sure he could make good use of the type of highway called for in this section.

As evacuation highways in case of an attack, these roads would also be available to bringing in rescue and disaster teams after such an attack, or in case of any other emergency.

The circumferential, or by-pass, highways also contemplated in this section will serve similar purposes, and they are also of essential importance in the conduct of normal business every day.

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

Mr. FERGUSON. I yield.

Mr. CASE. I may say to the distinguished Senator from Michigan that I am glad he has offered his amendment. During the hearings on the bill we were told that there were access roads, to the extent of $14 million worth of projects, which have been certified as important to the national defense and for which no funds are available.

The amendment offered by the Senator from Michigan will make it possible to proceed with the construction of the defense access roads for which certification has already been provided by the using agency.

In addition to that, it places an emphasis upon arterial and circumferential highways for which authorization was specifically carried in the 1952 act, and as to which I have spoken several times on the floor of the Senate.

I hope the amendment will be agreed to. I should like to have the chairman of the committee take the amendment to conference.

Mr. MARTIN. Mr. President, I shall be very glad to take the amendment to conference. Personally, after the hearings we have had, I believe it is a very valuable addition to the bill.

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

Mr. FERGUSON. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. Unfortunately, the Senator from Mississippi was unable to attend the short meeting of the committee when the pending amendment was approved yesterday, as I understand. It was not discussed during the writing up of the bill. As I understand, it would renew the authority for the so-called access roads to the extent of $50 million.

Mr. FERGUSON. That is correct.

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

Mr. FERGUSON. I yield.

Mr. STENNIS. And add $10 million to it?

Mr. FERGUSON. That is correct. The actual amount is $53 million, but we are not asking for the additional $3 million.

Mr. STENNIS. The Senator proposes a new provision which, as I understand, brings the Civil Defense Administrator into the picture.

Mr. FERGUSON. That is correct. The original bill contained an almost identical proposal, but it provided for $100 million. I am reducing the amount to $10 million, as a beginning, because I believe surveys must be made.

Mr. STENNIS. Mr. President, the main argument in opposition to the Chavez amendment was that it would prevent adequate provision to be made for the defense of the large cities. I said that soon a special bill for that purpose would be introduced. I did not know that it would be introduced so soon, within a few minutes. Unfortunately, Mr. President, I did not attend the meeting, because I had to be somewhere else. However, if we are to bring the Civil Defense Administrator into the picture, some further consideration ought to be given to the subject.

Mr. FERGUSON. The amendment does not expand the existing authority. There is another amendment which I believe should be adopted.

Mr. STENNIS. There will be another amendment offered expanding the present authority of the Civilian Defense Administrator?

Mr. FERGUSON. I plan to offer such an amendment, but that is not the provision of the pending amendment. If the Senator desires me to tell him what I have in mind, I shall be glad to do so.

Mr. STENNIS. If the Senator would not mind doing so.

Mr. FERGUSON. The next amendment which I intend to offer reads:

> In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult—

Only consult—

> from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

Mr. STENNIS. That is for belt highways.

Mr. FERGUSON. Or radial highways.

Mr. STENNIS. Will all the expense be borne by the Federal Government?

Mr. FERGUSON. The way the previous act was drawn, it is within the discretion of the Administrator to pay for it all or to have part of the amount allowed by the cities, and so forth.

Mr. CASE. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. CASE. The Senator from Mississippi will recall the testimony given a few years ago by the then administrator of public roads, Mr. McDonald, in which he stated that he made the best deal he could with reference to access roads. He would get authority from the State or county or whatever agency might cooperate, but in no case had the Federal Government paid 100 percent, but that in many areas it had paid 75 percent.

Mr. STENNIS. Mr. President, I thank the Senator for that information.

I feel that this is rather an innovation. Access roads, as I have understood, are for military use and to furnish to military units accessibility to the main highway system. There is now brought forward the matter of accessibility for city populations which is a very important matter, but which I think, should be studied and worked on before it becomes law.

Mr. FERGUSON. Mr. President, I do not think it is a new policy. The policy was established in the 1952 act.

Mr. CASE. Mr. President, will the Senator from Michigan yield further?

Mr. FERGUSON. I yield.

Mr. CASE. I wonder if the Senator from Mississippi may not be thinking of the other amendment of the Senator from Michigan. The amendment now pending reads as follows:

> For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1952 * * * there is hereby authorized to be appropriated the additional sum of $10 million, to remain available until expended.

And so forth. It does not broaden the existing authorization. It is simply an additional increment of $10 million to the existing authorization. The amendment which relates to the Civil Defense Administrator is a separate amendment.

Mr. FERGUSON. That is correct.

Mr. STENNIS. As I understood, the committee decided to omit this subject matter because it was primarily a military question, or was so intimately connected with the military that we should leave it out of the general highway bill. The subject matter was discussed by the committee on that basis. I wish to cooperate with the Senator from Michigan, but I think his amendment should have more consideration. In great deference, I would oppose it on those grounds.

Mr. GORE. Mr. President, the pending amendment not only increases the authorization by $10 million, but it provides that $50 million of the sums heretofore and herein authorized for the purposes of section 6 of the Defense Highway Act of 1941, as amended and supplemented, shall be available for contract immediately upon the passage of the act.

That means, Mr. President, that the Appropriations Committee will have no function except a perfunctory one. It means that an agency can enter into a contract immediately after passage of the act, without coming to the Appropriations Committee, and without submitting to the Congress a plan for its approval.

I share the views of the distinguished Senator from Mississippi [Mr. STENNIS]. The committee carefully considered this bill. We think we have brought to the Senate a good bill, a bill which pays proper regard to the highway needs of the Nation, to the extent, in the opinion of the committee, that the taxpayers would be justifiably called upon to support. But here at the last minute we are asked to provide $50 million of contract authorization, perhaps entirely Federal. For what good reason can the Senate be called upon at this late hour, without adequate consideration, to agree to this amendment? We have had quite a debate over the question of allocation, as to whether we should follow the traditional formula or give special consideration to population.

Mr. President, I ask the Senate to defeat this amendment.

Mr. CASE. Mr. President, I think each time Congress has provided funds for access roads, the language of the act has included some contract authorization. It is true that the committee did not include this in the bill, because there were considerable authorizations for which appropriations had not been made. The testimony before the committee, however, developed two very important facts. One was that there is approximately $14 million worth of certified projects existing today for which money has not been appropriated.

In addition, Mr. Johnson, Director of the Division of Raw Materials of the Atomic Energy Commission, testified at page 292 of the hearings that they have requirements for the fiscal year of approximately $3,100,000 in uranium mining areas, so that the money which has already been certified, plus the $3,100,000, would make approximately $17 million worth of projects which have either been certified or are under consideration. So that approximately $17 million of the amount the amendment carries for contract authorization would be needed immediately.

The record also developed that most of the money for access-roads appropriations and authorizations previously has been expended upon roads certified by the Atomic Energy Commission.

Mr. C. D. Curtiss, of the Bureau of Public Roads, stated that in addition to $5,700,000, there has been added $22,500,000 certified by the Atomic Energy Commission.

So that up to this time most of the money has gone for access roads to uranium mines or for roads at plants of the Atomic Energy Commission.

Mr. FERGUSON. Mr. President, I have so much faith in this amendment and so much faith in what it proposes to do, that I feel positive the Senate and the House will appropriate money to do this job through their regular appropriations committees.

I ask to modify my amendment by striking out the colon after the word "expended" and substituting a period, and then striking out the language after the word "expended" down to and including line 9. The language stricken out is as follows:

Provided, That $50,000,000 of the sums heretofore and herein authorized for the purposes of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended and supplemented, shall be available for contract immediately upon the passage of this Act.

Mr. GORE. Mr. President, I appreciate the concession of the distinguished senior Senator from Michigan. With that modification of his amendment, I shall be glad to support it.

The PRESIDING OFFICER. The Senator from Michigan has modified his amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. STENNIS. Mr. President, the companion amendment which with relation to the Federal Civil Defense Administrator brings him in purely in an advisory capacity. I think that is not a change in policy, and I withdraw my objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Michigan.

The amendment, as modified, was agreed to.

Mr. FERGUSON. Mr. President, I call up my amendment 4-5-54-JJ, and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 9, after line 15, it is proposed to insert the following new section:

CONSULTATION WITH FEDERAL CIVIL DEFENSE ADMINISTRATOR

SEC. 8. In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

Renumber succeeding section numbers.

Mr. CASE. Mr. President, certainly I see no objection to the amendment. All it does is to authorize direct consultation. The existing law provides that the President shall designate who shall make certification. I do not believe there is anything wrong in having the Secretary of Commerce consult with the Civil Defense Administrator with respect to the designations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERGUSON].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOUGLAS. Mr. President, before we move to the final passage of the bill, may I inquire of the eminent Senator from Pennsylvania, who is, I understand, in charge of the bill, as to what is the theory upon which the bill is based.

Last year, approximately $650 million in all, was appropriated for roads. The bill now before the Senate carries an authorization which will inevitably result in expenditures of $1 billion a year, or $350 million more than the present amount. I wish to ask the eminent Senator from Pennsylvania how this can be reconciled with the desire of the administration for a balanced budget?

Mr. MARTIN. Mr. President, in reply to the distinguished Senator from Illinois, I know that many Senators and many persons in my own State are wondering why I am advocating this greatly increased appropriation. This is the reason:

Last year, after the adjournment of Congress, I, as chairman of the Committee on Public Works, visited various parts of the United States. Together with other members of the Senate and House Committees on Public Works, I had a long conference with the executive committee of the American Association of State Highway Officials. This organization is comprised of the heads of the highway commissions of the various States.

To my mind, we are farther behind in the construction of roads in America than we are in connection with any other projects. We are not appropriating, when the depreciated value of the dollar is considered, any more money now than was appropriated 15 years ago. We have gone through World War II and the Korean war. We have not had the opportunity of keeping up our road building.

More than 3 million passenger cars, buses, and trucks, above the number which are scrapped, go onto the highways every year. To my mind, for the safety of the nation, not only from a traffic standpoint, but also from a defense standpoint, it is absolutely necessary that we begin to construct roads. It was for that reason that I felt the bill should have the support, not only of the Congress of the United States but also of the people of the United States.

Mr. DOUGLAS. I appreciate the statement of my good friend, the Senator from Pennsylvania, but again I wish to ask how this bill can be reconciled with the claim of the administration that it desires to balance the budget.

The administration, in the budget which it sent to Congress in January, said that the deficit for the current fiscal year would be $3.3 billion; and that for fiscal 1954-55, it would be $2.9 billion. We know, as an actual fact, that the deficits will in fact be much greater, irrespective of any tax reduction, because of a shrinkage in revenue. Now the Senator from Pennsylvania is proposing to increase appropriations by $350 million, which will increase the deficit still further.

Again, I wish to ask my good friend, the Senator from Pennsylvania, what has become of the desire of the Republican Party to balance the budget?

Mr. KNOWLAND. Mr. President, I, of course, shall be glad to hold the Senate in session for a discussion of the general fiscal policies of the Government of the United States. But the hour is almost 6 o'clock, and I had hoped that we might dispose of the bill. This is an authorization bill. I assume that full debate could be had when the bill to provide appropriations comes before the Senate.

The distinguished Senator from South Carolina [Mr. JOHNSTON] had a relatively noncontroversial bill which he was anxious to have called up this afternoon. I do not wish to move to recess the Senate at this time without having disposed of the highway bill. I was hopeful that it might be brought to final passage, since it had bipartisan sponsorship and, as I understand, even the unanimous support of the Committee on Public Works and substantial support on both sides of the aisle.

Mr. DOUGLAS. I appreciate the statement of my good friend, the Senator from California. I assure him it is not my intention to delay matters. But I am certain he does not wish to deprive the country of the information which we are eagerly awaiting from the Senator from Pennsylvania, namely, how the additional expenditure—because it will be an expenditure—of $350 million a year

can be reconciled with the desire of the administration to have a balanced budget. I am still eagerly awaiting those words from the Senator from Pennsylvania; and if he can briefly explain the matter, it will close up the whole matter.

Mr. MARTIN. Mr. President, I apologize for taking so much time, but I may say to the distinguished Senator from Illinois that for 50 years I have advocated large expenditures for national defense. I have now come to the conclusion, after a great deal of study and consideration, that the expenditure proposed by this bill can be made up many times by cutting down on appropriations for national defense and foreign aid. I shall be fighting for that principle.

Mr. DOUGLAS. Is it possible that economic conditions played any part in the decision of the distinguished leader of the majority in connection with the bill to increase expenditures for road building? Is this a form of compensatory governmental action to offset an economic contraction?

Mr. MARTIN. Mr. President, the answer is "No."

Mr. KNOWLAND. I assume that the extension of the gasoline tax, plus the fact that better roads, I think, will make it more likely that a greater number of automobiles will use the highways, which will tend to increase the revenues of the Government, are also factors.

I shall be glad to discuss the matter more fully at another time; but again, I respectfully suggest that we might conclude our action on the proposed legislation.

Mr. HOLLAND. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. HOLLAND. Does not the fact that the committee included in the bill a provision giving the President, in the event of an economic recession which might grow worse, authority to step up the provisions of the bill by a year, and to put into play a very much enlarged public-works program, not on a make-work basis, but on the basis of doing something to care for the Nation's needs, add to the advantage of the bill from a standpoint which has been previously suggested by the Senator from Illinois?

Mr. KNOWLAND. I think there are many valid reasons for the passage of the bill.

Mr. BUSH. Mr. President, if the Senator from Illinois will give me his attention for a moment, I should like to suggest, in answer to his question, that the bill does not relate to the 1955 budget. It provides an authorization for expenditure in the fiscal year 1955–56, for which no budget has been received.

Mr. DOUGLAS. The issue has been made clear, again and again, on the Senate floor that this type of bill so far as roads are concerned is, to all intents and purposes, an appropriation bill. Once the authorization for roads is made, the money is then allocated to the several States. It has been held by this body, again and again, that Congress is then bound to appropriate funds up to the amount of the authorization. I have opposed this conclusion but I have been repeatedly and overwhelmingly defeated. Therefore, when this bill is approved, automatically the expenditures will follow.

Mr. BUSH. The Senator knows this has nothing to do with the budget for the fiscal year ending 1955.

Mr. MALONE. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from Nevada.

Mr. MALONE. I may suggest to the distinguished Senator from Illinois that if one were to review the $10 billion a year which the Senator has been voting for since the junior Senator from Nevada has been a Member of the Senate, to build roads and projects in European countries, we might have balanced the budget if some of that money had been used to build a few roads in the United States.

Mr. DOUGLAS. I have heard the Senator from Nevada make that statement many times, but at the moment the Senate has before it the highway bill; and I am struck by the position of the majority when, on the one hand, it says it wishes to balance the budget, and, on the other hand, advocates expending $350 million more on highways than was spent last year or $700 million more in the 2 years. I do not see how such positions can be reconciled, unless the majority admits that there is a need for a public works program to offset an economic recession. If that is the purpose of the bill, I shall support it.

Mr. CASE. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from South Dakota.

Mr. CASE. A very direct answer can be given to the Senator from Illinois. The President, in his message to the Congress, suggested that the Congress should make increased provision for the construction of public roads provided the gasoline taxes were extended. It has been stated repeatedly during the debate of the last few days that the amount proposed to be appropriated by the highway bill is substantially the equivalent of the anticipated receipts from the Federal gasoline tax during fiscal years 1956 and 1957, for which this bill provides. The receipts from the Federal gasoline tax for the fiscal year 1953 were $979 million. Such tax receipts are increasing at the rate of about 5 percent a year. That will mean that the billion-dollar mark will be passed during fiscal years 1956 and 1957. So that it is consistent with the program announced by the administration that there should be a highway program which would cost substantially the equivalent of receipts from the Federal tax on gasoline and lubricating oils.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H. R. 8127, which is the House bill on this subject. If the unanimous consent request is granted by the Senate, I shall then ask, as is customary in our legislative procedure, that all after the enacting clause be stricken from the House bill and that the Senate bill, as amended, be substituted.

Mr. DOUGLAS. Mr. President, I may say, in reply to the comment of the Senator from South Dakota, that passage of the bill will lead to an increase in Federal expenditures. It may be true that there will be expended in Federal aid for highways only the approximate sum to be collected in Federal gas taxes; but it is well known that in the past there has been collected more money from the Federal gas tax than has been spent on Federal highways and on Federal aid to highways, and that the difference has been used for other purposes. Furthermore, the Federal gas tax is not an allocated or pledged tax; it is instead merged with the general revenues, and from those general revenues, appropriations are made. So that this hocus pocus, if I may call it that, which my good friend the Senator from South Dakota is indulging in, does not fool anybody. What is happening is that the administration or the Republican Party is increasing expenditures for the years 1956 and 1957 by $350 million over those now provided, and that will increase the Federal deficit by this amount. If it is desired to do all this in order to stabilize economic conditions, well and good; but Senators might as well admit what is being done.

Mr. KNOWLAND. I hope the distinguished Senator from Illinois will not be too disappointed if there is not an economic dislocation. He seems to be devoting a great deal of his time to it.

SEVERAL SENATORS. Vote! Vote!

Mr. AIKEN. Mr. President, the Senator from Illinois appears to be pretty well mixed up. We must have better transportation facilities in order to take care of the expanded economy which we expect to enjoy during the next few years.

The PRESIDING OFFICER. The question now is on the third reading of the bill.

The bill (S. 3184) was read the third time.

Mr. KNOWLAND. Mr. President, I renew my request that the Committee on Public Works be discharged from further consideration of H. R. 8127.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. KNOWLAND. I now move that the Senate proceed to the consideration of H. R. 8127.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 8127), to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended, and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Mr. KNOWLAND. Mr. President, I now move that all after the enacting clause of the House be stricken, and that Senate bill 3184, as amended, be inserted in lieu thereof.

The amendment was agreed to.

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

The bill was read the third time.

The PRESIDING OFFICER. The question now is on the final passage of the bill. [Putting the question.] The

"ayes" seem to have it. The "ayes" have it, and the bill is passed.

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

The motion was agreed to; and the Presiding Officer appointed Mr. MARTIN, Mr. CASE, Mr. BUSH, Mr. CHAVEZ, and Mr. HOLLAND conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, Senate bill 3184, to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, is indefinitely postponed.

CONVEYANCE OF PROPERTY TO BOULDER, COLO.

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1089, Senate bill 2713.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 2713) to authorize the Secretary of Commerce to reconvey certain property which the city of Boulder, Colo., donated to the Secretary of Commerce for the establishment of a radio propagation laboratory.

Mr. KNOWLAND. For the information of the Senate, since it is now a little after 6 o'clock, I may say I do not intend to proceed to the consideration of the bill this afternoon. There are a number of Senators who have matters which they desire to have considered. There is one bill which the distinguished Senator from South Carolina desires to have considered, and, I now ask unanimous consent that the unfinished business be temporarily laid aside in order to consider Calendar No. 1180, H. R. 889.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCARLETT SCOGGIN

Mr. KNOWLAND. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1180, H. R. 889.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 889) for the relief of Scarlett Scoggin.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to have this bill taken up out of order, even though it will be noted that on the calendar there are several similar bills which normally would come up on the call of the calendar and probably would be passed without debate.

However, my attention has been called to the fact that the Rev. and Mrs. Blainard Elmo Scoggin, the adoptive parents of Scarlett Scoggin, are citizens of the United States, and the Reverend Scoggin is a missionary in Palestine for the Southern Baptist Convention. Reverend and Mrs. Scoggin are arranging to return home on the 29th of this month, and they wish to bring the child with them. That is the purpose and effect of the bill.

So, Mr. President, I ask for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 889) for the relief of Scarlett Scoggin was considered, ordered to a third reading, read the third time, and passed.

REPORT ON OPERATIONS OF STATE DEPARTMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 365)

The PRESIDING OFFICER (Mr. BEALL in the chair) 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 Foreign Relations:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State on the operations of the Department of State under section 2 of Public Law 584, 79th Congress, as required by that law.

The enclosed report contains a summary of developments under the program during the 1953 calendar year. It also includes a status report on executive agreements concluded with foreign governments pursuant to this legislation, as well as listings of names of both American and foreign recipients of grants, a detailed statement on expenditures, various statistical tables, and other information concerning the operations of this program during the 1953 calendar year.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 7, 1954.*

(Enclosure: Report from the Secretary of State concerning Public Law 584.)

ADDITIONAL APPROPRIATION FOR DEPARTMENT OF LABOR—CONFERENCE REPORT

Mr. KNOWLAND. Mr. President, there is at the desk the conference report on House Joint Resolution 461, making an additional appropriation for the Department of Labor. I understand that the Senator from Michigan [Mr. FERGUSON] is prepared to submit the conference report at this time.

Mr. FERGUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 461) making an additional appropriation for the Department of Labor for the fiscal year ending June 30, 1954, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 461) making an additional appropriation for the Department of Labor for the fiscal year ending June 30, 1954, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

STYLES BRIDGES,
HOMER FERGUSON,
GUY CORDON,
CARL HAYDEN,
RICHARD B. RUSSELL,
Managers on the Part of the Senate.

FRED E. BUSBEY,
HAMER H. BUDGE,
JOHN TABER,
JOHN E. FOGARTY,
Managers on the Part of the House.

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

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the consideration of the conference report on House Joint Resolution 461 be deferred.

The PRESIDING OFFICER (Mr. UPTON in the chair). Without objection it is so ordered.

LICENSE TO LEAHI HOSPITAL TO USE CERTAIN UNITED STATES PROPERTY IN HONOLULU, HAWAII

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Senate resume the consideration of the conference report on House bill 6025, dealing with the Leahi Hospital, at Honolulu. Prior announcement has been given that the conference report would be taken up today.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6025) to authorize the Secretary of the Army to grant a license to the Leahi Hospital, a nonprofit institution, to use certain United States property in the city and county of Honolulu, Territory of Hawaii.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. HENDRICKSON. Mr. President, as the Senate will recall, the bill passed the Senate with an amendment, which was offered by the Senator from Oregon [Mr. MORSE], providing that the hospital should pay 50 percent of the fair rental value of the land which was leased under a 10-year lease by the Federal Government to the hospital, for parking purposes. In conference the House conferees refused to agree to the amendment, and there was nothing for the Senate conferees to do but recede, or else have the bill die in conference.

The Senate conferees did recede; and the conference report is now before the Senate without the amendment which

was submitted by the Senator from Oregon.

Mr. President, I have been rather consistent in supporting the Morse amendment to many bills. I think it has great merit, and I think it has helped in many ways. But, for the life of me, Mr. President, I cannot see how the Morse amendment applies in this case.

Here we are dealing with a 10-year lease, involving about 4½ acres of ground which the Government does not need at this time. The lease is a revocable one, Mr. President. It amounts to only a tenancy by sufferance. The minute the Government wants to take the land back, under the terms of the lease it can retake and regain complete possession and control of the land.

The hospital expects to spend about $20,000 improving this land, so that when the Government does get it back it will be in an improved state and will be of greater value than it is today. I think it is quite unfair to ask an institution such as a hospital, which is supported largely by public funds, to use such public funds to pay rental to the Federal Government. It means that the Federal Government is, in effect, taking money out of one pocket and putting it into another.

I hope the Senator from Oregon will not oppose this conference report. I feel in my heart that this is not the sort of case to which the Morse formula should be applied. Again and again on the floor of the Senate I have objected to the consideration of bills because they did not comply with the Morse formula. Here we are dealing with a lease. Title will remain at all times in the Federal Government. It will get the land back with improvements. As I say, some $20,000 will be expended on the land.

I hope the Senator from Oregon will see the difference between this case and a case in which something of real and permanent value is being transferred.

Mr. DANIEL obtained the floor.

Mr. KNOWLAND. Mr. President, I wonder if the distinguished Senator from Texas would mind permitting us to see if we can complete action on the conference report. I am hopeful that that may be done in a few minutes. I assure the Senator that there will be no move to recess until he has had the opportunity to make the remarks he desires to make.

Mr. DANIEL. Mr. President, for some time the junior Senator from Texas has been sitting here patiently awaiting an opportunity to seek recognition in the hope of making a few remarks today. However, if the conference report can be disposed of in a short period of time, I am certainly willing to yield for that purpose.

Mr. MORSE. Mr. President, I wish to be very cooperative. I intend to make a motion in regard to the conference report. I will never tie myself down in advance on the floor of the Senate by any agreement with respect to a limitation on the length of time to speak on any issue. If the Senator from Texas wishes to use the floor, he has the floor. I intend to make a motion to recommit the bill to the conferees with instructions.

This case is of much more serious import, in my judgment, than my good friend from New Jersey [Mr. HENDRICKSON] thinks it is. I am very appreciative of the great cooperation I have received from the Senator from New Jersey in connection with many bills, with respect to the application of the Morse formula. However, my friend from New Jersey and I simply disagree as to the application of that formula in this instance. I have my record to protect in respect to this issue and I intend to protect it. I shall make a motion to recommit the bill to the conferees, and I intend to ask for a quorum to consider that motion.

Mr. KNOWLAND. Mr. President, under the circumstances I had obliged the Senator from Oregon by holding this matter over so that he could be elsewhere during the past several days. We are now in the same position in which we were the other day. Under the circumstances, I am not going to have a quorum call at this time of the evening.

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

Mr. KNOWLAND. I have adjusted myself about as far as I shall be able to do in the future in the way of accommodating the distinguished Senator from Oregon. In the future these matters will have to come up whether the Senator is present or not.

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

Mr. KNOWLAND. Mr. President, under those circumstances I will not ask that this privileged matter be considered tonight. However, we shall reach it tomorrow, when the Senator from Oregon is in attendance, and we shall determine whether the Senate of the United States or the Senator from Oregon is to set the policy on these matters.

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

Mr. KNOWLAND. I yield.

Mr. MORSE. Let me say to the majority leader that the Senator from Oregon feels very much embarrassed over this parliamentary situation. I have always been very frank in discussing the facts of situations in which I find myself embarrassed. I am exceedingly embarrassed by the parliamentary predicament in which I find myself. I am embarrassed from the standpoint of my friend from New Jersey because I know I have inconvenienced him in this matter.

It certainly was not my expectation, when I discussed the subject with the Senator from California the other night, that I would find myself here tonight back in exactly the same parliamentary situation. I think the Senator from California knows that I did not ask to be placed in this parliamentary situation again tonight.

The Senator from California was exceedingly fair and decent as was my friend from New Jersey, in allowing this matter to go over until I could return on Wednesday. I know that the Senator from California tries to be fair, as does my friend from New Jersey. However, I wish to ask him this simple little question: Does he think the parliamentary position of the Senator from Oregon is in any way changed by the development of events, when he is placed in exactly the same position in which the Senator from California had him the other night when I did not want action taken on this matter without a quorum call? I assumed that when the majority leader agreed to let this matter go over until my return today he intended to bring it up at an hour when a quorum could be called. I want to make a motion to recommit this conference report and I want a quorum for that purpose.

The Senator from California is an exceedingly fair man, and he cannot escape the clear implication of my question, because the answer is that he has me in exactly the same position in which he placed me the other night. If what the Senator from California means when he makes the assertion about determining the course of action on the floor of the Senate is that he is to determine it, he is welcome to try to do so. However, the Senator from Oregon will always exercise his parliamentary rights; and when the majority leader tries to juggle me back into the position in which I was placed the other evening, I shall use every parliamentary resource at my command to protect my rights. I only ask for the parliamentary right I asked for the other night, namely that a quorum be present when the issue is voted upon.

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

The PRESIDING OFFICER. The Senator from California has the floor. Does he yield for the purpose of a quorum call?

Mr. KNOWLAND. No, Mr. President; I do not yield for that purpose.

I agreed with the Senator from Texas that I would not move to recess the Senate until he had had an opportunity to make his remarks this evening. At the conclusion of his remarks I expect to move that the Senate stand in recess until 12 o'clock noon tomorrow.

Mr. DANIEL. Mr. President——

Mr. HENDRICKSON. Mr. President, will the Senator from Texas yield for one observation, with the understanding that he will not lose the floor?

Mr. DANIEL. I am glad to yield under that condition.

Mr. HENDRICKSON. Mr. President, I wish to say here and now that the motion which has been announced by the Senator from Oregon will be vigorously opposed.

ORDER FOR RECESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate concludes its business today it take a recess until tomorrow, Thursday, at 12 o'clock noon.

The PRESIDING OFFICER (Mr. UPTON in the chair). Without objection, it is so ordered.

PLAN FOR SESSIONS OF THE SENATE DURING THE EASTER WEEK END

Mr. KNOWLAND. Mr. President, for the information of the Senate, and after

consulting with the distinguished minority leader, it will be my intention to have the Senate recess from Thursday afternoon prior to Easter Sunday until the Monday following Easter, with no session on Good Friday.

On Easter Monday it will be my intention to have a call of the calendar of bills to which there is no objection.

Senators should understand that although there will be a call of the calendar, no controversial legislation will be considered on the Monday following Easter Sunday.

On next Monday, April 12, when the Senate has completed its business for the day, it will be my plan to ask that the Senate recess until Wednesday, April 14.

NECESSITY FOR DISPERSAL OF ESSENTIAL INDUSTRIES

Mr. DANIEL. Mr. President, the most recent disclosure of the destructive power of the hydrogen bomb emphasizes more than ever the necessity for the decentralization of industries and the dispersal of essential defense production plants.

Congress and the executive agencies often have indicated full realization of the necessity, but it is now evident that too little has been accomplished in this direction. Our only consolation is the hope and faith that action now will come more speedily and that it will not be too late.

Concurrently with the hydrogen bomb announcements, defense officials stated that industrial dispersal plans must be revised and facilitated. The New York Times, of April 1, 1954, carried the following news item on page one opposite the story of Rear Admiral Lewis L. Strauss' report on the power of the hydrogen bomb:

DEFENSE EXPERTS TO GO TO WORK AT ONCE ON FACTORY SHIFTS

WASHINGTON, March 31.—Dispersal plans for defense production plants in major cities will have to be redrawn in the light of today's hydrogen bomb disclosures.

Plans for dispersing defense production plants to date have been based upon a 10-mile radius of immediate danger, which officials conceded was outdated.

Reliable sources indicated the Administration's defense planners were scheduled to go to work at once to draw a new set of criteria for plant dispersal.

The aim of the plant dispersal program is to get new key production plants outside probable target areas.

The Government agency which has the high responsibility of mobilizing our defense efforts and our preparedness program is the Office of Defense Mobilization, with Dr. Arthur S. Flemming as Director. That agency made a very comprehensive report to the President on October 1, 1953. It clearly pointed out the problem and its dangers. However, the report demonstrated that even though the problem is fully comprehended by the Government, not a great deal has been done toward its solution.

In his report Dr. Flemming said, "A government-wide policy on dispersal of new plants is being implemented." This is as it should be with reference to new plants, but too few plants designed for essential production are being built. Furthermore, existing production facilities are not being dispersed. Dr. Flemming pointed out many significant facts in his report. For instance, he says:

> Over 71 percent of the industrial capacity and 54 percent of the workers engaged in manufacture are located in our 50 large metropolitan centers. It would require only a few of the new and terrible bombs to cause millions of casualties and disrupt essential defense industry. Our cities cannot be made invulnerable.

At another point in his report, Dr. Flemming said:

> First priority is given to critical industries in which production is highly concentrated in a likely target area. Of the 190 facilities rated by the Department of Commerce as being of highest importance to the defense effort, about one-half are located in probable target areas. Prompt action must be taken to reduce the concentration and vulnerability of these important facilities.
>
> Industrial disbursement of new facilities is important in reducing the vulnerability of American industry to attack. To the maximum extent possible, no important new industrial plant should be located within 10 miles of a target zone. The Government is utilizing its authority for rapid tax amortization to foster the dispersement of new facilities. * * *
>
> The vulnerability of our largest population centers can be lessened by diverting new developments away from highly congested sections and accelerating the current dispersal effects of normal growth and replacement.

CONCENTRATION OF STEEL

As an example, probably the most vulnerable, as well as the most important of our essential industries, is steel. According to testimony given before the House Small Business Committee 85.4 percent of the American steel producing industry is located within a radius of from 150 to 200 miles of Pittsburgh. Obviously, that area is a No. 1 target area in this country. This particular situation caused the House Small Business Committee to write in one of its reports the following:

> It means a further centralization of productive activity in a few greatly congested industrial centers.
>
> Such trends, which have serious economic implications, are also dangerous from a strategic-defense standpoint.

And the same committee, in its final report, said:

> Experience during and after two world wars have focused attention on the danger that economic concentration in large production facilities would further weaken the small business segment of our free enterprise economy.

Our defense potential is dependent directly upon steel production not only for weapons and equipment but for its use in the production of essential natural resources. For instance, the oil and natural gas industries are entirely dependent on the steel industry for their continued operation. Without the right kind of steel products, oil and gas cannot be produced. Yet most of such products are manufactured in two closely concentrated industrial areas hundreds of miles away from a majority of the Nation's oil and gas fields. At the present time 90 percent of our oil is produced west of the Mississippi River, but only 7 percent of the seamless tubing and only a small fraction of the other essential pipe and steel products are manufactured in that area.

IMPORTANCE OF OIL AND GAS

Texas is the largest oil-producing State in the Union and produces much of our country's natural gas, and yet it is only in recent years that the State has had modern steel mills operating within its borders. Lone Star Steel at Lone Star, Tex., and Sheffield-A. O. Smith at Houston are now manufacturing oilfield pipe, casing, and tubing. This is an example of decentralization in action, and while great progress has been made by these plants, especially the comparatively new Lone Star Steel, they need continued encouragement and expansion. Lone Star now has a steel potential which could serve new and additional fabricating plants in our State.

In other States to the west of Texas there is not enough steel production to meet the peacetime production needs of the oil and gas industry, let alone the possible wartime needs. Without oil in adequate quantities our country would be helpless. Our fleets would be idle and our armies immobile. Our planes would be grounded and our forces would be without supplies. No munitions could be produced and our domestic economy would be bankrupt. We cannot overemphasize the importance of oil today.

I have taken steel and oil as examples of the need for decentralization and dispersal of plants because I am familiar with the experiences of these industries in my own State. Also, I have read of the Russian program of dispersal of these industries.

RUSSIA'S DISPERSAL OF INDUSTRY

Russia has realized the seriousness of this problem, and has taken drastic steps to disperse industries such as oil, coal, and steel. According to published reports, Russia has made herself far less vulnerable than she was during World War II by decentralizing and scattering her production plants, thus decreasing the danger from one or a few bombs. We are told that it would now require many, many bombs and many, many bombing trips to reach all of her essential production facilities. This dispersal has been going on in Russia for several years. An account of it was published as long ago as October 27, 1952, in the New York Times.

I ask unanimous consent that the article be published in the RECORD at this point in my remarks.

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

PLANT DISPERSION AT PEAK IN RUSSIA—INDUSTRY IS LESS VULNERABLE THAN EVER BEFORE BECAUSE OF SHIFTS, ANALYSIS SHOWS

(By Harry Schwartz)

Postwar geographic dispersion of Soviet heavy industry has made the Soviet Union far less vulnerable to land or air attack than ever before in that country's history, analysis of detailed data released at the recent Communist Party congress in Moscow indicates.

That this has been the objective of Soviet economic planning was openly avowed at the congress by Maxim Z. Saburov, head of the state planning committee and a member of the recently elected presidium of the Cen-

tral Committee of the Communist Party. Statistics announced for the first time at the meeting of Georgi M. Malenkov and other speakers there show clearly the substantial success that has been attained.

Today, these data indicate, the heart of Soviet heavy industrial production is in the Volga Valley and the Urals, 1,000 miles and more farther west than in 1940. At the same time Soviet heavy industry is now so widely spread over the country that enemy capture of any one major area, or its complete destruction from the air, would not represent nearly the threat now that the loss of the vital Ukrainian coal and metallurgical complex posed in the early months of World War II.

VULNERABILITY CUT FOR OIL

The lessened Soviet vulnerability is most marked in the case of petroleum. In 1940 the Baku area and adjoining Caucasus sources of oil produced almost 27 million metric tons of oil, more than 80 percent of the total; today they account for only about 23 million tons, or less than half.

The new commanding position in Soviet petroleum output is apparently now held by the second Baku region, with wells spread over a vast area between the Volga and the Urals. This now accounts for almost 19 million tons of oil output, or 40 percent, of the total production, against only about 2 million tons, or about 7 percent, in 1940.

Baku alone is now apparently still below the 1940 production level, having failed to reach the 1950 objective of the fourth 5-year plan, and it is still lagging behind the desired tempo of production growth, after the great decline caused by the almost complete cessation of new drilling there during World War II.

The same general pattern is exhibited in iron and steel production. In 1940 the Urals and areas farther east produced only about 4 million metric tons of pig iron, 29 percent of the total, and about 6 million tons of steel, roughly 31 percent. Last year these areas produced almost 10 million tons of pig iron, 44 percent of the Soviet total, and 16 million tons of steel, or slightly more than half.

At the same time iron and steel production in European Russia, primarily in the Ukraine, exceeded the 1940 levels in 1951. European Russia last year produced about 12,300,000 tons of pig iron and 15,400,000 tons of steel as against 10,800,000 tons of pig iron and 12,400,000 tons of steel in 1940.

The great importance of Urals production in the current pattern of Soviet ferrous metallurgy output was indicated at the congress when one speaker revealed that one Urals area alone, Chelyabinsk Province, now produces substantially more pig iron, steel, and rolled metal than all of Czarist Russia did in 1913. This suggests that this area, which includes the giant Magnitogorsk works, now produces annually 5 million or more tons of pig iron and steel. In 1913 Russia produced 4,200,000 tons each of pig iron and steel.

In the pattern of coal production, the once dominant position of the Ukraine's Donets Basin has evidently been ended, and this region now produces only about one-third of all Soviet coal as against half of the total in 1940.

Mr. DANIEL. Mr. President, recently, Lieut. Gen. Leslie Grove expressed his views on this subject very forcibly. He clearly pointed out the interdependence of military defense and American industry and showed that national defense was both a military and a civilian problem. And he further pointed out the shortsightedness of both industry and Government in not dispersing the facilities for essential production.

It is hoped that the administration does fully realize this dangerous condition and that it will use every possible means to correct it. The Congress has demonstrated its full comprehension of the problem by enacting laws which are adequate to give the necessary incentive to industry for the dispersal of our essential plants.

The Defense Production Act of 1950 contains adequate provisions to enable industry to decentralize. But the provisions of the act are not self-operating. That act must be administered by the agencies to whom this power is delegated, these being the Office of Defense Mobilization and the Departments of Commerce and Treasury, with the counsel and assistance of the Department of Defense. While Dr. Flemming, Director of the Office of Defense Mobilization, in his report, states that all agencies are fully cooperating and that the policy is being effectively carried out, results have not been as great as they should have been, and obvious dangers have not been eliminated.

It is hoped that action by the administration will be more rapid and more effective than it has been in the past and that in the near future we will be as secure from treacherous sudden attack as human efforts can make us—that regardless of when or where we may be attacked, we will have been spared the human and industrial potential to fight and win any war that may be forced upon us. Present dangers are too great to countenance further delay.

RECESS

Mr. HENDRICKSON. Mr. President, in accordance with the order previously entered, 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 36 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, April 8, 1954, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 7, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, our Father, may this be a day when we shall live on the high levels of loyal devotion to lofty ideals and principles.

Gird us with wisdom and power for our particular tasks and may we feel that it is Thy work in which we are engaged.

Awaken within our minds and hearts a sense of divine guidance and a dauntless courage to follow where Thou dost lead.

Continue to bless our beloved country, our leaders and chosen representatives, our homes and churches, our schools and colleges, our hospitals, our farms and factories and all our Army, Navy, and Air Forces which are seeking to defend our liberties.

May we go forward with faith in the Captain of our Salvation whose strength is invincible. Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tribbe, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 31, 1954:

H. R. 8224. An act to reduce excise taxes, and for other purposes.

On April 1, 1954:

H. R. 5337. An act to provide for the establishment of a United States Air Force Academy, and for other purposes.

On April 2, 1954:

H. R. 5632. An act to provide for the conveyance of a portion of the Camp Butner Military Reservation, N. C., to the State of North Carolina.

INVESTIGATION OF COMMUNISM AND COMMUNISTS IN EXECUTIVE AGENCIES OF THE FEDERAL GOVERNMENT

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point. I want to speak about the gentleman who is conducting or has until recently been conducting hearings involving Communists.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, apparently some Members of the group who insist that the investigation of communism and Communists in executive agencies of the Federal Goverment as carried on by the distinguished gentleman from Wisconsin should cease—while many of this group have had a great deal to say, some have written much, and all condemned any containment of the individual's thought, or expression, or supervision over either—have reversed themselves in their attitude toward what is called McCarthyism.

Instead of meeting fairly, squarely, and publicly, the issue of fact, if that is of the utmost importance, as to whether the Army or a Member of the other body has accurately stated the situation which arose in a committee of the Senate, they have directed their charges against the chairman of that committee, who was doing the job. They have put him on trial, though for what offense it is somewhat difficult to understand.

They now go so far as to insist that no one, no matter how patriotic, able, or qualified he might be, should present the issue to the committee, if that individual approved of the chairman's efforts or perhaps had ever heard of him.

Presumably, the attorney who appears before the committee for the Army will speak for the Army. Presumably, he thinks the Army is right.

This is the first time I ever heard of a party to an issue being deprived of the assistance of counsel just because that counsel thought he was representing a worthwhile cause.

An attempt to determine what the gentleman from Wisconsin was trying to do is not so difficult if we listen to the cries of those who object to his efforts. From the noise that has been made, from a glance at the source from which it comes, one might conclude that Joe, and I do not mean ex-President Truman's "good old Joe," was hitting the Communists, their friends, and supporters. Who else is squealing? And what about?

OPERATIONS OF DEPARTMENT OF STATE UNDER PUBLIC LAW 584, 79TH CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 365)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State on the operations of the Department of State under section 2 of Public Law 584, 79th Congress, as required by that law.

The enclosed report contains a summary of developments under the program during the 1953 calendar year. It also includes a status report on executive agreements concluded with foreign governments pursuant to this legislation, as well as listings of names of both American and foreign recipients of grants, a detailed statement of expenditures, various statistical tables, and other information concerning the operations of this program during the 1953 calendar year.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 7, 1954.*

(Enclosure: Report from the Secretary of State concerning Public Law 584.)

INTERCEPTION OF COMMUNICATIONS

Mr. BROWN of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 492 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national security investigations, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER].

CALL OF THE HOUSE

Mr. HAYS of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members are present, not a quorum.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49]

Allen, Ill.	Heselton	Reed, Ill.
Barrett	Hoffman, Ill.	Richards
Battle	Jackson	Riley
Belcher	Kearney	Roberts
Bentley	Knox	Rogers, Tex.
Bonner	Krueger	Roosevelt
Boykin	Lyle	Scherer
Carlyle	McIntire	Sieminski
Chiperfield	Miller, Calif.	Sutton
Condon	Norrell	Velde
Davis, Tenn.	O'Brien, Ill.	Walter
Dawson, Ill.	O'Brien, Mich.	Weichel
Dingell	Patten	Williams, N. J.
Durham	Phillips	Wilson, Tex.
Hart	Powell	Yorty
Heller		

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL ORDERS GRANTED

Mr. PATMAN asked and was given permission to address the House for 20 minutes today, following the legislative program and any special orders heretofore entered, also to revise and extend his remarks and to include extraneous matter.

Mr. JAVITS asked and was given permission to address the House for 15 minutes on Tuesday next, following the legislative program and any special orders heretofore entered.

INTERCEPTION OF COMMUNICATIONS

Mr. LATHAM. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this rule makes in order the consideration of the bill, H. R. 8649. The rule is an open one, and provides for 2 hours of general debate.

The bill that we are about to consider has been, and is known as the wiretapping bill; it is also known as the anti-traitor bill. What the bill seeks to accomplish is merely to improve a rule of evidence in the Federal courts.

Let us consider for a moment why it becomes necessary that we discuss this bill at the present time.

Back in 1934 the Federal Communications Act was amended and this provision was written into the act. I think it might be well that we read it so that we fully understand the picture here this morning. This is the provision of the act:

No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person.

Under the language of that law passed back in 1934, the courts have said, although it was never so intended, the courts have held that this language prohibits the introduction in Federal cases of evidence secured by wiretapping. The court has also gone further and prohibited the introduction of evidence which was secured indirectly and as the result of evidence obtained by wiretapping.

As the result of these cases and these decisions, many saboteurs have escaped conviction. As the result of these decisions, a very anomalous situation has arisen.

For instance, in the State of New York, in a $50 theft case, wires can be tapped and that evidence can be used. In the Judith Coplon case, a case involving treason, the evidence could not be used against an enemy of America. This is obviously a very anomalous situation. We hope to correct it here today.

Now that is the situation at which this bill is aimed. It attempts to plug that loophole. It serves to make certain evidence admissible in certain restricted types of cases.

We all know that in this country we do not generally like wiretapping and snooping on other people's telephones, so the Committee on the Judiciary in this instance wrote every possible restriction into this legislation. Let me just run through them with you for a moment.

First. This bill applies only in criminal cases. It has no application in civil cases.

Second. It does not apply in all criminal cases. It applies only in certain specified criminal cases having to do with national security, and the bill goes on and enumerates them. It applies in treason cases, in cases of sabotage, of espionage, sedition, and those coming under the Atomic Energy Act and in no other criminal cases, no other cases of any kind.

Third. The tapping under this bill can be done only with the written approval of the Attorney General.

Fourth. When the tapping is done, who does the tapping? Can any private eye or police detective, or any private individual tap wires under this section? The answer is "No." The tapping can be done only by the FBI and the intelligence divisions of the various defense agencies.

Fifth. There is another restriction in the law which is very important. It permits the admission of evidence only in cases where the evidence would not be otherwise inadmissible; in other words, if the evidence secured is inadmissible because it is irrelevant or immaterial it does not go in in any case.

It must comply with all the other requirements of the rules of evidence in order to be admissible.

Mr. Speaker, this bill would bring the procedure in the Federal courts in line with most of the States of the country. I understand that 31 of the States permit the admission of wiretap evidence.

This bill presents to the Congress an opportunity to strike a telling blow against the saboteurs and the traitors in this country who are today and who have in recent years plotted against the security of our country.

I urge that the rule pass and I hope every Member of the House will vote for the bill.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. DODD].

Mr. DODD. Mr. Speaker, it is with great reluctance that I arise in opposition to the adoption of this rule.

This is the first time that I have opposed the adoption of a rule.

Generally it is my belief that when legislation is reported favorably by a committee of this House, and has received the approval of the Rules Committee, the Members should be given an opportunity to debate and discuss the proposal and a chance to vote on it.

I have pursued this policy with respect to measures that I was opposed to and as a notable instance, while I am opposed to the admission of Alaska to statehood, and will vote against it, I have signed a petition to get this proposal before this House for a debate and for a vote.

It follows, therefore, that only in the most unusual circumstances and only for the most compelling reasons, will I oppose the adoption of a rule for committee-approved legislation.

The resolution which is before us sets up the parliamentary controls for H. R. 8649, commonly known as the wiretapping bill.

At this point let me parenthetically remark that I deeply resent the efforts to pressure and intimidate the Members of this House with respect to this legislation by giving to this proposal the nickname "antitraitor bill."

Is it intended that those who oppose this bill are to be called protraitor? I shall not take the time of this House to defend myself from that inferential charge. My record on that score is completely clear and is of long duration. This is an ironical situation for one in my position for I have been called hard names in my own State, for my activities against communism and communists and their dupes. It distresses me that the distinguished majority leader in referring to this bill last week on the floor of the House, used the slogan "antitraitor bill." I have great respect for the majority leader and I am of the opinion that he used this language without fully considering its implication, its inferences, and its use for purposes of intimidation.

From what I know of the gentleman from Indiana, he would not willfully create this atmosphere. And I am sure that he will agree on reflection that his unfortunate use of this language is not conducive to the kind of atmosphere in which this legislative body can most effectively work.

Let us here credit those who disagree with our views with the same good faith that we claim for ourselves.

I oppose this rule because this legislation is inadequate and because it compounds the confusion that already exists.

Lest there be any doubt that this is so, let me remind the Members of this House that from the time of the invention of the telephone, the question of wiretapping has troubled the best legislative and judicial minds of this land.

The present proposal does nothing to clarify the situation. It simply adds another patch to a legal crazy quilt.

The failure to clear up substantial doubts about the law with respect to wiretapping by the committee which has had this matter under consideration for a long time is reason enough for the rejection of this resolution. For in rejecting this resolution this House can serve notice that it will not entertain further confusing legislative proposals. If you will reject this rule, you will in effect say to this committee that before this House will consider the grant of additional police power to the executive departments of this Government, it insists that comprehensive and definitive and clarifying legislation be offered for consideration.

The glaring omissions of this bill are the greatest arguments against this rule.

First, it fails to make wiretapping by private snoopers illegal. And it fails to make divulgence of information obtained by private snoopers illegal. If this rule is adopted and this bill is passed, the abuses which have been complained about for many years in this country will go right on.

It does nothing to resolve the questions that have arisen with respect to the Federal Communications Act. The Department of Justice for many years, with its tongue in its cheek, has flouted the legislative intention behind the Communications Act by claiming that disclosure of wiretap information as between employees of the Department of Justice is not disclosure at all.

Every serious-minded person who has examined this situation knows that this Congress can straighten that matter out.

Thirdly, it does nothing about the problem of State and local wiretapping. The State of New York has legalized wiretapping and the disclosure of information obtained by wiretapping, although it has set up judicial supervision over these operations. But this is in conflict with the Federal statutes. The New York State law is illegal. What public officials do in New York under the wiretapping authority of the State of New York is forbidden under the Federal Communications Act, and if the Attorney General does his job he will prosecute them for it.

But let me assure you that there will be no prosecutions instituted now or if this bill is passed because the truth is that the Federal Government has dirty hands.

Surely this is a situation that can be easily clarified if this Congress is willing to face up to the job.

While authorizing wiretapping and the use of information obtained from wiretapping in cases involving national security, it makes no reference at all to the blackest of domestic crimes—kidnaping and extortion.

It reposes in one man a police power that the people of the United States have repeatedly refused to grant. And it does this without making provision for any of the traditional safeguards which have always been set up where grants of police power have been made. This bill is a supreme example of the often denounced practice of government by man instead of by law.

If it is suggested that these omissions which I have pointed out can be cured by amendment, let me add that the omissions are so numerous and the corrections so intricate that this House will be faced with rewriting this entire bill in a period of 2 hours, whereas this committee has had this proposal under consideration for many months. To rewrite this bill in this period of time and under this parliamentary situation would produce a legislative monstrosity.

Bound up in this whole controversy are questions which go to the very foundations of our Government. They are essentially the same questions which troubled men like Jefferson and Madison—that bothered minds of men like Holmes and Stone and Brandeis.

This is no way to legislate on a matter that is fraught with the greatest of constitutional questions.

We are to be given but 2 hours to weigh these great constitutional questions against this request for new and terrible police power. What we may do here in 2 hours will have far-reaching effect upon the lives of American people for centuries to come.

Therefore, the time granted under this rule is inadequate, and that is another reason for opposing its adoption by this House.

This is a time to slow down those who would rush us into great constitutional commitments from which it will be most difficult, if not impossible, for the American people to escape.

Let us vote down this rule and thereby serve notice on this committee that we want a comprehensive and thorough job done on this whole problem of wiretapping. The best way to serve that notice is to reject this rule, and I ask that the rule be voted down.

Thereafter, if the Judiciary Committee will prepare a bill which permits, under the supervision and authority of the Federal judiciary, the Department of Justice and the Department of Defense to tap wires and to divulge information obtained from such taps in a Federal court for cases involving national security, kidnaping, and extortion, I will vote for such a bill.

Secondly, if the Judiciary Committee will prepare a bill which makes all private wiretapping illegal, I will vote for such a bill.

Thirdly, if the Judiciary Committee will prepare a bill which prohibits the disclosure of any information obtained through private wiretapping, I will vote for such a bill.

Fourthly, if the Judiciary Committee will prepare a bill which authorizes, under judicial supervision, State and local wiretapping and the disclosure of wiretap information in State courts, I will vote for such a bill.

None of these things has been accomplished in this bill.

Again I urge that we vote this rule down and thus instruct the Judiciary Committee to rewrite this legislation.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DODD. I yield to the gentleman.

Mr. CELLER. And the reason given is that the Attorney General's office does not prosecute its own officials who violate the law by wiretapping and, therefore, they say they cannot prosecute those who are outside of the department.

Mr. DODD. Of course, that is what I am talking about. That is why you cannot enforce the law. Those New York statutes and those statutes similar to those in New York are in direct violation of the Federal statute which forbids what they are doing. The Weiss case makes that perfectly clear. The Supreme Court said that intrastate telephonic communications are subject to the Communications Act, and the Communications Act says that sort of thing is forbidden. There are no two ways about it.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I rise in support of the rule and of the bill in the fashion in which it has been reported by the committee.

I normally would not have spoken at this time, but my ears are a little bit affected from flying in an airplane and I am going to leave here shortly to have something done about them, so I am taking this time to speak on this measure.

The gentleman from Connecticut who just preceded me expressed friendship for me. May I say I have the same friendship and admiration for him. But when I characterize this bill as an antitraitor bill I am not being facetious about it, and I think I am on completely justifiable ground.

He complained very vigorously of the fact that wiretapping is now going on, and it is. We all know that. The Federal Communications Act of 1934 does not prohibit wiretapping, it prohibits wiretapping and the divulgence of what is discovered in the tapping. So the courts have constantly held. This bill does not provide for any wiretapping that is not now being carried on within the law.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman does not mean, by characterizing this as an antitraitor bill, that anyone who might vote against it is a traitor? I ask the question just so that will be clarified.

Mr. HALLECK. Of course not. I am just trying to give it the right kind of name. A lot of people who are opposed to it are calling it a wiretapping bill. I am trying to convince the Members generally, and that is on the right side of the aisle as well as on this side of the aisle, that that is a complete misnomer, that in truth and in fact this is an antitraitor bill.

No one is going to disagree with me that wiretapping presently goes on. The only prohibition is against the disclosure.

What does this bill undertake to do as a matter of end result? This is the only thing that is important. It undertakes to make admissible in evidence the interception of telephone communications in criminal prosecutions involving the security of the country. It simply gives to the power and majesty of the Government of the United States the right to use in evidence the facts that have been obtained, to send traitors and spies to jail. That is all there is to it.

As far as I am concerned, I am not impugning anybody's motives, but I do insist that we should grant to the people in our Government, the FBI and the intelligence agencies of our armed services, the right and the authority to use those facts in criminal prosecutions where the very welfare of the country is threatened. I say to do less than that is to jeopardize our own very security.

I would like to point out another thing. As has already been indicated here, the Supreme Court held by a 5 to 4 decision that the officers of the Federal Government are persons within the purview of the Federal Communications Act and hence they cannot disclose any evidence they have found in any kind of criminal prosecution.

Let us keep in mind this further fact when we talk about constitutional rights, and I say this with all regard for my very good friend from Connecticut: The courts have constantly held that the interception and disclosure of telephone communications is not a violation of the fourth amendment against unreasonable search and seizure.

So there is no constitutional question involved here at all. It is only a question of the interpretation of a statute created by the Congress of the United States. I have been on the Committee on Interstate and Foreign Commerce. I was on it for a long time. I know what we had in mind when we wrote that provision in the law. We never had in mind that we would so handicap and hamstring the officers of our Government as to permit the Judy Coplon's to walk out of court free. That is the situation we are trying to get at and to solve.

Let us keep another thing in line apropos invasions of privacy and such. If J. Edgar Hoover who, along with the administration, wants this bill in its present form, were to walk into a room and have a conversation with me and had a walkie-talkie in his pocket which conveyed the message down to the Raleigh Hotel where it was recorded, such a recording is evidence and it is admissible. If you set up a tape-recording machine in somebody's office or a dictaphone, evidence obtained in that manner would be admissible. If you listen through the wall or around the corner, that is admissible. So you see because it invades no guaranty of the fourth amendment to the Constitution, such evidence is admissible. But this matter of telephone conversations, by reason of what I say is a misinterpretation on the part of the courts, has been given a position that it should never have. I have heard people complain violently about accusations of being soft on communism, of being soft on traitors, and soft on subversives and spies. Well, everyone may vote as he pleases, but so far as I am concerned, I am going to vote to make it possible for the FBI and the intelligence officers of our Government to apprehend traitors and spies and send them to jail where they ought to go.

I understand that an amendment will be offered to require that before this operation may be carried on, the Attorney General must go to court and get an order upon a showing of reasonable grounds that certain specified crimes are being committed. Let me say with respect to that proposal that I am as great a believer in the courts as anyone, but what you will be doing by that is simply to complicate the whole process. You go into the court in these very delicate matters that can extend over a long period of time. The judge can require you to bring in evidence. Court attachés are there. People will find out about it. For 10 years I was a prosecuting attorney in Indiana. I used to get search warrants. Do you know that about half the time before the officers could get to a given place to do the searching, the folks were at the door waiting for them, inviting them to come in. In this very delicate situation, here are the limitations that are in this bill. First, it can be done only upon the written, specific authority from the Attorney General. May I say at this point, that such authority has heen asked by every Attorney General from Robert Jackson down to the present time. Incidentally, this proposal, as presently before us, has been recommended and endorsed by the last three Presidents, including the present President of the United States, Dwight D. Eisenhower. So you see, you must get the written certification of the Attorney General. While you may complain of the present Attorney General, and may I say to some of my friends on this side, that you have complained on occasion of former Attorneys General, nevertheless, the Attorney General of the United States is yet the responsible, high-placed official of the Government of the United States who has the responsibility for the protection of the Nation against criminals and subversives and traitors and spies. On the written certification of the Attorney General, the interception can be done only by the FBI or the agencies of the armed services. Then, where can it be divulged or disclosed? Remember, there is a severe penalty for a violation of that provision which sets out that such evidence may be used only in a criminal prosecution in a court for the violation of one of these statutes which are enumerated. All that it does is to make it easier for the people of our Government, charged with protecting us against traitors and spies, to catch them, and what is more, send them to jail.

Under these circumstances, why all the fuss and furor about this? If you insert the court provision in the bill not only do you make it possible for more people to know about it and destroy its effectiveness, but you slow up the process. There are all manner of reasons, not to mention the constitutional provisions, why that sort of thing should not be inserted in this bill.

So, for myself, may I say, let us stand up and be counted. Let us not be thin-skinned and too worried about the epithets that will be hurled around here about wiretapping being a dirty business. It is going on anyway, as the gentleman from Connecticut [Mr. DODD] said. If you want to go to the Committee on Interstate and Foreign Commerce to have something done about it, I will go along with you, but that is not the issue here today.

The SPEAKER. The time of the gentleman from Indiana has again expired.

Mr. LATHAM. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HALLECK. The issue here is whether or not the Government of the United States in these perilous times, when we know that traitors and spies already within our midst are seeking to wreck us and destroy us, why should we not do the thing designed to make it possible—not to tap wires that cannot now be tapped, because that cannot follow at all—but make it possible for those officers of our Government charged with the responsibility to bring these traitors and spies to conviction. Why not go along with this bill and vote for it and vote against amendments and stand with the bill? Stand with the recommendations of this administration and stand with the recommendations of the two preceding Presidents who themselves not only asked for this sort of authority, but in 1941 or 1942 authorized it specifically to be done for the protection of the country.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes, I yield.

Mr. LANE. Does the gentleman know that under the Willis substitute to be offered it calls for these matters to be treated as ex parte matters in the courts?

Mr. HALLECK. But you have employees there and you have people taking down the evidence and you have to come in and make a showing of reasonable belief that the offense is being committed. I have read the substitute. I know what is in it. All you do is to add another possibility of word getting out.

Let me say this finally. I sat in a meeting with 4 people, all of us sworn to secrecy, and within 2 days I read it all in the newspapers. Let us not put this information out any farther than we have to, because if you put it out farther you complicate difficulties that are already compounded.

The SPEAKER. The time of the gentleman from Indiana has again expired.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, the majority leader has made a fervent and an eloquent plea. He has argued forcefully, he has listed reason after reason why the bill should be supported, he has attempted to rally his forces behind the Keating bill. But, Mr. Speaker, it seems to me that his plea has a hollow ring, for the fact is that when he was called upon in 1941 to vote on almost an exact bill to the one before us—almost identical, in fact—at a time when Pearl Harbor was only a few months off, the majority leader cast his vote against that bill. It was a bill that had been recommended by President Roosevelt to give authority to the then Attorney General of the United States, in the same way that the Keating bill proposes to give authority to the present Attorney General of the United States in the measure now before us. If the majority leader's arguments in favor of this bill are sound, why then were they not equally valid in 1941 with respect to the other bill? Do you remember when the German-American Bund was goosestepping through the country shouting allegiance to Hitler rather than to the Government of the United States? It was a time, too, when spies and saboteurs of Russian communism were roaming the country as well. Our people were caught then in a period of tension not unlike the cold war in which we are now engaged. There was as much an air of emergency during that time as there is today. The FBI and military intelligence units had the same task of defending our country from espionage and sabotage then as they do today. Is it not apparent that the same arguments used by the majority leader today were equally applicable then? Yet, what happened? He joined with other Republicans in beating that bill which would have given the same dictatorial powers to the Attorney General of the United States as the present one proposes to do. That bill was beaten by Republican votes. This bill is sought to be passed by Republican votes. In little more than 10 years the wheel has made almost a complete turn. The Republican Party has adopted now for itself, as its very own, the bill proposed then by President Franklin D. Roosevelt.

I hold in my hand an article from the St. Louis Post-Dispatch of last December which discusses that debate. Let me quote from it. These are comments on the earlier bill:

> A more important criticism of the limitations was made by a Republican, Sauthoff, of Wisconsin. Said he:
>
> "Under the guise of espionage and sabotage anything can happen. Charges can be trumped up against labor leaders, public speakers, newspaper editors, preachers, the America First Committee, and similar organizations that try to keep us out of war."
>
> ALLEN of Illinois said that the bill was based on an "un-American principle." BENDER, of Ohio, argued on the basis of the fourth amendment (protection against unreasonable search and seizure) and declared:
>
> "For a long time * * * political leaders have condemned the OGPU of Joe Stalin and the Gestapo of Herr Hitler. It appears to me that here today, in order to apprehend, as they say, 1 or 2 or a small group of individuals, we are violating this provision of our Bill of Rights. Why create an American OGPU or Gestapo?"
>
> Both ALLEN and BENDER are Republicans, and they are still in the House today. ALLEN is chairman of the powerful Rules Committee; BENDER has announced his candidacy for the Senate seat formerly held by the late Robert A. Taft.
>
> The vote was close. The Hobbs bill was defeated 154 to 147. The majority of the Democrats following administration leadership, favored it, but 60 went off the reservation. As for the Republicans—

And listen to this, you Members on the left side of the House:

> As for the Republicans 94 opposed the bill and only 34 voted for it. Of the Republicans who voted against the wiretapping bill, the following (among others) are still in Congress:
>
> Representatives CASE, MUNDT, and MARGARET SMITH, all of whom are now Senators; Speaker MARTIN; Majority Leader HALLECK; and Committee Chairmen ALLEN, CHIPERFIELD, REED, and TABER. A fairly imposing list of opponents—upon whom Messrs. Eisenhower and Brownell must now rely to pass a wiretapping bill.

Mind it is our Speaker and the majority leader, both of whom now apparently are in strong support of the present bill, who were as strongly opposed to it when presented by a Democratic administration. If this bill was bad 10 years ago, why is it not equally bad today? If the Republican Party opposed it 10 years ago, why do they not oppose it today? Has the principle of individual liberty which was held high in that debate tarnished in so short a time? Why do not the rights of the individual for which the Republican Party professedly fought such a short time ago, claim their attention and championing equally today?

Mr. JONAS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield.

Mr. JONAS of Illinois. Does the gentleman know of any single instance throughout the United States where a prosecuting officer, who has the same authority only probably on a lesser scale than the Attorney General of the United States, has ever been clothed with uninterrupted power to issue an order to obtain evidence without court sanction?

Mr. YATES. The gentleman makes a most important point. I know of no such instance.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield.

Mr. KEATING. Will the gentleman say to us whether or not the bill that came up in 1941 was limited to national security cases?

Mr. YATES. It included not only national security cases but kidnaping and extortion as well.

Mr. KEATING. It went far beyond this bill.

Mr. YATES. The gentleman is wrong. That bill was not different from this bill. National security was as much a factor in those days as it is today. As a matter of fact, the resemblance between the two bills goes beyond that point. Both bills give authority not only to the FBI to make taps of this type, but also to the military. Can you possibly justify voting for a bill that will give every military service the right to put telephone taps whenever and wherever they want to?

Mr. Speaker, this is a bad bill and I shall oppose it. It gives unconscionable and dictatorial powers to one man—the

Attorney General of the United States, with no check or supervision at all by the courts, in complete violation of the spirit if not the letter of the Bill of Rights. Had I been in the Congress in 1941 when the bill to which I referred was considered, at the request and with the recommendation of President Franklin D. Roosevelt, I would have voted against it, too, because this is above any matter of party loyalty. This involves a person's deepest convictions, the dictates of his conscience, his appreciation of the meaning of individual liberty as he understands the intent of the Bill of Rights of the Constitution. There is not here involved a question of being soft toward Communists or coddling traitors because every Member of this House despises communism and wants to protect our Nation from spies and saboteurs. What is involved is one of the basic distinctions between the democratic form of government which we love and cherish, a government which recognizes the sanctity of the freedom of the individual, and on the other hand, the totalitarianism of the Communist form which subordinates the individual completely in the name of security for the State. The Communists use wiretapping because State security is paramount. No consideration is given to the rights of the individual. If we adopt this bill we will have approved the same totalitarian principle.

Admittedly this Keating bill is obnoxious to every Member. Member after Member has declared that he would not even consider voting for this measure if he did not believe it to be necessary for our national security. Does not this argument presume that any measure—I repeat, any measure—which is useful almost to any degree in protecting the Nation from possible espionage or sabotage, is warranted, when national security becomes the sole test, individual freedom is blotted out? When individual freedom is blotted out it becomes very difficult to distinguish between democracy and totalitarianism.

We have seen more and more the violation of individual freedom as we proceed along the path toward total security. If our sole test is to be total security and we adopt this bill for that purpose, is our next step the destruction of the sanctity of privilege in conversations between client and lawyer, between patient and doctor—yes, even between minister and parishioner? What happens to such conversations if conducted over the telephone?

This bill would permit not only the Attorney General, but the Army, the Navy, and the Air Force to intercept and record our private telephone conversations and to commandeer telegrams and cablegrams. Only the United States mails and perhaps privileged conversations, as of this time, appear to be excluded from the prying ears of both civil and military investigators. This bill supposedly limits wiretapping to suspected saboteurs and spies. What guaranty is there that this limitation will be observed? Does not this approach overlook actual experience in States which have already given sanction to wiretapping, where there have been disclosures of several cases of blackmail by officers who had listened to private conversations? This bill not only unties the loosely bound hands of law-enforcement officers, but also unleashes the military to eavesdrop on the civilian population.

If anyone thinks he sees in H. R. 8649 adequate protection against intrusions upon our privacy, a second look will disclose nothing but 3D safeguards. They look real, but are without substance—just illusions, easily discovered upon close scrutiny, even by wearers of Polaroid glasses. Contrary to the author's apparent intent, H. R. 8649 does not require court authorization before an investigating agent is permitted to requisition a telegram or tap a private phone. A prior court order is only necessary if information so acquired is to be admissible in evidence at criminal proceedings. True, express authority of the Attorney General must be obtained before a wire is tapped, but the Attorney General is, after all, a political appointee. What protection against invasions of privacy is to be found in a provision which leaves to the Nation's chief prosecutor the policing of his own activities? He does not possess the time-tested independence and integrity of the courts. As for commandeering telegrams and radiograms, even the Attorney General's express authorization is dispensed with. Chiefs of the FBI and intelligence units of the armed services may act upon their own initiative subject only to whatever rules or regulations he may prescribe.

This bill permits but does not restrict wiretapping and allied activities to investigations of crimes committed or about to be committed against national security. Unauthorized tapping of private phone conversations is neither made a crime nor even prohibited. In brief, the enactment of this bill would give official congressional sanction to the Government's entrance into what Justice Holmes rightfully called "dirty business" without providing a corrective for the present wiretapping situation which the author of H. R. 8649 himself correctly characterizes as affording "little or no protection for the privacy or sanctity of individual rights." In no sense is this any plea for the subversive or saboteur. It is a calm reminder of the majesty of the Constitution in protecting the rights of Americans.

Experience in New York demonstrates some of the dangers inherent in wiretapping even under a statute boasting of greater safeguards than those provided by H. R. 8649. In 1950, for example, a King's County grand jury investigating police wiretapping found that "loose, irregular, and careless" methods supplied fertile ground for police bribery and corruption. A supplementary report by Assistant District Attorney Julius Helfand called wiretapping by plainclothesmen a club to blackmail. And a massive wiretapping study prepared for the New York State Bar Association concluded that New York State's constitutional guaranty of the right of the people to be secure against unreasonable interceptions of telephone and telegraph communications was a hollow right in the present status of the law.

Summing up these experiences, a recent article by Westin entitled "The Wiretapping Problem," volume 52, Columbia Law Review, pages 164, 196–197—1952—concluded, after a careful examination of available evidence, that wiretapping in New York State "is a shining example of what a legalized system should not be," characterized by "corruption, blackmail, misuse of warrant procedures, failure to prevent unauthorized wiretapping, and loss of general confidence in the security of the telephone as a medium of communication."

It is clear that any law authorizing it must provide much more than illusory safeguards. Any legislation worthy of congressional approval must provide as a bare minimum, first, that wiretapping unless specifically authorized by statute be prohibited and made a crime; second, that only civil law enforcement officers be authorized to engage in wiretapping; third, in accord with our system of separation of powers, only after express authorization by a Federal judge; fourth, upon a showing of probable cause—as our fourth amendment requires of a search warrant—that the party whose phone is to be tapped has committed or is about to commit, specifically, treason, sabotage, espionage, or seditious conspiracy.

One wonders whether any legislation authorizing wiretapping, even with strong safeguards, exacts too high a price in democratic values. I do not doubt that a great deal of evidence of or leading to crime can be obtained by wiretapping as it can be by other familiar totalitarian law enforcement methods, such as brutality, the third degree and illegal searches and seizures. The fact that Communists use such methods does not justify our doing so, too. There is still the distinctions between communism and democracy which must be remembered. I believe with J. Edgar Hoover that such methods "are shunned by good law enforcement." As he said:

> The individual citizen, in a democratic State, is protected by high standards set by good law enforcement itself. The well-trained peace officer, schooled in democratic tradition, respects the civil rights of the accused and observes the rules of fair play and decency.

Because of wiretapping's dragnet characteristics its use offends fair play and decency. A wiretap is no selector of persons or data—it indiscriminately intrudes officialdom's prying ear on our most private communications—conversations between husband and wife, between doctor and patient, between attorney and client, to mention but a few.

There is no fundamental conflict between our democratic rights and our security. America's strength lies in moral values. Communism opposes such values. Our real strength lies in a people who cherish and practice the freedoms democracy can and does provide. These are what the world sees in America as the essence of good Americanism. Each time we chip away at some vital democratic value we destroy without the aid of the subversive or traitor what the subversive or traitor threatens to destroy. It is neither soft nor sentimental,

but realistic and practical, to raise a fuss about the dangers of the police state and the invasions of rights that accompany such a bill as we are now discussing. For if we reach a point of accepting the principle that ends justify means—and the arguments in support of wiretapping come dangerously close to this totalitarian proposition—we will have unwittingly compromised that which we wish to make secure. Let us mince no words—wiretapping is democracy-sapping. Fight communism, yes. Fight traitors and subversives, yes. But let us not fight and let us not destroy the American heritage.

We would be well advised to heed the prophetic words of Justice Brandeis in *Olmstead* v. *United States* (277 U. S. 438, 479 (1928)), who said in his historic dissent declaring wiretapping a violation of the fourth amendment: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

I have more faith in democracy than to sacrifice any of its vital values for the mirage of protection that we think we may derive from relaxed crime-detecting methods. "Risk for risk," in the words of Justice Learned Hand, for myself I had rather take my chances that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust.

Mr. Speaker, this bill should be defeated.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. COUDERT].

Mr. COUDERT. Mr. Speaker, let me say at the outset that I am highly in favor of this bill in substance and in principle. I think the Committee on the Judiciary and the Attorney General are to be congratulated in finally coming to grips with the far-reaching and important matter of wiretapping and the use of wiretap evidence in important prosecutions.

On the contrary, I am not in agreement with my old friend and fellow resident of the 17th Congressional District, the Attorney General, in the matter of the form of the bill and what I consider the fatal lack of safeguards. I am deeply sorry to have to differ with my good friend from Indiana, the majority leader. I would much rather be with him than against him. I am sorry I am going to have to support a Democratic amendment rather than a Republican amendment.

It is of the utmost importance that we catch spies, that we catch subversive elements in this country, and use every device to that end. It is not necessary, however, that we display such complete contempt for the Federal courts of the United States that we are unwilling to allow a district judge to see the affidavit and to sign an order dealing with wiretapping when the entire Department of Justice will have access to whatever order or direction the Attorney General may issue. I think this is very fundamental, I think it goes to the safeguards and liberty of our people. A wiretapping bill with court order, the original Keating bill, is sound, is justified, is a fair compromise between the demands of liberty and the needs of prosecution. I see no need and no excuse for the blanket authorization to a number of Government agencies for wiretapping without any judicial sanction.

Back in 1942 I happened to be the author of what is now the New York State law which requires an ex parte order as a condition to wiretaps. We have had 12 years' experience with that law. Probably the most distinguished prosecuting officer in the great State of New York is Frank Hogan, district attorney of New York County. I asked him about this the other day and he told me he was completely satisfied with this law, that he would not want to operate without a court order, and authorized me to quote him to that effect. The fact that we have had no proceedings in the higher courts, we have had no appeals, since this law went into effect in New York indicates clearly that the prosecuting officers are satisfied with it. They have exercised their rights under it, they have applied for ex parte orders.

May I point out also that New York City is not only the great agglomeration of population in the United States, but it is probably also the greatest crime center in the United States. A procedure that has effectively operated on crime detection and prosecution in New York City certainly ought to be sufficient for crime detection in the Federal setup. For my part whatever is satisfactory and has worked for 12 years satisfactorily in New York ought to be good enough for the Federal courts.

I reluctantly differ with my own Judiciary Committee majority, I am sorry to differ with my leadership, but there comes a moment when we must disagree, and for my part I feel obliged to vote for the amendment that will be offered.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. COUDERT. I yield to the gentleman from New York.

Mr. DONOVAN. It is also true that under the New York State code a wiretap made without court order constitutes a crime.

Mr. COUDERT. The gentleman is correct.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I hope the entire debate on this bill, which could very easily become emotional, will be kept on the usually high level of the House and will be confined to a discussion of the bill on a rational rather than emotional level because, as we all realize, there are certain things that have happened in the not too distant past that might justify some strong statements, particularly from our side. But I am going to refrain from entering into that field and discuss the one question that will be before the Committee of the Whole and the House when the amendment stage comes, or the recommittal stage arrives.

There is no dispute on my part so far as legislation is concerned. I am going to vote for the rule. I am going to vote for an amendment to the bill and if the amendment that will be offered is not adopted I am uncertain now whether or not I will vote for the bill.

The basic question will be whether or not this power should reside in the courts or with the Attorney General, not a particular individual but the Attorney General. I was rather surprised at some of the statements made by my good friend from Indiana [Mr. HALLECK], who said that going to the courts will complicate the whole process. I do not think there are many of us who are going to be impressed with that argument.

He also said that if they go to the courts it will make it possible for persons to know about it. Certainly, I do not think that many of us are going to be impressed with that argument, because I challenge anyone to show any leak on the part of our judiciary.

I have here the testimony of Miles McDonald, of Kings County. He is an able lawyer with plenty of experience as a prosecuting officer. He has stated:

> I think prosecutors, myself included, can be overzealous, and I think you sometimes get to the point where you have a pretty good suspicion but no evidence, and you rush in to get a wiretap.

He then went ahead and came out for the necessity of the application to the courts. He then said that he never knew of a leak under the Federal system.

Now, in Massachusetts, the attorney general or the district attorney can order a wiretap up to this very moment, but the Massachusetts Legislature this year has passed a law, and I have a letter here from Irving N. Hayden, the clerk of the Senate of the Massachusetts Legislature, replying to a telegram regarding that law that I sent in which he said:

> Replying to your telegram of the 3d instant, I am enclosing herewith a copy of senate bill 144, relative to the authority of the attorney general and district attorneys to authorize wiretapping, with changes reported by the committee on the judiciary included.
>
> This bill has been passed by the senate and house, but at this writing has not reached the Governor's office for his signature.

In other words, both branches have acted. What does that bill do? It takes away from the attorney general and the district attorney the power upon their own initiative to order a wiretap and requires that they go to a justice of the supreme judicial court or to a justice of the superior court.

Mr. DODD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. DODD. I would like to ask the gentleman if he does not agree with me—and I tried to make this point when I spoke—that what Massachusetts has done and what New York has done are both violations of the Federal statute. My complaint is that it is ridiculous for

the Government to stand aside and not do anything about it, and I think this bill should include a provision to straighten that out. You are in violation of the law in Massachusetts, as the law now stands, when you do this thing that your statute has set up, and there are no two ways about it.

Mr. McCORMACK. The gentleman can have his own views about that matter, but so far as I am concerned wiretapping is dirty business, but espionage is also dirty business, and we want to legislate in a manner to get at this dirty business, at the same time not create another dirty situation by having authorized wiretaps of innocent persons. I think the best protection is the courts to prevent smearing of innocent persons. I believe in the independence of the judiciary. I respect the courts, and I think our safest refuge is to require court procedure, and not let it rest in the hands of any public elective official or any public appointed official other than the courts.

Senate 144

An act restricting the authority of the attorney general and district attorneys to authorize wiretapping

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Section 99 of chapter 272 of the general laws, as appearing in the tercentenary edition, is hereby amended by inserting after the word "district," in line 3, the words: ", pursuant to an order issued under section 99A," so as to read as follows: "SEC. 99. Whoever, except when authorized by written permission of the attorney general of the Commonwealth, or of the district attorney for the district, pursuant to an order issued under section 99A, secretly overhears, or attempts secretly to overhear, or to have any other person secretly overhear, any spoken words in any building by using a device commonly known as a dictagraph or dictaphone, or however otherwise described, or any similar device or arrangement, or by tapping any wire, with intent to procure information concerning any official matter or to injure another, shall be guilty of the crime of eavesdropping and shall be punished by imprisonment for not more than 2 years or by a fine of not more than $1,000, or both."

SEC. 2. Said chapter 272 is hereby further amended by inserting after section 99 the following section:

"SEC. 99A. An order for the interception of telegraphic or telephonic communications may be issued by any justice of the supreme judicial or superior court upon oath or affirmation of the attorney general of the Commonwealth or of the district attorney for the district that there is reasonable ground to believe that evidence of crime may be thus obtained and identifying the particular telephone line or means of communications and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. In connection with the issuance of such an order, the justice may examine on oath the applicant and any other witness he may produce for the purpose of satisfying himself of the existence of reasonable grounds for the granting of such application. Any such order shall be effective for the time specified therein, but not for a period of more than 3 months, unless extended or renewed by the justice who signed and issued the original order, upon satisfying himself that such extension or renewal is in the public interest. Any such order, together with the papers upon which the application was based, shall be delivered to and retained by the applicant as authority for intercepting or directing the interception of the telegraphic or telephonic communications transmitted over the instrument or instruments described. A copy of such order shall be impounded by the justice issuing the same.

"In case of emergency and when no such justice is available, the attorney general or the district attorney for the district may issue such order, but on the next day the said attorney general or district attorney upon oath or affirmation setting forth all the facts, shall apply to a justice of the supreme judicial or superior court for a court order to issue validating the act of said attorney general or district attorney. If the court refuses, after hearing, to validate such prior order of the attorney general or district attorney, said prior order shall cease to be effective, and no further action thereunder may be taken."

Letter received from my valued friend and my State Senator Hon. John E. Powers, the Democratic leader of the Massachusetts State Senate:

MASSACHUSETTS SENATE,
State House, April 5, 1954.

Hon. JOHN W. McCORMACK,
Office of the Democratic Whip,
House of Representatives,
Washington, D. C.

FRIEND JOHN: I received your letter and the following is the information you requested:

A petition (accompanied by House bill 991) of Samuel W. Cohen for legislation to revoke the authority of the attorney general and district attorneys to authorize wire tapping was seasonably filed for consideration by the great and general court in 1953. (A copy of house bill 991 is enclosed.)

The committee on the judiciary, to whom was referred the petition (accompanied by house bill 991) reported bill (house bill 2377) a copy of which is enclosed. House bill 2377 was subsequently passed by both branches and laid before the Governor for his approbation on March 23, 1953.

On March 26, 1953, house bill 2377 was recalled by the senate and on April 30, 1953, the senate reconsidered its previous vote by which it had passed the bill to be enacted. On a further motion, which was subsequently carried, it was resolved that the judicial council be requested to investigate the subject matter of house bill 2377 and report on it. I enclose a copy of PD 144 for 1953.

Senate bill 144 was seasonably filed for consideration by the great and general court in 1954. It was subsequently passed by the senate incorporating the amendments suggested by the committee on judiciary. (Copies of the amendment will be found in the senate calendar for Thursday, March 25, 1954 at p. 3.) At this writing senate bill 144 as amended is before the house for enactment. The present status of the law is set forth on page 39 of PD 144. Please let me know if you will need further information on this matter.

With kind regards and best wishes, I am

JOHNNY.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, it is to be regretted that when we are considering a question of what is admissible into evidence that it should be dubbed antitraitor legislation. In truth and in fact, the more proper name for it would be eavesdropping legislation. It was a crime at common law to eavesdrop. We by this legislation are considering the question of the admission of evidence unlawfully obtained. The laws of the United States makes it unlawful to divulge information obtained by wire tape.

Point No. 2: Where, in our legal jurisprudence, have you ever found a precedent to permit the prosecuting attorney to ascertain and determine what is admissible in evidence? That is a departure from all legal precedent we have ever had. Can you visualize the district attorney, or as in this case where you designate the Attorney General, having the authority, he and he alone, to determine when the wiretap should be had and the authority to determine, he and he alone, whether or not it is admissible? Are we, as lawyers, when we consider these matters, to say that the prosecuting attorney—and after all, the Attorney General is a prosecuting attorney—shall determine when the wiretap shall go on and when it shall be admissible in evidence? Understand, Mr. Speaker, the only thing we are considering in this legislation is whether or not evidence obtained by a wiretap or by eavesdropping may be admissible. It is my contention that the best solution that can be had to this problem is to require a court order. If we require a court order, then the court is the one who is determining whether or not the evidence is admissible.

Therefore, when we get into the Committee of the Whole, it is my hope that the Members will keep in mind that the proper legal precedent to be followed is to permit the courts to determine. The best way to deal with wiretapping is to prohibit it categorically on the ground that it has no place in a democratic society. There are cogent arguments to support this position.

First. Wiretapping is repugnant to the instincts of a democratic people. Privacy is one of the attributes and essential conditions of freedom. For the Government secretly to listen in on conversations between citizens violates, in principle if not in law, the right to be secure against search and seizure without warrant, one of the most valued rights Americans obtained by their Revolution. It suggests the methods of the police state, of George Orwell's "1984." In Mr. Justice Holmes' phrase, it is "a dirty business."

Second. Wiretapping cannot be effectively regulated. To permit it even for limited purposes is to put temptation in the way of politically unscrupulous or totalitarian-minded officials. Although wiretapping is difficult, if not impossible, for the citizen to detect or to prove, information obtained through wiretapping may be used to persecute him, even though it is never formally offered as evidence in a courtroom. The practice is an invitation to political blackmail, to the stealing of business secrets, to oppressive conformity and thought control.

Third. It has never been demonstrated either that wire tapping is needed or that it will accomplish a useful purpose. Modern methods of crime detection are so highly developed that the State should be able to protect itself without secretly listening in on private conver-

sations; wire tapping is a device for avoiding arduous police work, a lazy man's approach to law enforcement. Nor will wiretapping catch the important offender. Former Communist agents have testified that individuals engaged in espionage or treason are trained never to discuss important matters over the telephone.

The proponents of legislation to permit wire tapping have not adequately answered these arguments. However, the climate of fear created by the simultaneous discovery of Communist imperialism and the atomic bomb may have made it politically impossible to avoid some whittling away of our democratic freedoms. If that is, in fact, the case—and it should not be conceded easily—we must then consider how to authorize limited wiretapping with the least impairment of our liberties and the least temptation to political misuse.

Judged even by this standard, the bill reported out by the House Judiciary Committee—H. R. 8649—and before the House at this time is a bad bill.

H. R. 8649 contains three major defects: First, it entrusts the Attorney General with the power to authorize wiretapping without check by the judiciary; second, it fails to prohibit and penalize unauthorized acts of wiretapping unless the information obtained is disclosed; and, third, it applies retroactively to make admissible evidence obtained by wiretapping prior to the passage of the bill.

First. No ad hominem argument is needed to demonstrate that it is a mistake to empower the Attorney General to authorize wiretapping without judicial check. At the same time, it is worth noting that the present Attorney General, who is leading the fight for such a provision, has already yielded to the temptation to use secret FBI reports for political purposes.

The power to authorize wiretapping should be vested in the judiciary; it should no more be given to an officer of the executive department than the power to issue warrants for searches and seizures. If enacted into law in its present form, H. R. 8649 could prove a significant step in the direction of the police state.

Second. Unauthorized wiretaps must be prohibited and punished regardless of whether or how the information is used; otherwise the practice will be grossly abused. This seems elementary—so elementary, in fact, that the failure of H. R. 8649 to contain an adequate provision of this kind suggests that its proponents have no serious intention of limiting the practice.

Third. The statute should not be given retroactive effect. Obviously a distinction can be drawn between an ex post facto substantive offense and a rule of evidence, but this is not the point; the retroactive rule of evidence is still an affront to American standards of fair play. The harm that would be done by rendering admissible previously inadmissible evidence would far exceed any benefit that could be gained by the conviction of a few past offenders. As drawn, this provision of the statute seems to be primarily intended to vindicate past ineptitude on the part of our detection agencies.

THE PRESENT PRACTICE OF WIRETAPPING

The phrase "wiretapping" includes the use by public officials and private citizens of any mechanical device, whether a recorder, amplifier, or other instrument, for the purpose of eavesdropping on a private conversation; it is not limited to the tapping of telephone wires. Two-way telephone conversations can be overheard by direct wire connections or by the use of an induction coil which does not involve any direct wire connection. At least one side of a conversation can be overheard acoustically through the use of a microphone or detectophone placed against the wall of a room where the telephone is located.

Wiretapping, as so defined, is extensively practiced. It is widely employed by local, State, and Federal enforcement officers. It is practiced by private detectives who may be employed by private businessmen, by outraged husbands and wives in domestic relations cases, by Senators to spy on potential witnesses or by potential witnesses to spy on Senators. It is a powerful tool for blackmailers.

There is no foolproof technique whereby a citizen can detect or stop someone from tapping his telephone wires. He can put a lock on his telephone terminal box, use a scrambler, install armored cables to shield his telephone wires, or he can arrange for spot checking of his circuit. These devices can make wiretapping more difficult and expensive, but they are themselves difficult and expensive—and besides they do not work very well.

THE PRESENT LAW

Wiretapping is not prohibited by the fourth amendment, because it is considered not to be a search or a seizure. *Olmstead* v. *United States* (277 U. S. 438 (1928)). There seems to be no other constitutional basis for objection.

The only pertinent Federal statute is section 605 of the Federal Communications Act—title 47, United States Code, section 605—which provides:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the * * * contents * * * of such intercepted communication to any person.

Note that the prohibition applies only to persons who both intercept and divulge. Violation of this prohibition is punishable by imprisonment up to 2 years and fines up to $10,000—under section 501 of the act, title 47, United States Code, section 501—but there has been only one conviction for violation of section 605, and it did not involve practices under consideration here.

The Federal Communications Act prohibition applies to wiretapping; *Nardone* v. *United States* (302 U. S. 379 (1937)). Evidence obtained from leads obtained by illegal wiretapping is inadmissible in the Federal courts, *Nardone* v. *United States* (308 U. S. 338 (1939)), but it is hard for defendants to carry their burden of showing that wiretapping has been used to obtain leads, *United States* v. *Frankfeld* (100 F. Supp. 934 (D. Md. 1951)). See volume 61, Yale Law Journal, page 1221 (1952). One who is not a party to tapped conversations has no standing to object to their use by the Government to obtain testimony—*Goldstein* v. *United States* (316 U. S. 114 (1942)).

State laws are generally, first, not an effective check on official wiretapping—some 58,000 taps were authorized in 1952 under the New York State statute; and second, are not adequately enforced against private persons. State decisions have held section 605 inapplicable to the States.

ATTITUDE OF DEPARTMENT OF JUSTICE

The FBI and the Department of Justice have changed their views with the passage of time and the erosion of public sensibilities through war and fear.

First. In 1931, J. Edgar Hoover testifying before the House Committee on Expenditures in the executive department—volume 52, Columbia Law Review, page 173:

> Mr. TINKHAM. Is any of your appropriation spent for wiretapping?
>
> Mr. HOOVER. No, sir. We have a very definite rule in the Bureau that any employee engaging in wiretapping will be dismissed from the service of the Bureau.
>
> Mr. TINKHAM. I am very pleased that is so.
>
> Mr. HOOVER. While it may not be illegal, I think it is unethical, and it is not permitted under the regulations by the Attorney General.

Second. In 1949, J. Edgar Hoover stated that the FBI does not use wiretapping in its investigations under the Federal loyalty program—New York Times, March 20, 1949, page 60, column 1. But, he said, the FBI does tap with the express approval of the Attorney General "in cases involving espionage, sabotage, grave risks to internal security, or when human lives are in jeopardy." See volume 58, Yale Law Journal, pages 401, 405; 1949.

Third. In 1953, Attorney General Brownell testified before the Jenner committee—Subcommittee on Internal Security of the Senate Committee on the Judiciary—that "some of the important evidence [in Justice Department files] was obtained by wiretapping [but] the case cannot be proved in court and therefore there will be no prosecution so long as the law remains in its present state." New York Times, November 18, 1953, page 23, column 2.

THE 1953 CONGRESSIONAL HEARINGS

A subcommittee of the House Judiciary Committee, under the chairmanship of Representative KEATING, Republican, of New York, held hearings last spring and summer on four bills to authorize wiretapping.

Two substantially identical bills—H. R. 477, introduced by Representative KEATING, and H. R. 3552, introduced by Representative WALTER—authorized wiretapping by agents of specified Federal investigatory agencies—FBI, and Army, Navy, and Air Force Intelligence—in investigations of interference with the national security. These made information thus obtained admissible in evidence in Federal criminal or civil proceedings, to which the United States was a party, involving national security. They required a court order from a Federal

judge, although the language was ambiguous as to whether the order was a prerequisite to obtaining the information or merely to introducing it in evidence. In any event, the bills did not penalize the act of wiretapping, but only the unauthorized divulging of information thus obtained, while the investigatory agencies could compel a private wiretapper to disclose any information he might acquire. The definition of matters affecting the national security was very broad; it included violations of the McCarran Internal Security Act and the Foreign Agents Registration Act, and ended with the catchall "or in any other manner" affecting the national security.

A similar bill, H. R. 408, introduced by Representative CELLER, did not require a court order, but only the express approval of the Attorney General. It covered investigations involving the safety of human life as well as those affecting national security; it made wiretap information admissible only in criminal proceedings. It also made admissible "information heretofore obtained, upon the express approval of the Attorney General" by wiretapping; and it provided criminal penalties for unauthorized wiretapping.

The administration's bill, introduced by Representative CHAUNCEY REED, chairman of the full committee, merely provided:

Notwithstanding the provisions of section 605 of the Communications Act of 1943 (48 Stat. 1103), information heretofore or hereafter obtained by the Federal Bureau of Investigation through the interception of any communication by wire or radio upon the express approval of the Attorney General of the United States in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense, shall be admissible in evidence in criminal proceedings in any court established by act of Congress.

During the hearings Representatives KEATING and CELLER made statements in favor of their respective bills, Representative CELLER claiming that a court order would make secrecy impossible in espionage investigations, and recalling that Democratic Attorneys General had in the past requested the same authority which the administration sought. Deputy Attorney General Rogers testified in favor of the administration bill. He was questioned sharply by Representative FINE, Democrat, New York, on the retroactive provisions of the bill, and by several members on the absence of any authorization for wiretapping by the military intelligence agencies. Military spokesmen supported the bills that would give them authority to wiretap, and the FCC took no position on the substantive issues. Witnesses for ADA, the Civil Liberties Union, and the AFL expressed some preference for the Keating bill, but thought its definitions too broad, and were concerned about the absence of any prohibition of unauthorized wiretapping itself, without disclosure. The ADA representative suggested that court orders be obtained only from a Justice of the United States Supreme Court, or from the chief judge of a United States court of appeals.

There was interesting testimony by Miles McDonald, Kings County, N. Y, district attorney, on the actual operation of the New York State wiretapping law. That law requires the official seeking authorization to obtain a court order. McDonald denied that there was any serious danger that judges or court attendants might reveal the existence of wiretap orders. He pointed out that in New York State, judges do not file wiretap orders with court attendants, but keep their copies in personal safes in their chambers. He thought there was more danger of leaks in setting up neighborhood wiretap posts, since under the present section 605 of the Federal Communications Act, the telephone companies cannot cooperate with law-enforcement agencies by running special tap lines to the agency offices from the tapped phones. He also pointed out that a subsequent challenge to an ex parte court order cannot be used to elicit background information on an investigation by inquiry as to the "probable cause," since the question only arises collaterally, and collateral attacks on such orders are not permitted, at least in New York.

H. R. 8649—THE IMMEDIATE PROBLEM

None of the bills on which the subcommittee of the House Judiciary Committee held hearings last year was reported out by the full committee. Instead, an amended version of H. R. 477—Representative KEATING's bill—embodying substantial changes not considered in the course of last year's hearings, was reported by the subcommittee to the full committee under a new number, H. R. 8649. The new bill was approved by the full committee during the last week of March.

The Keating bill includes certain safeguards on the use of wiretapping not found in any of the earlier bills. For example, it enumerates the specific criminal proceedings in which wiretap evidence will be admissible. But it takes a long step backward by abandoning the requirement of a court order contained in Representative KEATING's first proposal. Nor does the bill provide any penalty for unauthorized acts of wiretapping, as was provided by Representative CELLER. It does, however, include an undesirable retroactive feature.

The Keating bill removes the judicial prohibition on the admissibility in Federal courts of evidence obtained by an FBI or military intelligence wiretap, when authorized in writing by the Attorney General "in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 * * * violations of the Atomic Energy Act of 1946 * * * and conspiracies involving any of the foregoing."

Wiretap information covered by the Keating bill is to be admissible whether "heretofore or hereafter obtained." Presumably, this is intended to permit the retrial of the Coplon case. However, it is hard to tell what other prosecutions might be started if the provision becomes law.

Practically the only safeguard contained in the bill is a provision forbidding any person to "divulge, publish, or use the existence, contents, substance, purport, or meaning of any information obtained pursuant to the provisions of this act" for any purpose other than introduction in evidence in one of the enumerated proceedings. A penalty is provided for the violation of this provision.

RECOMMENDATIONS

The following are the minimal amendments that should be adopted:

First. Requiring a court order for wiretapping rather than merely approval by an officer of the executive branch of the Government.

Second. Including criminal penalties for unauthorized wiretapping apart from disclosure; and if such a provision is added, wiretapping itself may be more inclusively defined to cover the use of dictagraphs and other electronic devices.

Third. Revising the list of criminal proceedings in which wiretap evidence could be introduced so as to bring it more into line with the real necessities of police work; this would mean the exclusion of such crimes as advocating the overthrow of the Government and the inclusion of other crimes such as kidnaping which do not involve the national security but directly and immediately affect the safety of human life.

Fourth. Limiting the use of wiretaps to the FBI, and excluding the military intelligence agencies.

Fifth. Eliminating the ex post facto effect of the legislation.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, this wiretapping bill creates a conflict. On the one side we have the ideals of freedom and individual privacy. On the other we have the need to use the most modern techniques to ferret out and prosecute crime, to get after saboteurs, espionage agents, and to protect our national security. The conflict must be resolved. But I assure you, Mr. Speaker, it cannot be resolved by any slick slogans; for instance, by calling this bill an antitraitor bill.

This bill bristles with constitutional questions, such as proscribed principles of ex post facto. When one uses the term "antitraitor bill," one is making an appeal to the adrenal glands. It is an appeal to sensation, not sanity. It is an appeal to passion and not patience. It is an appeal to fear and frenzy and not frankness. Calling the bill an antitraitor bill is a shocking revelation of sterility of mind. It is smart-aleckness to say or imply that one is a traitor if he opposes the bill unamended and thereby seeks to prevent invasion of home and hearth.

It has not been stated, but I wish to state at this time, that the substitute amendment that will be offered by the gentleman from Louisiana [Mr. WILLIS] provides that in the event of wiretaps

heretofore made and perfected, such evidence may be used upon the express approval of the Attorney General. These wiretaps were made in the past and natually were made without the interposition of the court. But as far as future wiretaps are concerned and the use of evidence obtained by wiretapping, they shall be admissible only on a court order.

To my mind, wiretapping involves the presence of an unexpected, silent, furtive, and unwelcome guest at your telephone. It is like the invasion of your proverbial castle. You may not enter anybody's home, even if you suspect a crime has been committed there or is about to be committed, without a search warrant. Is there any difference when you enter the hearth and home by way of a telephone wire? Why should we not in commonsense require in those circumstances a court order just as we do in a case of a search and seizure?

For that reason I do hope the rule will be adopted and that the amendment offered by the gentleman from Louisiana [Mr. WILLIS] will be adopted.

Wiretapping is widespread. It is practiced uninhibitedly by Federal prosecutors, political parties, business executives, private detectives, prostitutes, bookmakers, gamblers, racketeers, FBI, blackmailers, sharpers, witch hunters. It is dirty business. That is what Justice Holmes called it. Justice Jackson recently said:

> Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy whether by the policeman, the blackmailer or the busybody.

Indeed wiretapping should be nailed down as being utterly illegal save in prescribed cases, like violations of the common defense and national security. But a bill for that purpose would have to come from the Committee on Interstate and Foreign Commerce. The Judiciary Committee has no jurisdiction over the Communications Act. To outlaw wiretaps save in certain cases would involve amendment of section 605 of the Communications Act.

Frankly, I am of the opinion that the Supreme Court has already interdicted wiretapping, but it has been said that all the Supreme Court did was to preclude the evidence obtained by the tapping. The question must yet be decided.

In any event we have the choice today to accept the bill as is—that is, to sanction the interception of communications with the approval of the Attorney General—or to accept the Willis substitute to require a court order before any future wired or wireless communication can be intercepted. The Willis substitute also permits the use in evidence of wiretaps if made before the enactment of the bill. Such taps were made without a court order and can be used in evidence but only upon the approval of the Attorney General.

As to future tapping certainly the agency that eavesdrops should not control. The Attorney General's office should not police itself. There should be interposition of a court order as in the case of a search warrant.

No time would be lost.

There would be no danger of leaks.

There would be no danger of the wrongdoer being apprised of the taps.

Incidentally Communists do no longer communicate by telegraph or telephones. They have received orders not to. They would be fools to use such form of transfer of ideas and instructions and propaganda.

We are a government of law not of men. Therefore without dealing in personalities I feel that under present conditions no Attorney General now or in the future should have this high power. It is a dangerous power. It could be used for political purposes. It is an immense power that could be easily abused.

We must, therefore, guard the use of that power by the requirement of a court order.

The FBI does considerable wiretapping. I quote from the Reporter:

> The FBI, which probably does more wiretapping than any other Federal agency, is at constant pains to depreciate its use of the technique. J. Edgar Hoover's recent public statement on the subject of tapping was made before a House appropriations subcommittee early in 1950, when the FBI director said his agents were tapping less than 170 telephones at the moment. Assuming 5 conversations over the average phone each day, 170 telephones would carry more than 300,000 tapped conversations a year. Such a figure is merely a guess, but it compares favorably with the concurrent testimony of Mrs. Sophie Saliba, head of the record-file room of the New York office of the FBI. Mrs. Saliba disclosed that more than 3,500 disks of FBI-tapped conversations had been destroyed in 1949. Since a disk can easily hold 5 telephone conversations, probably these disks held at least 17,500 conversations—all obviously the work of the New York office alone.

Does one suppose that the Attorney General would personally be called upon to approve all these taps? Would the practice not become one of delegation? The FBI would in the final analysis control the situation and would be the sole determinative factor in all these taps.

In 1934 the Federal Communications Commission was established as an independent agency. Included in the enabling act, as section 605, was a provision intended to outlaw wiretapping once and for all. It read in part:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the * * * contents * * * to any person * * * and no person having received such intercepted communication * * * shall* * * use the same or any information therein contained for his own benefit or for the benefit of another.

Violations were made subject to a $10,000 fine, 2 years in prison, or both.

Three years later the Supreme Court reviewed section 605 of the Communications Act.

Several defendants in Nardone against United States appealed their convictions of liquor smuggling on the ground that the evidence used against them was the result of taps by Federal agents.

The Court ruled that section 605 applied to all persons—persons as Federal agents and all others. But the Court also ruled that the evidence was inadmissible since the agents violated the law in obtaining such evidence.

But the Federal agents who violated section 605 by tapping were never prosecuted. No one has ever been prosecuted for illegal tapping—except in one case, that of a lawyer named Gruber. The Department of Justice has never gotten after its men for wiretapping. Attorney General Jackson said in 1940:

> I do not feel that the Department of Justice can, in good conscience, prosecute persons for a practice engaged in by the Department itself, and regarded as legal by the Department.

In March, 1941, Attorney General Jackson made this new construction of section 605 public:

> There is no Federal statute that prohibits or punishes wiretapping alone.

Jackson said:

> Any person, with no risk of penalty, may tap telephone wires and eavesdrop on his competitor, employer, workman, or others, and act upon what he hears or make any use of it that does not involve divulging or publication.

In 1939 Nardone was reconvicted not on direct-wire evidence but from evidence obtained in turn from wiretap leads. The court held the evidence was "fruit of the poisonous tree" and was thus inadmissible. Nardone was again freed.

In conclusion I repeat: throw clear safeguards around the power to tap: Insist upon the court order.

Finally I insert the opinion of the Association of the Bar of the City of New York:

THE ASSOCIATION OF THE
BAR OF THE CITY OF NEW YORK,
COMMITTEE ON FEDERAL LEGISLATION,
April 7, 1954.

INTERIM REPORT ON H. R. 8649 (KEATING)

We oppose H. R. 8649, as reported out by a divided vote of the House Judiciary Committee March 31, 1954. Apart from any other considerations, we believe the pending bill should be rejected because it fails to require that a Federal judge must approve any wiretap in advance and upon a showing of reasonable grounds therefor.

The core of the bill is its provision under which information heretofore or hereafter obtained by the FBI and certain others, through or as a result of the interception of any communications by wire or radio "upon the express written approval of the Attorney General" and in the course of certain national security investigations, shall be deemed admissible in evidence in related criminal proceedings, notwithstanding the provisions of section 605 of the Communications Act of 1934.

In essence the bill is not materially different from one which was introduced last summer at the request of the Attorney General (H. R. 5149, REED) and rejected by a Judiciary subcommittee after hearings. It falls far short of providing such safeguards as were contained in the bill which the subcommittee reported favorably without dissent. (H. R. 477, KEATING.)

The importance of a prior court order for any wiretap is much the same as in the case of a search warrant. The requirement of a search warrant is made "so that an objective mind might weigh the need. * * * The right of privacy was deemed too precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. Power is a heady thing." (*McDonald* v. *U. S.* (335 U. S. 451, 455).)

District Attorney Miles F. McDonald testified favorably as to his experience under the New York statute requiring a prior court order for any wiretap: "I think prosecutors, myself included, can be overzealous. * * * The judge is a safeguard." He also testified that he had never had any bad experience so far as leakages in the court are concerned. (Hearings, pp. 80, 82.)

Bearing in mind that it is the wiretap itself which is the root of the offensiveness, rather than its subsequent use in evidence, we believe that a sound statute can be drawn and should be enacted, authorizing certain wiretapping under adequate safeguards, including a prior court order. Also the existing prohibitions of the Communications Act have proved difficult for the court to apply and inadequate to prevent illegal tapping. On all counts the present legal and practical situation is unsatisfactory in the public interest and calls for congressional action.

We shall shortly complete a report on the pending wiretap bills, commenting on the variety of problems which any legislation in this field necessarily involves. While it is not our function to draft proposed statutes, we naturally hope that the results of our rather extended study will be found informative. We are making an interim report now because there is not time to complete our pending report in the few days between the Judiciary Committee action and the anticipated vote on the House floor.

Respectfully submitted.

Committee on Federal Legislation: Theodore Pearson, chairman; Prescott R. Andrews; Ambrose Doskow; Thomas H. Dugan; James J. Flanagan; John French; Herbert J. Jacobi; Charles L. Jaffin; John C. Jaqua, Jr.; Arthur Kramer; James P. Murtagh; Arthur L. Newman II; Charles D. Peet; Charles I. Pierce, Jr.; Orville H. Schell, Jr.; Solomon I. Sklar; Royall Victor, Jr.; Joseph L. Weiner; Charles H. Willard.

Don E. Cooper and Jay H. Topkis oppose legislation permitting wiretapping as an unparalleled intrusion on rights of privacy which they believe no presently available evidence justifies.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REAMS].

Mr. REAMS. Mr. Speaker, I have never asked my colleagues in this House to hear me except on a subject concerning which I would feel I would lose some part of my self-respect if I did not speak out on it. This is one of those occasions.

The House will have before it today a bill to authorize admission in evidence in certain criminal proceedings information intercepted in national security investigations. This bill has been referred to as the antitraitor bill. The unvarnished truth is that it is just an authorization to make evidence secured by wiretapping legal. This bill, H. R. 8649, in its present form makes admissible as evidence in any criminal proceeding any court established by an act of Congress evidence obtained by military intelligence agencies and the FBI as the result of intercepting communications by wire or radio. There is a condition precedent which provides that this wiretapping must be upon the approval of the Attorney General of the United States and in the course of an investigation to detect or prevent interference with plans to criminally endanger the national security or defense of the United States.

Mr. Speaker, I am opposed to this bill in its entirety or any part thereof. If there was ever a time in the history of this country where there was need for the private citizens to feel secure in their home and in their private life, that time is today. I have had rather extensive experience in the prosecution of criminals and I know the lure and desire that comes to a prosecuting officer representing Government to win his case and to convict a criminal. I believe that this is a worthy protective feeling for the country and its people and that an officer charged with the prosecution of criminals should spare no effort when he has become convinced of the guilt of a criminal to secure conviction.

This wiretapping bill, however, goes to the very fundamentals of our Bill of Rights. Even before our Constitution carried the fifth amendment there were 6 States which had already adopted provisions against self-incrimination. This bill seeks to nullify that protection written into the fifth amendment and to cause a person to involuntarily become a witness against himself. The proponents of this bill say that wiretapping is like testimony of a witness whoever hears an admission by the accused and is permitted to testify in the courts. That is not in my judgment a correct interpretation of this wiretapping bill. It makes possible the use of a suspects' own words, reproduced by transcription, in an involuntary fashion as testimony against himself. No careful investigator or district attorney will be satisfied if empowered by this bill to have the words of the suspect repeated by someone else. He would be using less than his authorization by this proposed law if he did not have the voice of the suspect reproduced.

Mr. Speaker, I have been alarmed at the messages I have received from good people who now have the idea that the fifth amendment is either a provision which should never have been in the Constitution or that it is the vestigial remains of an archaic and outworn constitutional provision which should be repealed from our Constitution. Nothing could be further from the fact. This feeling undoubtedly has found its way into our legislative chamber. In itself it is an indication of the danger which we face of losing the civil rights which we in this country have enjoyed to a greater degree than anywhere else on earth.

This fact is shown by the careless and callous way in which we hear expressions, which meant so much to the framers of the Constitution, sneered at by patriotic and able men charged with public trusts today. The cynical use of the expressions "civil rights," "fifth-amendment Communists," and "antitraitor bill" would have struck horror into those who placed the Bill of Rights in the Constitution. Have we become so frightened and hysterical because of the fear engendered by worldwide Communist conspiracy that we are willing to destroy or even weaken the original meaning of these words? Our entire Bill of Rights is in danger.

Mr. Speaker, our district attorneys charged with prosecution of crime are not without adequate means of detection for the punishment of crime. We do not have to look to totalitarian and Red communistic methods of prosecution in order to protect our people and our country. The record of prosecutions under the Smith Act and other provisions of our Federal laws is one which we can review with confidence. In a free democracy under a Constitution which guarantees the right to trial by jury there will always be some offenders who will escape the full punishment which their crime deserves. If that were not true there would be many punished who were not guilty. But I insist, Mr. Speaker, that free government is more important today than ever before and that free government can be injured and weakened a great deal more by destroying the confidence of the citizens in their Government than by the failure to convict a Judith Coplon. Whenever citizens of this country may feel each time that they speak over the telephone that there is a possibility of part or all of their conversation being recorded for use against them, then we have bartered too large a segment of the freedom which we have a right to enjoy. In return for this we get only the possibility of making admissible in court a fragment of self-incriminating testimony against an alleged traitor. That price is too high for free people to pay.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I rise in favor of the rule. I feel that this bill should be seriously considered on the floor. On the basis of the information I have, it seems to me to be a good bill at the present time. Perhaps amendments could be added to it to improve it. If that be the case, then I would be in favor of that as well. I do not see how anybody could be opposed to the purposes of this legislation or oppose granting the rule on this bill.

I would like to bring to your attention, however, that I think this bill has been blown up out of all proportion in its efforts to meet the problems we have before us. It is a good bill but it scarcely scratches the surface of the problems of subversion in this country.

I wish you would keep in mind that this Congress has been in session for quite some time now and it is even looking forward to final adjournment in a very short period of time. Quite a few months have elapsed since January 1953. Much good legislation has been introduced in this Congress and is now pending before the committees of Congress without having due consideration because of a failure by the executive departments to submit reports and a failure by our committees to hold hearings and to take appropriate action. I would like to point out a few instances of the things that our Government has failed to do on the question of subversion in the face of ample need for prompt action.

For over 5 years, our country has been agitated over the problem of internal subversion. Seldom has an issue received the public attention given this one; and seldom have Americans been stirred as effectively to bitterness against other Americans.

America's international leadership is handicapped. We are not presenting the appearance of assurance which is

necessary to effective leadership. To the international audience we appear to be hysterical, a Nation divided against itself. At home, we are diverted from pressing domestic problems.

There have been two approaches to this problem. The first contends that the threat of Communist conspiracy has been magnified, that extreme anti-Communist methods present a greater danger and that action on the problem should be primarily against those who use these extreme methods, not against the subversion itself. The other approach seems to contend that the success of the Communist conspiracy in America has been greater than is generally realized and that extreme methods which sometimes override the rights of the individual are justified to combat the danger.

The first approach has not only failed it has intensified the problem by seeming to confirm the outcry that there is indifference in high places. The second approach has failed because its methods have been self-defeating. It has contributed to the problem by arousing fears without resolving them. Many on both sides have shown a disposition to capitalize on the issue for political gain, to discuss the problem on the basis of personalities rather than issues, to blame others and to serve their own purposes.

We are not limited to these alternatives. We can take a new grip on the problem of subversion. With this new grip we can, in this year, 1954, quiet the uproar over subversion to a whisper.

First, we should seek the prompt and effective action by the President and Congress which is needed in this field to bring about better laws and better law enforcement. Second, we should strive to raise the level of our handling of this matter to one of patriotism instead of partisanship.

We should recognize that few, if any, issues are of more importance to America today, and that we should give action on this matter high priority. Paradoxically, while sensation in this field has crowded out all else, quiet, effective action has been relegated to low priority status. Both the Democratic and Republican administrations, both the executive and legislative branches are to blame for the paralysis which has afflicted us in this. It has been well said that Senator McCarthy, Republican, of Wisconsin, would probably be a little known midwestern Senator now if the Democratic administration had not presented an appearance of indifference to the threat of Communist conspiracy.

It is now time to recognize that the Republican administration, both in its executive and legislative aspects has taken no active leadership in basic remedial action on this problem. A few more employees have been discharged. The root of the problem is undisturbed. We remain as susceptible as ever to future subversion. The inaugural address, the 1953 state of the Union address, the 11-point legislative program of February 1953, the legislative program resulting from the White House conferences in December 1953, and the 1954 state of the Union address contain few specific recommendations. In them there is no clear call to prompt, effective action. Nor has any real interest in solid accomplishments been apparent in Congress among those who have been most vocal in this field. Their actions mostly concern individuals who are the products of the weaknesses in our laws, not the weaknesses themselves.

It is time to stop the noise by taking effective legislative and executive action. These are now before Congress a number of promising proposals on subversion which have been languishing in committee. Without intending to obstruct, the Department of Justice has delayed, not encouraged, their consideration.

Whether they should be enacted is subject to debate. But it cannot be gainsaid that they are entitled to full and prompt consideration for whatever hope they offer for adding to our national security, quieting unfounded fears, and eliminating this issue as a handicap in our national and international affairs.

Among them are proposals to tighten the Federal laws against Federal employment of subversives, to strengthen the Foreign Agents Registration Act, to lengthen the statutes of limitations on subversive crimes, to urge Federal courts to consider such cases on a high priority basis, to permit Federal judges to deny bail to those convicted of such crimes pending appeals, to prohibit the taking of bail from subversive organizations or their members to increase statutory penalties for such crimes, to take American citizenship from and deport naturalized citizens convicted of such crimes, to require American citizens employed by the United Nations to receive security clearances, to authorize a new Assistant Attorney General to be responsible for combating antisubversive activities, to strengthen the laws against Communist infiltration into labor unions and other organizations, to prohibit the use of the mails for sending Communist propaganda, and to prohibit Government loans to Communists.

By way of specific and further illustrations, I have myself introduced in this Congress the following proposals dealing with disloyalty:

House Joint Resolution 8, which proposes an amendment to the Constitution to bring the definition of treason up to date. Treason is broadened to include adhering to any group which advocates the overthrow by force or violence of the United States Government and collaborating with an agent or adherent of a foreign nation to overthrow or weaken the United States Government, whether or not by force or violence. These acts would not have to be committed in wartime, which is a requirement under present law.

H. R. 3057, which proposes that a permanent statute be made of the rider customarily inserted into each appropriation bill, which rider makes it a felony for a person to accept or hold office or employment in the Government of the United States who, first, advocates the overthrow of the United States Government by force or violence; second, is a member of an organization which advocates such, knowing of such organization's advocacy; third, engages in a strike against the Government; fourth, is a member of an organization which asserts the right to strike against the Government.

H. R. 3398, which would, first, direct the Attorney General to carry on vigorous prosecution of members of the Communist Party for criminal offenses which they may have committed, whether or not those offenses are directly connected with the Communist conspiracy; second, permit Federal judges to deny bail to persons who have been convicted of subversive activities while they are appealing their cases; third, extends the statute of limitations for subversive activities. This would, in some cases, prevent the defense that the crime was committed too long ago, as was the case with Alger Hiss; fourth, tightens the Smith Act; fifth, permits death sentences for peacetime espionage; and, sixth, takes citizenship away from naturalized citizens who have been convicted of Communist activities and permits the deportation of persons who have lost their citizenship in this way.

Members of Congress, and all citizens throughout our country, cannot make decisions on legislation according to the safeguards of proper legislation unless and until the committees of Congress hold hearings. In the face of need for such legislation as this and for similar legislation, this Congress comes forward with this limited bill, dealing only with wiretapping and is considering another limited proposal to outlaw the Communist Party. That is the sum of the activity of this House at this time as far as I can determine. Assuredly, we should get on with the business of considering the legislation that has been introduced.

Usually, a committee's first step toward considering a legislative proposal is to ask for a report from the executive departments concerned. Some committees of this Congress have not even taken this step on some of the important bills of this type before them. Reports were asked as long as 13 months ago on some of them, but the Department of Justice has given leisurely consideration to the bills and has not yet reported on many of them. If this pace continues, these bills have little chance of being considered before this Congress adjourns.

The executive departments have been slow in other ways to take effective action in this field. Under both Democratic and Republican administrations, use of grand juries and other investigative procedures in this field has been minor. In the absence of effective executive action, congressional investigations become necessary.

If the President would now, through the Attorney General, direct the initiation of needed grand jury and other investigations, there might be considerable sentiment in Congress for shifting this function back to the executive and judicial branches. It is obvious that the legislative branch is not equipped to investigate individual misbehavior as thoroughly and as impartially and with as much protection for the individual.

This, then, is the prompt and effective action which should be taken:

First. The President, through the Attorney General, should initiate grand

jury and other investigations to perform some of the functions now carried out by congressional investigating committees and take proper and immediate action based upon such investigations. Such action should include indictment of all who are guilty of such crimes, and trials and enforcement of sentences rendered thereon.

Second. The congressional committees responsible for antisubversive bills should request reports on such bills on which no reports have been requested, and should urge that reports be rendered as promptly as possible.

Third. The President should see that all departments and agencies act quickly on these reports.

Fourth. These committees should begin hearings and report the bills favorably or unfavorably as soon as possible.

Fifth. The bills reported favorably should be brought up for debate in the Senate and the House and, after mature deliberation, passed or defeated.

Finally, we should raise the level of our consideration of this problem. Let us concentrate on issues instead of personalities. Exercising self-discipline, let us resist the temptation to make political capital of the issue, raising it above the level of partisanship to the level of patriotism. Let us seek to foster a greater spirit of unity among Americans, emphasizing the ideals and opinions we hold in common instead of our areas of disagreement. With self-discipline, let us be willing to enlist the support of all who will subscribe to these principles and to share with them the credit for solving this problem.

We should all resolve that we will take a new grip on this problem. By prompt and effective action on the part of the executive and legislative branches of our Government and by raising the level of our consideration of the real issues, we can reduce this problem to minor status in 1954.

When a country is faced—as we and all free countries are faced today—with the covert and insidious attacks of a foreign imperialism which seeks to enslave all free men, we owe to our homeland and to free people everywhere a constructive and prompt program of action. We in Congress should not only be enacting legislation like that before us today but also all other proper legislation which is needed but scarcely considered at the present time. The executive branch of our Government also has duties to perform which need prompt attention. Only by such a program will we be doing our duty in helping to preserve freedom here and throughout the world.

Mr. COLMER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I am a little bit out of my own backyard today, but I want to speak to you as one Member of this body who has had some direct experience in my capacity in the United States attorney's office some 18 to 20 years ago, when this evidence was legal. Yes; I have tried a good many cases involving wiretapping evidence. It is effective, make no mistake about that; you are going to get convictions with it; but, in my humble judgment, this is the most dangerous piece of legislation that has been presented for the consideration of this body in a good many years. We are opening the door wide to all the frailties of human nature, with its curiosity and its jealousies, and so forth. Of course, you are dealing with bad subject matters here, but hard cases make poor law. We have fought two wars without this, and we have won them. Of course, some who have been guilty of espionage have gotten away, but I have never seen the day when all the guilty were convicted, and you never will, either. Why open this door? Give it to the Attorney General? I do not care whether the Attorney General is a Democrat or a Republican or belongs to "X" Party or "Y" Party. After all, he is a human being, and, with his 12,000 to 15,000 agents under him, you will be giving a license to each and every one of them to tap your telephone line. Make no mistake about that. If these agents are looking for "X," do not think for a minute that they will not tap 40 other telephone lines besides "X's" telephone line. They have to do that in order to get "X." Then that conversation will be recorded, and you legislate that nothing shall be said and that nothing shall be divulged about it. You are making a mistake if you do this. The Democrats, I understand, are going to offer an amendment to put it in the hands of the district judges. That will help some, but it will not cure it, either. We have done pretty well without this. Of course, the agents may have to work a little bit harder, but let us not take the first step that is as broad as a barn door toward making this country a police state and every neighbor spying and backbiting on the other neighbor. Let us not do that. We can get along without this. It is a terrible thing when you may want to talk on the telephone about a matter that affects you or your family or your friends, and you want to talk in confidence, but when you reach down to pick up the telephone you hesitate and say, "Wait a minute; I better not, because my telephone line may be tapped." And make no mistake about it, in all probability it will be tapped.

Mr. LATHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, in all my 30 years of practice I do not think I have ever seen so much legal hair splitting as we are witnessing here today.

Mr. Speaker, I rise in support of the bill and of the rule. I served in the attorney general's office in the State of Michigan long enough to know something about this. But may I point out in reference to the gentleman's remarks about having gone through two wars without this, that we are in the midst of a cold war and we are in the midst of a battle with traitors in our very midst, and I have no sympathy with them whatsoever. It is time we armed ourselves with a suitable tool to meet the onslaught of those who would defeat us from within. All this bill does is to correct a misinterpretation of the intention of the courts on a rule of evidence. It does just that and nothing more. In the final analysis, nothing can be revealed which is not admissible under the rules of evidence as we lay them down here today, and under the general rules of law, as they now prevail. That and nothing more. To say that we should not use wiretapping on traitors, to say that we should not arm ourselves with information in any way we can get it is delivering ourselves into the hands of our enemies. I hope the rule and the bill will be adopted.

Mr. COLMER. Mr. Speaker, I yield myself the 2 remaining minutes. Mr. Speaker, I can well understand the fact that many Members of this House are disturbed about this pending legislation. I can well understand that no good American wants to see any of his rights as a freeman interfered with. I think we are all in accord that we want to preserve those cherished rights guaranteed us under the Constitution and the Bill of Rights. I am equally confident that none of us desire to see America adopt any of the policies frequently prevalent in foreign countries that would in any degree contribute toward our becoming a police state.

On the other hand, I am not so sure that I am muchly concerned over alien saboteurs and conspirators or citizen traitors. And that is what this bill deals with. I do not think it necessarily follows that simply because we make the wiretapping evidence admissible in the case of treason, sabotage, espionage, and conspiracy that we are opening the door to making the same type of evidence admissible in other crimes and misdemeanors. Here we are dealing with traitors.

Mr. Speaker, I submit that so far as the principal is involved it is no different if I as a conspirator against my country confide in my friend, the gentleman from Massachusetts [Mr. McCORMACK], who has preceded me, of my evil intent to overthrow my Government or to perform some other traitorous act, and he subsequently takes the witness stand and testifies to what I told him, than if the same conversation were recorded as a result of wiretapping and used against me. The one is tantamount to the other.

Mr. Speaker, neither am I concerned about the political aspects involved here. It makes no difference to me nor to the country for that matter of the politics of the gentleman from New York [Mr. KEATING], or my able friend from Louisiana [Mr. WILLIS]. Party politics has no place in the consideration of this matter. Not because he is a Democrat, but because there would appear to be less opportunity for abuse in resorting to the court for this authority I favor the philosophy and therefore the amendment of the gentleman from Louisiana [Mr. WILLIS].

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. LATHAM. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I have asked for this time not to get into a controversy but to clear up what I think is one misunderstanding. A court order is re-

quired to go into someone's home physically with a search warrant, in order to comply with the fourth amendment, the prohibition against unreasonable searches and seizures. The Supreme Court of the United States in *Olmstead* v. *U. S.* (277 U. S. 438) has ruled that wiretapping was not unreasonable search and seizure under the fourth amendment. Therefore, the same reason for requiring a court order for a physical search does not apply, according to the Supreme Court decision, to the wiretapping.

Mr. LATHAM. Mr. Speaker, I yield the remainder of my time, 4 minutes, to the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. Mr. Speaker, first I would like to utter the statement that I hope that at least the constitutional questions which seem to be raised in the course of the debate on this rule can be clarified now once and for all and that when we get into the Committee of the Whole we can confine the remarks simply to the issue of the bill.

In the first place, we are all agreed that the Supreme Court of the United States has said that wiretapping has always been considered to be constitutional and is not in derogation of the search and seizure provision of the fourth amendment to the Constitution. It has been so held by the Supreme Court of the United States always.

On the question of ex post facto we all know that ex post facto relates only to the action of a legislature in passing a law which declares an act to be a crime which was not a crime at the time it was committed. So we have no constitutional question on that issue. We are not creating by this bill any enactment which makes an act a crime which was not a crime back when it was committed.

We are merely changing the laws of evidence, the rules of procedure. They are not substantive, and the Supreme Court of the United States and of every State in the Union have always held that no criminal or no defendant has any constitutional rights to rules of evidence. We intend to change them this afternoon I hope, so that we can convict in the courts of the land those who in the past have been guilty of treasonable acts but whom we have not been able to convict because of the rules of evidence.

The only real question involved here is the question as to whether or not we are going to permit the Attorney General to authorize a wiretap or to make evidence adduced thereby admissible in evidence, or whether we shall require a court order.

Mr. Speaker, we are dealing today with a brandnew situation, an entirely new kind of crime involving international conspiracies, the conspirators being in all 48 States of the United States, the need for immediate action requiring the authorization of the Attorney General to act in those cases because there would be no time to go into Michigan, Illinois, Minnesota, New York, and prepare papers and get them typed and signed in various courts where telephones are involved in the same international conspiracy.

I heard the gentleman from Texas [Mr. THOMAS] make a great plea about the frailty of human beings and the insidiousness of wiretapping. That is not before this House on this proposition. The Attorney General can now, and has always been able to, tap wires and get information. Anybody in his office who was frail could divulge it. We are not changing that situation at all except we are adding one more human being who might be frail, that is a judge.

Under this bill this evidence secured is admissible, not anywhere at all—if so it is subject to penalty of fine and imprisonment—only in criminal proceedings in a court of law where an indictment has to be secured, voted upon by individual human beings from all walks of life, the indictment returned. He can use the evidence only as it is material and relevant to the conviction for sabotage and espionage.

I was in Germany associated with a great American, Mr. Dodd, and had a little part in the prosecution of the Nazi war criminals. Those Nazis said they would use the weaknesses of democratic processes to defeat the prerogatives of freemen.

We need this evidence to defeat our enemies here in America.

Mr. LATHAM. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national-security investigations, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 8649, with Mr. DAVIS of Wisconsin in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. GRAHAM. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, the bill, H. R. 8649, has been very properly and, I might add, accurately described as an antitraitor bill. That is so because the only individuals who will be affected by its operation are those who have been indicted and brought to the bar of justice to stand trial for violating our laws by committing crimes involving our nationel defense and security.

This bill is designed to alter the existing rule of evidence in order that evidence now barred may be admitted in certain criminal cases. At the present time, any evidence obtained directly or indirectly through the medium of wiretapping cannot be admitted under the existing rules of our Federal courts. This rule is predicated upon the second provision of section 605 of the Communications Act of 1934, which provides that no person, not being authorized by the sender, shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person.

In 1928, prior to the enactment of the Communications Act, the Supreme Court in the case of Olmstead against the United States, ruled that the use of wiretap evidence in a criminal trial neither violated the defendant's rights against unlawful search and seizure under the fourth amendment nor his rights against self-incrimination under the fifth amendment. Thus it was that the Federal Government was able to use wiretap evidence to convict criminals.

The enactment of the Communications Act, however, altered the situation for the same Supreme Court in 1937, in the case of Nardone against the United States, ruled that section 605 banned the use of any wiretap evidence in criminal cases in the Federal courts.

That doctrine was expanded 2 years later when the Court again ruled that not only was evidence directly obtained by wiretapping banned, but any evidence obtained indirectly was also banned. The effect of this doctrine is to prevent the use in evidence of any facts which flow from a wiretap. Thus, if evidence, otherwise admissible, is indirectly obtained by wiretapping, it must be excluded.

The most recent example of this doctrine is found in the case involving Judith Coplon. There the Court reversed her conviction and one of the grounds for so doing was the failure of the Government to prove that the evidence used was not obtained from wiretapping.

In all of these cases the Supreme Court has never ruled that wiretapping in and of itself is illegal, but it has ruled that the interception and the divulgence of the intercepted communication is illegal.

It should be kept in mind that this rule applies only in the Federal courts. Today wiretap evidence is admissible in most of the State courts and the Supreme Court only recently held that the prohibition contained in section 605 does not apply to criminal trials in State courts.

This obviously is a loophole in our existing law. It is a loophole that should and must be plugged, and this bill, H. R. 8649, does exactly that.

Why should Federal law enforcement officers be shackled by a rule of evidence which applies solely to them and to no one else? There can be no question as to the authority and power of the Congress to remedy this situation. The sole question is how best to accomplish it.

The fact that wiretapping exists and is practiced daily is denied by no one. Wiretap, when it is carried on by private individuals for their personal gain, is a dirty business and should not be tolerated. On the other hand, the Federal Government should not be penalized when it operates under a fair and equitable procedure controlling wiretapping.

For many years every Attorney General of the United States has permitted wiretapping, and several of them have repeated on numerous occasions the need

to permit wiretap evidence to be used in criminal prosecutions.

This incongruous situation, whereby existing law protects the criminal and hampers the Federal law-enfrocement officials, is based primarily on a feeling that wiretapping is an invasion of an individual's right of privacy. As I stated earlier, there is no constitutional right involved in wiretapping, and the Supreme Court has so held.

What is involved here is what might be termed the nonconstitutional right of privacy. I submit that this concept has been exaggerated and misconstrued.

Stop for a moment and ask yourself what is so sacrosanct about the privacy of a telephone. For years, and even today, thousands of calls are made over party lines. Telephone calls are constantly transmitted over switchboards. Surely there is an invasion of privacy.

And, in the same regard, let me point out to you some of the holdings of the Supreme Court wherein they held certain evidence to be admissible in criminal cases. For instance, the placing of a dictaphone in a man's home was considered mere eavesdropping. In another case, a radio transmitter was concealed on the person of a Federal agent and the conversations overheard were admitted into evidence. I cannot draw a distinction between these cases and wiretapping.

At the same time, I believe that wiretapping should be controlled and, as I will explain shortly, this bill achieves that desirable result.

The hearings conducted on this bill indicate beyond a question of a doubt that this intolerable situation should not be permitted to continue any longer. It was almost the unanimous opinion of the witnesses that wiretap evidence should be permitted to be used in criminal trials involving national security. The need for this legislation can be found in the very nature of the crimes and the criminals involved. The operation of this legislation is limited to such crimes as espionage, sabotage, treason, sedition, and other crimes involving our national security.

No one today questions the existence of an international conspiracy which seeks to destroy our form of Government. Recent examples clearly indicate that subversive zealots are at work seeking to disrupt and destroy our democratic institutions. Such names as Hiss, the Rosenbergs, Fuchs, and Coplon are concrete examples of this criminal element.

They are not the ordinary run-of-the-mill criminal. They are not shoplifters. They are not automobile thieves. They are an archtype of criminal. They are intelligent. They are trained experts in nefarious ways. They utilize every technological advancement to further their work. They are conspirators in a network that stretches from the Kremlin in Moscow into every nook and corner of our land. They operate in stealth and secrecy. Their detection and apprehension involve almost insurmountable obstacles. We should not delude ourselves any longer that in the interest of this so-called privacy we should continue to shackle our law enforcement agents with outmoded and outdated legal principles. If we continue to operate as we are now doing, we may well find that the liberty and the rights which we believe we are protecting have already been destroyed by the very ones who have had the the benefit of this protection.

The bill before you this afternoon simply provides that any evidence obtained directly or indirectly by an agent of the Federal Bureau of Investigation, or of one of the intelligence branches of our Armed Forces, shall be admissible in a Federal criminal trial where the crime involved is one affecting our national security. As a condition precedent for its admission, the interception must have had the express written approval of the Attorney General. This requirement for the approval of the Attorney General is the control which is needed over wiretapping and which will protect innocent people.

The bill will permit the use in evidence of information obtained in the past by wiretapping if the interception had the written approval of the Attorney General. This provision, for instance, may very well permit the conviction of Judith Coplon when she is brought to trial again. It will also permit the Attorney General to bring to trial other individuals whom he has not been able to reach under the existing law. I see no reason for distinguishing the past from the future when it comes to these criminals.

There may be some who will raise the question that the retroactive feature of this bill is an ex post facto law. I have no doubts on that score. This bill, while it is an alteration of the rules of evidence, is not an alteration as to the quantity or the degree of evidence necessary to convict. It is merely a procedural change which does not affect any substantial right of a defendant. No one has a vested right in any existing rule of evidence.

There may be some who hold to the theory that our law-enforcement people should obtain a court order prior to intercepting any communication. There was a time when I entertained this view. I became convinced, however, such a requirement will only place roadblocks in the path of our law-enforcement officials. The very types of crime involved, the criminals themselves, require secrecy. The opportunities for a leak in court procedure are obvious. To be effective, a wiretap must be secret. To require a court order would detract from its secrecy.

Another very necessary factor is speed. To require the agent to go to court to obtain the order could well mean that the criminal has already accomplished his mission and gone on his way. A court order in this instance would be of no value.

Another problem raised by a court order is a jurisdictional one. The order is subject to the geographic jurisdiction of the court. Yet we know that espionage and sabotage not only cross district lines, but even State and Nation. Recall, for instance, the facts regarding the Rosenbergs who were convicted of stealing our atomic secrets. Their activities stretched across the length of this land, with many stopping points in between. How effective would a court-order procedure have been in that case?

In theory a court order procedure sounds good but in practice it would operate badly. I have urged the enactment of this bill in order to unshackle the hands of our law-enforcement agents to detect and apprehend spies and saboteurs. But I fear that to enact a bill such as this with the requirement for a court order would only be trading leg-irons for handcuffs. Why should our law enforcement people have to chase a jet plane on horseback? If we are going to do this job, let us do it right.

May I point out to those who fear an abuse that it would be far easier for the Congress to control one Attorney General than to attempt control over a few hundred judges. I have no fear of an abuse of this privilege by the Attorney General, but I do think that we will have more control over it by placing it in his hands than in the hands of the Federal judiciary.

I urge this bill solely in the interests of national security. I say this rule of evidence which has protected traitors all these years should be abolished now. The immunity which the law has cloaked around a telephone conduit should be stripped off. This bill, H. R. 8649, will put common sense in our rules of evidence.

Justice Jackson, in discussing the conflict between the responsibility of law enforcement and the protection of the rights of the individual, had this to say:

> Unless the Court starts to temper its doctrine with logic and a little bit of common sense, you are going to turn the Bill of Rights into a suicide pact.

These words apply no less to the legislative than to the judicial arm.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I will offer a substitute for the pending proposal, H. R. 8694, but if it is defeated, I will support this measure because I think there is a desperate need for wiretap legislation in cases involving treason and our national security.

In order to understand the imperative need for this legislation it is important to review its history.

In 1928, in the case of Olmstead against the United States, the Supreme Court of the United States, by a margin of 5 to 4, held that the introduction of wiretap evidence did not violate the defendant's rights against unlawful search and seizure under the fourth amendment, nor his rights under self-incrimination under the fifth amendment. Six years later, in 1934, Congress passed the Federal Communications Act. Section 605 of the act provides that—

> No person * * * shall intercept any communication and divulge * * * such intercepted communication to any person.

In 1937, in the case of Nardone against the United States the Supreme Court construed section 605 to mean that wiretap evidence cannot even be divulged in court. It, therefore, held that wiretap conversations are not admissible in evidence in any case in the Federal courts.

In 1952, the Second Circuit Court of Appeals barred wiretap evidence and wiretap leads in the Judith Coplon case.

It was against this background that my good friend, the gentleman from New York [Mr. KEATING] introduced his bill, H. R. 477. Other bills were also introduced.

Now let me make one point perfectly plain. Mr. KEATING and I have always agreed and we now agree upon the proposition that we must have legislation on this subject. We have always agreed and we now agree that a way must be found to permit the introduction of wiretap evidence in the Federal courts in cases involving treason and national security. We have always agreed and we now agree on the principle involved. Moreover, he and I and all the other members of the subcommittee agreed on the method until just a few days ago. It was the unanimous feeling of the subcommittee that the ultimate power to authorize wiretapping should reside in the courts, just as in the case of a search warrant, rather than in the hands of the present and future Attorneys General. And that will be the one and only issue the Members of this body will be called upon to vote on under a substitute which I will offer in lieu of the proposal presently before us, H. R. 8694, introduced April 1, 1954.

Let me explain the important difference in the methods. But first I want to thank and compliment my good friend the gentleman from New York [Mr. KEATING] for the fair and impartial manner in which he presided over the hearings. It was a difficult task to perform and he discharged it with credit to himself and as a Member of this House.

The Keating bill, H. R. 477, as originally introduced, provided for a court order approach. I think that is by far the better approach; it follows the pattern of our constitutional provision in respect to searches and seizures.

Our founding fathers were faced with two propositions. On one hand, they were familiar with the common-law principle that a man's home is his castle. On the other hand, however, they could not tolerate the idea that a man's home should be a sanctuary for law violators or a hiding place for evidence necessary to convict guilty people for crimes committed against society. They had to find a way to permit entering a man's home to obtain the evidence. For that purpose they formulated the device of a search warrant, which requires the intervention of the prosecutor and the judge.

Accordingly, before an enforcement officer can enter a man's home, he must follow the procedure required by the Constitution. He must obtain a search warrant from a court. Evidence thus obtained may be offered before the jury. But in the Federal courts evidence obtained illegally and without a search warrant can be suppressed. It cannot be offered before the jury; it is inadmissible.

As I have said, in the Olmstead case, decided in 1928, it was decided that tapping a man's telephone did not constitute a search of his home within the meaning of the fourth amendment. The divided Court, by a margin of 5 to 4, reasoned that since the person on the telephone was far away from the home, he could not be said to be physically entering the home in order to search it. I respect the decision and I hope that it will never be overruled. I am wondering though if the telephone had been invented and been in use when the Constitution was written whether our Founding Fathers would not have felt obliged to devise a procedure comparable to the search warrant before wiretap conversations could be admitted in evidence before the Federal courts. I personally think they would.

In any event, we are now called upon for the first time to provide a way for the admission of wiretap conversations into evidence before the Federal courts in cases involving treason and our national security. Whatever we do will certainly be litigated. You must realize that the Olmstead case has never been reviewed or tested head on since it was rendered in 1928. This is so because after 1928, the act of Congress of 1934 barred the admission of wiretap evidence; hence it was unnecessary to attempt to attack or reevaluate the decision of 1928. I think, therefore, that the method we devise should be foolproof under all circumstances, even if the Supreme Court decision in the Olmstead case should be overruled. And I think it would be safer to follow the pattern set forth and the guideposts deeply rooted in our Constitution in respect to searches and seizures.

In that connection, I want to call your attention to the testimony of Mr. Miles F. McDonald, district attorney of Kings County, N. Y. There is a law in New York permitting wiretap evidence in State courts. Mr. McDonald, as district attorney, has probably had as much experience with the legal effect and practical operations of a wiretap law as any living person. I asked him the following question:

> Is a court order pretty close to a warrant?

His reply was:

> It is practically nothing else.

There is another reason why I think it would be better and safer to follow the court-order approach. This approach would preserve our time-honored and tested systems of separation of powers and checks and balances.

Let me illustrate what I mean. It is no secret that the FBI tap wires in cases involving treason and our national security. Mr. J. Edgar Hoover is probably one of the most respected citizens in the United States. He probably knows more about the sensitive problem of wiretapping than any living person. He is at the head of the FBI, which supervises the actual wiretapping. Yet, he has taken the position that he does not want the sole responsibility for wiretapping. He insists upon the advice and counsel of the Attorney General. He realizes that 2 heads are better than 1 in such a sensitive field.

Perhaps we can place Mr. McDonald next only to Mr. Hoover in connection with wiretapping experience. He said that the wiretap law of New York requires a court order, and he testified that he would not want it any other way; that the responsibility is too great for one man; that a law enforcement officer should not be a prosecutor and judge at the same time.

Mr. Chairman, this is a government of law and not of men. Individual officials mean nothing to me. And for the reasons I have given I felt that this power should not have been given to Mr. McGrath or Mr. McGranery yesterday, and I feel that the same power should not be granted to Mr. Brownell today and to his successors tomorrow.

But you will hear that if we should give the power to the courts delays might be incurred and secrecy might be violated. I do not accept the validity of that argument.

The testimony of Mr. McDonald covers 20 pages. We questioned him about every aspect and practical operations of a wiretap law. On the question of delays, he specifically said that wiretapping was expensive, cumbersome, and time consuming. He said, however, that obtaining a court order was a simple thing; that it presented no problem of procedure and involved absolutely no delay.

On the question of secrecy, the situation is this. The court order would be prepared by the Attorney General, no doubt with assistance down the line. It would be dictated to a secretary in the Department of Justice. It would be presented to a Federal judge and signed by him. He would retain a certified copy, under seal. He and he alone would know about it so far as the court is concerned. Arrangements would have to be made with an official of the telephone company, and then someone would have to sit in a booth or elsewhere for days and months to listen to the conversation. A mechanic or mechanics would do the actual wiretapping, I think this procedure makes it all the more necessary that we have a Federal judge as umpire in these operations. It is simply inconceivable to me that this so-called element of secrecy can possibly enter into the picture so far as the Federal judge is concerned. Besides, has the time come when we cannot trust our courts?

After hearing all of the evidence and argument, the subcommittee voted unanimously to require a court order. Before the full committee, Mr. KEATING offered a substitute to give the power to the Attorney General, without a court order. And that is the measure presently before the House.

I hasten to say that Mr. KEATING gave a strong reason for his change of position so far as the past is concerned. It is this. Attorneys General in the past, including Mr. Brownell since 1953, authorized wiretapping through the FBI. Of course, this was done without a court order. We are told that certain persons could be convicted under this evidence, if made admissible in the courts, but Mr. KEATING properly points out that unless a retroactive provision is attached to the bill, those persons will or might escape punishment.

Accordingly, I am going to offer a substitute for the pending proposal. I will

discuss it later. In short, my proposal will do three things. First, section 1 will make it possible to prosecute persons for treason and for crimes affecting our national security, on the basis or with the aid of whatever information was obtained prior to the effective date of the act and now in the possession of the Attorney General. Second, section 2 will preserve the court order approach in connection with wiretap information obtained after the effective date of the act. Except as to the cutoff date and the court order proviso, the language of sections 1 and 2 is identical with the language contained in the bill now under consideration—H. R. 8649. Third, I have added a new section, which is a simple separability clause.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman since I paid him that compliment.

Mr. KEATING. Having mentioned my name, I want to say to the gentleman that the same goes for every member of the subcommittee. We were wrestling with a difficult problem and everyone worked hard. I appreciate sincerely the fine help which was given to me by all Members on both sides.

Mr. WILLIS. I thank the gentleman.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield briefly.

Mr. DIES. Will the gentleman explain what his motion is?

Mr. WILLIS. My substitute will accomplish three things. One, it will split the first section of the Keating bill in two, and it will say that the information obtained prior to the effective date of the act, which is in the hands of the Attorney General right now, and on the basis of which he says he can convict, can be used in the courts.

Second. Now that we are resolving the question as a brand new proposition, it will require a court order in the future, just as in the case of a search warrant.

Third. Of course I have to add a separability clause.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I support H. R. 8649 authorizing the introduction in evidence in criminal proceedings in Federal courts of information obtained through the interception of telephonic and telegraphic messages in investigations affecting the national security. I shall also support, however, an amendment to the bill vesting in the Federal courts rather than the Attorney General the power to authorize wiretapping.

There is need for this legislation. The state of the law respecting the admissibility of evidence surreptitiously obtained by Federal law-enforcement officers is confusing. The Supreme Court in its decisions beginning with the Olmstead case in 1928 has wavered between the extremes of allowing evidence to be introduced although illegally obtained and in the second Nardone case excluding not only the evidence obtained by interception but any evidence developed as the result of leads obtained by interception. The one thing which seems to be clear in the decisions is that no constitutional provision is involved and that Congress has the power to legislate in this field.

Two fundamental principles are involved—on the one hand the right of privacy of the individual, and on the other, adequate means to detect and punish enemies of our Government. The problem for the legislator is to weigh carefully these two conflicting principles and decide which should outweigh the other in the public interest.

In these days of the cold war, marked by fifth-column activities, infiltration, and subversion, the need of our Government for self-preservation must come first even at some sacrifice of traditional individual privileges and liberties. It will be of little avail to say that we have preserved all such rights and privileges if the Government which guarantees them is overthrown.

In seeking to arm and fortify those responsible for the protection of our Government through the enforcement of criminal laws, however, we should sacrifice no more of the rights and privileges of individual citizens than is absolutely necessary. We should seek to forestall and prevent abusive invasions of individual privacy. For this reason I favor the safeguard of a court order to authorize the interception of telephonic and telegraphic messages.

Although I am a member of the Judiciary Committee, I did not have the privilege of serving on the subcommittee which conducted hearings on this legislation and reported to the full Judiciary Committee precisely the kind of measure which I have said I favor. However, when it appeared that the Judiciary Committee seriously contemplated recommending favorable action on this legislation to the House, I made as exhaustive a study of the subject as time would permit. I not only read the hearings of the subcommittee completely and all the bills introduced in the House of Representatives on this subject, but also examined discussions both in legal and nonlegal publications. There are three recent law-review articles which I commend to my colleagues. They are, first, comments on Constitutional Law—Due Process—Coerced Confessions and the Stein Case, Michigan Law Review, volume 52, No. 3, January 1955; second, notes on Admissibility in the Federal Courts of Evidence Obtained by Eavesdropping Through the Use of Communication Devices, Wyoming Law Journal, volume 7, No. 2, winter 1953; and, third, Congressional Wiretapping Policy Overdue, Stanford Law Review, volume 2, No. 4, July 1950.

The primary question, therefore, becomes whether the authority to authorize wiretapping should be vested in the Attorney General or in the Federal courts. The Attorney General argues:

First. That he can be trusted with this power.

Second. That obtaining court orders will involve delays in investigations.

Third. That the possibility of leaks is increased, if a court order must be obtained.

Fourth. That there will not be uniformity because each judge will have a somewhat different view about the showings to be made as a basis for the order.

Fifth. That there is evidence now in the possession of the Justice Department obtained through wiretaps which would enable the Justice Department to proceed with certain prosecutions for which the evidence is insufficient unless the wiretap evidence is admissible in court.

On the other hand, it is argued:

First. That, regardless of personalities, the executive branch of the Government ought not to be granted this unusual power of invasion of privacy without checks and restraints by an independent branch of the Government.

Second. That frailties of human nature and the prosecutor's zeal naturally tend to rashness, excesses, and abuses.

Third. That an ex parte showing by law enforcement officials of a prima facie case for the interception of messages is neither unnecessarily burdensome nor time consuming.

Fourth. That Federal judges can be trusted to preserve the confidential nature of the proceedings authorizing interception of messages.

Fifth. That, as a practical matter, the court order authorizing interception is final whereas the alternative method would require a showing of the Attorney General's approval and the nature of the investigation. This would automatically open up for cross-examination by defense counsel a field of inquiry which, in the interest of effective investigation, ought to remain closed.

Sixth. That because of the veto power, authority once granted to the executive without restraint would be very difficult for the Congress in the future to recall.

It is my judgment in weighing these arguments and in the light of the past 20 years of public controversy on this subject that we should go slow in this field. We are dealing with the sacred rights of individual citizens which are the very essence of our form of government. They should not lightly be whittled away. Accordingly, I shall support a proposal which would require the approval of a court for the interception of messages. If this procedure proves in practice to be cumbersome and unworkable, the Congress can then consider whether the court procedure can be improved and expedited or whether to grant the power to the executive branch of the Government.

Mr. Chairman, when I originally became a candidate to serve in the United States Congress, I told my constituents that I was alarmed over the rapid concentration of political power in the executive branch of the Government and would resist and challenge further grants of power.

In this instance I am convinced that additional weapons are needed by our law-enforcement agency to deal with the sinister assaults upon our form of government which we face today as never before in our history. But I am likewise convinced that this new power can be hedged with controls which will minimize the possibility of its abuse. I am also impressed by the rather technical point that investigations of treason, espionage, and sabotage may actually be hampered

if the Attorney General is given the untrammeled authority he now seeks. Zealous defense counsel, by exploring the nature of the investigation in which messages are intercepted may well expose or threaten to expose sources of information or other confidential matters which would nullify efforts to track down and punish clandestine agents and activities.

I sincerely hope that my colleagues will give careful thought and study to this legislation and adopt a measure which will clarify national policy in this field, will grant adequate means to those charged with the protection of our Republic, but will at the same time guard against possible abuses of individual rights.

There are two aspects of this debate which I think have not received the attention they deserve. The first one is that we are legislating in a completely new field. We are legislating in the very delicate field affecting private rights, the right of the individual to privacy and to liberty. I think we should go slowly in this field. I would take the first step of permitting the court to authorize the interception of telephonic messages and then, if that is not an adequate tool for the law-enforcement agencies in combating subversion, treason, and espionage, I would take the next step of granting the authority directly to the executive branch of the Government.

But let me point out that as a practical matter if we now take in one leap the vesting of this authority in the executive branch of the Government, we will have put this power beyond the power of Congress to recall, because any legislation repealing that power will have to override a Presidential veto. Any President will support his Attorney General. Otherwise, he ought to fire him. Once the Attorney General has this power he would be reluctant to relinquish it.

The second point is a practical and technical one. It was raised by counsel for the subcommittee, Mr. Foley. He pointed out that a court order is final and conclusive proof of the admissibility of the wiretap evidence, if it is otherwise admissible, and counsel for the defense cannot go behind that order. Under the New York practice it can be attacked directly but not collaterally. It can be attacked in advance of trial by a motion to suppress evidence.

In this bill, as Mr. Foley points out in the hearings, and I direct attention to page 81 where Mr. Foley asked the question of Mr. McDonald, and also to page 40 where the same question was asked the Deputy Attorney General, Mr. Rogers, the proof must show, first, that the express written approval of the Attorney General was given and, second, that it was given in connection with the investigation of a matter affecting national security. That proof must be for the purpose of laying a foundation for the introduction of the wiretap evidence. Once proof of the nature of the investigation has been offered by the prosecution, then the defense counsel is at liberty to go on a fishing expedition to find out the nature and character of the investigation to be sure it is not one involving a misdemeanor. It would be difficult to prevent him from exposing the sources of information available to the FBI in preliminary investigations. I say, on that account, that as a practical matter the FBI and the Attorney General ought not to desire this untrammeled authority for the executive branch of the Government, but ought to seek the protection of a court order.

Mr. CELLER. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. FINE].

Mr. FINE. Mr. Chairman, my purpose is to acquaint you with the background of the problem we are considering today.

I am a member of a subcommittee of the Judiciary Committee, which was charged with the responsibility of examining into the problem of wiretapping and then reporting its recommendations to the full committee. I am proud to be associated with the members of the committee, composed of 3 Democrats—Mr. WILLIS, of Louisiana; Mr. DONOHUE, of Massachusetts; and myself; and 3 Republicans—Mr. KEATING, of New York; Mr. CRUMPACKER, of Indiana; and Mr. TAYLOR, of New York—all men of integrity, industry, and ability, who considered the problem on a nonpartisan basis and after extensive hearings and a conference with the Attorney General finally agreed unanimously on the first Keating bill with an amendment in the nature of a substitute, that is, to permit the introduction in evidence in a criminal case affecting our national security, of only that wiretap evidence obtained after a court order had authorized the wiretap. And we reported that recommendation to the full committee.

The full committee some months later, in a split vote adopted—not the Keating bill as recommended—but a new Keating substitute, and ordered it reported as H. R. 8649, now before this committee for consideration. This new version places the control of wiretapping in the hands of the Attorney General of the United States, instead of the Federal courts.

The simple important issue left for your decision, therefore, is whether the actions of Attorney General should be checked by the courts. We had agreed that some limited form of wiretapping is required in national-security cases.

Our subcommittee considered the problem with a full recognition of the conflicting interests involved.

On the one hand, wiretapping is said to be one of the most effective devices in the hands of law-enforcement agencies and a device needed to put such agencies on the same technological footing as criminals.

On the other hand, wiretapping necessarily involves an unparalleled intrusion on the rights of privacy. There is something repugnant in having others listening in on any personal telephone conversations, but the wiretap is particularly insidious because the main purpose is that the person whose conversation is being tapped shall not know of its intrusion. A wiretapper is a peeping Tom with a latchkey plus invisibility—wiretapping not only offends our sense of privacy, but also offends basic and, far more important, political instincts, since it affords a means by which governmental authorities can learn opinions and other confidential data of any citizen. By wiretapping, a government can, with far less effort than in any other way, keep track of the thoughts and opinions of its citizens, without their even knowing it.

Mr. Justice Jackson in Irvine against California, decided February 8, 1954, by the United States Supreme Court, warned that:

> Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer, or the busybody.

Equally important, it is widely reported that tapping of wires on a considerable scale is carried on by private persons for their own private ends and that this practice flourishes unchecked.

I read the other day that one Senate committee investigating wiretapping in 1951 uncovered the extensive nature of illegal wiretapping when it found that the wiretap of a public officer employed by the House Subcommittee on Public Works was terminated because of failure of the telephone line—due to the fact that others were tapping the same telephone.

Opposition to promiscuous wiretapping was urged by J. Edgar Hoover in 1941, who said:

> I have always been and am now opposed to uncontrolled and unrestrained wiretapping by law-enforcement officers. Moreover, I have always been and am now opposed to the use of wiretapping as an investigation function except in connection with investigations of crimes of the most serious character, such, for example, as offenses endangering the safety of the Nation or the lives of human beings * * * and even then (I would favor wiretapping) in such limited group of cases only under strict supervision of higher authority separately in respect to each specific instance.

The main argument on the part of the advocates of wiretapping is to protect citizens against international conspirators. At the same time, no provision is offered to protect citizens from wiretapping by police officers or private citizens when such wiretapping has no relation to national security.

I felt that the proper balance of the interests of national security and individual privacy can best be achieved by our adoption of the following principles:

First. Wiretapping should be permitted in cases affecting national security; and

Second. Upon application by the Attorney General, to a Federal court in the district where the wiretap is to be made, a judge of such court may make an order permitting a particular wire to be tapped for a specific time.

I offered an amendment in committee to reflect the safeguards contained in the first Keating bill, and at the same time to prohibit wiretapping in cases which do not affect national security.

The Judiciary Committee decided that, since legislation before us dealt only with cases of national security, all other facets of wiretapping should be considered later in new legislation. So the issue was limited to wiretapping in criminal cases affecting national security, to be controlled either by the Attorney General or

the courts. The requirement of a court order would provide protection against arbitrary, capricious, or indiscriminate invasion of privacy.

It is our position that the head of the department which will use wiretaps and is in a position to abuse that privilege should not be the sole judge of the propriety of such wiretaps. The judiciary can furnish the assurance of an independent examination. This independent examination is a necessary preliminary to each and every wiretap.

Two reasons have been urged for not requiring a court order before each and every wiretap.

First. Need for security; that is, the avoidance of leaks and secrecy.

Second. The need for speed.

Neither reason, in my opinion, is adequate.

As to the first—the most important argument made publicly by the Department of Justice—only one additional person need learn of a contemplated wiretap if a court order is required—the judge himself. If the New York procedure can serve as an example, the affidavits in support of an order to permit a wiretap are submitted in confidence to the judge and need not go through any clerk or other court functionary. The order granted is not published. The order and affidavits are filed in the judge's own safe. The danger of a leak in letting one additional person—and a Federal judge at that—learn of the wiretap is miniscule when one considers the number of people who are necessarily aware of the tap—a large staff to locate the proper wires, install the equipment, keep the equipment under surveillance, and transcribe any information secured, let alone the telephone company personnel who provide information as to leads, and the people within the Department of Justice who have ordered the tap—or to whom the information may be sent.

As to the second, the supposed need for speed. A good wiretap cannot be installed within a short time, and during the time it would take to complete arrangements for the tap there would be adequate opportunity to obtain a court order.

Both objections are certainly insignificant, when weighed against the purposes which the order is intended to serve.

On April 2, 1954, the committee on Federal legislation of the association of the bar of the city of New York adopted an interim report on this bill—H. R. 8649, KEATING—which stated, in part:

> The importance of a prior court order for any wiretap is much the same as in the case of a search warrant. The requirement of a search warrant is made "so that an objective mind might weigh the need * * *. The right of privacy was deemed too precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. Power is a heady thing * * *." (*McDonald* v. *U. S.* (335 U. S. 451, 455).)
>
> District Attorney Miles F. McDonald testified favorably as to his experience under the New York statute requiring a prior court order for any wiretap: "I think prosecutors, myself included, can be overzealous * * * the judge is a safeguard." He also testified that he had never had any bad experience as far as leakages in the court are concerned. (Hearings, pp. 80, 82.)

The committee, under the able guidance of Mr. Theodore Pearson, its chairman, concluded:

> We believe that a sound statute can be drawn and should be enacted, authorizing certain wiretapping under adequate safeguards, including a prior court order.

I am sure that you will, upon reflection, agree with the unanimous determination of the Judiciary Subcommittee that an elementary regard for separation of powers suggests that a court warrant is the far wiser procedure.

Mr. CONDON. Mr. Chairman, will the gentleman yield?

Mr. FINE. I yield to the gentleman from California.

Mr. CONDON. I just wonder in the original approach to this, which was the court order approach, what sort of showing had to be made. Would it be on affidavits?

Mr. FINE. The gentleman will have an opportunity to read the proposed substitute, and then he can see the requirements therein contained.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia, a member of the committee [Mr. POFF].

Mr. POFF. Mr. Chairman, during the short time that I have been in Congress, I have been called upon to make a lot of decisions which have challenged my sincerest convictions. I have often wondered whether I was right when I voted as I did. Some of the skillful debaters on both sides of the aisle have been able to make appear what once was black to be white and what once was white black. But I have absolutely no hesitation, no reservation, no equivocation, and no qualification in making the decision to vote for this bill as it has been reported to the House.

Mr. Chairman, it has been said quite forcefully that we are dealing here with a fundamental principle, and, indeed, we are. But, as I see that principle, it is the question of a compromise of the privacy of an individual, on the one hand, and the security of the Nation, on the other. Let us be clear in our thinking here and let us realize that this bill does not legalize wiretapping and it does not outlaw wiretapping. We are dealing solely and exclusively with a rule of evidence. This bill simply makes admissible what heretofore has been inadmissible.

Much has been said about the amendment which will be offered concerning the court order. Let me call your attention to the fact that the reason the court order is required for a search warrant is the provision of the fourth amendment with respect to unreasonable search and seizure. In the Olmstead case, which was decided in 1928, the objection was made to the admission of wiretap evidence under the authority of the fourth amendment on the ground that it was a violation of the unreasonable search and seizure provision. Bear in mind that in that case there was no Federal court order. Nevertheless, the court decided that the admission of wiretap evidence was not a violation of the provision against unreasonable search and seizure.

In the same case the Supreme Court held that the admission of that evidence was not a violation of the fifth amendment concerning self-incrimination.

That being true, it is equally apparent, on the one hand, that wiretap evidence was admissible before the enactment of the Communications Act in 1934 and was inadmissible after the enactment of that act only by reason of the enactment of section 605 of that act.

Permit me, if you will, to read a brief portion of the hearings on page 19, taken on May 20, 1953:

> Speed is essential in these matters. If you have to go to a Federal judge who may be sick or disabled, who may be on vacation, who may be fishing, then you leave the officials who want to get the authority stranded; and I believe, therefore, it would be far better to have this authority centralized in the Attorney General, when members of the Judiciary Committee could watch this situation.
>
> I have every confidence in the present Attorney General, and I happen to know him personally, and I would implicitly give this authority to the Attorney General without the slightest equivocation, without the slightest hesitation.
>
> If at some future time we feel the Attorney General isn't of that high stamp, we can withdraw the privilege; we can watch it; we can investigate; we can do all sorts of things to protect the citizens' rights.
>
> But, after a great deal of thought on this matter, I think it would be better to have the matter lodged, the power lodged, in the Attorney General.
>
> * * * * *
>
> Now, I happen to know that there is no secrecy on occasions in the granting of these ex parte orders in New York, and I think we ought to take a leaf from that New York book and be mighty careful.
>
> For that reason, I am of the opinion that only the Attorney General should have the right and there should be no need to go to a United States district court for this order.

You might expect these words to be those of the Attorney General, but they are in fact the words of our esteemed, distinguished and able colleague the gentleman from New York [Mr. CELLER]. I submit that that language is the best possible argument against the proposed amendment.

I am not impressed with the argument that wiretapping is a dirty business. Sedition is a dirty business. Espionage is a dirty business. Treason is a dirty business. If legislation is necessary to regulate wiretapping by individuals other than the FBI and the intelligence units of the armed services, such legislation should be separate and apart from the bill now before us, which deals only with a judicial rule of evidence, and should be referred when introduced to the Interstate and Foreign Commerce Committee, which alone has jurisdiction over the Communications Act.

In all cold logic, why should not wiretap evidence, accumulated under the safeguards provided in this bill, be admissible in a prosecution for crimes affecting our national security? A personal conversation between two conspirators overheard by a third party is admissible. The conversation of two criminals transmitted over a walkie-

talkie concealed on the body of a third person is admissible. Conversation between two defendants transmitted over an open dictaphone is admissible.

As far as personal privacy is concerned, let us make no mistake here on the floor today. Treason deserves no privacy.

Mr. FEIGHAN. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, the legislation for consideration today demands our best efforts. It requires the complete elimination of party lines. I am certain that your consideration will be as true and loyal Americans, and I assure you that my discussion will be based upon such premise.

There is no man in Congress who despises disloyalty to our Government more than I do. For years I have been alerted to the dangers our country is confronted with because of enemies in our midst. These dangers are exceedingly real, and it is not to our credit that legislation of this kind has not been provided before now. I consider it a privilege to have a small part in bringing this legislation into being. If I have any talent for the law; if my many years of the active practice of the law has made me competent in the slightest degree to help frame a law or laws that will protect our country against those who would overturn it by force and violence, I am proud and humble over that fact, and I certainly will not fail to take advantage of that opportunity.

All of us are lawyers for our country today. Our oath makes that so. As a Southern States rights Democrat, I am joining hands with the Republicans and Democrats of this body, saying unequivocally we will pass a law today against the enemies of our country. Be certain I am going to vote for the passing of such a law. In the meantime, I am going to try to get the best law, grounded upon our legal jurisprudence and in complete harmony with our traditions, that will afford complete protection to our country and our people at the present time and in the future.

At the present time I am supporting the substitute. As a matter of fact I had a part in the framing of this substitute. There were two bills before our committee. I did not completely approve either. If you will pardon me, I thought both could be improved on, and this substitute is in line with my views of a better bill. The bill reported out of the committee provides simply that information heretofore, or hereafter, obtained by various Federal agencies, as a result of the interception of any communication by wire or radio upon the express approval of the Attorney General in the course of any investigation to detect or prevent any danger to the national security, in the instances named, shall be admissible, if not otherwise inadmissible, under our rules of evidence in any trial court established by Congress.

Now let us reason a little for America now. Whatever law is enacted upon this subject will be scrutinized and criticized as no other piece of legislation passed by this Congress. Do you agree on that? The Civil Rights Congress, the Civil Liberties League, the National Lawyers' Guild, and every organization in this country labeled by the Attorney General as subversive will have its legal counsel comb every line with a fine tooth comb to prevent this law becoming effective. I want this law to be effective, and so do you. We have had time to study this subject now, and it is our duty and our privilege to write a law that will withstand any attack made by the persons who would overthrow this Government by force and violence. We need an effective law now. We may need it desperately soon, and anyone who has been reading the news of the world in the past few days would not challenge this statement. I do not believe President Eisenhower talked to us over television Tuesday night without purpose. We want to stop any lawyer in his tracks now who does not have our national peace and security in his heart. Is that sound? If we were representing a private client for a fee we would certainly give that approach. There is more than a fee involved here. Our lives and all we hold dear are involved.

I have no argument against making evidence heretofore obtained admissible. I am glad to have the opportunity of doing so. In fact, I was somewhat apprehensive of the language in the bill approved by the Attorney General, making this evidence admissible only upon a showing that this evidence was obtained upon the express approval of the Attorney General. I was apprehensive sufficiently to call that office and ask if that language would put a burden of proof upon the Government which the Government could not carry. The identical language is in this substitute because that office advised me that it felt it could carry that burden. If there is any apprehension now upon the part of the Attorney General, the advocates of this substitute will be glad to amend it so as to relieve any apprehension whatsoever. So far as the heretofore provision is concerned, I am absolutely for that provision as much as the Attorney General, or any other person could be. Why? Because it is to correct any omission to act, to remedy the past and to prevent traitors and the like to escape trial in our courts.

I object to the committee bill giving this exclusive power of approval to the Attorney General in the future. I hope those sitting in the Republican and Democratic aisles will agree with me. We are correcting the past the best we can, but for the future, we can correct this matter entirely.

This substitute is an improvement in that it provides that after the effective date of this act, which is the date this act becomes law, that thereafter, any agency which wishes to obtain such evidence shall obtain the expressed written approval of the Attorney General and that prior to intercepting such communications, such agency shall obtain an order from a judge of the Court of Appeals, or any District Court, allowing such interception, upon showing that there is probable cause. I digress now to state for this RECORD, that it is my understanding that a telegram or a memorandum showing the approval of the Attorney General shall be construed as an express written approval of the Attorney General.

Now, is not that provision a salutary provision? There is no delay involved here. Maybe the Attorney General did not fully comply in the past with such language, but that is in the past, and the Attorney General will note after the effective date of this act that he must approve, and, of course, the language "Attorney General" means also his deputies and those authorized under the law to act for him. Upon such approval, any Federal agency named herein can go before any judge of the United States court of appeals or any Federal district judge in the United States and get an order upon showing probable cause. That will be some preventive against abuse. That will serve to prevent this power ever being used for political purposes. I say this—the unrestrained power contained in the committee bill will sometime be used by someone for political purposes. Do I say Attorney General Brownell will use that power for political purposes? I do not. I simply say that somewhere down the line, some Republican or Democratic Attorney General, or his deputies, will sometime use that power for political purposes. In legislating for the future, I would not give this exclusive power to any of our Democratic Attorneys General, and I do not want to give it to any other Attorney General. I would be naive, and so would you, if without naming names, I did not admit that sometimes Attorneys General who are part of the executive branch of this Government, did not play a little politics, such as even appearing in courts in cases in which the Government was not a party, as a pretended friend of the courts, but undoubtedly proceeding on a political basis, and the Republican and Democratic Attorney Generals' records are equally given in that respect.

I believe in the judiciary generally. I am not enthusiastic over our United States Supreme Court, but the reasons causing my not being stem completely from the actions of the executive branch. I am committed to the judges of the district courts. I practiced law in the lower courts many years, and I saw some who maybe practiced law by ear, but I never saw a crooked one. I never saw one that could not be fully trusted to discharge his duty to the United States of America. Our judiciary, generally, has not failed, and thank God for that. There are only two arguments that can be pressed against this court order, one being that it would cause delay, and the other being that all judges are corrupt. It cannot cause any unreasonable delay, as we have purposely provided that any district judge in the United States could sign such an order. If all judges are corrupt, and I repeat that they are not, there is no need to legislate and we can go home and wait for the deluge that is sure to come.

This court-order requirement is a part of our jurisprudence. It follows out our searches and seizures law and satisfies every constitutional precept. In this substitute we turn from an executive

officer, as is the Attorney General, to a judicial officer. We are a Nation of lawyers and courts, and when we cease to be, no longer can the vicious and the meek come together on equal terms. Somehow I wish that the Attorney General would put his stamp of approval on this substitute. I am persuaded that the large majority of the Committee on the Judiciary supporting the committee bill, would be much better satisfied by the provisions in this substitute. I have no reason for making this observation other than the fact that those gentlemen are splendid lawyers, love the law, and have unqualified confidence in the courts. Many of those distinguished gentlemen have worn the robes of judicial office themselves, and they know in their heart of hearts that no power is safer than when placed in the hands of the judiciary of the country.

I have thought of the propriety of discussing the law in this matter, and after reflection, I think it would serve a useful purpose, inasmuch as this law will be attacked as no other law has been attacked. Something will be said about the constitutionality of the law and I realize that. I hope to meet them at the threshold and foreclose every specious argument that they can advance as to the law. The substitute, undoubtedly, does that. This law certainly does not violate the constitutional provision protecting the privacy of the home. I know such a contention will be made. When a person is in that person's home, shut out from the world, that person is provided protection under our Constitution, and it is properly so. That constitutional protection was to correct an abuse against the privacy of a person's home, where that person's presence was confined to four walls of such home. It was never meant to protect the traitors sitting in their homes and actually through the telephone, or radio, or television, taking his constructive presence outside of his home, even across State lines, and across mountains and oceans, as effectively for practical purposes as if he were present in the flesh. When a man brings his presence, actively or constructively, out of his home, he has lost that constitutional protection. For instance, in the State of Georgia, a man sat in his own home and used his own telephone, and was indicted for using obscene, vulgar, and profane language in the presence of a female. The man called the residence of this lady many miles away, and when she answered, he, without provocation, used that language. He defended on the grounds that to be guilty under that statute, it must be proved that the language was used in the actual presence of the female. Our appellate court held, the language was in her presence as she heard it, and he used the telephone to transmit his presence to her, and the requirements of the statute met.

Many States have regulatory statutes on this subject, these statutes owing their vitality to the fact that wiretapping is not offensive to the Constitution. Further, it is high time that we decree that no traitor shall use our Constitution to destroy our Constitution. The framers of our Constitution would weep over our tenderness toward traitors and our criticisms of those who are trying to protect America against the greatest danger we ever faced. We must recognize the Communists in our midst are saying they oppose communism, and that something should be done about it, but they cannot be satisfied by any method of detection conceived by man. Our Constitution was to protect, not to destroy. It will protect. It was made in an emergency to protect against hysteria, stemming from emergency, and to protect against the prattlings of the do-gooders and traitors also.

This substitute is the answer, my friends. It follows the law, it removes political influence, and if I were Attorney General, I would want that court order in the future, knowing that it would be a protection to me, in that it would restrain me against overzealousness and would answer my critics that I had played politics, and as a prosecuting officer, I would know that it would render evidence more effective and would destroy the potency of counsel for the defendant in his arguments to the jury that the prosecution was politically inspired, and that my prosecution would be more effective in behalf of the Government that I had the honor and privilege of representing.

Mr. WILLIS. Mr. Chairman, will the gentleman yield at that point? It is a very important point.

Mr. FORRESTER. I yield.

Mr. WILLIS. The gentleman heard someone make a statement that we might have to go to a judge where the offense is committed.

Mr. FORRESTER. Yes; I heard that.

Mr. WILLIS. That, of course, is absolutely wrong. Under this bill, they can go to any judge, anywhere in the United States. We absolutely had that under consideration and we made it as free as a bird. For instance, if they cannot get a judge in New York to sign one, and I think they can, but if they cannot, let them come down to Georgia and I will get them one.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GRAHAM. Mr. Chairman, I yield 12 minutes to the gentleman from Indiana [Mr. CRUMPACKER], a member of the committee.

Mr. CRUMPACKER. Mr. Chairman, at one stage in the consideration of this bill I regarded the proposal that has been suggested here by the gentleman from Louisiana [Mr. WILLIS] as a possible solution to the dilemma which the committee faced. But just a little reflection persuaded me that it was wholly unfeasible and unworkable. The gentleman's proposed amendment, as I understand it from listening to his dissertation, would set up two standards. It would treat different classes of citizens in different ways. That is something which the Congress cannot do. We cannot set up 2 classes of citizens and say we will treat this group in 1 way and this group over here in a different way. What his proposal would do would be to say that for all those who, prior to the enactment of this legislation, may have committed criminal acts of which the Department of Justice has evidence obtained by wiretapping, we will say to that group of people that this evidence is admissible in a criminal action against them if it was obtained upon the express written authority of the Attorney General. Now to another group of people who may commit criminal acts in the future and against whom the Justice Department may acquire evidence obtained by wiretapping, that evidence is admissible against them only if a prior court order was obtained, granting authority to tap the wires in question.

Now, that is setting up two classes of citizens, treating them in a different manner, and that is something which the Congress cannot do under the equal-protection clause of the Constitution. I am sure the legislation would be questioned before the courts. It undoubtedly would be taken to the Supreme Court. Faced with that question, I am sure the Supreme Court would have to hold that the whole thing was unconstitutional.

The separability clause which I understand the gentleman will include in his proposed substitute would not save any part of the bill, because the Supreme Court would have to say that the two sections are inconsistent with each other, and it would have to say that they both fall.

It might be possible for the Supreme Court to make a distinction between the two on the question of whether or not the fourth amendment of the Constitution is violated and hold that one section is in violation of the fourth amendment and the other is not; but on this question of the inconsistency of the two provisions, neither one could stand if they are inconsistent, and if there is any violation of the Constitution they would both have to fall.

What we might do if we should adopt the substitute proposed by the gentleman from Louisiana would be to enact a law which would be a total nullity. If this substitute is adopted the effect might be to deny the Attorney General any right to use any wiretap evidence in any criminal procedure. Make no mistake about it, Mr. Chairman, that might be what you are doing if you adopt the amendment to be offered by the gentleman from Louisiana.

The proposal to require a prior court order before any wiretap evidence can be used on its face has a great deal of appeal, but let us look at that for just a minute. Most of the argument which is made in favor of that approach has been based on the bare statement that wiretapping is a dirty business. This statement, of course, stems from the dissenting opinion of Mr. Justice Holmes in the Olmsted case in 1928.

Why is wiretapping a dirty business?

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from New York.

Mr. WAINWRIGHT. I would first ask the gentleman why he feels that the first provision of the suggested substitute would be declared unconstitutional? Is it because of the differences presented or is it because he feels that the first section is unconstitutional?

Mr. CRUMPACKER. No, it is because the first paragraph and the second para-

graph are inconsistent with each other, not that either one of them standing by itself is unconstitutional but that both standing together are inconsistent, that they treat two classes of citizens in different ways and therefore cannot stand.

Mr. WAINWRIGHT. Does the gentleman know of any particular instance, or is he prepared to cite any case in which the Supreme Court has so decided in a similar situation?

Mr. CRUMPACKER. I cannot cite any case exactly in point, no; I do not know that the question has even arisen on this particular question of wiretapping; but there are instances. I cannot give the gentleman an exact citation at this moment, but there are many instances in which that question has been decided.

Mr. WAINWRIGHT. The question in my mind is whether we are not trying to determine the question for the Supreme Court.

Mr. CRUMPACKER. No, we cannot determine the question for the Supreme Court; but at the same time it is not proper for the Congress to enact legislation which it has reasonable ground to believe is unconstitutional.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I was very much interested in the gentleman's argument. In the first place, this is not discrimination in any way, shape, or form, because of the necessity of the situation; we are not discriminating deliberately against any two classes of citizens. We are treating the matter in that way because that evidence is at hand.

If the gentleman were correct then he would be telling us that just because we are trying to punish those who have offended in the past that unless we follow the Attorney General route that we could not resolve our will even if we want to. We are forced to that position because of the necessity of the situation, and it is not discrimination.

On the question of two approaches, I call the gentleman's attention to the fact that my bill contains a separability clause.

Mr. CRUMPACKER. I dwelt on that particular point. I am fully aware of the necessities of the situation, but that does not remove the fact for one instant, that if the court order approach has any grounds for its existence at all it is that it is an additional protection given citizens. You are giving that protection to one group of citizens and denying it to another group of citizens, and I say those two positions are inconsistent.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Louisiana.

Mr. WILLIS. We cannot give the court order protection to those who have offended in the past.

Mr. CRUMPACKER. I know you cannot. That does not alter the fact you are proposing to give it to one group of citizens and denying it to another group.

Mr. WILLIS. Those similarly situated are equally treated. All those in the future who offend will be similarly treated; all of those who have offended in the past will be similarly treated. We are faced with the necessities of the situation. I have studied this problem quite a bit. Our counsel has advised with me on it. We studied that very point, of course, so I humbly disagree with the gentleman's views.

Mr. CONDON. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from California.

Mr. CONDON. I understand the gentleman is making the argument that there will be some constitutional barrier in saying that from now on certain types of evidence can be treated in one way, unless you allowed that to go to the past. Is it not a basic constitutional principle that retroactive legislation that affects the substantial rights of any American citizen is unconstitutional if you attempt to go back into the past? You can change the rules and say that from now on this sort of activity will be illegal, but you cannot change the rules and go back and say that something you did before the Congress acted is now thereby going to adversely affect your substantial constitutional rights.

Mr. CRUMPACKER. All of the action this bill would involve would take place in the future. It would permit the admission in evidence of wiretap material in future criminal actions. But the gentleman from Louisiana proposes to make a distinction between wiretaps past and future. As far as the admission of evidence is concerned, that all has to be in the future. There are court decisions to the effect that changes in the rules of evidence are not a substantial right of the defendant and, therefore, the ex post facto provisions of the Constitution do not apply.

Mr. Chairman, I should like to address myself for a moment to the court-order procedure. What do you gain? What protection do you give anyone by this requirement that you must go to a court and obtain an order in advance in an ex parte proceeding? That means a deputy district attorney or perhaps an FBI agent would go into the chambers of a Federal judge, present an affidavit setting up certain facts, and the judge would rule on that affidavit without hearing any evidence from the other side. Just how much protection is that? What are you doing that is of any substantial benefit? All you are doing is adding more parties to the chain of knowledge, you are adding one more possible leak for the information which you are trying to keep the criminals from learning.

It seems to me that while this on its surface has a great deal of emotional appeal, when you get down to the actual facts of the matter the Attorney General must have more information at hand, as a practical matter he will have more information in the case than any judge can possibly have based on an ex parte proceeding, and therefore will be in a better position to exercise wise judgment. So that while on its surface you seem to be granting greater protection, are you in fact granting any at all?

There has been considerable mention of the fact that in the State of New York where this procedure is followed it has granted no substantial protection, that there are far more wiretaps being made there under the court-order procedure than have ever been made by the Justice Department under the Attorney General's authority.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FEIGHAN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, any consideration of legislation authorizing wiretapping without a full understanding of the international criminal conspiracy, which prompted its introduction, would be useless theorizing. It is time we stopped theorizing on what to do about the threat of Communist subversion, and developed a practical program to expose and defeat it.

It is an established fact that the international Communist conspiracy has, as its objective, the enslavement of all mankind. Over the past quarter of a century, it has demonstrated an evil and cunning ability to accomplish that objective. In the past 9 years alone, it has destroyed the sovereignty of 16 nations, has ruthlessly divided 2 nations, and has added some 600 million once-free people to the slave empire of Muscovy. There is no nation in the world which has not felt the ever-probing tentacles of the Kremlin conspiracy. Here in the Western Hemisphere, we see evidence of covert Kremlin control of one of the once-free republics. In one other area of this hemisphere the agents of the Kremlin came close to establishing total power and were removed with little time to spare. In Puerto Rico this conspiracy disguises itself in the garb of nationalism, which itself is the mortal enemy of Russian communism.

The methods employed by this Communist conspiracy are devious, covert, varied, and indeed diabolical. The agents of this conspiracy are well trained, well financed, and for the most part dedicated to the evil cause they promote. They are trained to infiltrate every phase of life in a democracy, to infect the foundations of freedom, to sow the seeds of discord, hatred, and suspicion. They are expert in the arts of camouflage, disguise, and deception.

The agents of the Kremlin conspiracy receive special training in the technique of using the safeguards of freedom and free institutions to give them protective covering for their subversive activities. The most common example of this technique is that used by a person who, under oath, is asked direct questions about membership in the Communist Party and then invokes the protection of the fifth amendment to the Constitution. This technique of the Communist conspiracy is well known to every American who has followed the hearings of the committees of Congress. Moreover, we should understand that the Communist conspiracy perverts the safeguards set up to preserve freedom and individual liberty by using them to destroy individual liberty and the basic freedoms.

The "big fish" of the Communist conspiracy in the countries of the free world, and particularly the United States, are not necessarily members of the Communist Party. Their relationship to the Kremlin plan for world enslavement is hidden deep in the red cesspool of intrigue. Like Alger Hiss, they will be exposed only through unusual methods of detection and convicted only after arduous and expensive trials. But they must be identified, exposed, and convicted. It is time we went after the "big fish" and through them sever the probing and infecting tentacles of the Kremlin.

It is clear that we must take direct, positive, and determined steps to stamp out Communist subversion in the United States. It is equally clear that we must also preserve and protect those basic principles and guaranties which stand as the foundations for our free society. Nothing would please the Kremlin more, or better serve its evil purposes, than if we were to be coerced or frightened into the adoption of totalitarian methods to expose and defeat the Communist conspiracy.

Wiretapping as a legally accepted method can be a powerful weapon in the fight against this Red conspiracy. But it can also lead to abuses which could very well threaten the existence of the free institutions we seek to preserve. But I believe we can have wiretapping legalized without opening the door to fatal abuses. As an absolute minimum, these basic conditions must govern any legislation granting such authority.

First. In each case where wiretapping is considered by the Department of Justice as necessary to protect the security of the United States, a Federal judge must issue a writ authorizing it. A Federal judge with a life tenure and not subject to political pressures will be more likely to carefully weigh the facts presented and objectively determine in each case the need for authority to wiretap. Moreover any Federal judge who fails to serve this high standard and engages in capricious actions will be subject to impeachment by Congress.

Second. The authority to grant a court order for wiretapping should be limited by clear definition to individuals or cases in which there is substantial reason to believe they are involved, directly or indirectly, with the Communist conspiracy. Under no circumstances should wiretapping be authorized as a means of securing information or evidence on individuals or cases which do not have substantial relationship to the Communist conspiracy.

Third. Legislation authorizing wiretapping to expose the Communist conspiracy must have a terminal date on it. A proper terminal date for such legislation should be that which corresponds with the final and inevitable defeat of the Communist world conspiracy.

The legislation now before us grants final authority to the Attorney General to determine when, where, and how wiretapping shall be used as a method to expose the Communist conspiracy. This is a dangerous precedent because it places in the hands of one man, a political appointee, a powerful weapon which is not subject to the checks and balances of the three branches of Government which the Founding Fathers determined to be essential if our democracy was to be preserved and to flourish. This should not be considered as a reflection on the character of the Attorney General, but any Attorney General is human, and therefore subject to pressures and likely to make errors in judgment. Moreover, it would be extremely difficult for any political appointee always to be certain in his own mind that he is making proper use of the extraordinary power to authorize wiretapping. In making a decision as grave as this, which will certainly be the case every time authority is granted for wiretapping, the judgment of more than one public official must be involved in order to make certain that no degree of abuse is permitted to creep into the exercise of the authority inherent in this act. As I have said before, the only certain protection against such abuses is the requirement of a Federal court order granted by a Federal judge who is not subject to political pressures and who is liable to impeachment if he, in a moment of weakness, would permit the abuse of this authority. I have heard no arguments advanced against the requirement of a court order by a Federal judge which have any substantive merit. The legislation now before us should be amended to include the reasonable and practical safeguards I have here indicated.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. JONAS], a member of the committee.

Mr. JONAS of Illinois. Mr. Chairman, I had not planned to talk at this time in order to express my views and convictions concerning the bill now being debated. However, I have this query in my own mind. I am fully aware of the fact that this bill was not reported for consideration on the floor of the House with the unanimous approval of the six members of the subcommittee.

I am a member of the Chicago Bar Association and I am a member of the committee on Federal legislation. I am under the impression that this committee had notice of the first bill that was submitted, that is, the bill that made court approval necessary as a condition precedent to making evidence obtained through wiretapping admissible in a trial in the Federal courts. Subsequently, another bill was reported out by my distinguished friend, the gentleman from New York [Mr. KEATING], chairman of the subcommittee, which indicated a complete abdication and abandonment of the approach to supervising and authorizing the right to tap wires.

I have never been informed by any member of the committee whether there has been a full or complete hearing on the second bill that is before us now and so different from what was involved in the first issue. Were the leading bar associations throughout the country notified? Were members of the judiciary in charge of studying the practices that now prevail in the courts notified? I have never been informed as to what, if any, testimony was obtained or heard with reference to this second or substitute bill, as we call it now, that is before the House.

Let me say this briefly. I am not opposing and shall vote for legislation that has to do with wiretapping if such legislation is kept within the bounds of personal security. I did not give the art of wiretapping the name of "dirty business." That name was tied to this method of obtaining testimony by a wiser mind than I ever hope to be; it was none other than the distinguished and respected Justice Oliver Wendell Holmes. You can never get away from the fact that wiretapping is dirty business, but if you hope to catch people engaged in dirty business that can or does endanger our national security, we may have to deviate from the orderly and calm procedure and approach that law-enforcing agencies have employed heretofore.

Whatever we propose to do about this overall picture, I am for a bill that would invest the Federal courts and law enforcement agencies with the same power and authority now delegated to the State courts. But I want to emphasize that I am definitely opposed to transferring to any law-enforcement officer in this country, who is merely an arm of the judiciary, authority that is inherently vested in the judiciary and can best be safeguarded by and through action and orders of the courts.

Stop and think about this a minute. Let us discount and disregard all this talk about labeling legislation now before us antitraitor legislation. Why get exercised and wrought up about charges made here that are not borne out by the facts? We know we have a job to do in this country concerning people who are spying upon us and who are deserving of being called saboteurs. But aside from all that, I challenge anyone on the floor of this House to show me where in the last decade or any other time in this 20th century we have gone so far as to say to the attorney for the Government of the United States, the man who is charged with the duty to prosecute individuals charged with violating our Federal laws noted in the Criminal Code, "We herewith clothe you with the power and the authority of such magnitude as set forth and vested in the Attorney General of the United States as expressed in the bill now before us"—and remember, this is not confined alone to the Department of Justice—the same Attorney General is clothed with the power to give these other departments the authority to tap wires, and based in some instances on the information so obtained, he is obligated to prosecute a case in which the evidence so procured may be necessary to convict.

Mr. FRAZIER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Chairman, I rise at this time to support the Willis substitute amendment.

"Getting the goods" on Communist agents and fellow travelers in the United States is one thing.

Being able to introduce in court the clinching evidence that can only be se-

cured by listening in and recording Communist communications, is another.

Doing this in a way that will not give absolute and tempting power to any agency or individual in the Federal Government, a power that, apart from searching out and convicting known Reds, might be used for political blackmail or worse, is the heart of the problem.

We all agree that the Department of Justice, the FBI, and other agencies that are responsible for the security of this Nation against spies, traitors, saboteurs, and those who conspire to overthrow our Government by force and violence, are handicapped by the present restrictions on what may be introduced as evidence in court trials of Communists.

The FBI has evidence aplenty to convict a number of Reds and their accessories, before and after the fact, who are still free to carry on their espionage and sedition.

The trouble is that under present laws evidence obtained by wiretapping is not admissible to convict them.

We want to plug up that loophole in the law, and fast, to close the leaks in our national security.

At the same time, and in the process of gathering up and convicting known spies and traitors, we must be careful not to give arbitrary power to those who might abuse it.

And in so doing trespass on the rights, privileges, and privacy of law-abiding citizens.

This substitute Willis bill is limited to those actions that imperil our national security.

But it would best control over wiretapping in our Federal court, to eliminate prying into personal conversations or communications not affecting national security.

Without reflecting on any individual or group, I think we may say that the public has greater confidence in the courts, to see that justice is done in the control of this power, because the courts have established a record for integrity that would insist upon reasonable cause before issuing an order authorizing a wiretap.

There would be no danger that indiscriminate wiretapping would be introduced merely to blacken reputations, or used as a lever to accomplish ends irrelevant to the issue of convicting spies and traitors.

I agree with the report of the Committee on the Judiciary, when it says, and I quote:

> The existence of wiretapping is denied by no one, and that it creates a very serious problem is self-evident. No one denies that the practice of wiretapping invades an individual's privacy, but at the same time no one denies the right of society itself to be protected against criminals. The true solution to this problem appears to be a middle ground whereby the Government, through the law-enforcement agencies, may properly operate to apprehend and convict those who violate its laws under a procedure which will protect the rights and privileges of its law-abiding citizens.

There are many of us, however, who disagree with the report when it states that, and I quote:

> Your committee believed that the best interests of all will be served by placing the control of wiretapping in the hands of the Attorney General of the United States.

We can and we should help our security agencies by making it possible to present evidence, now in their possession, which would corral Communist agents still on the loose.

With this patriotic objective in mind, we should not make the mistake of investing them with arbitrary power that would be a danger to themselves and to us. Political ambition, unfettered by law, or moderating procedures, is tempted to become authoritarian.

In hunting down the Communists, we should guard against becoming like them in our methods.

The feeling is unanimous that our security agencies must be able to introduce wiretap evidence in criminal proceedings of Federal courts, restricted to investigations relating to the national security or defense.

But under the control of Federal judges.

The argument that the speed and secrecy necessary at times to intercept vital evidence would be nullified by this safeguard does not have a substantial basis.

Judges seldom betray confidence.

And a schedule of informal availability could be worked out to cover emergencies.

At the same time, the civil liberties of law-abiding citizens would be protected from abuse.

The adoption of the proposed Willis amendment to the bill to authorize acquisition and interception of communications in the interest of national security and defense will not violate the rights of Americans.

It will serve the Nation best.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. HYDE], a member of the committee.

Mr. HYDE. Mr. Chairman, I approach this subject and have for some time with a great deal of misgiving. I do not think it can be overemphasized today in this debate, that we are not dealing with the question of wiretapping as such, but merely with the question of the use of evidence received as a result of wiretapping. We should keep that in front of our eyes. That is the ball we should keep our eye on here today. However, I would like to say in passing that I would support a bill which would make wiretapping illegal except by properly constituted authorities under limited circumstances. Even so, I think the Supreme Court of the United States was being realistic and was well advised when it held in the Olmstead case, which has been referred to here today, that wiretapping was not an unreasonable search and seizure.

Now let us be practicable about this thing. When a person gets on the telephone he steps outside of his home. I think anyone, at the expense of pure facetiousness, who is familiar with Little Town, U. S. A., and Cousin Mary calls Cousin Susie to talk about Uncle Joe, certainly knows that is true. When you get on the telephone you are no longer inside your home. You are on the inside talking to someone else outside of your home. So it is not the same circumstances as someone invading your home without the proper procedure of a search warrant.

I will confess when I heard of the amendment to be offered by my good friend from Louisiana [Mr. WILLIS], whereby he is going to propose that we have two provisions, a double-barreled proposition, one of which will enable us to get offenders on whom they already have evidence, and one of which will govern the use of such evidence in future cases, that I was somewhat swayed. I am not altogether sure that I have completely made up my mind about it. However, I have this fear, and it is the fear expressed by the gentleman from Indiana [Mr. CRUMPACKER], I think either provision will stand by itself. But I do fear that if you have a double-barreled proposition it might not stand up.

I recognize also that the gentleman has a separability clause in his amendment, but I am still afraid that you will wind up without any bill if we go along with the gentleman's amendment.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am glad to yield to the gentleman.

Mr. WILLIS. We are here dealing with a question of a rule of evidence. The gentleman from Indiana [Mr. CRUMPACKER] said that we were treating two classes of citizens differently. That is so any time you adopt a criminal law. You speak for the future and you are going to treat people in the future different from those you have treated in the past for the same offense.

Mr. HYDE. But the gentleman is also speaking for people in the past in the same bill.

Mr. WILLIS. Right. But the constitutional question the gentleman talks about would only be reached if the Congress were deliberately arbitrary and capricious. We are not discriminating. We are accepting the facts that we have in hand and are dealing with them accordingly. We could not use a court order in the past.

Mr. HYDE. What the gentleman is talking about is a matter of opinion. I have expressed my opinion on it and I have fear about it. The gentlitman has his opinion and his convictions about it.

Now, it is not a matter of trusting one Government agency more than another. In either event, whether you have the Attorney General approach or the court approach, the Attorney General in either event in his office will have the full information. So what I am apprehensive of is passing a law which will not enable us to use evidence which the Attorney General has in order to secure a conviction.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. McCORMACK. The gentleman has well said that from a legalistic angle, wiretapping is not an invasion of the home, but what is the gentleman's view from an actual angle, sitting in his home, when there is wiretapping?

Mr. HYDE. I have already said, although the gentleman perhaps did not hear me, I think from a legalistic angle it was not an invasion of the home.

Nevertheless, I would be in favor of a bill which would make it illegal except for properly constituted authorities under limited circumstances. That is the way I feel on that.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CELLER. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I believe—and I have listened to all the debate—I believe I am the first speaker, although I am certain I have some support among the Members—who are opposed to this bill, with or without the sugarcoating that it provides for an order of the court.

I agree with Mr. Justice Holmes who has called wiretapping dirty business, and I am somewhat amused at the apparent squeamishness of the leadership of the other side who call this an antitraitor bill rather than a wiretapping bill. You will recall how our colleague from Indiana the majority leader here on the floor the other day when he was asked about the program mentioned that on a certain day he was going to call up the antitraitor bill. He was asked by the minority leader whether he meant the wiretapping bill and he said "No, I mean the antitraitor bill."

I have great regard and affection for my good friend from New York [Mr. KEATING], and I am very happy that he made the statement that he did at the outset of his remarks.

He stated that he would not call those who opposed this legislation as traitors. That is very magnanimous of him. I believe I oppose traitors and all forms of subversion as much as he does. With the aura of fear prevalent in this country today, due in part to the activities of some of our investigating committees, it is difficult to speak out on many subjects. But that will not deter me.

I think we are all unanimous in this House as being opposed to traitors. Perhaps you should call this bill an antisin bill, because everybody in the House is opposed to sin, and you might not meet any opposition. I think we should recognize that in opening the door to wiretapping and the legal use of such tapped wires, we are embarking upon a very dangerous precedent, which once established will be extended and extended, and will some day come back to haunt us.

My objection is fundamental. I object to the tapping of wires. I think it is an invasion of the privacy of the home and of the person, and I think that the Founding Fathers, the makers of our Constitution, would be opposed to it had they had telephones in those days.

My objection is that this is getting the foot in the door, it is the elephant getting his trunk under the tent. If you permit it in this instance against espionage it will not be long before you will want to extend it to kidnaping and then you will have another extension to extortion and all these other heinous offenses to which everyone is opposed.

I would be willing, Mr. Chairman, to support it if this bill were written in such fashion as to say that it be limited to cases of espionage or subversion, but that all other wiretapping should be illegal.

Wiretapping is made illegal by the Federal Communications Act, but we all know that it is practiced by the FBI and other agencies; although they cannot under the decision in the Nardone case use the evidence thus obtained.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KLEIN. I yield.

Mr. CELLER. The committee did consider that proposition of outlawing all wire-tapping except in prescribed cases such as national defense and national security.

Mr. KLEIN. What happened to it?

Mr. CELLER. We felt that there would be a point of order made to such a proposal because it falls four-square within the jurisdiction of the Committee on Interstate and Foreign Commerce of which the gentleman is a member. Would the gentleman's committee be willing to consider a bill of that character?

Mr. KLEIN. I am not able to speak for the chairman or for the committee, but as for myself I would be very happy to consider such a bill; as a matter of fact I will introduce such a bill if it is necessary.

If the chairman will permit me I would like to quote just one sentence from a decision of the Supreme Court, the Olmstead case, which has been referred to here many times during the course of this debate. In the dissenting opinion Mr. Justice Brandeis said:

> They—

Meaning the makers of the Constitution—

> conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

Opening and reading the mail, issuing and checking identity papers at regular intervals, universal fingerprinting, registration of all residents, a search of everyone's house now and then—just a quick look-see to discover what evidence affecting national security might turn up—all these, like wiretapping, might now and then afford the police some information they might not otherwise obtain. It is doubtful whether such random, haphazard searches of the population at large are very efficient police methods, but efficient or not, the undesirability of most of them was decided a long time ago by the adoption of the Bill of Rights.

Let me quote now from a very conservative daily, the Wall Street Journal. I may say that I was very happy to hear the gentleman from Texas [Mr. THOMAS], in his argument on the rule make the same point which I believe I am making when he said that he was opposed to any wiretapping at all or using such information as evidence.

Here is what the Wall Street Journal said in an editorial on November 19, 1953:

> It could create an atmosphere in which people would be afraid to talk on the telephone about anything * * * it may be argued that only spies need fear it. But it is not quite so simple as that. Telephone conversations can be misconstrued, innocent remarks interpreted as evil. Who would feel wholly secure knowing that any conversation could be recorded to use against him? Certainly every effort must be made to prosecute as well as discover. But we are confident the effort can successfully be made without infringing the Bill of Rights.

That is my position. I know times being what they are, with this fear that is prevalent throughout the country, people are afraid to speak their minds. This invasion of our privacy, this infringement on our civil rights is something that we cannot be silent about. I warn you that you will find as time goes on that what I say is true, if we pass this bill, before long we will have amendments offered to widen this exemption and permit the use of this type of testimony in all cases.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA of Minnesota. Mr. Chairman, in my service here in the House this is the second time I have supported a wiretapping bill. In June of 1941 there was presented to the House by the administration a request for almost the identical authority that is asked for in this bill, to be vested in the Attorney General, in the FBI and in the allied military services.

I recall one of the most brilliant speeches made upon that bill was made by our distinguished friend from Pennsylvania [Mr. GRAHAM]. It was on H. R. 4228, and if my colleagues care to look at the RECORD of that time they will find it in the CONGRESSIONAL RECORD, volume 87, part 5, page 5768 and subsequent pages.

Let me say that at that time, as near as I can recall, without exception the Republican members of the Judiciary Committee supported wholeheartedly legislation granting to the then Attorney General of the United States, now Mr. Justice Jackson of the Supreme Court, substantially the authority that is asked for in this bill.

That bill, H. R. 4228, extended beyond what is asked for in this bill because it extended the authority not only to espionage but also to kidnapping and extortion.

Let me say I am glad that the great Committee on the Judiciary brought in the kind of a bill that it did. I think it should be limited, as it has been limited, to the national security. Let me say to you further that I personally know of two people who are at liberty, who committed treason, in my opinion and I think in the opinion of any court, because the only evidence that they have of their crimes was obtained by wiretapping which, if it had been admissible, would have been absolute proof of their guilt.

Mr. Chairman, I should like to read a list of some of our distinguished friends on the Democratic side who voted in support of that legislation. Let me say, in candor, that I offered an amendment to that bill which limited its effect at that time to two years, and that amendment was adopted. In the light of what we have learned in the last 13 years, of

the constant attack on our form of Government by the Communists, by those who would destroy it, we need permanent legislation of this type today. All we have to do is to think of what has transpired in the last 13 years, of conditions which were brought about not by those who were actually at war with us but those who are, in fact, our mortal enemies and are for the destruction of everything which we believe in in this country. I say to you that that power should be given to the Attorney General; I think in a purely practical sense that power should be lodged in the Attorney General instead of it being spread to the multiple jurisdictions in the courts of this country. Let me say that I am proud that I voted for that bill. I had distinguished support from my good friend, the gentleman from Tennessee, [Mr. PRIEST] and the majority leader at that time, the gentleman from Massachusetts, [Mr. MCCORMACK] and from many others of my good friends who may now feel that they should not support this legislation, as has been reported to the Committee.

Mr. VURSELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Chairman, I rise in support of H. R. 8649 before us for consideration today, which is better known as the antitraitor bill. I think the bill is well named because the provisions of this proposed legislation will affect only traitors, spies, and the Communists within our gates, who, working under the direction of Moscow and the Kremlin, have been, and are now engaged in, espionage and conspiracies to undermine and destroy our liberties by overthrowing our Government.

The purpose of this bill is to unshackle the United States Attorney General, who has the responsibility of protecting the safety of our Government and to give him the power to authorize the FBI and the intelligence agents of the military to secure evidence against such traitors, spies, and conspirators by tapping in on their telephone conversations.

Mr. Chairman, when either of these agencies are authorized by the Attorney General to secure such telephone evidence this bill makes the use of that evidence permissible in a criminal trial subject to the rules of the court, when such persons are being tried for treason, seditious conspiracy, sabotage, espionage, violation of the Smith Act and the Atomic Energy Act.

Heretofore, such evidence could not be used against those charged with these crimes because of an adverse ruling by the Supreme Court. If this legislation is passed it will unshackle the chief law officer of the United States, unshackle the FBI and the military intelligence agents.

Such evidence will be made admissible against such criminals, will make it possible to detect more of them and bring into the Courts evidence against them which will convict and send to jail Communists, spies, and traitors who, working under the direction of Moscow and the Kremlin, are trying to destroy our country.

Even though the number of such dangerous Communists may be less than twenty-five or fifty thousand in our Nation, yet they are so dedicated to the destruction of our country that these fanatics can do, and have done, tremendous damage to our country in the past and will continue their sabotage of our Nation in the future.

Mr. Chairman, this legislation will make it more difficult for them to operate, and it will make it easier for the FBI and the military intelligence agents to seek them out and secure the evidence on them necessary to bring about their conviction and confinement in the jails and stop their destructive efforts.

When one takes into consideration how lax our Nation of freedom and liberty has been during the past number of years which made it possible for such spies as Judith Coplon, the Rosenbergs, Gold, and Fuchs all of whom were spying against our country and sending information over to Russia, making it possible for Russia to develop the atomic bomb, we can realize the terrible damage that was done to our country. Scores of other Communists, many who have been convicted, under the Smith Act, and many who escaped conviction because we did not have a law like this, have also done great damage to our country and many are still engaged in their treasonable efforts.

Mr. Chairman, the people of this Nation are tired of letting the Communists, spies, and saboteurs carry on their work against this Government and want something done about it. They are tired of witnessing the ease with which the Communists have carried on their work against our Government. They are tired of seeing the Communists coddled in any way or form. The people want the real Communists hunted down, prosecuted, sent to prison for long terms or if aliens, deported to the countries from which they came.

No one can estimate the value of the legislation that is before us today if it could only have been passed and been in operation since the beginning of World War I.

It might have saved a great many lives of American soldiers as well as billions upon billions of dollars.

Mr. Chairman, I want to see this legislation passed just as it is written, and without any amendments. It has been too long delayed. Let us do it today.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman and members of the Committee, I, like all Members of this House, feel very keenly and very seriously about this question of wiretapping. I know, too, that at this time we are met with a serious proposition, that is, whether or not we are going to be able to deal with the saboteurs and the spies and the traitors and those people who would destroy our way of living, effectively. We have heard much talk and we have read much in the public press that many of these individuals may be at large who are attempting to destroy our way of life.

Now, we have heard here, and rightly so, that an eminent jurist once said in handing down an opinion of the Supreme Court, that wiretapping is "dirty business." And, as a previous speaker aptly stated, it becomes necessary at times to deal with dirty business in a manner that we, who are used to a democracy, can sometimes not understand, and possibly we are living in one of those times when we must yield some of our rights for the Nation and its security. But, we also believe in the right of privacy and in the right of an individual to be secure in his own home.

The law of the land—the fourth amendment of our Constitution—provides for the right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizure—that this right shall not be violated—and no warrants shall issue but upon probable cause—supported by oath or affirmation, upon authority properly obtained.

It may be argued that this right of privacy is not absolute when our national security and the life of our Nation is involved. And therefore under proper authority and reasonable cause having been shown, a man's home may be searched and his papers seized.

True. Then why shouldn't we—if our national security is involved—permit wiretapping—many have asked—using, however, the safeguards spelled out in the fourth amendment. We can. But we must be careful—careful that we fully preserve the civil rights of every citizen and do not destroy our priceless heritage of civil liberties.

I think, Mr. Chairman, this is one of the times when the right of privacy may be limited and wiretapping be allowed but only in certain cases so that we may deal with the saboteurs and with the spies and the traitors of our country. But if we do yield this right of privacy in the interest of national security, let us make certain that we impose proper safeguards that we do not have an abuse of this power. Nor can we vest this authority without safeguard in any one individual to go to someone's home and invade his right of privacy, even for our national security. Mr. Justice Murphy once stated, "We must have it understood that while we will oppose firmly and vigorously any illegal activities we will do so in a responsible manner and within the orbit of the Constitution. That is the American way."

Mr. Chairman, I am going to support the Willis substitute which, in my opinion, adequately protects the rights of individuals by providing that wiretapping may be allowed only in those cases where our national security is involved and only upon the issuance of an order to do so from a Federal court judge.

Mr. GRAHAM. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I rise in support of the objectives sought by the legislation now under consideration. The purpose of the bill is to make

admissible in evidence information obtained by the tapping of wires in the trial of cases where the defendant is charged with treason, sabotage, sedition, or similar crime involving the security of our Nation.

While wiretapping in general is condemned as an intrusion of the privacy of an individual, yet there is no justifiable objection to the utilization of wiretapping as a means of obtaining evidence when the sole purpose is to obtain the evidence against individuals engaged in a criminal conspiracy against the security of our Nation. Nor should there be any objection for such a purpose. It is inconceivable that a person executing a criminal design that involves the security of our Nation and its people should be permitted to utilize means of communication to effect his or her criminal purpose.

The only question that arises and calls for careful consideration is as to the limitations to be imposed to insure that the right to tap wires should not be used by any official for purposes other than the due performance of his sworn duty. Thus, it should be limited as to who shall have the power and the conditions under which it may be exercised. To make certain that the power is not unduly exercised, or used for other than proper purposes, there have been two methods proposed: First, that it shall not be exercised except upon the consent of the Attorney General of the United States; or, second, only by consent first obtained from an appropriate Federal court. This latter suggestion is made without in any way impugning the honesty, integrity, and high purpose of the present Attorney General. Yet there may be times when one would not be willing to entrust this great power to an individual even though he occupy that high office. Therefore, it would seem that it is not unreasonable nor without justification to require that the power to tap wires should be exercised only with the consent and after the approval of a Federal court.

It is, of course, to be understood that this legislation applies only to prosecutions in Federal courts. There are a great many of our States that already have the same provision in their statutory law relating to State trials.

There is need at the present time that legislation of this character shall be passed to give the protection and security our people should have. Our Nation needs today more than ever every weapon that is possible to destroy and make ineffectual the efforts being made by spies and traitors to our country. The immunity that is now given to them must be stopped. The Department of Justice is entitled to this legislation as a means of carrying out effectually its obligation to protect and make secure our Nation and its people.

I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, it is seldom that I rise to speak on the floor and take the time of the House. I do it in this instance because I have such a strong feeling concerning the matter before us.

I have studied the Supreme Court decisions. I have read the magazine articles. I have listened to the debate here on the floor and in committee. I know that wire tapping has been described as dirty business and the evidence therefrom as fruit from the poisonous tree. But there are things that are worse than dirty business, and there are things that are worse than fruit from the poisonous tree. Some of these things are treason, sabotage, espionage, and the like.

If you do not believe me, ask the mother or the father of the boy who is in an unmarked grave on the cold and barren hillsides in faraway Korea. I am willing to risk permitting the introduction in evidence of information secured under the provisions of this bill. One will always have the protection of a grand jury and a petit jury of his peers. In my opinion, no innocent, patriotic American will suffer under this bill, if it becomes law.

I am for the bill as it came from the committee, primarily for one reason. I am reliably advised that J. Edgar Hoover, who has served four Presidents and who has served well over a half-dozen Attorneys General, has specifically asked for this authority to be vested in the Attorney General of the United States. It is within the power of this Congress to give the authority to the Attorney General, and it is within our power to take it away. I cannot help but recall to you what my able colleague the gentleman from Minnesota [Mr. O'HARA] has just said. He read only a few of the names of the able gentlemen on the other side of the aisle who, before I came to this Congress, in times not half so dangerous as these, were ready, willing, and anxious to, and voted to, give that power to the Attorney General. Why not give it to him now?

Mr. CELLER. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut [Mr. DODD].

Mr. DODD. Mr. Chairman, I have been hesitant about participating in this debate because I am not a member of the Judiciary Committee, and because in the very little time made available for discussion under the rule, I want to hear from the more experienced legislators and the learned constitutional lawyers who sit among us on both sides of the aisle.

Two motives lie behind my decision to speak up notwithstanding these restraints of time and lack of seniority.

First, I want to object again to the device of the legislative label. To call this proposal the antitraitor bill is to call by inference those who oppose this bill protraitor. This is an attempt to legislate by intimidation and it suggests that the advocates of this proposal are worried about their own case.

If the decision that we make here today on this grave question, is to hinge on the application of an epithet, then America is really in great peril. Then already the coin of our freedom has been debased. The influence of counterfeit democracy is upon us. We have fallen at home—and in our legislative hall—a prey to the evil we seek to resist.

No matter what else we do here today, let us make clear that no one can panic us into legislative compliance or frighten us out of our constitutional responsibilities. Let us hear no more of these police state polemics. This is the tyranny of labels at its positive worst.

My second motive for entering this dispute springs from my personal background and experience.

For many years I was engaged in law-enforcement work. I know something about it.

As an FBI agent and as a prosecutor, I investigated and prosecuted a large number of criminal cases, running the gamut of domestic offenses and including kidnapings, extortions, sabotage, and espionage. My entire training and experience make me sympathetic to the prosecutor and his problems. I have lived with them myself.

But the same experience which makes me sympathetic toward the prosecutor, makes me fear unbridled police power.

I know the exasperations, the heartbreaks, and the frequent frustrations of law-enforcement work, and I know the temptations that police problems present. The very nature of police power makes it a thing to be feared and those who have lived closest to it and who have worked most intimately with it are usually most concerned about it. Even in the very best of hands and under the greatest of safeguards, the exercise of police power should be constantly restrained.

The good prosecutor does not want naked police power because he knows the potential for evil that it contains.

The good prosecutor wants this awful power under a higher control and not under his own. And our society recognizes the weakness of men and the magnitude of this power and has developed such controls for its own protection.

That is why we have prosecutors, grand juries, judges, trial juries, appellate courts and supreme courts in addition to our police. These are all curbs on naked police power. The argument for the giving of this raw power to the Attorney General on the ground that he can be trusted with it flies in the face of the accumulated experience of law enforcement people. I have no doubt that the intentions of the Attorneys General are good.

Experienced prosecutors have to be concerned about the overzealousness of law-enforcement officers. Seasoned prosecutors know that they must constantly watch and exercise control over well-intentioned police authorities. Yet, in the face of all this experience, and contrary to the advice of men who have devoted their lives to law-enforcement work, we are asked to hand over without any controls or safeguards one of the worst features of police power, the ability to intercept and interfere with private wire communications.

The grave constitutional questions which arise in one's mind with respect to the use of this power are known to the members of this House.

The decisions of our courts and the debates on this floor point up the fact that we have in our hands, in this proposal which is before us today, the explosive trigger which can set off by chain reaction the destruction of our American democracy and leave us in the ruins of a police-state dictatorship.

If we make this grant of police power to any Attorney General of the United States without any kind of supervision or control, we have placed in the hands of one man a power to destroy our privacy and our liberty, which may be greater than the weapons of our enemies. If it is considered sensible and necessary to place atomic weapons under controls it is even more sensible and necessary within our own borders to keep controls on the power that can destroy our democracy.

It must be perfectly clear to all of us that something has happened in the United States and in the world when we are trying to find a way to use the weapons of the dictator within the limitations of a democracy.

Conscious of our awful responsibility if we are to make this grant of power in order to fight our enemies we must acknowledge that it is required of us that we do all that we can to prevent the infliction upon us of this abuse of power.

It is on this premise that contrary to my deepest feelings and with a heavy sense of responsibility, I am willing to vote to make this grant of power to the Attorney General but only under the reasonable restrictions of a higher authority.

Within our political framework, where can we find higher authority? Obviously it should not rest in the executive department where this power is sought, and through which it will be exercised.

Obviously, the legislative branch, by the nature of its makeup, is not able to effectively control and supervise such power.

There remains only one place in our political system and happily it is the best place, the judicial branch. The very nature of the judiciary lends itself to the best type of control over police power. Our judges are appointed for life. They are aloof from the pressures of politics and expediency. By training and disposition, they are by and large and with few exceptions men of moderate temperament, and of inquiring and dispassionate mind. In the calm atmosphere of the judicial branch, we can best repose control over this dangerous power. Nothing is perfect in this world, but surely it must be apparent that supervision by the judiciary over the power to intercept communications is the best safeguard we can devise. The objection that such control would cause too much delay is a superficial and dilatory argument. For many years we have permitted searches and seizures only under judicial supervision to guard against overzealous law enforcement.

It is good that basic civil rights require that police power operates within decent limitations. There is nothing so urgent about the present situation as to require us to give up our ancient procedure safeguarding due process of law.

In 1941, Congress was asked to pass a wiretapping bill. Pearl Harbor was only a few months away and the argument made on the floor of the House then was that the Attorney General urgently needed this power if we were to successfully overcome the Nazis and Fascists. The Congress turned down this request and we won our fight against the Nazis and Fascists. We caught a lot of spies and saboteurs. When I was in Nuremberg, the top Nazis told us that every Nazi spy and saboteur agent who was sent to the United States was apprehended by the FBI.

Having overcome the forces of nazism and fascism without the grant of this power we are now faced with the problem of the worldwide Communist conspiracy and we are told that it is necessary to grant this power in order to overcome the conspirators. We have successfully prosecuted a lot of Communists in this country. I am proud of the record that the United States Department of Justice has made and if the job has not been letter perfect, I suspect that the trouble lies not so much in the fact that we have inadequate tools with which to make the fight, but rather more because we have not had a true understanding of the nature of the menace and the will to do all that is necessary to overcome it.

I have grave doubt that wiretapping will help us very much to defeat the Communists, but I am willing to resolve that doubt in this hour and for the time being on the side of the Attorney General and those who are responsible for our national security and defense.

I repeat that I do this with a feeling of reluctance and with a heavy sense of responsibility and I therefore propose that in granting this police power we see to it that it is exercised under judicial control and that the grant is made for a limited period of time. At the proper time when amendments may be offered to this legislation I hope a number of changes will be made. When I spoke against the granting of the rule earlier today, I said that this bill in its present form was almost completely objectionable. I urged that we reject the rule and thus suggest to this committee that it rewrite this legislation. I pointed out then and call to your attention now the fact that on passage of this bill the disturbing abuses of which the American people complain with respect to wiretapping will continue.

This bill does not make private wiretapping illegal.

This bill does not make the divulgence of information obtained by private wiretapping illegal. If we can amend this legislation so as to really stop private snoopers from tapping our wires we will be performing a great service for the American people. This bill does not do it.

It does nothing to clarify the serious doubts that exist with respect to the intentions of the Federal Communications Act.

It does absolutely nothing about the problem of State and local wiretapping. The State of New York and some other jurisdictions have legalized wiretapping and the disclosure of information obtained through wiretapping. Every lawyer who has examined the New York State situation and the Federal Communications Act knows that the New York State law and other similar laws are illegal.

What public officials are doing in New York today in wiretapping is forbidden by the law of the United States and if an Attorney General does his job he would have to institute prosecutions against every official and individual who is engaged in that activity.

But, as I said in my discussion on the rule, do not be disturbed, for I can assure you that there will be no prosecutions in the future any more than there have been in the past, because the shocking truth is that the Federal Government itself has dirty hands.

Furthermore, this bill does nothing about those terrible domestic crimes known as kidnaping and extortion, where the use of wire communication may be essential to the carrying out of these crimes.

Besides all of these omissions and failures, no time limitation is placed on this grant of power which is requested. I believe that if we grant this authority in a restricted area and under judicial supervision, we should do so for a period of not more than 1 year. At the end of that year we should require that the Attorney General come before the Judiciary Committee of this House and tell us how many wiretaps were authorized, how much information was obtained and used for prosecution purposes in our Federal courts. No harm can be done from placing this restriction on this legislation, and great good can be the result of it. At the end of a year we may very well find that this power has been abused. We may find that it has not produced the results expected, and we may find it better to withdraw it. We should keep a checkrein, at least, for some years, and probably for all time, on the exercise of this power, and the proposal concerning a time limitation which I shall make to you in the form of an amendment will be no hardship or burden on the Attorney General.

Perhaps the most specious argument that is made by those who favor the granting of this uncontrolled power is that no innocent person needs to worry about wiretapping. This is probably the worst type of police-power propaganda. This is the lowest common denominator of our vaunted constitutional rights. Those who express it have no concept of the nature of a right. Besides being the lowest form of authoritarian propaganda, it is also the most subtle and deceitful.

What has happened in this Nation when responsible men make such an argument for this kind of legislation?

But what is worse and even more frightening is that it appears that our people have been so misled as to fall for this nonsense.

Have we become a nation of faceless people, without individual personalities, without privacy, and without individual dignity?

Are there no sacred things left?

Cannot a parent speak alone to his child?

Must the patient surrender that confidence born of privacy which he shares with his physician?

Have husbands and wives no words that are their own? Are we committed to live in the police-state goldfish bowl? God forbid that the nature of America has been thus altered.

Of all the people in the world we have been known as a community of individuals. This is the element above all others that has made us great. This explains our fierce affection for our individual political and private rights. And growing out of them is the individual responsibility which has contributed more than anything else to giving us the highest standard of living and the best form of Government that has ever been known on the face of the earth.

If we lose this initiative that springs from our protected individualities, America will no longer be the great leader that she is in the battle for freedom and for justice. For freedom and justice are individual rights.

The despicable argument that only the wicked need fear the wire-tapper must be discarded in the same receptacle with the dirty slogan "antitraitor bill." This is a time for calmness, for fairness, and there is no room for hysteria and prejudice.

I need not remind you that as we debate this question, the world is on fire.

That conflagration was started by power-mad men who think they know best how to run the world. The flames are licking at our borders. We are in peril. In order to use every method at our disposal, I am willing to authorize the lighting of some backfire but only under the greatest precautions and the most complete controls. Backfire technique has gotten out of hand before. It is no real or permanent technique to prevent the spread of fire. It is a method used only in the last extremes for limited purposes and under guarantees and precautions of absolute control. It is no real substitute for water. Let us this day resolve to put out the fires of tyranny with the waters of freedom and if we must use the instrument of backfire, let us do so with the greatest of caution. In so doing, we shall protect the heart and soul of our American democracy.

Mr. GRAHAM. Mr. Chairman, I yield the balance of the time remaining to the gentleman from New York [Mr. MILLER], a member of the subcommittee that drafted this bill.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. MILLER of New York. I yield.

Mr. DEVEREUX. As a layman, I would like to get a couple of things straight in my mind. As I understand it, evidence gathered from dictaphones or radio transmitters may be used in evidence; is that correct?

Mr. MILLER of New York. That is correct and the courts have so held.

Mr. DEVEREUX. However, the evidence gathered from a wiretapper would not be admissible in evidence?

Mr. MILLER of New York. It always was except for the express prohibitions set up in the Communications Act of 1934.

Mr. DEVEREUX. Can the gentleman tell the difference between those two positions?

Mr. MILLER of New York. There has never been a difference. We are trying to reconcile them and make them consistent by our action here this afternoon by passing the bill which has been reported out by the committee.

Mr. DEVEREUX. I thank the gentleman.

Mr. MILLER of New York. Mr. Chairman, I believe I am as seriously disturbed about indiscriminate wiretapping and telephone interception as my beloved and distinguished colleague, the gentleman from Connecticut. When this matter was under discussion in our committee, I stated that I would at the proper time, and perhaps when it was acted upon by the proper committee, support a bill which would correct the iniquitous situation which exists under Federal law today wherein it is perfectly permissible and legal for anyone to tap anyone else's wire. But that is not the issue before us this afternoon. In New York State, we have a law which makes it illegal to tap a wire without an ex parte court order. But we also have the provision which makes such interception and tap legal, if we secure an ex parte court order. As a former district attorney in Niagara County of New York State, I had much experience in working under that statute and in securing ex parte court orders.

I would agree with everything that has been said by my colleagues here today concerning the quotation of testimony of District Attorneys Hogan and McDonald of New York State, that they have had no trouble with this matter in New York State; that there have been no leakages, and that they have been successful and now have thousands and thousands of taps on telephones in New York State. But in those cases we are dealing almost all the time with individual criminals violating certain penal statutes of the State of New York: burglary, robbery, and so forth. But in this particular case, in cases of espionage, sabotage, and sedition, we have a situation not faced by the district attorneys of a State law-enforcement jurisdiction. We have here a situation wherein at any time it may be necessary to install any number of taps in any number of cities, and if you pass an amendment providing for a court order, what is the situation which faces an attorney general, anxious to secure evidence and convict a criminal? A certain judge may require that he name the owner of the residence, and it may be unknown, although it has been under surveillance for some time. A certain judge may require in one jurisdiction that the tap be made for only 60 days, and that he must reapply at the expiration of the 60 days. So that within the whole network of the proposition you might have effective interception in a certain section of the country and no interception in another section of the country. You cannot always prepare papers to get a court order. In addition to all these factors we must ask ourselves this question: We seem to be in almost unanimous agreement that we need some kind of legislation to detect those guilty of crimes against the internal security of our country. What can an attorney general do if we give him authority to proceed without a court order? First he must secure an indictment, and he can introduce evidence in the course of securing that indictment only relevant to the issues and only in a case involving the internal security of the United States. After the indictment is secured he must present his evidence in a court of law, and that evidence must be relevant only to a crime involving sedition, sabotage, or espionage. I would take the opinion of the Director of the FBI, Mr. Hoover, when he said that if they were going to properly enforce the law he would need this bill, but he would rather have no bill at all if the court order is required, because it would make it impossible to do the job in times of crisis now facing our country.

The CHAIRMAN. The time of the gentleman from New York [Mr. MILLER] has expired.

All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That information heretofore or hereafter obtained by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G–2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations.

Mr. WILLIS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. WILLIS: Strike out all after the enacting clause and insert the following:

"That information obtained prior to the effective date of this act by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G–2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts

to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations.

"SEC. 2. That information obtained after the effective date of this act by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G-2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations: *Provided*, That prior to intercepting the communications from which the information is obtained, an authorized agent of any one of said investigatorial agencies shall have been issued an ex parte order by a judge of any United States Court of Appeals or a United States district court, authorizing the agent to intercept such communications. Upon application by any authorized agent of any one of said investigatorial agencies to intercept communications in the conduct of investigations pursuant to this section, a judge of any United States Court of Appeals or a United States district court may issue an ex parte order, signed by the judge with his title of office, authorizing the applicant to intercept such communications, if the judge is satisfied that there is reasonable cause to believe that such crime or crimes have been or are about to be committed and that the communications may contain information which would assist in the conduct of such investigations.

"SEC. 3. No person shall divulge, publish, or use the existence, contents, substance, purport, or meaning of any information contained in any aforesaid ex parte order or obtained pursuant to the provisions of this act otherwise than for the purpose hereinbefore enumerated.

"SEC. 4. Any person who willfully and knowingly violates any provisions of this act shall be fined not more than $5,000 or imprisoned not more than 1 year and a day, or both.

"SEC. 5. All carriers subject to the Communications Act of 1934 (48 Stat. 1103) are hereby authorized to permit such interception and disclosure of any such communications by wire or radio.

"SEC. 6. If any provision of this section or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other circumstances shall not be affected thereby."

Mr. WILLIS (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute be dispensed with and that it be printed. I can explain it very simply. I think all the Members know what is involved.

Mr. KEATING. Mr. Chairman, reserving the right to object, is it in the form which the gentleman has furnished us on this side?

Mr. WILLIS. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized.

(By unanimous consent and at the request of Mr. BOGGS, Mr. WILLIS was granted 5 additional minutes.)

Mr. WILLIS. Mr. Chairman, I thank my colleague from Louisiana. I do not know that I shall need the 10 minutes.

Mr. Chairman, the substitute I have offered will do three things: First, it makes possible the prosecution for treason and crimes against our national security on the basis of wiretap evidence obtained prior to the effective date of the act.

Section 2 preserves the court-order approach in connection with wiretap information obtained after the effective date of the act. Except for the cut-off date and except for the court-order proviso, my substitute is in language identical to the language of the bill now before you.

The third thing my substitute does is to add an additional section that is made necessary in order to have a separability clause in the bill.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. BOGGS. I know there has been some conversation about it here this afternoon, but I would like for the gentleman to explain the action that occurred in the committee. I understand that originally the Committee on the Judiciary adopted provisions very similar to the gentleman's substitute.

Mr. WILLIS. The gentleman is correct.

Mr. BOGGS. Will the gentleman explain it.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield at that point?

Mr. WILLIS. I yield.

Mr. CRUMPACKER. Is it not a fact that this particular proposal which the gentleman has presented here never was adopted by the committee or even offered in the committee, either the subcommittee or the full committee?

Mr. WILLIS. That is correct.

Mr. BOGGS. Will the gentleman explain what happened in the subcommittee.

Mr. WILLIS. The bill originally introduced by the gentleman from New York [Mr. KEATING], H. R. 477, contained the court-order approach. It was limited to crimes against the national security, treason, sabotage, sedition, and so forth—limited to those crimes just as this bill today is. In order to go forward with the case before the court, the bill originally introduced, H. R. 477, required the obtaining of a court order, just as my bill does.

The committee held lengthy hearings. As a matter of fact, this bill has been before us since 1952, if I recall well. I am quite sure it was 1952. As I said, we have held hearings on it. We have had at least 15 meetings and executive sessions. We discussed the evidence, the arguments, the testimony, and the subcommittee by unanimous vote reported the Keating bill, which is similar to my bill except for the retroactive features, favorably and unanimously to the full committee.

Mr. BOGGS. How long ago was this?

Mr. WILLIS. The bill was actually voted on favorably by the subcommittee last year, but it did not reach the full committee. This year we held some further consultations and meetings, and it was only last Wednesday that the subcommittee bill unanimously approved was before the full committee.

Mr. BOGGS. What happened then?

Mr. WILLIS. The gentleman from New York [Mr. KEATING], offered a substitute which he introduced as a clean bill on April 1, 1954, and it is numbered H. R. 8649. That is the situation to date.

Let me hasten to tell the gentleman from Louisiana, as I said in general debate and I will say now, that although the gentleman from New York reversed his position the ground for reversal as to the past had meat in it. But as to the future I disagree with him. You see, evidence has been obtained by Attorneys General for many years past, including Mr. Brownell since 1950. That evidence was obtained by wiretap through the FBI and without a court order.

To require a court order means that you have to speak only of the future, hence the Keating bill, H. R. 477, reached only violations against our national security in the future; it did not reach the evidence already in the hands of the Attorney General upon the basis of which it is said conviction might well result against certain persons. One of them named to me was Judy Coplon. Therefore, the gentleman from New York offered his substitute wiping out the court-order feature, vesting all the power in the Attorney General, but reaching out in the past. My proposal as a substitute to his last measure is to preserve what we did in the subcommittee as to the future, preserve the integrity of the court-order approach, then by the retroactive section it reaches the past and permits prosecution upon the basis of the evidence at hand.

Mr. HARRISON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. HARRISON of Virginia. Has the gentleman any comment to make on the statement that his bill will destroy the efficacy of the situation, that the Attorney General claims we might as well pass nothing as to pass the gentleman's bill?

Mr. WILLIS. The gentleman is talking about the remarks of the gentleman from Indiana?

Mr. HARRISON of Virginia. The remarks of the gentleman from New York. The Attorney General thought that the gentleman's bill was practically worthless. I would like to hear the gentleman's comments on that.

Mr. WILLIS. I did not hear the gentleman from New York make that statement.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. KEATING. I do not think the gentleman meant the gentleman from New York [Mr. KEATING]; I think he meant the gentleman from New York [Mr. MILLER]. It is a fact, I will say to the gentleman, that Mr. Hoover has himself stated to me, and the membership should know this, that he would rather not have any bill than a bill requiring going to the courts. I feel in all honesty I should say that, and that it does have some effect on my thinking because of my regard for Mr. Hoover.

Mr. WILLIS. Mr. Hoover did not testify before the committee. He never told me anything about that. It was my understanding that Mr. Hoover wanted to be sure that whatever wiretapping was going on in areas other than sabotage, treason, and so on shall continue to go on. This bill does not stop that practice, whatever it may be. We are not concerned with that. That was my understanding of the desire and the position of Mr. Hoover. But as to the crimes now before us, I do not see what Mr. Hoover could possibly complain about.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. We have been working on wiretapping legislation since 1940, and on every bill that we had before our committee we have always consulted with Mr. Hoover. I do not remember a single occasion when Mr. Hoover expressed any preference as to whether it should be the court or whether it should be the Attorney General, and if he had such a proposal in mind, he certainly would not have kept it secret; he would have disclosed it to numerous members of the Committee on the Judiciary.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I refer to page 38 of the hearings on the Keating substitute where the gentleman from New York [Mr. KEATING] directed a question to Mr. Rogers, Deputy Attorney General of the United States. The gentleman from New York [Mr. KEATING] said:

> You feel the application to the court would throw such a cumbersome burden upon the Attorney General that you would rather not see any bill than a bill with such provision?

Mr. Rogers replied:

> No; I do not, Mr. Chairman. I do not.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. KEATING. The gentleman has correctly read the record, and that was then the position of the Attorney General as stated, I assume, by the Deputy Attorney General. Since that time the Attorney General and Mr. Hoover in a conference with me have stated—and the membership should know it for whatever weight it has—that they preferred not to have any bill than to have a bill with the court order approach in it.

Mr. BOGGS. Does the gentleman mean to say that there is no record of this conference; that this was a private conversation with the gentleman?

Mr. KEATING. No.

Mr. BOGGS. That is what the gentleman said.

Mr. KEATING. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. I yield.

Mr. KEATING. That was a statement made in a conference between myself and Mr. Brownell and Mr. Hoover. However, Mr. Brownell, in an informal meeting with the members of our subcommittee, stated substantially the same thing.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. Does not the gentleman think that the gentleman from New York should have disclosed that secret conversation he had to the other members of the Committee on the Judiciary so that we could be apprised of what Mr. Hoover had in mind?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. KEATING. I did state that. I stated it repeatedly.

Mr. CELLER. Where is it in the record?

Mr. KEATING. In the full committee I stated it.

Mr. CELLER. Where is it in the record?

Mr. KEATING. It is not in the hearings which were held last year. It is a position newly taken by the Attorney General since those hearings. And, I have stated it in the meetings of the Committee on the Judiciary, and it was one of the factors, I am frank to say, that caused me to feel that I should recanvass my previous position.

Mr. CELLER. Is it in the form of a letter or document or paper that we could look at and see?

Mr. KEATING. No, it is not; but there is no question about his present position.

Mr. ALBERT. Mr. Chairman, in view of the fact that the gentleman's time has been taken up on a collateral issue, I ask unanimous consent that his time may be extended 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOGGS. Mr. Chairman, will the gentleman yield, so that I may direct a further question to the chairman of the subcommittee?

Mr. WILLIS. I yield to my colleague from Louisiana.

Mr. BOGGS. I should like to get this point cleared up. I have examined the hearings. The only thing I find in the hearings is the statement by the Attorney General or his representative that he would not oppose this provision, in reply to a question propounded by the gentleman from New York [Mr. KEATING]. The only further evidence I have heard presented by the gentleman from New York is that he had an informal conference with the Attorney General of the United States. Do I understand that there is no letter, there is no official presentation of the position of the Department of Justice on this matter and no reasons given?

Mr. KEATING. Oh, yes, very extensive reasons, which I have stated in debate. But, following the conversation which I had, I arranged for the Attorney General to meet informally with the members of the subcommittee where he repeated in substance what Mr. Hoover and he had previously said to me. There is nothing in the record on the subject and there is no letter. A letter could very easily be obtained, but there can be no question about his present position.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. COUDERT. If my ears heard right a moment ago, I think Mr. J. Edgar Hoover was likewise quoted with respect to this bill. I happened to have found a quotation from Mr. J. Edgar Hoover in the March number of the Harvard Law Review which I think would be of interest to the Members of this House because apparently there is also a Mr. Hoover No. 1 and a Mr. Hoover No. 2 in this matter. Writing in 1940, February 9, he refers to wiretapping evidence as an "archaic and inefficient practice which has offered a definite handicap or barrier in the development of an ethical, scientific, and investigative technique."

I think the Members of the House would be interested in that because evidently Mr. Hoover has changed his position.

Mr. WILLIS. I do not know about Mr. Hoover. It appears that Mr. Brownell has changed his position 2 or 3 times on this bill.

I understand that the chairman of our full committee, the gentleman from Illinois [Mr. REED], introduced an administration or a Brownell bill some time ago. It now appears that Mr. Brownell favors the Keating proposal before us. Now we are told apparently that he is so hard-headed about what he wants that he does not want anything unless he gets it his way. But that does not interest me at all—how Mr. Brownell felt in the past or how he feels now or how he is going to feel in the future. I have the highest regard for Mr. Brownell and I hope debate will proceed along the lines of our independent judgment on this legislation.

So far as I am concerned, as I have said in the general debate, I think the court-order approach is preferable, is safer, and it follows the pattern of our Constitution and the guideposts set up in connection with a search warrant.

I quoted from Mr. McDonald this morning. Mr. McDonald is a district attorney in New York where there is a wiretapping law. He has had a lot of experience. I quoted him this morning to the effect that there is no difference between a search warrant and a court order in this situation.

We have heard really only three criticisms, as I have analyzed them up to now, of my substitute.

The first criticism is that it would involve delay. I have already addressed myself to that point. There will not be any delay involved. The delay is mechanical in setting up the wiretaps. Presenting the order to the court is a simple proposition. I was glad to hear my good friend the gentleman from New York [Mr. MILLER] admit that is so under his own practice as a former district attorney in New York.

On the question of the violation of secrecy, as I previously pointed out, it horrifies me to think that when the Attorney General, his assistants, a stenographer in his Department, a mechanic, an official of the telephone company—when people will be assigned to listen in to these conversations for months at a time, when they can all be in on this business, we then do not want a Federal judge to get in on it because we do not trust him, because we feel he might gossip about it. It horrifies me that we would even think of that proposition, or that a presiding judge somewhere might go fishing, as someone suggested, and not be available. We have a hundred district judges and I do not know how many circuit courts of appeal judges. You have to go to only one of them. You have only one Attorney General. Suppose he goes fishing?

Mr. DIES. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. Mr. Chairman, I think we are all in agreement that legislation to make admissible evidence secured through wiretapping is desirable in cases where the national security is involved. I think we are all in agreement that except under those circumstances it should not be permitted. Certainly when I lease a wire and pay for it I am entitled to have my rights respected, unless I am violating the laws of the land.

It would certainly not be desirable if wiretapping were permitted on an extensive scale. Of course we know that it has been going on for a long time. Many times while I was investigating un-American activities my wire was tapped. It has been the practice in Washington for a long time to intercept telephone conversations.

This bill seeks to accomplish two things: One, to make admissible evidence that has been secured already in order to bring about the conviction of certain alleged traitors. I think everyone is in agreement that that ought to be done. It does not involve any violation of constitutional law. It does not constitute ex post facto legislation, as has been pointed out by other speakers this afternoon. Both proposals enable that to be done, whether the committee bill is adopted or the proposal by the distinguished gentleman from Louisiana is substituted. In either event the Attorney General will be able to use this evidence for the purpose of convicting certain people.

But with respect to the future there is a question. In the first place, let me make it clear to you that I do not believe that the bill, whether it follows the proposal of the committee or the gentleman from Louisiana, will accomplish the purposes they hope it will accomplish. The people who are sent to the United States to spy on our country or to commit acts of sabotage are the best-trained agents on earth. We had testimony before our committee showing the extent to which the Soviet Union instructs and trains its saboteurs and its spys. They are not going to send to the United States anyone so dumb that he would use the telephone after this legislation is passed. It is inconceivable to me that any great good can be accomplished by the legislation. However, the Attorney General says he needs it. We are all deeply concerned about the security of our country, and while I disagree with him as to the good that can be accomplished by this legislation, I am willing to go along on a sane and sensible proposal.

The reason, in my opinion, it will not do what the sponsors anticipate is, as I said, that you are notifying the intelligent and well-trained agents of foreign powers that you are going to tap their wires, and that you will use the evidence in the courts. From my knowledge of the agents of foreign countries, there is not one of them who will be so naive and careless that he will employ a telephone in this country in order to communicate his treasonable plans and activities to any of his confederates. But the Attorney General, who is charged with the responsibility of protecting our internal security, has asked us for legislation. Now, how are we going to give it to him? I am sure the committee is entirely sincere when they think it is better to let the Attorney General decide when he can tap the wire and when he can use the evidence. But I cannot agree with that, and I will tell you why. I can think of several former Attorneys Generals to whom I would not want to give this power. I know of one Attorney General who, I had reason to believe, investigated me rather extensively. In fact, I saw a brochure that came from one of the departments of this Government which contained over 100 pages of purported conversations which took place between me and different people and various activities in which I was alleged to have engaged. If I am willing to trust the present Attorney General, would I be willing to trust any Attorney General? And you gentleman on the other side of the aisle, if Mr. Biddle was Attorney General today—would you for one moment consider this legislation? You would not get five votes on the conservative side. If that be true, would it not be better to require court orders from those who want to invade the rights of the citizens—and it is an invasion—there is no way in the world that you can argue against that. If I pay my money to lease a telephone line, I am entitled to have my privacy respected unless I am engaged in criminal activities.

Who is to determine whether or not I am engaged in such activities? There were public officials in this country who said I was subversive. They said it publicly. In fact, one of them said I was the agent of Hitler and was doing more to serve the cause of Hitler than anyone in the United States. If he had been in charge of this bill, he would have been authorized to tap my telephone.

I am just as anxious as any man living to apprehend any traitor in the United States. I realize the difficulty of apprehending the clever agents of the Kremlin. They are masters in the art of espionage and sabotage. They have an Oriental cunning about their activities that is far ahead of anything that we have ever seen or experienced in the Western World. It is not an easy matter to convict them. But I submit, Mr. Chairman, that you are not going to catch them by notifying the world that from now on we are going to tap telephones and use the evidence so secured against them.

I further submit that we ought to use every precaution we can to guard against invasion of the fundamental and God-given rights of the American people. It well may be that the present Attorney General will be careful and judicious in the exercise of this power, but he is a prosecutor; and since when have we lodged in the hands of one man the right of prosecution and the right to pass upon matters that are semijudicial? How can the enforcement of this law be impeded or embarrassed by the requirement that you go before a Federal judge and sign an affidavit? Is that not a protection to the citizen? If a man is going to intercept my conversation, if he is going to search my house, if he is going to invade my rights, is it unreasonable to require that he make an affidavit and appear before a judicial officer, to secure the necessary authority?

Attorney generals are political appointees. To say that they will not be influenced by politics is simply to ignore realism.

I believe, Mr. Chairman, that we can accomplish everything under this substitute that the proponents of this measure seek, and we can do it in a more careful and more prudent manner.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JAVITS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am glad I follow the gentleman from Texas [Mr. DIES], because I think what he has said is a necessary preliminary to absolute disposition of the issue before the House.

There is not a real good reason why both sides should not be united upon

the particular solution proposed by the amendment to a difficult issue. Why this amendment should not be the bill before us, and why we should not as we would then be practically united in support of this bill. This is just exactly the kind of bill from which controversy ought if possible to be removed.

Now, what is keeping us apart on this bill? I submit that it is the label that has been put on this bill as an antitraitor bill which in effect says: "Do not amend me." The reason I say I am glad the gentleman from Texas [Mr. DIES] preceded me is because he showed that the label is not warranted—that the bill does not contain what the label sought to be applied describes it as containing.

By the passage of this bill, with or without the Willis amendment, you are not going to stop traitors from operating in the United States—therefore it is not properly an antitraitor bill. It is a bill to permit evidence acquired by wiretapping to be used in evidence—one of the tools which the Attorney General wants, and with the trend in our country to strengthen and strengthen executive authority, with our people really concerned about powers which are being vested, whether by public acclaim or whether by law, in any one man, this amendment is a useful precaution which the Congress ought to take.

I ask my colleagues, What do you expect the Attorney General to say? He has properly great faith in himself. He feels he is a completely disinterested man who will rule exactly right, as if he were the most objective judge. But it is our job to see that checks and balances will be imposed on executive power and they will be imposed by this amendment as between the executive and the judiciary. Here are two departments of Government which we can put into motion by adopting this amendment, one of which will be a check upon the other.

The gentleman from Louisiana [Mr. WILLIS] has given us a chance for substantial unity on this bill. It is a dangerous and difficult bill at most. It is an invasion of the privacy of the people of our country in a time of danger to privacy as is evidenced when a great organization like the Presbyterian Church issues a letter and says that "treason is being confused with dissent."

Mr. Chairman, this is a day to be on guard. We are being given a very limited protection by this amendment; it is a protection which if adopted allows practically all to agree upon the bill. I therefore urge you to adopt it and let us unite on the bill with the amendment in it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. GROSS. All the emphasis has been placed upon the Attorney General. Is it not a fact that this bill includes also the Army, the Navy, and the Air Force in wiretapping?

Mr. JAVITS. The gentleman is exactly right.

Mr. GROSS. So it is not limited to the Attorney General.

Mr. JAVITS. That is exactly right.

Mr. GROSS. What we have done here this afternoon is to give power to the Attorney General to let the Army, the Navy, or any arm of the military service use it if he sees fit.

Mr. JAVITS. That is what the bill provides.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. CELLER. There is provision for court order provided the Attorney General has given his approval.

Mr. JAVITS. There is no question but what this bill would apply to all of these agencies and that with amendment the court order would be required of any agency acting under the bill. That I think is an additional reason why the amendment should certainly be approved.

Mr. Chairman, I yield back the balance of my time.

Mr. FORRESTER. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, I have a lot of confidence in this substitute; as a matter of fact, I take great pride in the fact that I was one of the authors of this substitute. I think you all know me, and that you know there is not a man in this Congress who is against communism or subversion any more than I am.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to thank the gentleman for the help he was to me and to the Democratic members of the subcommittee and the real contribution he made not only in drafting the bill, but he went further and telephoned the Attorney General to verify his understanding of a certain situation in regard to this matter.

Mr. FORRESTER. I thank the gentleman.

I had no experience in legislative halls until I came to Congress; on the other hand, though, I was a prosecuting attorney for 27 years, and I think I know something about this subject we are discussing today. Right at the very commencement I want to say to you that there is no constitutional question involved here, and I have no patience with the argument that any man can sit in his own home and at his own telephone, and with constitutional protection, use that telephone as his agency to scatter subversion over this land. I know that any respectable court will hold that that man stepped outside of the privacy of his home, that the telephone wire was his agent, and that he will not be permitted to send his voice of treason and subversion into other homes, offices, places of business, even over the oceans, over the mountains, and into various States and even into Moscow, and then say that he has any constitutional protection or constitutional immunity.

The framers of our Constitution would weep if they could hear some of the asinine arguments that are brought up here to protect traitors. But, Mr. Chairman, let me say this to you, there is another side here also.

Do you know why you got the Constitution of the United States? Mr. Chairman, you got the Constitution because it was written in an emergency to protect you against an emergency. It was written to protect you against the do-gooders and the traitors on the one hand and to protect you against hysteria on the other hand. You can follow the rules of your constitutional and legal precepts and obtain all the protection you need.

Mr. Chairman, I want to call your particular attention to some things that we are doing today unless we approve this substitute: We are destroying the separation of the three powers of this Government. The granting of an order of this kind is a judicial function and has been since this country came into being.

It was never intended that a member of the executive branch should have anything to do with a judicial act. As a matter of fact, the executive department is political in its nature, inherently so. You cannot laugh off the argument made by the gentleman from Texas [Mr. DIES], showing that to be true. The judiciary is supposed to be absolutely removed from politics.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I wish to state that the gentleman now addressing the committee was one of the most effective prosecuting attorneys in the State of Georgia that we have had in many, many years and I want to congratulate him on the fine statement he is making in behalf of this substitute.

Mr. FORRESTER. I thank the gentleman from Georgia. The gentleman has a most enviable reputation as a lawyer in our State, and is certainly recognized as one of the most able Members of Congress. I was certain that the gentleman's fine background would cause him to endorse my position.

Mr. Chairman, I have great confidence in the judiciary. You know, I was highly pleased to see some distinguished lawyers sitting on our committee on the other side of this aisle who recognize the sanctity of the judiciary. They are great lawyers and splendid Americans, and it has been a privilege to serve with them.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FORRESTER was allowed to proceed for 3 additional minutes.)

Mr. FORRESTER. Mr. Chairman, I have had a pretty good experience in the courts of this country. I confess to you that I have seen a few trial judges that I thought practiced law by ear a little bit, but I have never seen one that I thought was crooked. There is not a safer depository in this land for anything involving the security of America than are the trial courts. That is true, and thank God I believe it is true. If it is not true, if the Attorney General is the only one we can follow, then I suggest that you get a ticket to your respective homes and let me go back to Leesburg and just wait for the deluge that is bound to come.

I should like to make another interesting observation. I do not know of one court in this country that is to any

extent in disrepute except, right or wrong, perhaps the United States Supreme Court. Do you know why? That is the work of the executive department. The executive department, which is fundamentally political, makes those appointments. If you had called upon the different district judges in this country and en banc, to recommend to you a judge or judges to be elevated to the United States Supreme Court you would not have had this trouble. You would have had outstanding jurists, and you know it.

Let us keep things in their proper order. Let judicial acts rest with the judiciary and let the executive department attend to the executive business. If the Attorney General has got to have this power, why not give him the right to issue search warrants himself, serve them himself, and to be his own judge, his own jury, and his own executioner? Mr. Chairman, if I was the Attorney General you could not give me this kind of power. In the first place, I would not want to go into court with the tinge of politics upon me; I would want to be where I could be removed from the sting of the argument of the defendants that what was done was politically inspired; I would want to be where I could say to the court and to the jury that what I did was under an order of a court of his land and that I was obeying that order, being conscious that I was operating in the only forum in which all parties can come together on equal terms. I would certainly want that to represent the attitude of the United States of America.

Mr. CRUMPACKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to ask the proponents of this substitute why, if they feel that a court approach is such a fine and such a necessary thing, they do not want to extend it to all the people, to all the citizens, instead of just to certain groups. The gentleman from Texas [Mr. DIES] made considerable comment upon the activities of previous Attorneys General and that he felt their activities were not well suited to his interest. I would like to know why he is willing to permit the evidence which they obtained without any court order to be offered in a possible criminal action while he wants to deny that right to the present Attorney General and to future Attorneys General. Now, this court order approach, if it is a good thing, should be a good thing for all, not just for future Attorneys General but for past, present, and future Attorneys General.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. If there is any precedent for giving the Attorney General wiretapping authority, certainly that precedent would be in giving him authority also to open and inspect first-class mail going through the United States mail service.

Mr. CRUMPACKER. On that particular point, if the gentleman will read the decision in the Olmstead case he will find that the majority of the Supreme Court discussed that point at some length and disposed of it. I cannot take the time at this time to go into the details of that, but the Supreme Court has made that distinction.

There are many reasons why the court order approach does not suit the needs of the Attorney General in combating this very insidious Communist conspiracy. One of them is the matter of geography. No district judge can grant any order that is effective beyond the limits of the judicial district in which he sits. No circuit judge can grant any order which has any effect beyond the jurisdiction of the particular judicial circuit in which he sits, while the bill proposed by the committee would grant the Attorney General the right to tap a wire anywhere in the continental United States or the Territories. Many of these cases are nationwide; in fact, international in their scope. If you tie the authority down to the geographic areas of judicial districts, you may force not just one court order but a whole series of court orders, and you may involve considerable confusion and delay in time, and the time element, too, is very important. When someone in the FBI or one of these other agencies gets a possible lead on some Communist activity, they need to pursue it immediately, without any delay and with a minimum of red tape and interference. If you require them to take the time to prepare the necessary papers, have them typed up, sworn to, taken to a court, and then finally an order obtained, and then, after that, begin to tap the wire, there may be a lapse of time ranging from hours to possibly days if the courts do not happen to be in session in the area in question.

Mrs. ST. GEORGE. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentlewoman from New York.

Mrs. ST. GEORGE. I wanted to ask the gentleman this question. Much has been made of the effectiveness of the law which now prevails in the State of New York. Is it not a fact that what may prevail in a State may be perfectly workable in a State, but that may not be true on the Federal level or throughout the entire country where this bill is supposed to apply?

Mr. CRUMPACKER. That is absolutely correct. You are not chasing petty gamblers or thieves or robbers, or something of that sort, here. You are pursuing an international conspiracy which has for agents, not the petty thieves and crooks, but very clever agents who are trained in espionage, and where it is necessary to use all known technological aids, in order to track them down, to try to protect the interests of this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, due to the fact that I will be away tomorrow on official business, I am imposing upon your good nature at this late hour to express my views on the extremely important question before the House. On Friday I will be acting as your representative at the inaugural ceremonies of the Governor of the Virgin Islands, so that I will be unable to cast my vote in favor of the Willis amendment or substitute. Nor will I, unfortunately, be able to cast my vote in favor of H. R. 8649, whether it is amended by the Willis substitute or not. In other words, I want to make my position unequivocally clear that while I am in favor of the Willis substitute because of its additional protection given to our liberties, I feel that the basic bill serves a proper and necessary function. The Willis amendment acts merely as an improving feature.

Mr. Chairman, I yield to my colleague from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I thank the gentleman for yielding to me. I am sorry the gentleman from Indiana [Mr. CRUMPACKER] did not have enough time to yield a bit more to me. I would like to read subsection C, section 1717, title 18 of the United States Code:

> No person other than a duly authorized employee of the dead-letter office or other person upon a search warrant authorized by law shall open any letter not addressed to himself.

Mr. WAINWRIGHT. I rise in support of this amendment with some temerity. It is the first time this year that I have imposed my time upon my colleagues. However, I feel that the propositions and questions we are dealing with here today are of monumental importance.

I would like to be associated with the remarks of my colleague and friend from Connecticut [Mr. DODD] in the statement he has just presented.

Everyone in this Chamber, every Representative, I shall assume, is against communism. So, really, the question we have here today is whether to grant authority to our Attorney General, or whether an Attorney General should go through our courts to obtain wiretap authority. The real danger in granting authority to an Attorney General has been aptly expressed by my friend from Connecticut [Mr. DODD]. It is a grave political danger.

What would stop an Attorney General, on the recommendation of some third Assistant, far distant from Washington, in recommending that Senator So and So or Congressman Jones' or Smith's phone line be tapped, that his home or office phone be tapped? Perhaps the members on the committee say that such a situation is impossible, because the United States Attorney would have to comply with the six reasons set forth in the bill. Obviously, though, the United States Attorney's request might be for purely political reasons. A United States Attorney is by this bill being given license by the Congress. He might want to learn certain political secrets such as whether a colleague is running for the Senate or for the Governorship. He might want to find out other political secrets for more sinister reasons.

The gentlemen on the committee will say that is not possible, because the United States Attorney would have to comply with those six features of the bill. They are wrong.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield.

Mr KEATING. The gentleman probably does not appreciate that the Attorney General can do that today.

Mr. WAINWRIGHT. Yes, but you are legalizing it.

Mr. KEATING. No. What this bill does is not to change the times when he can tap, but the times when he can use it in evidence. He could only use such information in evidence if he found evidence of treason, against a Member of Congress; and I know the gentleman would agree that he should then.

Mr. WAINWRIGHT. Oh, I certainly do, whether it is a Member of Congress or any other officer of the Government. But where the gentleman makes his error is in assuming this information obtained by the Attorney General could not be released under some guise or pretext, as set forth in the bill, and thus made public. Not only would it be made public, but it would also be given the cloak of legality.

Mr. KEATING. He would then be guilty of a crime and subject to both fine and imprisonment.

Mr. WAINWRIGHT. It would come under a political heading. Do you deny this danger of which I am speaking?

Mr. KEATING. It is covered expressly.

Mr. WAINWRIGHT. This is contrary to our way of life. We live in times, now, when our political liberties are under special scrutiny. The wiretapping proposition should be approached with great care. I believe that the Willis substitute provides these safeguards that are set forth.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from Connecticut.

Mr. DODD. Under the answer the gentleman from New York made you would have this situation: The Attorney General would violate the law and the Attorney General would prosecute the Attorney General.

Mr. WAINWRIGHT. Right.

There is one other point this House should take under careful consideration. The Willis substitute, it has been said, would be declared unconstitutional, because you would have a violation of the fourth amendment. That is what has been said. I call on any member of the committee or anyone in this House to cite me one law case in similar circumstances where such a proposition has been declared unconstitutional. I know they cannot do it. I rest my case on that.

Mr. CURTIS of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am going to take a few minutes because it seems to me that so many of these arguments are advanced against this bill as though it were a wiretapping bill. This is not a wiretap bill; it is an antitraitor bill, and I can prove that to you.

There are two questions involved: First, can the enforcement officials of the Government go out and make wiretaps, and what is the state of the Federal law on that? That answer is that the door is now wide open. They can now go out and make those wiretaps.

The second question is, Can the evidence secured through those wiretaps be received in court? There the door is now tightly shut. Under the law, if we do not amend it today or tomorrow, that evidence is not admissible.

So I say that all this talk about authorizing invasion of the home, all that sort of argument, is beside the point. Wiretaps are now permissible. All we are saying in this bill is that we want to open the door to make some of that evidence admissible in court under safeguards. We open the door only in antisubversive cases where the national security is involved and if the Attorney General has approved the wiretapping.

It is said that we ought to require a court order. If that were said on the broad question of authorizing wiretapping, I might be with you; and I think that that is a question which ought to come up. It was going to be brought up in the Committee on the Judiciary, but we felt that a point of order would lie against it. We were not and are not now considering the broad question of who can wiretap and under what circumstances they can wiretap. That is not before us. All that we have before us is the question of admissibility of evidence. We are opening the door a little crack in national security cases.

What the gentleman from Louisiana wants to do by his amendment is to open the door for past cases under one rule, and for future cases under a different rule. I say to you that any court seeing such a provision might say that it was framed to get those past cases, but the lawmakers were not willing to adopt the same rule as a general proposition. The law, therefore, might fail.

An amendment which sets up one rule of evidence for past cases and another rule of evidence for future cases should not be accepted.

Mr. GRAHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. DAVIS of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national security investigations, and for other purposes, had come to no resolution thereon.

DAIRY PRODUCTS AND THE DAIRY FARMER

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, I have today introduced a bill for the purpose of assuring fair treatment for the more than 2 million American dairy farmers who under present law find themselves squeezed between low price supports on the dairy products they sell, and high price supports on the feed grains they must buy.

I refer to the fact that on April 1 supports of dairy products were reduced to 75 percent of parity, while the support level on feed grains continues at 90 percent of parity. It is obvious that such a situation, if permitted to continue, will impose a tremendous hardship on the Nation's dairy farmers.

I therefore propose in my bill, which is a similar bill to that recently introduced by the distinguished gentleman from Washington [Mr. WESTLAND] that dairy farmers be permitted to purchase their feed grains at a price comparable to that which they receive for the products they sell.

To be explicit, my bill provides that the Commodity Credit Corporation shall sell feed grains which it acquires through price-support operations to dairy farmers at prices equal to the same percentage of parity at which dairy products are being supported. In other words, so long as dairy supports remain at the present 75-percent level, dairy farmers would be permitted to purchase feed grains to be used solely for feed purposes at 75 percent of the parity price for feed grains.

If the dairy support level is raised to 85 percent, as I proposed in my bill H. R. 8560, introduced March 25, 1954, the price of feed grain to dairy farmers would be 85 percent of the feed grain parity price.

I am convinced that this is the only logical way in which the farmer can obtain fair treatment in the face of drastically reduced supports for the products he sells. No businessman—and it must be remembered that the farmer is a businessman—should be expected to accept a dictum that "You've got to cut your selling price by 15 percent, but we are going to continue the costs of your raw materials at their present levels."

I believe that by tying together the two elements of dairy costs and dairy supports we can achieve the multiple purposes of (1) lower prices to consumers of dairy products, (2) fair profits to the dairy farmer and (3) reduced cost of the dairy support program to the Government.

DOWN THE ROAD TO WAR?

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, recent events, to those who remember 1917 and the policy we have since followed, seem to lead to the conclusion that soon we will be involved in the war in Idochina—our fourth world war within the memory of many.

When, in 1914, the Germans under the Kaiser started east, the internationalists convinced us that, to make the world safe for democracy, we must send America's sons to fight more than 3,000 miles from home. That was on April 6, 1917. That war at an end, the people of the world now have less of freedom, or, if you prefer, of democracy, than they had before. Our casualties, 364,800; our dead,

126,000; our national debt, $19,438,-355,000.

When Hitler, able to enlist the support of his people because of the unjust provisions of the treaty which settled World War I, moved west, and then turned east in violation of his agreement with Stalin, we did not, at the moment, have a real excuse for entering the war. Nevertheless, without delay, we began to aid and build up the Communists.

As a nation, we violated practically every international law which would have restrained a neutral.

Then, on December 7, 1941, came Pearl Harbor.

The next day, by a formal declaration of war, the Congress made legal the illegal war in which, under Executive order, we had for months been engaged.

That was a war, so we were told, to end all wars. When the fighting ceased, our casualties were 1,049,741; our dead, 389,-769; our national debt, as of August 14, 1945, $262,571,665,797.

To appease and please the Communists of Russia, our armies were halted short of Berlin. Russia took over in Eastern Germany, in northern China, and much of Asia.

Russia, our so-called ally, which we had saved from bankruptcy and established as a world power, added 800 million people to her subjects, established a Communist government in China, made her power felt in Europe.

Throughout that war and since—yes, even today—while talking against communism, we and our allies have been building up the productive power, the military might, of Communist Russia.

Grown powerful and arrogant, Russia caused the North Koreans to invade South Korea.

President Truman, acting at the solicitation of the United Nations—an organization, participation in which destroys our independence and our freedom of action in world affairs—on June 26, 1950, ordered our military forces into action in Korea.

While harboring Communists here at home in the Federal Government—and that is a charge established by the records of our own Government, and established in spite of administrative coddling and before a man named JOE MCCARTHY appeared on the scene, President Truman gave us world war III.

That, so it was said, was a war to contain communism. To date, that war has cost us, 144,173 casualties; our dead, 25,604; left us, as of July 27, 1953, with a national debt of $272,516,821,439.

THE 1952 CAMPAIGN

By the spring of 1952, the people of the Midwest, at least, were thoroughly convinced that the foreign policy of the Roosevelt-Truman administrations was unsound. It was unsound and ruinous in that the cost in dollars was so great that its continuation would bankrupt us.

The loss of life and the cost of munitions of war were so enormous that our ability to defend ourselves was impaired and we completely failed in securing the friendship of other people and enduring, worthwhile alliances with other nations.

The foreign policy of the Roosevelt and Truman administrations, the announced objective of which was to secure for us the friendship of other peoples and other nations, create a permanent, one-world organization which would secure and maintain world peace, brought neither friendship nor peace.

That policy transformed Uncle Sam into a one-world Santa Claus to whom all other nations looked for gratuities and, on occasion, military assistance, through the drafting of American youth to fight in wars to protect their own interests.

By 1952, through congressional investigations directed by conservative Democrats, given publicity by an aroused press, the people were thoroughly convinced that the Roosevelt administration, having recognized Russia in 1933, was coddling Communists in policy-making positions in the Federal Government.

They were also convinced that Communists within the Federal Government were shaping not only its foreign but its domestic policy, designed in both instances to further the interests of communism.

By the same forces, through the same means, the people were also convinced that the Roosevelt and Truman administrations were corrupt.

In their campaign for the Presidency and the control of the Congress, the Republicans solemnly pledged that this country would no longer, without some adequate return, act as banker, or more accurately, as Santa Claus, for all other nations throughout the world; that it would not continue to be the only nation which would conscript its men, and perhaps later its women, to fight in wars in which its own vital interests were not involved.

The Republicans promised that, if entrusted with authority, they would not only give the people a sound, economic, honest administration, but that they would clean out all the Communists, the crooks, the racketeers, and the extortionists, who were destroying our welfare, our freedom, and stealing our sustenance. In brief, that they would make good the long-forgotten promise of Franklin D. Roosevelt to drive the money-changers out of Washington.

THE VICTORY WON

The victory won, though by a very narrow margin in Senate and in House, with a military man of wide experience in foreign affairs in the White House, the people once more looked to Washington with hope and faith.

They realized that the task confronting the new administration was an enormous one. They were prepared to be patient and charitable.

In driving the Communists out of the Government, an aggressive, fighting Marine, a member of the other body, took over where Dies, Starnes, Rankin, Hébert, and Nixon, the Vice President himself, had left off.

No sooner did he begin to show results accomplished, it is true by rough and ready methods—and how, may I ask, can one effectively deal with traitors within our ranks—that he was assailed by the Communists, by the left-wingers, by one-worlders and by some nice, sincere, patriotic individuals who just do not understand the facts of life—individuals who do not realize that members of the party which denies the existence of God, who advocate by force the overthrow of a free nation, a nation which has harbored and assisted them, have no respect, give no sanction to truth or fair dealing.

Committees of the Senate and the House began to uncover corruption and to obtain the indictment and conviction of some of those who were responsible for fraud and corruption in our national administration.

An aroused public sentiment which grew out of congressional investigations and the determined efforts of a free press made it apparent to the administration that the people had taken seriously the campaign promises to clean up the "mess" in Washington.

Unfortunately, at least one congressional committee, which had but started a cleanup job in connection with the misuse and the plundering of union health and welfare funds: which had obtained the indictment of a number of racketeers and extortionists, was, by politicians high in the council of both parties, liquidated.

Fortunately, while that particular committee was liquidated, others have taken over.

Of far more importance and effect is the fact that a few courageous Federal judges and district attorneys, realizing that public sentiment is back of them, that they are once more at least partially free to follow their own inclinations, to give the people good Government, are acting to carry out the cleanup job.

Of still more potential value is the fact that an aroused Department of Justice, under a determined United States Attorney General, will, with the aid of the FBI, directed by men of exceptional ability and unquestioned integrity, carry on and put a proper and adequate finish to the work so auspiciously begun by the liquidated House committee.

THE FOREIGN POLICY

When the President gave the world to understand that we would not continue to keep our young men in Korea, there to suffer and to die, while being denied the opportunity to fight for victory, our people took heart.

Many of them believed that once more our primary interest was to be the welfare of our people, the security of the Republic. This thought grew as the President called home from Korea two divisions of our armed service.

Then, on March 13, 1954, came the speech of Vice President NIXON. He said he spoke with the approval of the President. He told us, as he told the world, that no longer would we be trapped into fighting wars wherever, and whenever, throughout the world, the Communists might induce a satellite or a friendly nation to start trouble.

On that occasion, the Vice President told us what thinking people already knew; that we were not strong enough to fight the world. He said we would not fall into the Communist trap of being drawn "into little wars all over the world." The Vice President added that: "Rather than let the Communists nibble us to death all over the world in little

wars, we would rely in the future primarily on our massive mobile retaliatory power which we could use in our discretion against the major source of aggression at times and places that we chose."

The people were further heartened when, on January 18, 1954, Admiral Radford, Chairman of the Joint Chiefs of Staff, told them that the Communist prospects for victory in Indochina were nonexistent; when he added that there was no pending proposal to send American troops to Indochina. Again, on February 16, he told the Senate Foreign Relations Committee that "American involvement in the Indochina war would stop short of sending United States combat troops or pilots there."

Gen. Walter Bedell Smith, Under Secretary of State, added: "There is no intention to put United States ground soldiers into Indochina."

Our colleague from Minnesota, Representative JUDD, long a resident of China, assured us, when he summarized certain testimony before the House Committee, that there were no plans to send more United States forces to Indochina.

And just a little more than a month ago, Secretary Dulles gave us to understand that, if France wanted to let Indochina go by default, we would have no objection.

A WAR IN SIGHT?

But more recently, Secretary Dulles went so far as to threaten military intervention if things go wrong in Indochina.

Representative JUDD, returning from what he calls a study mission abroad, where the committee visited some 14 countries, reporting to the House on March 3, CONGRESSIONAL RECORD, page 2623, among other things stated:

> The nations of Southeast Asia and the Pacific are either under attack or stand in imminent danger of attack. All of them are victims of Communist subversion.

Then he added:

> Their continuance outside the Communist orbit is as important for our national security as it is essential for theirs.

Being interpreted that means that we, the Republic, as a nation, will fall, if these nations are unsuccessful in the fight against Communist domination.

To ascertain what the gentleman from Minnesota, Congressman JUDD, meant as to how far we must go, note his statement:

> The study mission recognizes the necessity for continued military assistance in proportion to the urgency of the need and the capacity to use it effectively.

If that statement means anything at all, if it is something more than oratory in behalf of China and other Asian nations, it means that we must supply to the nations of Asia in the way of money, munitions, scientific assistance and foot soldiers—cannon fodder—to as great a degree as they may need and can use.

Those views mean, if they mean anything concrete, that the youth of America is to be sacrificed on the altar of the one-worlders to protect people and nations who neither subscribe to nor practice our way of life; who do not believe in our form of government; who down through the centuries have lacked either the ability or the inclination to make the progress to what we call freedom and prosperity which we have made or, and this may be the truth, are on the whole, content and satisfied with their own customs, their own religion and their own manner of living.

Still more recently, the President, after telling his press conference that he could not imagine any greater disaster to America than to employ ground forces abroad, added that we were making our friends—and he did not name them—strong enough to take care of local situations themselves with our financial and economic help, and, when our vital interests are concerned—with military help.

The President gave us to understand that where our own vital interests demanded, other nations would get military help. And, much as I regret to voice it, that still means that, whenever one of nineteen nations is involved we move in, we are at war. That means ultimately, foot soldiers, drafted or enlisted, of the United States of America, fighting and dying all over the world, in little wars wherever, whenever, Communist Russia wills. A policy which the Vice President told us would destroy us.

Because there is not only a tendency but by some an accepted theory that our own national interests are vitally tied to the welfare of other nations, not only in Europe but in Asia, it becomes increasingly clear from day to day, if we continue to send Air Forces and officers to participate in the Indochina war, as we have, that ultimately, and it might be right soon, our ground forces will be fighting in the jungles of Indochina.

Why is it, that when an overwhelming majority of Americans claim to be peace-loving, to abhor war, to be determined to stay out of war, within the last 37 years, we have 3 times sent our young men more than 3,000 miles from home, and, in some instances from 7,000 to 14,000 miles to fight in wars before we were attacked?

There is something unexplainable in the situation where the most productive, the most powerful, nation from a military standpoint, a peace-loving nation, sends its Armed Forces halfway around the world to participate in a defensive war.

When the young, strong, well-trained individual, loving peace, has repeatedly engaged in brawls four or five blocks from home, he would have difficulty explaining to a jury that on every occasion, he was defending himself.

ADVANTAGES OF A WAR

We have a surplus, not only of products from the farms, not only of the things which grow, but of the things which our factories and shops produce.

We have unemployment growing out of not only overproduction but improved production which requires fewer workers to produce a like quantity of the things which formerly required additional workers.

War will take care of our surplus. War will take care of unemployment. Enlistment and conscription will absorb the unemployment, give us higher wages, higher prices, more of "fool's gold."

PROFITS FROM WAR

To those who engage in production of almost anything or kind, profits would be increased for the few.

Even the casket makers would find improved business, for the dead would have to be brought back from the battlefields abroad.

There would be more money for everyone, for after we had reached the limit of taxation and of borrowing, we could start the printing presses turning it out by the bale.

Oh, sure, war would cure many of our fancied troubles.

But in the end, the welfare of our people would be destroyed; their freedom would be taken from them. This Republic of ours to which the people of every nation throughout the world seek to come, would cease to exist, as has every other nation which followed the policy of attempting to impose its views, its ways, upon all surrounding nations.

Unless the people arouse themselves and make their protests known, we will be in Indochina, and that may be the beginning of the end of this as a free nation.

CHEATING THE UNFORTUNATE, THE NEEDY

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, it is my purpose under the special order granted me to now speak on another subject.

Health and welfare funds are paid by employers for the benefit of employees and their families, nonunion as well as union. All too often, either because of mismanagement or thievery, those funds are diverted, either because of incompetent management or corrupt practices by individuals.

Usually welfare funds consist of payments in lieu of wage increases. When, in a labor dispute, the demands for an increase in a real wage are not met by management, the bargaining agents of the union fall back upon a demand for a benefit payment. Often, when management has refused to meet a further demand for an increase in the real wage, it will agree to the payment for a fringe benefit. Sometimes that takes the form of shorter working hours, a longer vacation, improved working conditions, and often a cash payment into the health and welfare fund.

So, in the final analysis, while welfare funds are created by employers' payments, in effect they consist of funds which might otherwise be paid to the individual workers through a wage increase.

The point I am trying to make is that health and welfare funds, both legally and morally, belong to and should be administered for the benefit of employees.

It was to emphasize, in part at least, that point, disclose the fact that such funds were maladministered, sometimes stolen, that I appointed a special three-man subcommittee of the House Committee on Government Operations, and persuaded SAMUEL MCCONNELL, chairman of the House Committee on Education and Labor, to appoint a similar subcommittee, of which I was a member.

Another purpose of the subcommittee which was appointed by me was to expose the racketeering and extortion practiced by certain individuals who had attained positions of authority in labor unions.

Those two subcommittees, acting as one, held hearings twice at Detroit, once at Kansas City, the hearings covering but 13 days, and the picture disclosed, as publicized by the press of both cities, was most amazing, as well as revolting.

However, the subcommittee had but barely entered upon its investigations, when, apparently for political reasons, it was liquidated. Later, apparently still having political considerations in mind, and being spurred by a Presidential message, the Committee on Government Operations gave authority to a regular subcommittee to continue a part of the work which our special subcommittee had been doing.

Another committee of the House and a committee of the Senate have also been charged with looking into the maladministration of health and welfare funds.

It is my hope that the Department of Justice and the FBI will carry on and finish the job the special committee it was my privilege to appoint undertook and was doing when liquidated.

The February 1954 issue of The Sign, a national Catholic magazine, and the March 9, 1954, issue of Look magazine carried articles dealing with the situation just referred to. No doubt the Reader's Digest will soon come out with a story on the same subject, for a writer connected with that organization has been given much information dealing with the situation.

In the April issue of Fortune is an article by Daniel Bell entitled "The Scandals in Union Welfare Funds." Much of the information in that article will be found in the hearings held by our special committee.

It might be added that I have introduced two bills, H. R. 7437 and H. R. 7438, the purpose of which is to cause these welfare and pension funds to be administered under the supervision of State authorities, as are fire, accident, health and welfare, life, and endowment insurance.

The Fortune article reads as follows:

THE SCANDALS IN UNION WELFARE FUNDS

(By Daniel Bell)

On August 28, 1953, a 35-year-old labor leader named Tommy Lewis was shot to death in the corridor of his Bronx apartment. Tommy Lewis was only a minor union figure, president of a 5,000-member A. F. of L. building-service local, 32-E, consisting mainly of apartment-house superintendents in the Bronx and racetrack attendants in Yonkers. But the shots exploded a number of scandals. One concerned harness racetracks.[1] Another—still popping—is union welfare funds.

Examination of Lewis' affairs showed that he had been a silent partner in an insurance agency that had mulcted the local's welfare fund and that had received excessive fees and commissions from a dozen other union funds. A New York State investigation, prompted by the Lewis affair, disclosed irregularities in the welfare-fund operations of 20 or more other small unions. In Detroit a subcommittee of the House Labor Committee, headed by Representative WINT SMITH, of Kansas, held hearings on the placement of insurance by the large Chicago electrical and midwestern teamsters union funds. A half-hour hearing on irregularities in the administration of a welfare fund in Minneapolis brought 100 requests for further investigations in that city.

Today management of welfare funds is a national issue. In his January 11 message to Congress on the revision of Taft-Hartley, President Eisenhower asked for stiffer standards for welfare funds, a request that Secretary of Labor Mitchell called the most significant point in the message. In February the House Labor Committee set up a new body to study fund operations. Although these inquiries will deal mainly with labor, management also has much to answer for. Many of the abuses were practiced with the tacit consent of industry trustees. In other situations management simply paid no attention. But ostrich-like behavior, like ignorance, finds no reprieve from economic law, and in the end industry has found itself not only shadowed by bad publicity but saddled with mounting costs.

THE WELFARE FUNDS ARE BIG MONEY

Group insurance in recent years has been one of the phenomenal growth industries in the United States. In 1947 premiums for group accident and health insurance totaled $300 million; by January 1, 1953, the total had risen to $1 billion a year. The volume of group life insurance has increased 80 percent in 5 years, with $64 billion insurance currently in force and annual premiums of $750 million.

This growth is largely a result of union action. During the wage freeze of World War II unions rushed to get fringe benefits, among them group insurance. After the war, unions concentrated on rounds of wage increases, but in the 1948–49 recession the pension issue arose in full force. Management resisted, but the breakthrough occurred after the NLRB ruled in the Inland Steel case that welfare demands were a compulsory bargaining issue. During the Korean war the Wage Stabilization Board again restrained wages but allowed welfare increases on the ground that they were noninflationary, whereupon the number of welfare funds again rose rapidly.

Today 9 to 10 million workers are covered by group insurance through collective bargaining. In New York alone there are an estimated 600 welfare funds insuring 1,115,000 employees and their 1,785,000 dependents. And the number will undoubtedly increase this year. The 15 nonoperating railroad unions are demanding a company-paid health and life insurance package for 1 million workers. The CIO telephone workers are asking a 5-cent-an-hour welfare contribution. Dave McDonald is asking the steel companies to take over the entire cost of the present insurance program (steelworkers now pay about 2½ cents an hour) and to increase the benefits.

There are two types of union welfare payments. One is pensions, handled either by an insurance company or by a fund on a self-insured basis. The other is social insurance, which consists of straight life insurance and of accident and health insurance—i. e., partial wage reimbursements during illness or injury, payments of hospital, medical, and surgical bills, maternity benefits, and the like.

Under the law, welfare payments need not be administered by joint union-management funds unless the union insists on participating. In basic steel, social insurance is handled by the employer, who negotiates directly with an insurance carrier. The welfare-fund arrangement involving a legal joint trusteeship between employer and union is most common where there is multiemployer bargaining in an industry—e. g., among teamsters, electricians, bakery workers, construction workers, etc. In these cases there is considerable advantage in pooling the employees to obtain lower premium costs, simplify administration, and provide continuity of coverage for workers who change jobs.

THE SOURCE OF ABUSE

The abuses occur mostly in the insurance funds,[2] and most often in the arrangements for accident and health insurance. Costs of the latter, unlike costs of life insurance, are not readily predictable. An accident and health insurance estimate will depend upon the size of the group; its age and sex composition (women and older workers are more prone to illness, and women, naturally, will present maternity claims); number of dependents covered; and what types of benefits are wanted (some funds emphasize disability, others surgical benefits, others sickness insurance, depending upon the desires of the members). Because of this wide variability, State insurance departments cannot standardize premiums, as New York State does for life insurance, or commissions, and must depend mostly on the insurance companies to establish fair and going rates.

Here enter the abuses. Insurance companies are often willing to pay high commissions or excessive administrative fees to get new business; these extra charges naturally are reflected in the premium. Since a commission has to be paid, the labor leader or the industry trustee may simply say, "What's wrong with giving it to me?"

Such cases of outright malfeasance are comparatively few. Much more prevalent is plain mismanagement, resulting in unnecessarily high costs. Normally an insurance company will bid a rate based on its premium structure and its risk experience, plus the expected degree of efficiency in handling claims. In the heat of competition for the lush new labor business, however, many companies have offered attractive bargain rates to the funds. In such cases, a fund often has found that the insurance company was simply offering a pig in a poke and, when premiums were too low to cover claims, benefits have had to be cut or rates raised; or the carrier has had to drop the account, leaving the fund to pay the high acquisition costs of a new policy.

Many union leaders and industry trustees have been unaware of the technical factors in judging insurance costs: (1) The relation of gross costs to net costs, i. e., the difference

[1] Investigation disclosed that $160,000 had been paid "to avoid labor trouble" at the Yonkers track. In the chain reaction of the exposés, Long Island labor boss, William De Koning, Sr., was indicted for extortion, Acting Lt. Gov. Arthur H. Wicks was forced out of office, and J. Russel Sprague resigned as GOP committeeman.

[2] Pension funds generally are self-insured, and the problems are largely actuarial—the fund has to build reserves and balance its payments against estimated income—and poor investment. In some instances, e. g., the miners' fund and more recently the retirement fund of the ILGWU cloakmakers, the estimates have been faulty and the funds have had to ask for increased employer contributions.

between the total premium and the money paid out in claims plus the insurance company's retention; (2) the question of what is a fair retention, i. e., the amount of money the insurance company keeps for expense and profit, and how much the company should refund as a retroactive rate credit or dividend; (3) what items of expense should be included in the insurance company's retention, and what functions legitimately belong to the broker and to the fund itself. Only when these questions are answered can a fund define the true cost of a policy.

Many insurance companies, foolishly following a policy of caveat emptor, fail to apprise a fund of all the elements involved. Some employers have taken the myopic view that since the welfare payments were negotiated in lieu of wages, what happens to the money is not their concern; indeed, some union leaders have so insisted. But in the end industry pays, for if benefits are cut or costs rise, a union will increase its demands in order to restore the former standards.

Given the tens of thousands of welfare funds in the United States, the cases of glaring abuse may be few. (For an account of some model funds, see p. 76.) But they cast reflection on both the funds and the insurance companies.

THE "TWISTING" TRICK

Perhaps the most flagrant example of outright spoliation is the depredations of Tommy Lewis. In June 1948, Building Service Local 32-E set up a fund into which employers paid a minimum of $8.50 a month or 5 percent of payroll for 4,000 superintendents and helpers—roughly $400,000 a year. Joseph Teichman of the Bronx Realty Advisory Board, an association of real-estate owners, was named employer trustee; Lewis, the president of the local, cotrustee.

At Lewis' suggestion an agency named Alcor was made the broker. Then the mulcting began. Alcor got 15 percent from Columbian National Life Insurance Co. as commission and service fee on the life insurance, and 12½ percent from American Progressive Health Insurance Co. on the accident and health. In addition, at Lewis' suggestion, Alcor received 15 percent from the welfare fund as a service fee for collecting premiums, administering claims, etc. On top of all that, the fund was billed for the salaries of two extra employees who kept local 32-E's books.

Alcor did not miss a trick. Since commissions are scaled down after the first year, Alcor switched insurance companies (a gimmick known in the trade as "twisting") and made an additional $6,337 in commissions. The new policyholder was Mutual of Omaha and its subsidiary, Companion Life, one of whose directors is William Bleakley, a Republican power in New York, a large stockholder in the Yonkers Raceway, and sometime counsel to Local 32-E. In another finesse the mutuel clerks at the Yonkers Raceway were taken out of the master group and a new policy written for them, allowing first-year commissions to be paid anew.

Teichman, the employer trustee, assented to all this. He says he was not aware that the Alcor agency had been set up simultaneously with the 32-E welfare fund; that Tommy Lewis, through his wife, was a one-third partner in the agency; that the other two partners, Joseph Pizzo, the Bronx campaign manager for former Mayor Impellitteri (and a labor consultant who had been paid $96,000 by the Yonkers raceway), and Alphonse Corcillo, a 31-year-old former dental student, had no previous experience in the insurance field; that the two bookkeepers whose salaries were billed to the fund were relatives of Lewis.

Nor did Teichman ever challenge the 15 percent service fee or the high commissions. "It was not for me to dictate to Mr. Lewis," he said, since the landlords "had no interest" in what became of the money. The employer trustee possibly was being disingenuous. He admitted he had received a fee of $2,500 from the fund without reporting it to the realty board, had borrowed another $4,000 from Alcor, and together with Pizzo and Corcillo had purchased a building that doubled his investment in a year and a half.

In the 5-year period from June 1948, to May 1953, the employers had paid into the fund a total of $1,479,000, of which $412,600 had gone to Alcor in commissions and service fees. The excess money diverted to Alcor would have doubled the employees' life and disability insurance, or provided a 50 percent increase in hospital and surgical benefits.

AN INTERESTING RETENTION

A different sort of case concerns two funds of the Midwest teamsters—the Central States Drivers and the Michigan Conference—which cover 60,000 workers and pay an annual premium of over $8 million. The case, which has jolted the insurance industry, involves the reputation of a small but fast-growing company named Union Casualty & Life and the political fate of Jimmy Hoffa, the agile young vice president of the ever-expanding teamsters' union, who has been touted as the successor to Dave Beck

In January 1950, the Central States Conference of Teamsters, headed by Hoffa, met with industry representatives to set up a welfare fund. At Hoffa's insistence, representatives of the southeastern and southwestern trucking associations were present. Although the latter were loath to join the central-states group in a common welfare fund, fearing this was a step toward their inclusion in a master contract on all bargaining issues, they gave in under pressure. In all, the welfare fund would cover 20,000 teamsters in 22 States from Michigan to Alabama.

As welfare funds go, this was a large one. The agreement called for 3,000 employers initially to pay about $4.25 a month per teamster. Over 40 insurance companies, including the largest in the country, presented bids. Three bids were finally considered: Pacific Mutual, the lowest, with a $3.78 bid and a 7.6 percent retention; Union Casualty, $3.80 bid and 17½ percent retention. and the Bankers Life, $3.853 bid and a 7 percent retention.[3]

Pacific Mutual was ruled out on grounds it had once been in reorganization. Hoffa strongly urged that Union Casualty be given the policy; but the industry representatives were unanimously opposed. They felt the company did not have a good enough rating and, since it was not chartered then to write life insurance, it would have to split that business. At the time it had capital of $200,000 and assets of $768,000.

Union Casualty was founded in 1942 by Dr. Leo Perlman, a Czech émigré with wide insurance experience in Europe, and his financial backer, Alfred Baker Lewis, a New England millionaire who had a long career in the Socialist party and subsequently in ADA. The two owned over 60 percent of the stock; the active figure was, and is, Perlman.

For a number of years the company, licensed in New York, had been marginal. The picture changed radically, however, after Perlman met a Chicago labor leader named Paul Dorfman, who, though only the secretary of an A. F. of L. junk handlers' local, was known as a fixer in the Chicago labor scene and a particular friend of Jimmy Hoffa's. At Dorfman's suggestion, in January, 1949, Perlman set up Dorfman's 26-year-old son Allen as Midwest agent for Union Casualty. Subsequently, with Dorfman, Perlman engaged in considerable entertaining of Hoffa and his friends.

Despite the opposition of the teamsters' employers, Hoffa's influence was enough to swing the welfare fund to Union Casualty.[4] The company had submitted the second-lowest bid, but it had accompanied that bid with an estimated 17.5-percent retention, i. e., the percentage of the premium it could keep for expenses and profit if the claims experience allowed it. The size of this retention, in fact the whole principle of retention, has ignited hot debate throughout the insurance industry. The question of retention is the key to understanding the cost of welfare-fund insurance.

TAKING A GAMBLE

In any policy the premium is the amount paid to the insurance company to cover the estimated claims for the stipulated benefits (plus expenses and profits), and the costs of getting the business (including commissions, handling of claims, overhead, taxes, contingency reserves, and profit). If the money paid out on claims plus the amount of retention runs lower than the premium, the difference usually is refunded to the insured as a retroactive rate credit or dividend.[5] Thus, if a group premium runs, say, to $1 million a year, and the insurance company estimates its retention at 10 percent, and if the benefits run to $800,000, the insurance company will retain $100,000 (10 percent) and return $100,000 as a dividend. If the benefit claims run higher, say to $950,000, then the insurance company retains only $50,000, and the fund gets no dividend.

Perlman, like some other insurance men, argues against the retention principle, claiming that it leads to the elimination of insurance, or risk taking. If retentions are specified and surpluses are returned, he says, the size of the premium in the long run simply averages out to the total claims payments plus the insurance company's administrative costs. That being so, a large fund would be well advised to self-insure, and so save Federal taxes on premiums. Perlman has advocated instead a "true insurance bid" whereby a carrier would make the lowest bid it could, based on its experience in judging risks, and gamble on the result. If the carrier guessed well, it would be entitled to the profit; if not, it would assume the loss; meanwhile, the premium holder would obtain benefits at a low bid. In the teamsters' case, says Perlman, Union Casualty gave a retention figure because it was asked to.

PAYING THE PIPER

The trouble with that argument, says Martin Segal, a New York consultant who has set up about 450 reputable funds throughout the country, is that no insurance company will stay long with a policy on which it is consistently losing money. Hence, if a carrier makes a low bid and underestimates the claim ratio, the carrier must cut benefits, increase premiums, or give up the policy. The fund, turning to a new carrier, would not only have to pay a higher premium, based on its past record, but would have to pay the high first-year commissions as well. "Switching insurance companies," says Segal, "is like changing taxis every mile; you pay the high charge on the first fraction of the mile and lose the lower average costs of staying in one cab."

[3] Other bids included Union Labor Life at $4.21, Occidental Life at $4.32, Equitable Life at $4.49, John Hancock at $4.50, with retentions of 6.75 to 11.5 percent. The bids were for coverage on the teamster alone. In 1951 dependency coverage for the teamster's family was added, bringing the employer payment to $8.65 a month.

[4] Except for one Chicago local, which chose Occidental because, as Congressman HOFFMAN suggested, its business manager was getting a cozy deal out of it.

[5] Mutual companies declare dividends; stock companies give retroactive rate credits.

Only by requiring a retention, says Segal, and forcing a company to specify the details of the retention (i. e., size of commissions, administrative expenses, etc.) can a fund keep a detailed check of costs. If a high retention is charged, he concludes, it is either a means of recouping on a low bid or a means of absorbing large commissions.

SKIDDING ON THE CLAIMS

The experience of the Central States fund with Union Casualty strikingly confirms this analysis. (In the table below is the record of 4 years' operation, ending in March 1954.)

Four years' experience of Central States fund

Premium	Claims	Return to fund	Retention	Percent retention
$970,000	$564,000	$236,000	$170,000	17.5
1,722,000	1,401,000	20,000	301,000	17.5
4,743,000	4,182,000	None	561,000	11.8
5,496,000	5,513,000	None	(−16,000)	(−.3)

In the first 2 years Union Casualty made comparatively huge profits. If the Bankers Life bid had been accepted at a 7 percent retention, an additional $100,000 would have been returned to the fund in each of the first 2 years, about $20,000 in the third year—and Bankers Life would still have made a respectable profit.

In the third and fourth year, as dependency coverage came into effect, the claims rose sharply. While the loss ratio for members was running at 80 percent, that for the wives and children ran considerably higher, resulting in the fourth year in a net loss. Accordingly, Union Casualty, in the third year, increased its premiums 10 cents a month per person and reduced benefits. Faced with a net loss in the fourth year, Union Casualty indicated it would again have to increase premiums or reduce benefits. Moreover, as a result of the loss in the 1952–53 policy years, Union Casualty has become involved in a messy court suit with U. S. Life Insurance Co., which had reinsured 75 percent of the risk.[6]

The experience of the other Hoffa fund, the Michigan conference of teamsters, is similar. (Whereas the Central States contract covered over-the-road drivers, the Michigan conference of teamsters, about 20,000 members, covered intracity drivers in Michigan.) After the Central States fund picked Union Casualty, the Michigan conference swung into line, although it had previously insured its welfare fund with another carrier. There was little discussion of this change with the industry trustees. The industry trustees were not even told about the 17.5 percent retention.

In 3 years Union Casualty's retention averaged 10.7 percent. Despite this favorable experience, Union Casualty increased its rate 15 cents on the teamster coverage and 10 cents on the dependents, while reducing benefits. And although in most fund operations the retention begins to decline as initial acquisition costs and commissions decline, in this fund the retention rose in the third year from 9.1 to 12.7 percent as the claim ratio decreased. Either the company was seeking to make up some of the expected retention of the previous year, or some high commissions were being maintained. The latter seems to have been the case.

THE RISING COMMISSIONS

One of the unexplained questions about the two funds concerns the extraordinary commissions paid to the Dorfman agency, formally named the Union Insurance Agency of Illinois. In both funds the industry trustees understood that no commissions would be paid, since the negotiations had been conducted directly with Union Casualty; yet, at the suggestion of the union trustees, the Dorfman agency was named broker.

From the Central States Fund the Dorfman agency received an annual commission of 5 percent, from the other an average of 4.75 percent. Yet standard rates for group insurance, used by one of the large companies, indicates that on premiums between $350,000 and $2 million the graded commission would be one-half of 1 percent the first year, dropping to one-quarter of 1 percent in subsequent years.

Union Casualty has stated that the money paid Dorfman covers not only commissions but a service fee for handling claims. But the Dorfman agency does not do all the administrative work, since the Central States Fund audits collections from employers and this expense is charged to the fund. A number of questions remain: (1) Why is the service fee so large, since most companies allow at most only 1 or 2 percent for self-administration of claims? (2) Why didn't commissions decline after the first year? (3) If the major costs of the policy are handled by Dorfman at 5 percent, what services is Union Casualty supplying for the other 12.5 percent it is permitted to retain?

The real reason for the large commission is that Dorfman and his connections made Union Casualty Co. In 1948 the company wrote direct premiums of $1,460,000. In 1952 these had risen to $8,900,000, of which $6,850,000 (or 77 percent) came from 3 large funds that were brought in by Dorfman. Two were the teamster funds of Jimmy Hoffa, the other the Chicago electrical-industry fund of Frank Darling and local 1031 of the A. F. of L. Brotherhood of Electrical Workers, on which Dorfman collected 15 percent commission and service fees. From October 1949 until June 1953, Dorfman received $1,016,500 in commissions and fees from these 3 funds.

On the stand before the House committee headed by Congressman SMITH, Allen Dorfman refused, on grounds of the fifth amendment, to answer any financial questions. The committee sought, but did not get, an accounting of $101,000 withdrawn by Dorfman from his agency's bank account with no record of the disbursements.

INVESTMENT FOR LIFE

Not only was Hoffa able to give the teamster business to Dorfman but he was able to intertwine the Michigan Welfare Fund with Union Casualty Co.—and not one trustee dared say no. In August 1951, the Michigan Conference Fund bought $250,000 of preferred stock in Union Casualty at $50 a share. Why should the Michigan Fund—a euphemism for Hoffa—invest in a small casualty company? On the surface the investment seemed good since it was guaranted at 5 percent return. But twice in the last 2 years the New York State Insurance Department has prohibited dividend payments on the ground that the company earnings did not warrant them.

The explanation of Hoffa's move seems to be that Union Casualty needed capital for expansion. Until it got the teamster policies, Union Casualty was chartered only to write group-health policies, and the life insurance was subcontracted to other companies. But with such large customers in hand, Union Casualty decided to enter the life-insurance field, and when the New York State Insurance Department ruled that it needed the additional capital, Hoffa supplied it.

FRIENDS AND ENEMIES

Why has Hoffa had his way so easily with the trucking industry? The answer is that the economic power of the teamsters is so great, and trucking such a hard, competitive operation, the employees need to curry Hoffa's favor. Willias J. McCarthy, a negotiator for 4 years for a Midwest trucking association, was unceremoniously dropped after he bucked Hoffa on the Central States Welfare Fund.

On the other hand, Hoffa's relations with some trucking groups and their lawyers are extremely close. Carney D. Matheson, who negotiates across the table from Hoffa as attorney for the Motor Carriers Employers Association of Michigan and other groups was a stockholder with Hoffa in a Flint brewery organized by George Fitzgerald, the teamsters' attorney. Matheson was also a stockholder with Hoffa and Hoffa's aide Owen Brennan, in the Terminal Realty Co., which dealt in trucking sites. Matheson's brother Albert, a member of his law firm, set up something called National Equipment Co., which was owned by the wives of Hoffa and Brennan, as were two other trucking companies.

The National Equipment Co. and its successor, the Test Fleet Corp., played a large role in Hoffa's expanding personal finances. In 1949, after Hoffa had intervened to halt a strike against the Commercial Carriers Corp., the Test Fleet Corp. bought 10 trailer trucks from Commercial Carriers for a downpayment of $4,900 and immediately leased the trucks back to Commercial Carriers for $70,000 rent. In 4 years the Test Fleet Corp. (which employed only one man, who was also an employee of Commercial Carriers) paid out $65,000 to Josephine Pozywak and Alice Johnson, the maiden names of Mrs. Hoffa and Mrs. Brennan. Periodically Mrs. Hoffa or Mrs. Brennan would instruct the employee to call a dummy board of directors for a dividend.

Hoffa, who had a reported income of $30,000 a year, has financial interests that are also intertwined with the Dorfmans and Dr. Perlman. Hoffa and Brennan invested $3,500 each in the Joll Properties, a holding company for a lodge and girls' camp operated by Dorfman in the Wisconsin north country. The property, which also borrowed $11,000 from the Dorfman agency, is worth about $90,000. Hoffa and Brennan, together with Allen Dorfman and Dr. Perlman, put up $10,000 each in Northwestern Oil Co., of North Dakota, which is engaged in buying and selling leases.

CADILLAC LIVING

"Just because I am in a union, do they want me to go around in baggy pants, drive a $3 car, and live in a $4 house?" Hoffa once complained. He does neither. Hoffa dresses nattily, lives in a comfortable house, drives a Cadillac. So for that matter do the 12 business agents of Hoffa's local, which owns the cars and trades them in each year. The teamsters, says Hoffa, want the business agents (who get $260 a week plus expenses) to drive these flashy cars for prestige.

In recent months Dave Beck has made some loud noises about ending abuses in the teamsters' union. Whether Hoffa comes under the definition is a question that Beck will have to answer.[7] Beck was put into office with the aid of Hoffa. At the last teamster convention a sizable minority, led by the New York group, was ready to oppose Beck and asked Hoffa to join them. Had he done so, it is quite likely that Dan Tobin would have seized the occasion of a floor fight as a pretext for remaining in power another 4 years, thus thwarting Beck's chafing ambition. Beck has rewarded Hoffa handsomely for backing him. He made him

[6] Union Casualty is seeking $221,000, which it alleges is U. S. Life's share of the claims loss. In a counterclaim, U. S. Life is asking over $289,000, alleging a premium deficiency. It claims Union Casualty failed to remit the proper premiums when Union Casualty took over the entire coverage.

[7] Apart from the welfare funds, Hoffa may also have to answer why the heads of the Detroit and Pontiac locals under his jurisdiction were able to shake down hauling contractors and why Detroit local 985 was permitted to practice extortion on jukebox operators.

head of an enlarged Midwestern conference of teamsters, with a combined membership of 400,000. In the past year Hoffa has become the strongest individual in the teamsters' union, outside Beck's own entourage. But if Beck now wants to cut Hoffa down, he has the perfect occasion.

While many labor officials publicly deplore the notoriety that a number of union funds have attracted, privately they take a cynical view, professing to regard the accusations as sham morality. "Why pick on Union Casualty?" said one. "All the insurance companies cut such corners if they can."

"There's nothing unusual about kickbacks," snorts Sid Lens, the manager of an aggressive building-service local in Chicago and author of Left, Right, and Center, an exposé of Communists and racketeers in labor. "Business executives also get kickbacks from insurance companies. They always make offers of gifts for big deals. I've been offered such gifts." Lens' local insures its members through Blue Cross. "So far as I know, no one has ever been offered anything by Blue Cross for business," Lens said.

YOU'RE ANOTHER

While labor leaders privately use the "you too" argument, the fact remains that the lack of regulation has allowed unethical labor leaders and others a free hand. (This is especially true of small "racket locals," particularly in the teamsters.) For their part the large insurance companies, even the most respectable, have accepted the tainted business with outstretched hands and closed eyes. Investigations by the New York City Anti-Crime Committee disclosed these examples:

In New York the Cardinal Agency in 3 years was grossing $295,000 in commissions from 20 small union accounts.[8] Cardinal was organized in 1950 by 25-year-old John De Feo, who had had no previous experience in insurance. Cardinal's accounts included: Teamster Local 816, headed by Marty Lacey, the ham-handed boss of the New York Central Trades and Labor Council; the New York City Carpenters Council, headed by Charles Johnson, who got a $35,700 payoff from Yonkers Raceway for settling a labor dispute in 1950; Local 102 of the U. A. W.-A. F. of L., run by convicted extortionist Johnny Dio.

De Feo is now appealing a 60-day sentence for contempt for his inability to remember how he spent $107,000 (60 percent of the agency's receipts in 1952) for travel, entertainment, and promotion. The accounts were insured by Eastern Casualty, United Benefit, John Hancock, Mutual Benefit, Companion Life, and U. S. Life.

In New Jersey a number of unions—liquor and distillery, A. F. of L. retail clerks, A. F. of L. laundry workers—generally believed to be under the influence of Abner (Longy) Zwillman, oldtime bootlegger, insure through the Saperstein Agency. The insurance was handled by Security Mutual Insurance Co. of Binghamton, N. Y., which paid Saperstein 15 percent commissions. Saperstein was in danger last month of having his license suspended by the New York State Insurance Department for refusal to answer questions.

[8] One neat insurance-company trick to provide brokers with high commissions is to hold the grade on the commission scale. Under most commission arrangements, a broker will get 20 percent of the first $1,000 in premiums, 10 percent of the next $10,000, 5 percent of the next $50,000, 2 percent of the next $100,000, down to, in most reputable companies, as little as one-tenth of 1 percent for premiums over $2 million. A company seeking to pay a high commission will grade down to only $50,000 and pay 5 percent on all premiums above that sum.

FINGER IN THE PIE

Often the problem is not racketeering, but simple human frailty. Such frailties have had disruptive effects on union operations. The Firestone locals of the rubber workers provide a case in point.

Until 1949 the rubber union was not directly involved in insurance. The rubber company contributed $1 a month, the workers paid an average of $1 a week by payroll deduction, and the company insured directly with Prudential Insurance Co. But the workers complained that the premium was too high.

In the 1949 and 1950 negotiations, welfare became a large issue, and after considerable haggling the responsibilities were divided. The company thereafter paid for $4,000 worth of life insurance, while the local union took over the accident and health policies.

The bidding for the local's business among the various insurance companies was intense. Bitter fighting developed in the union, and the bargaining committee split wide open over the choice of a carrier. Each member accused the others of ulterior motives.

One group in the companywide bargaining committee, led by Isaac Watson, president of Akron Local 7, with perhaps 10,000 of the 23,000 workers in the Firestone division, insisted on John Hancock. Another group, led by Herschell Hammon of the California local, insisted on Occidental. The two compromised, with Watson taking about 14,000 members into Hancock, and Hammon taking 9,000 into Occidental.

This was only the beginning. With the local's approval, Watson gave up the presidency and became an agent for John Hancock in Akron, at $9,000 a year. One of his supporters, Kermit Hall, replaced him as head of the local. The John Hancock agency rented office space in the local union hall, and Watson, as insurance director of the local, was installed to handle claims.

In May 1952 Kermit Hall was defeated for the presidency and a new incumbent, C. F. Richmond, was elected. The new administration was unhappy with the John Hancock Co., and in February 1953 when Hancock asked for a second increase in premiums because of unfavorable past experience, the local, with some 450 of the 10,000 members present, voted to switch to the Farm Bureau Insurance Co. Hall and some of his followers filed suit to bar the change. After a considerable hassle the suit was withdrawn and the change in companies was made. Hall and 10 others were suspended by the rubber workers' executive board for up to a year, for going to court before exhausting the union's constitutional remedies. Hall in turn sued the international union for $10,000 damages, a suit that was dismissed in December 1953. After the switch Watson left his job with John Hancock and got a job on the union's international staff.

The California experience was equally tragicomic. The post of union insurance director became a patronage issue, members charged the local with discriminating on claims, and finally, because the loss ratio was high, Occidental asked for a sharp increase in premiums. When it was refused, Occidental gave up the account.

By 1953 a good portion of the parent union's time was being spent in assessing the numerous charges and countercharges over insurance. To save the union from being torn apart, L. S. Buckmaster, scholarly president of the rubber workers' union, persuaded the rubber companies to take over the program completely. All local unions were ordered out of the insurance field. Under the present arrangement the union negotiates the benefits it wants, the rubber companies pay the entire cost, and administration is completely in company hands.

"YOU ARE TEMPTATION"

"It may be," said one labor leader unhappily, "that welfare funds were the worst thing that ever happened to union leaders. Few of them are St. Anthonys, and the temptations are hard to resist. Many of them, particularly in small unions, worked long years at low salaries, and saw men less talented than they make money in business; after a while they felt that they, too, were entitled to some reward, so they took commissions. How many got a cut is difficult to know. In a lot of cases a labor leader did not pocket the money but used it for expenses that he didn't want to account for on the union books—expenses like 'shmearing' a cop during a strike, or contributing to political campaigns."

In one case, that of the Seafarers' International Union Atlantic District, headed by Paul Hall, the welfare fund was used to underwrite the regular union expenses when dues began to fall as employment declined. This was done with the consent of the industry trustees, but since it was a technical violation of Taft-Hartley, it was done by bookkeeping disguise—e. g., by charging the welfare fund large rent for space in the union hall, putting officers on the fund's payrolls, etc.

As for reform, the A. F. of L. executive council has requested its affiliates to set up uniform rules and standards. The teamsters' union has decided to centralize control over local funds. And even that old autocrat, Marty Lacey, head of the New York central labor body, whose own welfare fund has been under scrutiny, has piously set up a public body to investigate local funds.

Actually, a little detailed regulation is needed. A spotlight of publicity will keep any fund up to the mark. If each fund were required to publish a breakdown of its administrative costs, and each insurance company to publish its retentions and specify the commissions paid, many of the abuses would vanish. Moreover, a fund should be able to place its business directly with an insurance company, without commissions being paid. Beyond this, it is management's prime responsibility, since it is management that bears the cost, to see that a fund is run efficiently.

EXTENSION OF REMARKS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There w s no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the precarious economic condition of the country places upon the Members of the Congress a grave responsibility. If either excessive optimism or excessive pessimism gains the upper hand, the situation will get completely out of control. Nothing will bring on the depression faster than the talk of peaches and cream in a land of plenty when people who are out of employment and unable to find new jobs know that as far as they are concerned it just is not the fact.

I am reading a letter I received today—one of many of similar tone coming to me in increasing number:

We are getting desperate. There is no work any place right now. Many have been laid off, including those with long seniority rights. It is impossible to find new jobs. Our savings are about used up. We cannot go on much further. Please, Mr. Congressman, don't fool us. What are the chances of things picking up?

I wish I could answer the letter of my constituent with good tidings. I hope things will right; everyone does. But they will not until the administration proceeds on the acknowledgment that times are tough and does something about it.

The Northern Trust Co. is one of the most conservative banking institutions in Chicago, indeed in the entire Middle Western area. In the April issue of Business Comment, the official publication of the Northern Trust, this conservative bank knocks into a cocked hat the claim that the savings of the American people are sufficient to furnish buying power to replace for a long time the loss of current income.

It is not a bright economic picture presented by the Northern Trust as reported on the financial page of the Chicago Tribune of April 6, 1954. I am extending my remarks to include excerpts from the Tribune article, as follows:

The Northern Trust Co. yesterday described the financial condition of the American consumer as one of the riddles of the current economic picture.

The bank estimated that total individual liquid assets, including those held by trust funds and unincorporated businesses, now must amount to at least $225 billion, the equivalent of a full year's spending by consumers on goods and services.

* * * * *

If liquid assets and debt were distributed evenly the consuming public would be in position to weather a severe decline in incomes, the bank asserted. However, such is not the case, it added.

Recent surveys show that liquid assets are more evenly distributed by income groups than is debt. In terms of dollar amounts, liquid assets are highly concentrated with 30 percent of the families holding 90 percent of the total.

Although a large number of persons hold some liquid assets, the banks said most holdings are small and cannot be counted on as a major support to buying power when incomes fall.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, after discussing the matter with the minority leaders and learning that a number on that side have to leave by 3 o'clock tomorrow, I have arranged to come in at 11 in the morning.

I have also been importuned by many of the members of the Committee on Post Office and Civil Service and others who want to attend a luncheon downtown in connection with some new stamp that is being issued.

My impression is that this vote would not come until they have an opportunity to get back here. I may say I am beset by trying to adjust matters for the convenience of all Members. There is a bill from the Committee on Post Office and Civil Service that I had arranged to call after some of these other matters, so that people going to that luncheon could be here when the bill is called. The way the matter looks, I would be inclined to believe that those Members who want to go to that luncheon could get back here in time to vote on this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. GROSS. Then it is not proposed to take up H. R. 2556 tomorrow?

Mr. HALLECK. Which bill is that?

Mr. GROSS. That is the bill that would shanghai Americans and try them in foreign courts.

Mr. HALLECK. Yes. That bill will come up tomorrow. There is a bill from the Post Office Committee and 1 or 2 from the Judiciary Committee that have been on notice and are scheduled for action this week.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. HOFFMAN of Michigan. I see the chairman of the Labor Committee is here. They were going to meet tomorrow morning to vote on certain matters that are of importance. The gentleman from Ohio [Mr. BENDER] has a 9-man committee that is going up to Minneapolis on this racketeering business tomorrow at 5. Some of us want to be here to vote on some of these things. I cannot help the gentleman but I want him to know that we are interested in it.

Mr. HALLECK. You remind me that it is quite a problem. It certainly is to try to adjust the program to meet the convenience of all Members. I know the chairmen of certain committees sometimes are disappointed when we come in early.

I ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WIRETAPPING

Mr. KING of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KING of California. Mr. Speaker, the most important job Congress had to do with respect to wiretapping is to decide upon policy for the future. In determining that policy, the accent should not be upon permitting wiretapping, but upon prohibiting it. The bill should go to the prohibition first, and make it tight; and then go to the question of an exemption in the case of a duly authorized law-enforcement officer engaged in the investigation of offenses involving the internal security of the United States.

That is the only exception the bill should permit, and even in that case, where the internal security of the Nation is involved and the wiretapping is to be done by a duly authorized law-enforcement officer, the bill should require a certification by the Attorney General that wiretapping is necessary. The Attorney General's certificate would then be presented to a Federal judge, who would have authority to require such evidence as might be necessary to convince him also that there was reasonable ground to believe the particular wiretap proposed would result in the procurement of evidence of the commission of a crime involving the internal security of the United States. When so convinced, the judge would approve an order permitting the wiretapping during a period of not to exceed 6 months.

These provisions throw around the subject of wiretapping the kind of safeguards to personal privacy which should have been set up long ago.

Perhaps there will be those who will be surprised to learn that we do not have and have never had in this country any Federal statute against wiretapping. There is a provision in the Communications Act designed to prohibit the disclosure of information obtained by wiretapping, but it is not illegal today for any person to tap the telephone wire of another person, if he keeps to himself the information he obtains by listening in. This is really an intolerable situation, and one which should be corrected.

OUTLAW THE COMMUNIST PARTY

Mr. KING of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KING of California. Mr. Speaker, having had the privilege and honor of introducing the only bill in the 1st session of the 83d Congress to outlaw the Communist Party, I am gratified to see concurring legislation being introduced by my colleagues this second session in support of my stand to outlaw this menace from our society.

A resolution has recently been adopted by the California State Assembly petitioning and urging that the Congress of the United States immediately enact legislation to outlaw the Communist Party in the United States. Similar resolutions have been adopted by the executive committee of the American Legion of California and by the Los Angeles City Council and many other public and private bodies.

All of us recognize the fact that the Communist conspiracy represents a dangerous and calculated attack on our national security. To understand the true nature and motives of those who flourish under the banner of the Communist Party of the United States, and in order not to confuse the aims of this group as in any way being a movement deserving the protection of the Bill of Rights, we should remember that the Communists in the United States are not members of a political party seeking to establish a new form of government of, for, and by the people of the United States, but rather a revolutionary conspiracy directed by and in the interest of a foreign government.

Because Communists are individually and collectively a group plotting against our American way of life, the time has arrived for Congress to take positive action and label Communists and other subversives as criminals who would seek to destroy our Government by force and violence.

COMMUNIST UNDERGROUND

Mr. Speaker, there will, of course, be arguments against such a law, the chief of which seems to be that it would drive the Communists underground. With study, however, this will be found to be an argument without substantial validity, for the Communist Party of the United States is already an underground organization, and has been through the years.

Mr. J. Edgar Hoover, Director of the FBI, in testifying before the House Appropriations Committee, stated that the Communists have gone underground and that today it takes as many as 9 or 10 FBI agents to keep surveillance over one suspected Communist, when before the job could be handled by one man. Mr. Hoover further testified that the Communist leaders have imposed tight new security procedures. Membership cards are no longer issued; records are destroyed; groups are limited to from 3 to 5 members; telephone and telegraph are avoided; false drivers' licenses have been obtained and names have been changed. This revelation should certainly prove that the conclusion of driving them underground is an absurdity.

BILL OF RIGHTS GUARANTEES FREEDOM

Another argument that may be heard against my bill from some quarters is that it would be an abridgment of our constitutional liberties, but this too, will be found to be invalid. Our Constitution and the Bill of Rights does not guarantee the right of espionage or sabotage, or the right to disrupt our freedoms in the service of a dictatorship which denies all freedoms.

The Communists in the United States are not members of a political party. On the contrary, they are members of an organization banded together in a conspiracy against our form of government, with the sole aim of destroying free institutions and overthrowing the very form of government that protects such institutions. For the past decade our domestic tranquillity, the insurance of which was called for in the preamble of the Constitution of the United States, has continually been upset by the Moscow-controlled order that has flourished in our midst under the guise of a political party.

It has become more and more evident in recent years that the Red conspiracy prevailing on our home front, which hides behind the very laws it seeks to abolish, may prove more dangerous than an armed foe.

The Communist growth is an insidious thing. Its tentacles have pushed its fifth column into many places. Places of authority designed to intimidate and stamp out those who oppose it. The Communist infiltration would smother and distort our constitutional guaranty of freedom.

OUR BASIC FREEDOMS

Here in the United States we have freedom of religion. No agent of the Government, nor anyone else can compel another to violate or abandon his conscience in reference to the right to worship God in accordance with his beliefs. We have freedom from tyranny, for every person is guaranteed a speedy public trial by jury in case he is charged with or prosecuted for some crime of which he is innocent or guilty. We have freedom in our homes. Our home or our property cannot be seized or searched without a lawful warrant. We have freedom to read what we please, and the right to a free press permits us to read free from dictatorial rule. The right of a free press and free speech is dedicated to the people to the end that there will be an informed public opinion.

We have freedom to criticize or commend our Government. There is no free speech if we cannot criticize our Government and those whom we elect to represent us. We can condemn or we can praise our Government; but, we cannot subscribe to its overthrow by force or violence, or give aid or comfort to its enemies. We have the freedom of free elections and our political liberty means a free choice to vote for whomever we please for any office by secret ballot at all public elections. We have freedom from unjust working conditions subject to individual desire and effort. In short, American democracy spells out political, economic, and ethical freedom.

RUSSIAN COMMUNISM

Russia's Communist bill of rights reverses the cherished institutions of freedom maintained in American democracy. In Russia's brand of communistic world government, the official religion is atheism. Hence, there is no religious liberty, nor any religion within the American concept. There is no religion but the dictator's prescribed dogma, and he, with his weird conscience, is the people's prophet. There is no free speech or press in Communist countries. There is no freedom in what you read. What is said by the press of Russia is the voice of the Kremlin. There is no free speech, for a spoken or written criticism of the government is treason.

There is no right to petition the government for the protection of personal or property rights. There is no trial by jury. There is no law requiring a speedy and public trial of the accused. No kind of torture or other cruel or unusual punishment is prohibited by law. Your home is not your castle—it belongs to the dictator. There is no freedom from searches and seizures. No free elections nor secret ballot. No freedom of public meeting in Communist countries. In short, communism is a government by one man, a dictator, who directly and indirectly makes all laws and decides all questions, be they based upon economic activity, social morality, or political philosophy.

This is what the Communist conspiracy would trade and attempt by force and violence to force on the American people.

UNITED STATES SUPREME COURT SPEAKS

Mr. Speaker, the Supreme Court of the United States has now determined that:

> The Communist Party advocated and the general goal of the party was to achieve a successful overthrow of the existing order by force and violence.

The lack of such a determination has heretofore been a legal obstacle to legislation calling for the outlawing of the Communist Party. Congress now has the duty and the right by its inherent power under the Constitution for self-preservation, to outlaw the Communist Party and brand its members as criminals and traitors.

Our Constitution and Bill of Rights, and all that it stands for, will always apply to citizens who cherish the freedoms of our beloved country. But, who among us can deny that Communists in the United States are a dangerous menace to these basic American freedoms?

Under current loyalty-security regulations today, a Communist, or a former Communist, is precluded from holding a Federal job, but a Communist can legally run for the Office of President of the United States. Such an anomaly should certainly be eliminated.

The world struggle in which we are now engaged, is between freedom for the individual in the democracies and enslavement of the human soul under the Communist dictatorship. We should do all in our power in the way of legislation that will strengthen our internal security, and immediately press for passage of legislation to outlaw the Communist Party in these United States.

IN CONCLUSION

I believe every Member of this House and all loyal Americans of our country believe in the United States of America without reservation. It is our home, our country. It is our hope, our concern. Here we work and rest. Here we build and dream. Here is security for our loved ones. Here our toil is rewarded with an unmatched abundance for our well-being. Here freedom to live, to think, and to worship is ours, guaranteed by law and our Constitution. Here we are part of our Government, able to vote, to serve, and to carry our share of the common load. God grant us wisdom and strength to safeguard our country's welfare with devotion great enough to measure up to her greatness.

MAN AGAINST NATURE

The SPEAKER. Under the previous order of the House the gentleman from Kansas [Mr. MILLER] is recognized for 30 minutes.

Mr. MILLER of Kansas. Mr. Speaker, on the 29th of March of this year, I introduced H. R. 8602 for consideration of the House. The stated purpose of this bill is, and I quote:

> To improve the credit services available to farmers seeking to adopt soil- and water-conserving systems of farming, contributing toward development of a permanently and abundantly productive American agriculture.

More than 8,000 bills had been dropped into the hopper of this House ahead of

this one, and yet I feel this to be one of the most important bills to be introduced. It is my purpose, on this occasion, to discuss the necessity of soil conservation from an historical standpoint, leaving the more concrete matters for a later time.

I think that we can agree that the chief concern of any people is that of making a living. This was the problem of our ancestors as they roamed the forests, living in treetops and later in caves through milleniums, we know not how many.

In this age of so-called civilization there are many important problems. The form of government is of great importance. The enforcement of law is of primary importance. The tax system is important. But before and underlying all these questions is the problem of obtaining the wherewithal just to live, the problem of obtaining food, clothing, and shelter. The great questions that confront every individual are, and always have been, how shall I get my daily bread and wherewithal shall I be clothed. They are the age-old questions: Where shall we get shelter from the storm, and how shall we procure food for our stomachs and clothing for our bodies? Food, clothing, shelter—these were the great question marks that confronted our ancestors countless generations before even the beginning of what we call civilization. During all those ages, there was the constant problem of how to eke out a living from the fruits and berries that grew wild on the outskirts of the forest, and how to trap or ensnare wild animals to be used for food and raiment.

For long ages, it was an open contest; and it was anybody's guess as to whether the tooth and claw of the cave bear and the saber-toothed tiger, or the club and cunning of the naked savage were to win out in that ruthless struggle. But the savage biped, using the greater brain with which nature had endowed him, invented the stone ax, the sling, the spear, and, by banding together, he finally drove the bear from his cave and frightened the tiger from preying upon his women and children. That was the beginning of man's upward climb. That was when, weapon in hand, man first began to heed what he later conceived to be the command of God, "Go out into the world and subdue it." But that was only a beginning of man's upward climb. It was one thing to prevent becoming the meal ticket for the wild beast—and at that time they were all wild—it was another thing to wring a living from the hard and cruel hand of Mother Nature. Imagine the dilemma of the male and female of the genus homo as they suddenly found a crying youngster that God had given them—for so they reasoned—to add to their burden of finding food and clothing for themselves. The only answer was to find more fruit and berries and to trap or run down more wild animals.

These were the trials of our ancestors as they roamed the forests, lived in trees and caves through millenniums. But slowly the two-footed animal with the oddly shaped head had overcome his chief enemy. By means of gray matter in the forepart of his cranium, he had outwitted the beasts so that every animal in the jungle came to fear him. Now he dared to come down from the treetop, and, by banding together, he could roam at will in search of food.

Times were somewhat better now. Yet the lot of early man was a hard one. Nature in the raw was a hard master. Few of the plants produced fruits that could be used as food. Many of the animals were too swift to be overtaken, too fierce to kill, too cunning to be trapped. Unable to build shelter, he was forced to keep mostly within the warmer climate. All these factors kept the race of man limited in number, and confined to small areas, because, as yet, no one had discovered how to plant seed to produce grain and fiber for food and clothing. But the time came when, by some accident, someone—I suppose it was a woman—discovered that plants grow from seed, and that discovery was the beginning of the science of agriculture. It was also the beginning of civilization. Not until man learned to produce food in greater abundance than was furnished by nature could he find time to think and consequently to advance. Up to that time, he had made little progress. The result was that the greater part of the earth was uninhabited save by the few who could subsist in this manner and that in a very limited area. The greater part of the earth was uninhabited by man.

The great increase in population of the world in the last 10,000 years was made possible because man had learned how to till the soil and thereby to produce a greater abundance of food than was produced by nature. It was cultivation of the soil that made possible the ancient kingdoms of Babylon and Egypt, the two cradles of civilization. It was the production of wheat and barley and fruits and vegetables in the valleys of the Nile and the Euphrates; it was the cultivation of the plains of Sudan and Mesopotamia that made possible those flourishing civilizations of which the pyramids of Egypt and the Hanging Gardens of Babylon were the historic symbols. And when the once fertile soil of the Sudan, long known as the granary of the world, was washed into the Nile River and on into the Mediterranean; when the rich soil of the plains of Mesopotamia was washed into the Tigres and Euphrates and on into the Persian Gulf, then and only then did these mighty empires vanish from the earth. No nation can survive the loss of its life-growing soil, and, Mr. Speaker, if we permit the rich soil of the Missouri, the Ohio, the Mississippi River valleys to be washed into the Gulf of Mexico, as the soil of the Sudan and of Mesopotamia was washed into the sea, there is no power under Heaven to prevent this Nation from going the way of Egypt and Babylon.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman from West Virginia.

Mr. BAILEY. I am wondering if the gentleman is thoroughly familiar with the new program that is being launched by the Department of Agriculture, and I feel sure he is, to provide a plan for upstream development of water conservation, flood control and reforestation? I would like to know if the gentleman is in support of that program?

Mr. MILLER of Kansas. In answer to that question, may I say that I am thoroughly familiar with that program and I am in hearty sympathy with it.

Mr. BAILEY. Mr. Speaker, at this time I want to compliment the gentleman from Kansas for his presentation, coming, as he does, from one of our leading agricultural States and being one of his State's outstanding farmers. I regret that when the gentleman came to the 83d Congress there was no place for him on the Committee on Agriculture. That is where the gentleman is best able to serve his people in the Congress of the United States, and I sincerely hope that when he returns to the 84th Congress there will be some place for him where he can render great service to the agricultural interests of the Nation and his State.

Mr. MILLER of Kansas. I thank the gentleman.

Yes, the plow had to precede the carpenter's hammer, and the sickle went before the mason's trowel. Before there could be cities, there had to be agriculture to produce the food and fiber to feed, clothe, and shelter the people who would inhabit them. The production of food must go hand in hand with every industry, in every land, in every time. Food must be the chief concern of every people. How fortunate is this Nation which, at this time, has only the problem of finding the best way to dispose of surplus food and fiber, whose granaries are bulging with wheat and corn, and whose warehouses are crammed with cotton. That is the enviable situation in which our Nation finds itself, and, unfortunately, it is a situation which cannot long endure. The danger signals are already showing on the horizon in the form of dust storms over several Southwestern States. But these black, dust-laden clouds that herald the movement of soil from one area to another are as nothing to the murky, soil-laden rivers that annually carry the equivalent of 400,000 acres of soil, not from one part of the country to another, but from our fertile fields on into the sea. Think of that dreadful loss—400,000 acres annually devastated, made worthless—and this continuing year after year; enough land destroyed annually by water erosion alone to feed 150,000 people. It is estimated that 35 million acres of our best No. 1 land have already been stripped of their fertile soil. It is further estimated that more than 50 million acres of No. 2 land have also been devastated. That is enough land, Mr. Speaker, to sustain 20 millions of people, enough to feed and clothe all the people of the States of New York and Pennsylvania. And this loss is irreparable. It matters not how great our natural resources, no nation can long endure such a drain.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman from Texas.

Mr. POAGE. I think the gentleman from Kansas has been making an excellent address. I think the gentleman from Kansas has been rendering valuable service here for some time, because he gives us a sound, practical viewpoint that I wish more Members would give us. I certainly, therefore, do not rise in any way in criticism, but I would like to call attention to one statement the gentleman just made when he said that this topsoil had been moving from our farms to the sea. Of course, there has been a tremendous amount of topsoil moving to the sea, but unfortunately much of that topsoil that most of us have talked about flowing down the Mississippi and into the gulf and into the ocean actually stops for long periods of time in every dam, every reservoir, every sandbar and every hidden bar which causes floods along the streams of our land. It causes the destruction of our city reservoirs, so that I want to point out that it is not simply the problem of the farmer; it is the problem of every municipality in the United States, because unless we can stop the movement of the soil into our streams and in city reservoirs, your great cities and your great industries are going to find themselves without water, and they are going to be as bankrupt as the farmer whose soil has gone into the reservoir.

Mr. MILLER of Kansas. I thank the gentleman for his observation.

We are prone to boast that we are the richest nation on earth. We have also been the most profligate. Shall we waste our substance like the prodigal son, and, like him, live to repent it? Shall we leave to our children the husks of a ravished continent? As a boy, I read in the geography of the time of the inexhaustible forests of Michigan white pine, of the unlimited iron ore in our mountains. And I have lived to read that there are now but two 80-acre tracts or virgin Michigan white pine left in this country, and already we are having to look to shipments of iron ore from Canada to supply our steel mills. Is not that lesson enough? With our population increasing at the rate of three millions per year, with an annual loss of more than 400,000 acres of good land, how long will it be, if we let this loss continue, until we shall be importing food products instead of wondering how to manage surpluses? Let us use our pencils. It would be but a few short years. Mr. Speaker, we must not let this waste continue, and to prevent its continuance is the purpose of the bill which I introduced a few days ago. This bill provides for Federal loans to landowners and operators to encourage and promote soil conservation.

The plan is simple. Already a program of conservation is in operation. The landowners know what to do. They know how to do it. They have the will. They need only the financial assistance to proceed with the work. We even have the political machinery already set up to do the job. All we lack is authorization by the Congress and appropriation of money to set the program in motion. It need not, and it will not, cost the Federal Government a single dime. It will pay its way at all times, and, more than that, it will be the greatest stabilizing influence ever set in motion by this Government. It will immediately stimulate the construction of earth-moving machinery, thereby putting thousands of men to work in mines, steel mills, and factories. It will make room for thousands of young men now taking engineering courses in our colleges. It will make room for other thousands of contractors who will be needed to do the work laid out by these engineers. But, above all, it will stop the drain upon our greatest natural resource—the good topsoil that is the ultimate basis of our life and our prosperity. The one great problem, as in all great undertakings, is that of financing. Many of the landowners are not financially able to carry the work to completion. I know this situation first hand. For a quarter of a century, I put off terracing my land because I did not feel able to finance the operation. Like most farmers, I had interest and taxes to meet, and a family to provide for. These must come first. In recent years, the Federal Government, as a part of the farm program, has rendered valuable assistance. That has been a help to a lot of farmers, and there are billions of tons of soil on the farms now that, but for that program, would be in the Gulf of Mexico. But that program of assistance is not enough to make it possible to push forward the work with the speed which the urgency of the program justifies. The farmer does not want a subsidy or a grant; he is not looking for favors. All he wants is financial assistance. What he needs in this connection is an opportunity to borrow sufficient money to make it possible for him to hire the contractors and buy the necessary articles that are needed to get the work done.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman.

Mr. POAGE. I hope the gentleman will understand that I am in full sympathy with what he is trying to do and appreciate the fact that he is offering this Congress a practical way of helping the farmers. I have no desire to criticize anything he says. On the contrary, I commend him for what he says. But I wonder if the gentleman agrees with me that there is one other aspect of this that must be taken into consideration. As I see it, the farmer has got to have an income great enough to justify even borrowing money for so splendid a purpose as soil conservation.

Does the gentleman agree that unless farm prices are at a remunerative level no amount of credit can save the soil of this country, that the farmer has got to have an adequate income?

Mr. MILLER of Kansas. I would say in answer to that that I think it is taken for granted that the income of the farmer must be kept at or near parity.

Mr. POAGE. I know the gentleman from Kansas agrees that farm income should be kept at or near parity. I think I can say that the vast majority of the membership of this House believes that. But, unfortunately, the head of the Department of Agriculture of this Government has suggested that we ought to let the prices of our major farm products drop to some 75 percent of parity, which is a level so low that this Nation has suffered depression every time farm prices have dropped that low in the past. As I see it, should the proposal of the Secretary of Agriculture, Mr. Benson, be enacted into law, the farmers of this country would not have enough income to justify their signing anybody's notes to improve their farm, to protect their land, or even to feed their families. Does the gentleman agree that we simply cannot get along on 75 percent of parity?

Mr. MILLER of Kansas. I agree that we cannot get along and I will say further that we will not get along.

Mr. POAGE. I know the gentleman from Kansas has been in the forefront of the fight to try to maintain a decent standard of prices for farm products in the United States and a decent standard of living for the farmers of the United States, and I know the gentleman from Kansas agrees with me that it is not simply on behalf of the farmers but that it is absolutely necessary for the prosperity of the entire Nation that we maintain at least as high a level of prices as we have today for farm products.

Mr. MILLER of Kansas. I thank the gentleman for his comments.

It is to fill this need that I recently introduced the bill under discussion, making provisions for a program of this kind. It is my intention to ask to appear before the Committee on Agriculture that has this bill in charge, to press for its consideration. This bill does not provide for expenditure of money as such, any more than a loan from a bank to a merchant, to a farmer, to a homeowner, is an expenditure. It provides that the Federal Government shall, under conditions laid down by the Congress, guarantee to private lending institutions that the landowner, borrowing for approved soil-conservation purposes, will repay the loan. It makes it possible for the farmer to go ahead with the conservation work without disturbing his usual farming operations.

This bill should pass the Congress at this session. It will greatly expedite the program of saving the soil by making it possible for every landowner to proceed at all speed to do the work. The program is so extensive, the field of operation so vast, that the execution of the work should have a great stabilizing effect on our national economy during its continuance, and should guarantee to all future generations that the basic asset of the Nation, our fertile soil, shall continue to be the source of our livelihood and the foundation of our prosperity. In the interest of national economy, this bill should be reported out of committee in this session of Congress and should pass both Houses by unanimous vote.

SPECIAL ORDER GRANTED

Mr. PRICE asked and was given permission to address the House for 45 minutes on Monday next, following the legislative program and any special orders heretofore entered.

SOCIAL SECURITY PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. SECREST] is recognized for 15 minutes.

Mr. SECREST. Mr. Speaker, the President has made several recommendations for changes in the social security law. I think they are excellent recommendations and I want to discuss the major ones and hope the Ways and Means Committee will report them to the House for action.

First, I want to discuss President Eisenhower's recommendation to Congress that farmers be included in the social security retirement system. I wanted to know exactly how the farmers of my district felt on this issue so I wrote every farmer asking him to vote "yes" or "no" on the following question: "Do you think farmers should be granted social security retirement on the same basis as independent businessmen and workers?" Each farmer voting signed his name and gave his address so there could be no duplication.

From the day the first social security bill passed Congress until now I have done everything in my power to improve the law, to soundly extend its coverage, as well as its benefits, and to make sure that nothing would be done that would impair the trust fund. I want to make certain that the system is sound and that there will be adequate funds to retire all who are entitled to it—not only 10 years from now, but 50 or 100 years from now. The inclusion of farmers will add a great force on the side of independent businessmen and workers who have already a vital stake in the protection of the social security trust fund. Give these three great groups—farmers, workers, and businessmen—a common interest in the law and you will set up the greatest possible guaranty that no future Congress will ever dare to dissipate the fund upon which the future plans of so many people have been made.

You propose in this bill to allow State employees to come into the system if two-thirds of them vote to do so. Why not allow farmers to vote by counties, congressional districts, or States in the same manner? Make it by a majority vote or a three-fourths vote. My only concern is that those farmers who want to be included in the system may get in. I am not so much concerned with the details as I am the result.

The farmer works long hours. He feeds the Nation. He must pay social security tax on his regular hired help. A farmer may be well-to-do at 50. At 65 he may be destitute. Low prices, drought, depression, fire, sickness, disease of livestock, flood, unwise investments may, and often do, take every cent of his life's savings. His hired hand retires. His neighbor who worked in a factory retires. Teachers retire, State employees retire, railroad workers retire, Government workers retire, yes, even Congressmen retire. The farmer alone must struggle and toil to the end of his days. I cannot believe that there is anyone who would deny the farmer the same security, when on the same basis he pays for it, that is enjoyed by nearly every other person in our country. I am on solid ground when I plead for equality on behalf of the farmers of my district and this Nation. At least, we should offer them some way to come into the social security system.

If farmers come into the social-security program, the base will be broadened, the trust fund increased, and the whole program strengthened. Social-security funds are invested in Government bonds. Over $18 billion were invested last year, and the trust fund was increased by over $400 million in interest it collected on these bonds. Payments by farmers with the resulting gain in interest earnings would benefit both farmer and worker. Inclusion of farmers in the law would not deplete the present trust fund but would rapidly add to it.

The National Grange, with 92 local granges in my district, has endorsed social security for farmers and will urge that this Congress follow the recommendation of the President.

The Farmers Union also favors bringing farmers under the retirement provisions of the law.

During the debate in the House in 1950 when we were amending the social-security law, I asked why farmers were not included. I was told by the gentleman from Tennessee, who was handling the bill, that farm organizations had not requested it. Today two of the largest farm organizations in the country, the National Grange and the Farmers Union, are requesting it. So far as I know, no organization of farmers is opposing it.

The farmers of my district are sincere, responsible, loyal Americans. Over 90 percent of them own their farms. In the finest sense I know they represent a sound cross section of the farmers of our Nation. If farmers are covered by social security, I assume they would pay once each year when they pay income tax just as independent businessmen do now.

I think my poll is the most complete taken in any part of the country, and certainly the large number of replies is phenomenal. Each farmer was given a chance to express an opinion. About one-fourth of my farmers have voted, and each mail brings additional votes. To date I have received 3,266 replies, and 2,933, or more than 89 percent, voted to come under the social-security program; 333, or less than 11 percent, voted "No." This is about 9 to 1.

I urge this Congress to seriously consider the recommendations of the President as it relates to more than 6 million of the Nation's farmers. Since 1937 over 90 million other people have worked in jobs covered by the act. Why deny our farmers? Already they have been neglected too long.

I was coauthor of the bill in the Ohio Legislature that brought gasoline-tax money for the farmers' roads. I have fought for years that all the farmers of my district might have rural electrification. Now I want to get real social-security retirement for the farmers of my district who want to come under the program.

If I can live to see this done, I will have helped to perform my greatest congressional service, not only to my farmers, but to my independent businessmen and workers who have been for years under the social-security program.

There are seven counties in my district. Results to date from each county are as follows:

County	Yes	No
Guernsey	515	79
Monroe	352	22
Morgan	262	21
Muskingum	735	101
Noble	230	16
Perry	231	43
Washington	608	51
Total	2,933	333

In addition to coverage for farmers, I wish to urge the Congress to approve the provisions in the bill to increase retirement benefits for those who have retired and those who will retire after the bill becomes law. The increase of the minimum payment from $25 to $30 is a step in the right direction. The President has said these increases can be made with no danger to the solvency of the retirement fund.

Another provision I wish to endorse is the one that eliminates the worst 4 years in a worker's record in figuring his average earnings upon which the amount of his pension is determined. Many men reach the age of 60 and cannot find work. Each year they wait for retirement sees the amount of the retirement they will get go down and down. Elimination of 4 years of unemployment due to sickness, age, or depression will result in a higher retirement rate for many workers and others. It is a just amendment to the existing law.

Another fine provision of this bill is the preservation of insurance rights of disabled persons. It is similar to the waiver of insurance premiums during total disability, now a part of many life insurance policies. The period a worker or other person covered by the act is disabled will not be counted in figuring the amount of his retirement or the amount to be paid his wife or family if he dies. This freeze of benefits during a period of long disability is one of the finest amendments to the act that has ever been proposed. In every such case it will mean much greater retirement benefits for the disabled and his dependents.

The social-security system is the greatest insurance we have against a terrible depression. We could lower the retirement age to 60, as eventually we must and should, and, in 1 day open millions of jobs for the young unemployed. If older farmers could retire, we would not have the great farm surpluses we have today, and toward which they contribute because they cannot afford to quit.

I have long fought for a national system of retirement that would include all our citizens. The efforts many of us have made along this line through the years have, in my opinion, resulted in many of the excellent improvements that have been made to the Social Security Act.

Mr. Speaker, I have discussed only the major changes proposed to the present law. I think they will make the Social Security Act far better and much

stronger. That is why I have urged the committee to report H. R. 7199 and I hope Congress will enact it into law.

OUTSTANDING BOOK CRITICIZING PRESENT MONETARY POLICY BY WELL-INFORMED AUTHORS JUST OUT

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, I have just read an advance copy of a study entitled "The Hard Money Crusade" by Bertram Gross and Wilfred Lumer, which is to be issued this coming Friday, April 9, by the Public Affairs Institute of this city.

April 9 is an appropriate date. Exactly 1 year before we read the announcement that the Treasury was going to issue 30-year Government bonds and pay a record interest rate of 3¼ percent. The announcement marked the beginning of the current recession. The issue is already called the Humphrey-Burgess boner. It was heralded as a step to halt inflation, although the inflation had been halted months before. It was supposed to "take the bubble off the boom" when there was no bubble.

It is painfully apparent to everyone today that this determined boosting of interest was an enormous mistake for everyone except big bankers, just as it was apparent to a few of us a year ago. The bonds are now selling at more than $109 per $100 of par value. Speculators and insiders have made a cleaning on the issue, and Uncle Sam will have to pay millions of dollars in extra interest this year and for years to come, as the price of this tragic mistake.

Revised Budget Bureau estimates published in August 1953, indicated that rises in interest rates since January 1953 had increased the cost on the national debt $155 million. The Budget estimate for fiscal 1955 estimates that interest payments will be nearly $300 million above fiscal 1953 because of "higher average interest rates and the larger public debt."

Tremendous increases in interest costs on both public and private debt, Mr. Speaker, are only a minor part of the total cost of the hard money policy. It has been a major cause of the recession. Millions are unemployed. Billions in production have been lost—and there is no end in sight. The architects of gloom and doom—the men who planned and launched this recession—still see no need for aggressive action to halt it. Their latest economic nonsense is that the Easter bonnet trade should taper it off.

The authors of the Hard Money Crusade have traced it from its beginnings back in 1946, down through its effects on purchasing power, on distribution of income, and the level of economic activity.

The study shows that the Committee on Public Debt Policy, an organization of bank and insurance company executives set up in 1946, provided the intellectual leadership for the long campaign to boost interest rates.

Chairman and guiding genius was W. Randolph Burgess, then vice chairman of the National City Bank of New York, subsequently to become chairman of the same bank's executive committee and later deputy to the Secretary of the Treasury.

Mr. Burgess' associate and the vice chairman of the committee was John Sinclair, president of the National Industrial Conference Board, NAM's national research organization, which was at that time engaged in a campaign to discredit direct economic stabilization controls and the philosophy of the Employment Act.

"We must restore flexibility to interest rates so as to give the monetary authorities more freedom in determining credit policies," was a key slogan in the committee's publications on national-debt policy.

When Mr. Burgess was appointed to his present post, the policy advocated by the committee became Treasury debt-management policy.

Nine days after the new administration took office, the Public Affairs Institute report notes, the Treasury undertook the first in a series of interest-boosting moves. The fact that inflationary forces had been dormant for more than a year and that price stability had been established did not deter the Treasury. An obvious result of these moves, the authors write, "has been a substantial transfer of income from borrowers to lenders."

Bank profits have jumped. In 1953, the report points out, 328 leading commercial bank corporations boosted their net profits after taxes to $662 million, up $65 million, or 11 percent, since 1952. In 1952 leading bank earnings were up 8 percent above 1951.

In addition to increasing lenders' profits the report states the Treasury moves helped "set the stage for a corrective recession desired by certain members of the hard-money coalition."

Listed in the Hard Money Crusade as successors to the Committee on Public Debt Policy in the continuing campaign to make permanent the revival of monetary policy, to restore interest rates to their predepression levels and lenders to the position of prestige and power they formerly enjoyed in national economic affairs, are the New York Clearing House Association, the New York State Bankers Association, and the American Bankers Association.

The study subjects to critical examination many of the arguments used to rationalize the drive for higher interest rates. Among these was the myth of counterbalancing savings. A frequently employed argument was one that said the "Government and consumers would save billions through lower prices." Deputy to the Secretary of Treasury Burgess argued, "this higher interest cost will be offset many times over if it lessens the risk of inflation—higher prices for all—or deflation which has often meant depression."

The authors reply:

> If the hard-money program should lead from readjustment to depression instead of producing savings to counterbalance increased interest expenditures it would lead to additional Federal spending and a still larger Federal debt.

Similarly, the report takes up such arguments as higher interest rates are needed to promote savings, to stabilize investment, to promote price stability, and others that were used to justify the new policies. It concludes that other factors play a more decisive role than interest rates in promoting the desired objectives. The authors also demonstrate that the empirical evidence does not support the view that increases in the money supply necessarily lead to increases in the price level.

Our 1953 experience, Gross and Lumer state, calls for a reappraisal of the Douglas subcommittee conclusions regarding the use of general credit controls, and the utility of flexible monetary and interest rate policies for economic stabilization purposes. The most recent results of the exercise of these powers are plainly visible in the current recession. They confirm the fear of the minority that it is extremely difficult to select the appropriate time to institute changes. Even admittedly small changes produced larger reactions than may have been intended. Finally, the authors say, the resultant overreliance upon purely monetary measures to reverse the decline, despite abundant historical evidence that this was sheer folly, has made the case for flexibility very weak.

Mr. Lumer and Mr. Gross recommend:

> Statutory interest rate ceilings should be extended to all Treasury securities * * * the record of discretionary policy in the United States places the burden of proof upon those who say such ceilings would impair the flexibility needed to deal with inflation * * * Congress can determine whether ceiling rates need adjustment in the event of an emergency * * * the disadvantages of upward fluctuations in rates paid or in yields on Treasury securities far outweigh any advantages. The results are haphazard; the benefits accrue mainly to bankers.

Mr. Speaker, I was honored by being asked to write a foreword to this study. Prof. Seymour Harris, of Harvard University, a noted economist, has contributed a prefatory essay.

The Public Affairs Institute and the authors of this work are well known to many of us. The institute is a nonprofit, nonpartisan research organization here in Washington. Bert Gross has served on the staff of some of our congressional committees. He was executive secretary of the Council of Economic Advisers. Recently McGraw-Hill published his book, the Legislative Struggle.

Wilfred Lumer is a member of the economics staff of the Public Affairs Institute.

The new study will prove to be currently useful to every Member who will take the time to read it.

Debt management and credit policy are at the core of our economic problems today. When we consider housing, public power projects, public works, or interest rates on Government credit, we are dealing with issues related to, or affected by, debt management and credit policy.

I wish it were possible to put this whole work in the CONGRESSIONAL RECORD but it is not. I am therefore advertising it as best I can as a work that well-informed Members of the Congress will obtain and read carefully.

I am inserting herewith a news release concerning the book and a table of contents:

[Public Affairs Institute news release, Washington, D. C., April 9, 1954]

THE HARD-MONEY CRUSADE

The administration's hard-money and flexible-interest-rate policies, put into effect a year ago, helped bring on the current recession.

They should be replaced with an adequate money supply and low, stable interest rates to help us climb back to a high-level maximum-employment economy which will grow with the Nation.

These are conclusions of a study released today by the Public Affairs Institute entitled "The Hard-Money Crusade."

The report recommends that Congress set ceilings on interest paid on all Federal securities issues and on loans made or guaranteed by the Government. This would assure that Federal debt management and credit policies will promote the "maximum employment and purchasing power" objectives of the Full Employment Act of 1946. It would sharply limit the power of Treasury or Federal Reserve to restrict economic activity, and it would prevent a repetition of any "ill-timed and costly" interest increase like the 3¼-percent 30-year bond issue announced by Treasury just a year ago.

The hard-money report was prepared for the institute by Bertram Gross and Wilfred Lumer. Gross is former executive secretary of the Council of Economic Advisers and author of The Legislative Struggle, recently published by McGraw-Hill. Lumer is a member of the PAI economics staff.

Public Affairs Institute is a nonprofit, nonpartisan research foundation in Washington.

"The only credit policy that will help create an atmosphere of justifiable confidence, and which is needed to remove uncertainty about the future, is one which promotes an ample supply of credit at low rates which can be relied upon to remain stable," Gross and Lumer contend in their study.

"Tight credit and high interest rates produce economic contraction. Fluctuating interest rates introduce an element of uncertainty about the future * * * which can only serve speculators and insiders. Expectations play a major role in the decisions made by investors, producers, and consumers."

In their report, the authors contend that the early 1953 Treasury debt management policy followed a long planned campaign by banking and insurance companies to raise interest rates. The crusade, they say, was started in 1946 with the formation of the Committee on Public Debt Policy. The committee was headed by W. Randolph Burgess, then of the National City Bank of New York, now deputy to the Secretary of the Treasury in charge of debt management policy.

The Burgess committee, made up of leading banking and insurance executives, published a series of pamphlets on national debt policy urging higher interest rates. With Burgess' appointment to his present Treasury post, the debt policy advocated by this committee of private financiers became the public Federal debt policy and the hard-money crusade was launched.

Apart from the bankers and insurance companies' desire for large profits, a common objective of the hard-money coalition, the authors declare, was the subordination of the full employment mandate of the Employment Act of 1946 to the goal of price stability.

Immediately upon taking office the new administration announced it was taking steps to bring back a sound dollar. They were not stopped, the authors point out, by the fact that inflationary forces had subsided a year earlier and prices were already stabilized. The Treasury raised interest rates and the Federal Reserve contracted the money supply.

"As a result," the study says, "during the first 6 months of 1953, there occurred a succession of widespread and dramatic increases in interest rates unparalleled in recent history. We have seen an equally historic change in credit policy from one favoring business accommodation to one in which credit was steadily tightened and rationed to the highest bidder."

When the interest-boosting spiral threatened to reach runaway proportions in May 1953, and after the market for Government securities had reached a state of disorder, on June 1, 1953, the study reports "the money managers decided that a temporary letup was in order."

The authors point out that although the high-interest rate and tight-credit program was supposed to curb inflation "after 6 months of rising rates United States Steel, Standard Oil, Alcoa, and General Electric raised their prices anyway."

The authors point out that interest payments on the national debt will have increased by nearly $300 million by fiscal 1955, and interest on private debts has risen accordingly.

"The obvious result," they continue, "has been a substantial transfer of income from borrowers to lenders." In 1952 the net income of 315 leading commercial bank corporations was $533 million, 8 percent higher than 1951. In 1953, the National City Bank of New York reported, the net income of the 328 leading commercial bank corporations rose $65 million or an additional 11 percent.

The 1953 experience, Gross & Lumer believe, provided an outstanding example of the major danger of flexible-credit and debt-management policies. It is extremely difficult to select the appropriate time to institute changes, they maintain, and even small changes can produce larger results than may have been intended.

Prof. Seymour Harris, of Harvard University, a recognized authority on the Federal Reserve System, contributed an introductory essay to the Public Affairs Institute study. He sets in historical perspective the political and theoretical significance of the monetary stringency and the issue of free markets. Congressman WRIGHT PATMAN, Democrat, of Texas, member of the Joint Congressional Committee on the Economic Report and chairman of the Patman Subcommittee on Monetary, Credit, and Debt-Management Policies, wrote a foreword to the study which relates the crusade for hard money and the antipathy of certain financial groups to the Employment Act.

The report includes an appendix of 30 key and comprehensive statistical tables.

Introduction.
I. The return of hard money.
The hard money of the 1920's.
The 1930's: Retreat from hard money.
World War II: Further retreat.
1946 to 1950: Hard money begins its return.
Korea: Hard money wins important battles.
1953: Victory for hard money.
II. The interest-boosting spiral of 1953.
Increased rates on Federal borrowing.
1. Bills.
2. Certificates.
3. Savings notes.
4. Treasury notes.
5. Bonds.
Increased rates on private borrowing.
1. Government loans and guaranties.
2. Borrowing from private lenders.
The role of the Federal Reserve Board.
1. Terminating the "accord."
2. Raising the cost of borrowing.
3. Restricting the supply of credit.
4. Protecting the stock market.
5. Strategic halt in interest-boosting spiral.
Summary.
III. The hard money coalition.
The leadership of the lenders.
The supporting battalions.
1. Opponents of full employment in an expanding economy.
2. Opponents of effective economic stabilization.
3. The role of economists.
The organizational basis of the campaign.
1. The committee on public debt policy.
2. New York Clearing House Association.
3. Lenders' organizations.
4. Nonbanking trade associations and lobbies.
5. Executive agencies of the Government.
The unorganized opposition.
IV. Is hard money needed to combat inflation?
Hard money: "A noose around the neck to stop a bloody nose."
1. Credit expansion not major source of inflation in recent years.
2. Hard money and three depressions.
Was inflation a major problem in 1953?
1. Post-Korean inflation had passed its peak.
2. Deflationary developments in agriculture.
Could hard money help bring another depression?
A balanced program needed in dealing with inflation.
The future implications of hard money today.
1. Twenty years of pills for a 10-day cold.
2. Danger of freezing interest rates at high levels.
Hard money and income distribution.
1. Large transfer of national income to money lenders.
2. A boost to higher profit rates.
3. The implications of changed income distribution.
Hard money and the structure of the economy.
V. The lenders' stake in higher rates.
Interest payments the major source of bank profits.
Bank profits have been rising rapidly.
1. Comeback from depression depths.
2. World War II profits.
3. Bank profits in 1952.
4. 1953 profits.
Life insurance companies' profits.
Government interest payments a subsidy to the commercial banks.
1. A generous payment for a bookkeeping operation.
2. A hidden subsidy to the recipients of bank services and/or holders of bank stocks.
Interest rate increases impair position of small banks and small investors.
1. Magnitude of losses created when security prices fell.
2. Book losses of major consequence to small banks and small investors.

Interest rate increases create speculative opportunities for privileged groups.
1. Bargain buys of bonds below par.
2. "Free-riding."
3. International speculators.
Summary.
VI. The cost of higher rates to the Federal Government.
Recent growth in interest expenditures.
1. Increases from 1945 to 1952.
2. Increases in 1953.
Possible future growth in interest expenditures.
The myth of counterbalancing savings.
The fact of additional losses.
1. Loss of Federal Reserve System's payments to the Treasury.
2. The loss of tax revenues.
Some implications of larger interest expenditures.
Alternative uses of higher interest expenditures.
VII. Fallacies and facts on interest rates and credit.
VIII. Basic elements in a sound credit policy program.
Orientation toward full employment and an expanding economy.
1. The objective of sustainable economic growth.
2. Alternative No. 1: Compensatory economics.
3. Alternative No. 2: Recessionary economics.
An expanding supply of money and low-cost credit.
1. Needed growth in money supply.
2. Needed growth in supply of low-cost credit.
Government borrowing at low rates.
1. Rate ceilings needed on Government borrowing.
2. Federal Reserve System support of Government securities market.
3. The problem of interest subsidies to commercial banks.
Ample, low-cost credit for private borrowers.
1. Federal Reserve rediscount rate.
2. Government loans and guaranties.
Measures to prevent excessive or undesirable use of credit.
1. Selective credit controls.
2. General credit controls.
3. Direct controls on the volume of loans.
The dangers in current policies.
IX. Appendix.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HESELTON (at the request of Mr. WIGGLESWORTH) for today, on account of illness.

Mr. JUDD for 2 days on account of illness in his family.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 962. An act for the relief of Gabrielle Marie Smith (nee Staub);

H. R. 1148. An act for the relief of Antonino Cangialosi (or Anthony Consola);

H. R. 1529. An act to facilitate the development of building materials in Alaska through the removal of volcanic ash from portions of Katmai National Monument, Alaska, and for other purposes;

H. R. 1568. An act to amend section 6 of chapter 786 of the act of June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes" (31 Stat. 323; title 48, sec. 108, U. S. C.);

H. R. 2351. An act for the relief of Sam Rosenblat;

H. R. 2441. An act for the relief of Husnu Ataullah Berker;

H. R. 2747. An act to amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday;

H. R. 3045. An act for the relief of Nickolas K. Ioannides;

H. R. 3306. An act to provide for the relief of certain reclamation homestead entrymen;

H. R. 3961. An act for the relief of Margherita Di Meo;

H. R. 4024. An act to change the name of the Appomattox Court House National Historical Monument to the Appomattox Court House National Historical Park;

H. R. 4056. An act for the relief of Manfred Singer;

H. R. 4707. An act for the relief of Lee Yim Quon;

H. R. 4738. An act for the relief of Gabriel Hittrich;

H. R. 4886. An act for the relief of Ingrid Birgitta Maria Colwell (nee Friberg);

H. R. 4984. An act to remove certain limitations upon the sale or conveyance of land heretofore conveyed to the city of Miles City, Mont., by the United States;

H. R. 5085. An act for the relief of Mrs. Marie Tcherepnin;

H. R. 5529. An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the Battles of Manassas, and for other purposes;

H. R. 6434. An act to amend sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act so as to simplify the procedures governing the establishment of food standards; and

H. J. Res. 238. Joint resolution granting the status and permanent residence to certain aliens.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. DAVIS of Wisconsin and to include extraneous matter.

Mr. EDMONDSON and to include extraneous matter.

Mr. HOFFMAN of Michigan immediately following the debate on the bill to be considered today, and to include extraneous matter.

Mr. BOLAND.

Mr. JUDD.

Mrs. FRANCES P. BOLTON.

Mr. SHAFER.

Mr. FRIEDEL.

Mr. GWINN and to include additional matter.

Mr. HART, and to include an editorial.

Mr. MCCORMACK, the remarks he made in Committee of the Whole today, and to include a copy of a bill pending in the Massachusetts Legislature to which he referred and also a letter received by him from the Democratic leader of the Massachusetts State Senate.

ADJOURNMENT

Mr. CANFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.), under its previous order, the House adjourned until tomorrow, Thursday, April 8, 1954, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

1423. Under clause 2 of rule XXIV, a letter from the Acting Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies was taken from the Speaker's table and referred to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GROSS: Committee on Post Office and Civil Service. S. 2773. An act to amend the act entitled "An act to provide for the transportation and distribution of mails on motor-vehicle routes," approved July 11, 1940 (54 Stat. 756); without amendment (Rept. No. 1490). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORBETT: Committee on Post Office and Civil Service. H. R. 5913. A bill to simplify the handling of postage on newspapers and periodicals; with amendment (Rept. No. 1491). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. Thirteenth intermediate report pertaining to the international operations of the United States; without amendment (Rept. No. 1505). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. Fourteenth intermediate report pertaining to the German Consulate-America House program, part 2; without amendment (Rept. No. 1506). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. H. R. 7477. A bill to authorize the collection of indebtedness of military and civilian personnel resulting from erroneous payments, and for other purposes; with amendment (Rept. No. 1507). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAHAM: Committee on the Judiciary. H. R. 868. A bill for the relief of Ciriaco Catino; with amendment (Rept. No. 1492). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 733. A bill for the relief of Hildegard H. Nelson; with amendment (Rept. No. 1493). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 944. A bill for the relief of Mr.

and Mrs. Lyguim Sowinski; with amendment (Rept. No. 1494). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1115. A bill for the relief of Mrs. Suhula Adata; with amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 1673. A bill for the relief of James I. Smith; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1762. A bill for the relief of Sugako Nakai; with amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 1768. A bill for the relief of Claire Louise Carey and Vincent F. Carey; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 1788. A bill for the relief of Wanda Luceri, also known as Sister Cecilia; Maria De Padova, also known as Sister Rosanna; Anna Santoro, also known as Sister Natalina; Valentina Ruffoni, also known as Sister Severina; Cosima Russo, also known as Sister Carmelina; without amendment (Rept. No. 1499). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1912. A bill for the relief of Hayik (Jirair) Vartiyan and Annemarie Vartiyan; with amendment (Rept. No. 1500). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2028. A bill for the relief of Mrs. Antonietta Palmieri; with amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2181. A bill for the relief of Richard Karl Hoffman; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2403. A bill to adjust the status of a displaced person in the United States who does not meet all the requirements of section 4 of the Displaced Persons Act; with amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 2627. A bill for the relief of Cecilia Lucy Boyack; without amendment (Rept. No. 1504). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUDGE:

H. R. 8744. A bill to amend title 18 of the United States Code to make it a crime to televise advertising showing pictures of persons pouring, drinking, or opening containers of alcoholic liquors; to the Committee on the Judiciary.

By Mr. DONDERO:

H. R. 8745. A bill to provide reimbursement for the purchase of uniforms and equipment by retired officers of the Regular Army, Air Force, and Navy who are recalled to active duty; to the Committee on Armed Services.

By Mr. FORAND:

H. R. 8746. A bill to provide for further effectuating the act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and the employees of State political subdivisions or educational institutions; to the Committee on Agriculture.

By Mr. HÉBERT:

H. R. 8747. A bill to modify the project for Intracoastal Waterway in the vicinity of Algiers at New Orleans, La.; to the Committee on Public Works.

By Mr. HOPE:

H. R. 8748. A bill to amend the act of April 6, 1949, as amended by the act of July 14, 1953, to improve the program of emergency loans, and for other purposes; to the Committee on Agriculture.

By Mr. POFF:

H. R. 8749. A bill to amend sections 2151, 2153, 2154, 2155, and 2156 of title 18, United States Code, relating to sabotage; to the Committee on the Judiciary.

By Mr. BERRY:

H. R. 8750. A bill to amend the Agricultural Act of 1949 to provide a limitation on the downward adjustment of price supports for milk and butterfat and the products of milk and butterfat; to the Committee on Agriculture.

By Mr. BOW:

H. R. 8751. A bill to amend the Agricultural Act of 1949 so as to provide that feed grains acquired through price-support operations shall be sold to dairy farmers at prices equivalent to the percentage of parity at which dairy products are being supported; to the Committee on Agriculture.

By Mr. D'EWART:

H. R. 8752. A bill to protect the essential security interests of the United States by stimulating the domestic production of lead and zinc, and for other purposes; to the Committee on Ways and Means.

By Mr. JONAS of North Carolina:

H. R. 8753. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to establish and operate motor vehicle pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct the Administrator to report the unauthorized use of Government motor vehicles, and to authorize the United States Civil Service Commission to regulate operators of Government-owned motor vehicles, and for other purposes; to the Committee on Government Operations.

By Mr. MILLER of Nebraska:

H. R. 8754. A bill to provide for a continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H. R. 8755. A bill to authorize the Secretary of the Interior to sell and convey certain transmission facilities and related property in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. DORN of New York:

H. J. Res. 490. Joint resolution placing individuals who served in the temporary forces of the United States Navy during the Spanish-American War in the same status as those individuals who served in the Army for equal periods of time during that war and who were given furloughs or leaves upon being mustered out of the service; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to refrain from terminating Federal control and protection of Indian reservations; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H. R. 8756. A bill for the relief of Joseph Delapa; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. R. 8757. A bill for the relief of Mrs. Rosa O. Shannon; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H. R. 8758. A bill for the relief of Mr. and Mrs. John C. Pound; to the Committee on the Judiciary.

By Mr. LANE:

H. R. 8759. A bill to provide for publication in the Roll of Honor in the Army Register of the names of the individuals who volunteered and served in trench-fever experiments in the American Expeditionary Force during World War I; to the Committee on Armed Services.

By Mr. LANTAFF:

H. R. 8760. A bill for the relief of Shin Sang Yun; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 8761. A bill for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Maria Assunta Scaramuzzo, Franceschina Cauterucci, and Filomena Lupinacci; to the Committee on the Judiciary.

By Mr. PATTEN:

H. R. 8762. A bill for the relief of Martha Stadelmann Wright; to the Committee on the Judiciary.

H. R. 8763. A bill for the relief of Freelin E. Huff; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

626. By Mr. FENTON: Petition of Miss Carrie E. Nye, legislative director, Northumberland County (Pa.) Women's Christian Temperance Union, and others, favoring H. R. 1227, the Bryson bill, to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and television; to the Committee on Interstate and Foreign Commerce.

627. By Mr. MERRILL: Petition signed by Mrs. Arthur Brummitt and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.

628. Also, petition signed by Mrs. Moravia Coleman and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.

629. Also, petition signed by Mrs. May Wingert and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

The Bimson Report and American Responsibility to the Indians

EXTENSION OF REMARKS

OF

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. EDMONDSON. Mr. Speaker, on what sensible basis can we judge the planning of the Interior Department with regard to its own agencies?

Yesterday we voted for an appropriation bill providing additional millions for the operations of this Department, but I am sure that many of us voted for this bill with grave questions in our minds about present Department plans for discharging some important responsibilities of our Government.

A case in point, of vital concern to millions of Americans, is departmental planning for the Bureau of Indian Affairs.

How can we evaluate that planning today, and what acceptance has it won among the Indian people, and among persons and organizations keenly interested in the American Indians?

Aside from testimony of Indian Bureau officials before congressional committees—which has been both qualified and cautious on most controversial issues—we have only been supplied one yardstick to measure current planning.

That yardstick is the Bimson report, otherwise known as the Survey Report on the Bureau of Indian Affairs, dated January 26, 1954, and printed by the Government Printing Office for the use of the Committee on Interior and Insular Affairs.

In Oklahoma it has come to be known as the notorious Bimson report and the infamous Bimson report.

Recently this report's major Oklahoma provision, calling for reorganization of area offices in Oklahoma, was submitted to the vote of more than 500 Indians gathered in one town in our State. Only 11 votes were cast in favor of the survey report's recommendation.

Civic clubs, chambers of commerce, the governor of our State, practically every tribal organization and thousands of our citizens have joined in denouncing this report's provisions.

The State director of public health in Oklahoma has stated in writing his objection to the report's proposal on Indian health.

I do not know of a single responsible Indian leader in Oklahoma who approves of these health recommendations.

In the face of these unfavorable reactions from an area most vitally affected, one would expect that this report's Oklahoma provisions would long ago have been consigned to the nearest waste basket.

This would appear reasonable, especially since the report itself points out that—

> Complaint is frequently heard that the Indians themselves do not have sufficient opportunity to participate at the time policy is being formulated; the States have voiced the same complaint.

Further, the report goes on to urge that—

> A continual and closer relationship should be developed with a responsible organization of the Indians and the State governments.

These are valid and praiseworthy observations in a report filled with many worthwhile comments—which unfortunately does not follow its own advice or adhere to its own statement of basic principles in some of its conclusions.

What is the Bimson report, anyway?

Who is responsible for it?

How much time was spent in its preparation, and how well qualified on Indian matters were most of its authors?

Who took part from Oklahoma—America's original Indian Territory, and home of more people of Indian blood than any other State?

How much attention is devoted to Oklahoma and its Indian problems in the 53 pages of this report?

If you are interested in the American Indian, I suggest that you read this report, and study it well.

I am preparing for the RECORD a detailed analysis of the Bimson report, along with a collection of comments on it from people with a lifelong concern for the Indian people.

It is my sincere hope that the Department of the Interior will think for a long time, and reflect carefully upon our country's traditional responsibility and the special problems of individual States, before this report is accepted as controlling our Indian policy.

World Health Day

EXTENSION OF REMARKS

OF

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mrs. FRANCES P. BOLTON. Mr. Speaker, today is World Health Day, observed by the United States and 83 other member nations in the World Health Organization.

Its theme for 1954 is "The Nurse: Pioneer of Health," for it was 100 years ago that Florence Nightingale began her historic work in the field hospitals of the Crimean War. Her pioneering care of the wounded along the shores of the Black Sea dramatized new patterns of preventative and curative methods which are now standard over almost all the world.

But how times have changed in that 100 years. Remarkable scientific advances have both helped civilization and greatly compounded its problems. For today sickness and death at the other end of the earth are not months but only a few hours away from all of us.

We can erect national barriers against trade and even against people. But there are no effective barriers against disease. With the fantastic increase in the speed of transportation, tuberculosis in Greece and leprosy in the Pacific can touch us. Hoof-and-mouth disease and rinderpest halfway across the world may mean the same epidemics here. As an example of what is being done to safeguard us, the World Health Organization has established an international warning system through a worldwide chain of radio transmitters. Plague, cholera, smallpox or other dangerous diseases anywhere in the world are immediately reported to WHO. Facts and figures are at once put on the air. National health services of any nation, as well as ships at sea and aircraft, are warned in time to take effective action.

In our global struggle against communism, one of our principal endeavors is to keep the free world strong. Disease breeds poverty and poverty breeds further disease. International communism thrives on both. Greece, which only a few years ago survived a Red onslaught, had 2 million cases of malaria in 1942 and bought $1.3 million worth of quinine. Heavy DDT spraying by 1949 had cut the sickness figure one-fortieth at a total cost of $300,000—a million-dollar saving. In the former malaria ridden districts, the average gross income of families has doubled and the area cultivated increased by 67 percent.

We have built this, the greatest Nation in the world, on the belief that all men are children of one Infinite Father, made of the very Essence of His Being. To us the individual is sacred, wherever and whatever he may be. Our duty in its largest sense is to Him.

Today let us emphasize the vital importance of the principal aim of the World Health Organization: To work for the attainment by all peoples of the highest possible level of health. We join with the rest of the world in rejoicing that we have come so far, certain that together we can make man's life on earth an ever more beautiful experience.

Wiretapping

EXTENSION OF REMARKS

OF

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. FRIEDEL. Mr. Speaker, I am opposed to wiretapping. I believe that it is a dirty business in any circumstance and constitutes an unwarranted invasion of the individual's right of privacy. Mr. Justice Holmes labeled it a dirty business and stated:

> We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part.

Subsequently the Congress enacted legislation prohibiting the admission of wiretap evidence.

Is there any real and urgent need for the Government of the United States to play an ignoble part? Are we in such dire danger that resort must be had to any means, no matter how reprehensible, to preserve our very existence? Are we in extremis so that the civil liberties of our people must be sacrificed to keep this great Republic from coming apart at the seams? The head of the present administration of the Government thinks otherwise. Let me quote from the text of President Eisenhower's address to the Nation on Multiplicity of Fears as recorded by the New York Times of Tuesday, April 6, 1954:

Now the next thing that we fear concerning which we are apprehensive is this idea of Communist infiltration into our own country—into our Government, into our schools, into our unions, into any of our facilities, any of our industries wherever they may be and wherever those Communists could damage us.

Now it would be completely false to minimize the danger of this penetration. It does exist. We know some of them are here. Yet let me give you now some of the counterbalancing factors.

First of all, this fear has been greatly exaggerated as to numbers. In our country today there are possibly some 25,000 doctrinal Communists. The FBI knows pretty well where they are.

But the headlines of the newspapers would sometimes have you think that every other person you meet is a Communist. Actually, 25,000 out of 160,000,000 people means about 1 out of 6,000. But they are dangerous. Now, our great defense against those people is the FBI.

The FBI has been doing for years in this line of work a magnificent job.

They are great bulwarks. And any one of you can notify them today about real, valid, suspicions you have—they will be on the job doing something about it. They are that kind.

So great is the story that they have to tell, that I'm not going to tell it—tell it tonight. Instead I've asked the Attorney General on next Friday night to come before you and give you a complete account of what the FBI has been doing about this.

Mr. Speaker, now you cannot have it both ways. Either the danger is extreme as the proponents of wiretapping would have us believe or our fears are greatly exaggerated and the Federal Bureau of Investigation is presently doing a great job in controlling the near 25,000 possible Communists out of 160 million people. I prefer to believe our President.

The committee in reporting out H. R. 8649, which would permit wiretap evidence to be admitted in Federal courts, which was obtained by the Federal Bureau of Investigation on written approval by the Attorney General, stated:

The existence of wiretapping is denied by no one and that it creates a very serious problem is self-evident. No one denies that the practice of wiretapping invades an individual's privacy, but at the same time no one denies the right of society itself to be protected against criminals. The true solution to this problem appears to be a middle ground whereby the Government, through its law-enforcement agencies may properly operate to apprehend and convict those who violate its laws under a procedure which will protect the rights and privileges of its law-abiding citizens.

By this statement the proponents of wiretapping admit the seriousness of the problem created by the present existence of the practice and that the problem is self-evident. They then go on to advocate more of the same on the ground that society must be protected against criminals.

If more wiretapping is the solution to protect society from criminals, how effective is it as a weapon?

Enforcement officers seem to differ in their estimates of the value of wiretapping. District Attorney Thomas E. Dewey called it "one of the best methods available for uprooting certain types of crime." J. Edgar Hoover, Director of the Federal Bureau of Investigation, termed it an archaic and inefficient practice which "has proved a definite handicap or barrier in the development of ethical, scientific, and sound investigative technique." He further stated in a press release of the Department of Justice, March 15, 1940, in opposition to a bill then pending in Congress which would have legalized wiretapping:

While I concede that the telephone tap is from time to time of limited value in the criminal investigative field, I frankly and sincerely believe that if a statute of this kind were enacted the abuses arising therefrom would far outweigh the value which might accrue to law enforcement as a whole.

No matter what safeguards are imposed, when a telephone is tapped, the monitoring of conversations cannot be restricted to those persons suspected of crime, but will inevitably invade the privacy of many innocent persons. The authorization of the Attorney General may specify the line to be tapped, but it cannot limit the subjects of conversation which are to be overheard, nor the person whose conversations will be publicized. Anyone speaking to the suspect over the tapped line will open his business to the ears of the law. Communications which are otherwise wrapped in privilege, as those between attorney and client, may be revealed to the listener.

Information secured by wiretapping, although irrelevant to the investigation of crime, can be used for blackmail, the oppression of persons having unpopular views, the exertion of political pressure by the administration which happens to be in power, or even for the benefit of those employing Government agents after they leave the Federal service. The possession of so much information which can be thus misused will constitute a great temptation to, and a corrupting influence on, the law-enforcement officers themselves.

Mr. Speaker, if we enact this bill and make wiretapping even partially legal we will be setting the floodgates ajar and I doubt if they can then be held. Let me quote the things which prompted a Senate Committee on Interstate Commerce, even under the prohibition of the present law, to recommend an investigation of wiretapping then being carried on:

Wiretapping, dictographing, and similar devices are especially dangerous at the present time, because of the recent resurgence of a spy system conducted by Government police. Persons who have committed no crime, but whose economic and political views and activities may be obnoxious to the present incumbents of law-enforcement offices, are being investigated and cataloged. If information gathered from such investigations is being obtained by wiretapping, dictographing, or other reprehensible methods, and if it is some day offered as evidence in a Federal criminal trial, the courts may have an opportunity to apply the principles of the Boyd case and of the Nardone case. But on the other hand, the information may perhaps never be offered in such a case, because the victims of wiretapping and similar methods may perhaps never be charged with a crime. In this event, the information may be used in extralegal controversies where the courts may have no opportunity to adjudicate the matter. Wiretapping and other unethical devices may lead to a variety of oppressions that may never reach the ears of the courts. They may, for example, have the effect of increasing the power of law-enforcement agencies to oppress factory employees who are under investigation, not for any criminal action, but only by reason of their views and activities in regard to labor unions and other economic movements; this is no fanciful case—such investigations are a fact today. In short, unauthorized and unlawful police objectives may be aided by wiretapping and dictographing practices, the extent of which we are not in a position to estimate without a careful inquiry into all the facts.

Finally, if we must have a law such as this, if we must take these risks, then let us at least afford our millions of innocent fellow citizens the protection of an impartial and unbiased opinion respecting the necessity of wiretapping in each specific case. This bill does not afford even such small protection as that. It provides that the department of the Government which desires to do the wiretapping shall first be required to obtain its own express written approval before doing so, that is, the Federal Bureau of Investigation, a part of the Department of Justice, must seek the approval of the departmental Chief, the Attorney General. Mr. Speaker, this is no safeguard at all. The Founding Fathers in establishing this Republic protected us from oppression by one branch of the Government through a system of checks and balances on all branches. In this bill we must do no less. We must amend this bill and establish checks and balances by requiring that express written approval in each case be obtained from a completely separate and impartial branch, that is, from the courts of the United States.

Springfield Armory, Its 160th Anniversary—A Great Institution Dedicated to the National Defense

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. BOLAND. Mr. Speaker, this morning the Springfield Chamber of Commerce saluted the 160th anniversary of the establishment of the United States Arsenal at Springfield, Mass. It is well

for us in this Congress today to reflect on the history and significance of this highly important small-arms industry operated by the Ordnance Department under the Department of Defense.

Mr. Speaker, the Springfield Armory is one of our oldest national institutions. It was in 1777, during the War of the Revolution, that General Knox recommended that "one or more laboratories and depots be erected far from the site of war." Buildings were rented in Springfield, Mass., and cartridges manufactured there. In 1789 President Washington visited Springfield and recommended it as the site for the establishment of the national armory for the fabrication of small arms. The Third Congress authorized its establishment by "An act to provide for the erecting and repairing of arsenals and magazines, and other purposes," which was approved on April 2, 1794. Thus was born the first manufacturing arsenal in this country.

Mr. Speaker, the history of the Springfield Armory is the history of small arms in America. In these days of atomic and hydrogen bombs and this era of terrifying technological and possible bacteriological warfare, we are prone to forget those improvements in military weapons that turned the tide of battle of past wars. The muskets and rifles manufactured at Springfield Armory have been the basic military weapons of our fighting forces from the Revolutionary War to the present date. The first muskets manufactured in 1795 at the arsenal were patterned after the French Charleville design. Minor changes were made through the years until 1842 when the flintlock gave way to the percussion type weapon. The first percussion rifle was made at the armory in 1855. In 1866, 11 years later, the breech loader was introduced and in 1892, the bolt action was adopted. Early in the 20th century the famous Springfield repeating rifle, the model 1903, was developed. This was one of the most significant developments in small arms for it gave to our forces a firepower that few could conceive. After World War I, designing efforts were concentrated on a semiautomatic rifle, which resulted in the adoption of the Garand M-1 in 1937 as the official rifle of our Armed Forces. Just as the adoption of the bolt action repeating rifle in 1892 multiplied the rapidity of fire of the service rifle several times, so the advent of the Garand rifle, which reloads itself automatically each time the trigger is pulled, multiplied and increased the firepower of the American rifleman between 2 and 3 times over the firepower of the soldier equipped with the breech loader.

During the World War II emergency period, the Springfield Armory made over 3,500,000 M-1 rifles. Today, the armory is the small arms center of the United States Army. Here is the scene of technical information for the nationwide research and development program on small arms. Here highly trained designers work closely with scientists and inventors in industry—constantly improving and creating new individual arms and automatic weapons for our Armed Forces.

Following a tradition of over a century and a half, small arms craftsmen carry on the science of military gun making. Production engineers keep constantly abreast of modern manufacturing techniques. Since 1861, the heads of the armory have been Ordnance officers and all have contributed much to our national defense. Those who have labored in research and production have done likewise. I am proud of what they have done for this Nation. I point with pride to the history this great arsenal has helped to write in all the battles of this Nation from the Revolutionary War down to the present when the Armory made the 50-caliber aircraft machine guns that armed our planes in the air over Korea. I trust that the Department of Defense will never lose sight of the significance of the Springfield Armory and the great reservoir of skill and know-how of the men and women who man the plant. I congratulate the commanding officer of the armory, Col. William J. Crowe, and all of his subordinates and the employees on the occasion of its 160th year.

Are We Really Gum-Chewing, Materialistic Barbarians?

EXTENSION OF REMARKS

OF

HON. EDWARD J. HART

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. HART. Mr. Speaker, one of the most effective ways of combatting atheistic world communism is to prove to the world that there is a great deal more to the American way of life than its materialistic accomplishments.

If you read the press of many parts of Asia and Europe and other parts of the world, you find that Americans are often described as gum-chewing, insensitive, materialistic barbarians. This myth is assiduously cultivated by the Communists who are spreading it around the world at the same time that the U. S. S. R. is making tremendous financial expenditures in the field of cultural affairs in this cold-war period. Soviet leaders spend great sums on their military forces. At the same time, their new propaganda techniques, based largely on skillfully organized personal contacts, are beginning to be evident everywhere. Many more students from non-Communist countries in Europe and Asia, by no means all of them party members, are being invited to study in the Soviet Union. Carefully indoctrinated groups of Russian and Chinese athletes, opera stars, actors, ballerinas, musicians, and acrobats are to be seen in increasingly large numbers beyond the Iron Curtain.

It is imperative that no time be lost in making known the cultural achievements of our own country. They are many and varied, with artistic standards as high or higher than similar programs in any other country in the world. Information and an honest appraisal of our cultural activities cannot be obtained or made as long as our official policy is largely concerned with artists who have been dead at least 20 years and with art that was produced mostly in foreign countries sometime during the past three or four thousand years.

The following editorial, from the newspaper Bayonne Facts, of Bayonne, N. J., of April 1, 1954, deals with one of the major and best-known proposals for strengthening this Nation's cultural offensive. This proposal, introduced by my distinguished colleague from New Jersey, Mr. CHARLES R. HOWELL, and others, deserves the attention of this body and of the Nation.

It should be pointed out that Congressman HOWELL has revised his measure several times to incorporate the many suggestions and recommendations made to him by the Nation's cultural leaders and the officials of the Federal Departments and Agencies who have reported on his bill. The only specific figure mentioned in the most recent version of his bill is an annual appropriation of $50,000. This is surely a ridiculously small item in the world's richest nation with an annual income of about $300 billions.

The Howell bill, H. R. 7185, would establish a national arts program as a war memorial and is modelled after the National Science Foundation Act and the Hill-Burton Hospital Construction Act. Some 5 Senators and 10 Members of this body from both of the major parties have joined Congressman HOWELL in sponsoring bills which are similar or related to his. Recently, also, some 54 Senators and more than 70 Representatives from both parties have introduced legislation which would authorize the creation of a Federal commission to formulate plans to honor Christopher Columbus on the 450th anniversary of his death. Upon introduction of this legislation the sponsors said that an opera house is very much needed in the Nation's Capital and would be a fine memorial to the great navigator. Clearly, then, the subject with which the Howell measure deals is of interest to both the Democratic and Republican parties.

The following editorial speaks for itself:

HOWELL FOR CULTURE AND ART

When a man seeking public office shows a strong aptitude for national culture he typifies an individual who is entitled for support in his bid for the post which he seeks.

The Democratic Party has found such a man in CHARLES ROBERT HOWELL, Member of Congress of the Fourth Congressional District—who is now seeking to become New Jersey's next United States Senator. Thinking in such channels as art, stamps him as a man of high distinction and the Democratic Party is indeed fortunate to have such a man in its ranks.

In an era of Communist-hunts and political backbiting it is rather difficult to think in terms of national cuture, but Representative HOWELL of Pennington has done it.

He's sponsored a bill (H. R. 452) referred to the Committee on Education and Labor, which would allow $20 million per year as a Federal grant to the arts—opera, drama, ballet, literature and poetry, photography, and TV, and painting and sculpture.

Complete support has been promised by unions and guilds within those realms, and it would seem public approval would help. It all comes under the heading of a na-

tional-theater program which would be administered by 15 leaders in the field of the arts, education, and public affairs.

The bill provides for scholarships and fellowships, an international exchange of artists. Those necessary to form the pivotal group of operation as musicians, artists, actors, and technicians would be placed on a yearly salary.

Let us hope the Congressman has not arrived too late to remind us that America, the richest land of all, has no national theater, no program or subsidy to foster its artists and develop its native culture. It is about time we were recognized for our singers, dancers, architects, and musicians as well as for our ability to build bigger things than anyone else. Each is important, but certainly one no more than the other.

Representative HOWELL has had a brilliant career in public life—and one of his feats as a lawmaker has been his authorship of the State's first fair employment practices legislation. This is another bit of evidence of his rational thinking for the public and its needs.

In 1949 Congressman HOWELL devised a questionnaire for his electorate in order to ascertain their opinions on domestic and foreign issues. The plan has proven successful and he still employs the practice.

On his entrance into politics he was a Republican—but influenced by the great humanitarian champion, the late Franklin D. Roosevelt, he joined the Democratic ranks to champion and vote for bills that would benefit the little man.

A man of such philosophies and progressive thinking would be a big asset in Washington—and Facts at this early date proudly endorses the senatorial candidacy of CHARLES ROBERT HOWELL.

National Sunday School Week

EXTENSION OF REMARKS

OF

HON. WALTER H. JUDD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. JUDD. Mr. Speaker, the week of April 12 through 18 is being observed as National Sunday School Week. This is the 10th celebration of an annual event, a strictly nonsectarian event. It is a most significant week, and one to which Americans will want to give attention, for it stresses the importance of the role of the parents of this country in encouraging and supporting moral and spiritual training for their children. Is it any wonder that juvenile delinquency is increasing when it is estimated some 27 million children in the United States have no religious affiliation or training? How can we expect people to live by the Ten Commandments, the Sermon on the Mount, the Golden Rule, and the Judeo-Christian body of ethics on which our society was founded, if they have little knowledge of those lofty principles and teachings or even little exposure to them?

Just as it is of utmost importance that we take the Holy Bible as the guide of our daily lives, so is it vitally important that by example we show our youth the right way as against the wrong. Having these convictions, the Laymen's National Committee, sponsoring the all-faiths event, has chosen as its campaign slogan this year, "To build faith in our children, take them to Sunday school."

A 20-Year History of Communism in New Deal Washington Down to Date

EXTENSION OF REMARKS

OF

HON. RALPH W. GWINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. GWINN. Mr. Speaker, before the New Deal, communism was an underground, outlaw movement in the United States. Barred from the ballot by 18 State legislatures, the Stalinites were without legal standing. Their party was treated as the thing it was, a wrecking movement of godless outlaws and violent revolutionaries. Four Presidents faithfully had preserved the United States policy of nonrecognition of the lawless Communist Russia.

All this was changed by the New Deal. Early in 1933, soon after President Roosevelt's inauguration on March 4, talk was heard of immediate recognition of the Moscow government. Before the year was out recognition had been accomplished.

Thenceforth, the outlaw breed of wreckers and despoilers of civilization were taken into the family of nations, offered a place at the council table of humanity and, in the United States, invited to become a part of government.

And precisely at this point began the most treacherous betrayal of America since the founding of the Republic.

Today, after 20 years of organized Communist penetration in America, we have some of the story in the public record, the story of Moscow's treacherous infiltration of every major department and agency of our own United States Government, both in Washington and throughout those States in which large Federal payrolls are controlled by the Washington bureaucrats.

On August 28, 1950, Lee Pressman, formerly an attorney in the Agricultural Adjustment Administration, testified before the House Committee on Un-American Activities. Under oath, he acknowledged that he had been a member of a Communist Party cell in Washington in 1934 and 1935. He named three coworkers in the Agricultural Adjustment Administration, the first of the New Deal recovery agencies, as collaborators in the Communist underground then operating within the Federal departments under the Roosevelt-Wallace-Tugwell program to reorganize the American economic and political system.

In the 16-year record of the House Committee on Un-American Activities there is no earlier date established for the launching of the Communist network within the structure of the American Government. The Communist cell in the State Department, which came to light in the Alger Hiss trial, began operations in 1938–39. The Marzani cell in the State Department did its work in 1940–43. The Judith Coplon ring in the Department of Justice was active in the years 1943–46. The Amerasia spy ring, which operated in both the State and Navy Departments as well as in the Office of Strategic Services, sent its secrets to Moscow in the years 1943–45. The atomic-energy spy ring did its work in 1942–46. Pressman's testimony was the first from a former Government employee who had been himself a member of the Moscow network in Washington during the first months of the New Deal, dating from March 4, 1933.

The three other Communist Party members who worked closely with him in the Agricultural Adjustment Administration's Kremlin cell were named by Pressman in his testimony as first, Nathan Witt, who later became secretary of the National Labor Relations Board, and shaped our Federal labor policy for years; second, John J. Abt, who was chief of the legal section of the Agricultural Adjustment Administration in 1933, became assistant general counsel for Harry Hopkins' Works Progress Administration in 1935, and assistant to the Attorney General in 1937–38; and third, Charles Kramer, who left the Agricultural Adjustment Administration to become general counsel to the Senate Labor Committee, in which capacity he was, with Chairman Robert F. Wagner, of New York, one of the principal authors of the Wagner Act, which gave communism a free hand in the American labor movement.

In a very real sense, Pressman's testimony forms the vital missing link in the Communist trail in New Deal Washington. The many-sided Moscow network which came to light in later years in all the major departments of the Government, was seeded originally in 1933 in the Agricultural Adjustment Administration, when Henry A. Wallace was Secretary of Agriculture, with Rexford Guy Tugwell as Under Secretary and top administrator of the first-unconstitutional—incarnation of the Agricultural Adjustment Administration.

Pressman was first named as an influential kingpin of the Washington Communists in the early New Deal era, in the testimony of Whittaker Chambers, in August 1948. When the House Committee called him on that occasion, Pressman dismissed Chambers' charges as "the stale and lurid mouthings of a Republican exhibitionist." In the same manner, Alger Hiss had denied Chambers' accusations with unrestrained vehemence. Two years—and one presidential election—were to pass before the record would be completed by Pressman's frank admission—after the Communist aggression in Korea—that he had himself suggested Alger Hiss for appointment as general counsel for the Senate Munitions Investigating Committee in 1935, from which post Hiss had moved on to larger fields of public service in the State Department and the United Nations Preparatory Commission.

After leaving Federal service in 1936 Pressman became a national figure as general counsel for the CIO, at $19,000 a year. As legal guide and mentor to the late Sidney Hillman, Pressman was

a moving force in the CIO Political Action Committee, which reelected Roosevelt for the third and fourth terms, put Henry Wallace in as Vice President and then Secretary of Commerce, and extended its stranglehold on Congress.

As long ago as December 1948, the House Commitee on Un-American Activities reported:

> Communist espionage has broken through the security forces of the United States Government and made off with secret information of both military and diplomatic plans, policies, and actions. This espionage system has been carefully developed over a period of more than 15 years, and it has been successful to a degree critical to the welfare and safety of the people of this Republic.

It is significant that the development period of this Communist network in Washington—more than 15 years, as of 1948—links perfectly with Pressman's testimony that his own Communist activity in AAA dated back to the very launching of AAA in 1933–34. Thus, there is now established in the printed public record an unbroken chain of organized Communist activity, at the direct expense of the United States taxpayers, within the very structure of our own Federal Establishment, continuously since the first days of the New Deal.

In the light of this public record, the New Deal now stands exposed as the spawning ground of organized communism within the structure of American Government. Under the protective shelter of the New Deal's alphabetical wonderland, communism ceased to be an outlaw, underground movement, to become an active, directing force in government.

Following official acceptance at the White House, communism gradually penetrated every department and agency of the executive branch. When Congress, in 1948, began to expose this Communist infiltration with unanswerable evidence, President Truman ridiculed the work of the Un-American Activities Committee with the flippant rejoinder "red herring." But this complacent tolerance of Kremlin-directed communism in Washington had been foretold in an earlier campaign utterance of President Truman, who had said of Stalin, at Eugene, Oreg., on June 11, 1948:

> I like old Joe. He's a decent fellow, but he's a prisoner of the Politburo.

Now it appears our own Harry is a prisoner of a politburo, American variety.

As a fellow prisoner with Old Joe, President Truman's acceptance of communism as a benign world power came more than 10 years after the House Committee on Un-American Activities had begun a systematic delineation of world Communist sabotage and espionage in the United States.

That committee was set up first by House Resolution No. 282 of the 75th Congress, May 26, 1938, and on January 3, 1945, was made a permanent standing committee of the House.

During its first 10 years, under Presidents Roosevelt and Truman, the committee was the object of almost continuous bitter abuse and violent scorn from the White House. Congress was bombarded with petitions and requests to kill the Un-American Activities Committee. Since 1948, President Truman has sought to dismiss all charges of communism in Washington as only more red herring. Many of his administration leaders in Congress sought to whitewash it and ridicule the extent of its existence.

Yet this committee's files today hold more than 50,000 pages of testimony supported by literally tons of exhibits, tracing the growth of communism and its propaganda and political organization in the United States.

In 1939 the committee published the names of 10 international CIO unions then under complete domination and control of known Communists.

On October 30, 1939, the committee published the names, positions, and salaries of 563 Federal employees in Washington known to have been affiliated with an avowed Communist-front organization, the American League for Peace and Democracy.

Yet it was not until March 21, 1947—7 years later—that President Truman appointed the Loyalty Review Board, to check on Communists and fellow travelers in the Federal departments and bureaus.

That Board examined the records of more than 9,200 suspected security risks in the Government service. Only 4,575 of these cases finally were cleared for future Federal employment. In 691 cases the FBI investigation was suspended when the suspected employee left the Government service voluntarily.

Renewing its inquiry into Communist penetration of the labor movement, the committee on March 29, 1944, named 21 CIO organizations as Communist-controlled. Later the committee published a list of 160 educational, political, and propaganda organizations known to be Communist fronts. During the war the committee investigated Communist propaganda broadcasts at Government expense by the Office of Price Administration. This inquiry was abandoned when two subofficials in charge of OPA radio resigned their Federal posts. Later the committee put a stop to pro-Soviet propaganda then being broadcast at Federal expense by the Department of Agriculture. In 1947, Gerhart Eisler was exposed as the No. 1 agent of the Communist International in the United States. Convicted and sentenced to prison for passport fraud, Eisler jumped bail, escaped from the United States aboard the Polish freighter *Batory*, and soon became Stalin's chief propaganda agent in Berlin.

Such was the web and extent of Communist operations in the United States Government as disclosed up to May 1950, when the details of the celebrated Amerasia case was revealed to an unsuspecting American public, through a long-suppressed report of another committee of the House.

Shortly before midnight on Sunday, March 11, 1945, Federal agents entered the offices of the pro-Communist magazine Amerasia, 225 Fifth Avenue, New York. They seized some 1,700 secret documents stolen from the Department of State, War Department, Navy Department, Office of War Information, Federal Communications Commission, and the Office of Strategic Services. Security classifications on these documents ranged from "restricted" and "confidential" to "top secret."

The official report of the House Judiciary Committee on this raid, however, was not made public until May 22, 1950. In presenting the report on that date—CONGRESSIONAL RECORD, volume 96, part 6, page 7428—Chairman Sam Hobbs, of Alabama, explained that the original report had been filed with the Clerk of the House in a routine manner on October 23, 1946, during a recess of Congress. It had never been printed.

Over the period of 5 years and 2 months between the Amerasia raid in New York and publications of the Judiciary Committee's report, all the essential material in these 1,700 secret documents had been available to Moscow. During those 5 years the orbit of Stalin's overlordship had expanded from 170 million population in Russia to more than 800 million population in Europe and Asia, including Poland, Czechoslovakia, Hungary, Rumania, eastern Germany, Albania, the Baltic Provinces, China, Manchuria, and North Korea. But during those critical 5 years of the cold war the American people never were told by President Truman that the most vital military and diplomatic secrets of the United States Government had been stolen by the Kremlin's spy ring in Washington.

Informed observers have expressed the conviction that this case—one of the weirdest in American political history—is the key to America's postwar diplomatic debacle in Asia. The suppression of the Amerasia evidence for 5 years served one great purpose; it sheltered and protected the pro-Communist ring in the State Department until their treacherous work of national betrayal had been accomplished fully.

About 10 a. m. in the morning following the Amerasia raid in New York—March 12, 1945—some of the more important recovered documents were laid before Maj. Gen. William J. Donovan, head of the Office of Strategic Services, and Secretary of State Edward R. Stettinius, in Washington. General Donovan instantly demanded that the material be turned over to the district attorney for immediate grand jury proceedings, to be started that day, so that the Government officers involved or suspected might be subpenaed en mass, without opportunity to compare notes on their testimony.

But this plan did not go through. President Roosevelt, then in the last month of his life, directed that the case be turned over to the FBI for full investigation. All public discussion of the Amerasia material was to be avoided during the FBI investigation.

Thirteen weeks later, on May 29, 1945, the FBI report to the Attorney General recommended six arrests in the Amerasia case. But on May 31 the Attorney General hastily informed the FBI the whole case must be held in abeyance until the conclusion of the San Francisco conference then organizing the United Nations. Publication of the recovered Amerasia documents, it was contended officially, might embarrass the

San Francisco conference, of which Alger Hiss had been named Secretary General. Owen Lattimore, unofficial State Department adviser on Asiatic affairs, had been a member of the Amerasia editorial board from 1937 to 1941.

On June 6, 1945, six persons in the Amerasia case were arrested by FBI agents on charges alleging conspiracy to violate the espionage laws. A few days later these charges were reduced to conspiracy to violate title 18 of the United States Code, having to do with the embezzlement and mutilation of Government documents.

The grand jury failed to return true bills against three of those arrested. But on August 10, 1945, true bills were returned against Phillip Jaffe, the Russian-born editor of Amerasia, Emanuel Larsen, a State Department officer, and Lt. Andrew Roth, of the Office of Naval Intelligence.

On October 2, Jaffe entered a plea of guilty and was fined $2,500.

On Saturday afternoon, November 2, a curious hour when Washington courts are not normally in session, Larsen entered a plea of guilty and was fined $500. This session of court lasted less than 15 minutes.

On February 13, 1946, the last remaining Amerasia indictement, against Lieutenant Roth, was quashed on motion of the Department of Justice.

The net of the Amerasia disclosures, therefore, was six arrests, three releases without indictment, one fine of $2,500, another fine of $500, and one indictment quashed. Somewhere high in the Government powerful forces had succeeded in smothering from national view and public discussion the whole shocking story of 1,700 secret documents stolen from the sensitive departments in Washington for reproduction in a Communist magazine in New York.

On August 24, 1953, the Internal Security Subcommittee of the Senate Judiciary Committee released its report on Interlocking Subversion in Government Departments. This report filled in many of the gaps in the story of the Communist conspiracy as revealed by the House Un-American Activities Committee. The Senate report exposed the core of the traitors who had been operating close to the seats of power during the years of the New Deal and the Fair Deal.

About a dozen individuals loyal to Moscow, dictated the policies of the United States in important and vital particulars. They were the advisers, the speechwriters, the experts, and the background men. Benedict Arnold was a patriot compared to Alger Hiss, Harry Dexter White, Victor Perlo, Nathan G. Silvermaster, John J. Abt, Nathan Witt, Lee Pressman, Edwin S. Smith, Harold Glasser, Carl Aldo Marzani, V. Frank Coe, and Irving Kaplan.

As Lee Pressman had testified, these people got their foothold in the Department of Agriculture where they wrote the laws providing for the subsidies we are even now granting to wheat, cotton corn, etc. If we continue these laws we must spread the communistic ownership, finance, and control to all foods and fibers, for why should fruit and vegetables be left out of consideration for subsidies? From the Department of Agriculture, the traitors spread out into every area of the Government including even Congress. But let the record speak for itself. The Senate report lists 11 individuals who served on the staffs of six Senate committees and one House Committee. When questioned, 10 invoked the privileges of the Fifth amendment. On the executive side of Government the traitors commanded such positions as:

First. An executive assistant to the President of the United States.

Second. An Assistant Secretary of the Treasury.

Third. A United States Treasury Attaché in China.

Fourth. The Director of the Office of Special Political Affairs for the State Department.

Fifth. Secretary of the International Monetary Fund.

Sixth. A member of the National Labor Relations Board.

Seventh. Secretary of the National Labor Relations Board.

Eighth. Chief, Statistical Analysis Branch, War Production Board.

Ninth. Director, National Research Project of the Works Progress Administration.

Tenth. Treasury Department representative and adviser in Financial Control Division of the North African Economic Board in UNRRA and at the meeting of the Council of Foreign Ministers in Moscow.

Eleventh. Secretary General, United Nations Conference.

These people were responsible for the so-called Morgenthau plan which was intended to reduce Germany to an agrarian community and thereby guaranteeing the transcendence of Russia in Western Europe, for the first time since the hordes of Genghis Khan swept out from the East. These traitors made possible the Red conquest of China with the consequent accretion of 400 million more people to the Communist flag. They set up the organization of the United Nations and gave Russia the veto and permanent seat in the Security Council.

The Senate report shows that the Communists actually controlled the State Department, the Treasury Department, the National Labor Relations Board, the Office of War Information, the Office of Strategic Services among others and had even a dominant voice in White House circles.

Testimony before the Senate Internal Subcommittee showed that Lauchlin Currie, an executive assistant to President Roosevelt, together with Harry Dexter White, Assistant Secretary of the Treasury, were the men who pulled the necessary strings when a new field was to be infiltrated or protection from exposure was required. A significant portion of Elizabeth Bentley's testimony before the Senate subcommittee is as follows:

> We didn't have too much trouble [in moving these agents]. * * * Two of our best [avenues for placing people in positions] were Harry Dexter White and Lauchlin Currie. * * * Whoever we had as an agent would automatically serve for putting someone else in. * * * Once we got one person in, he got others, and the whole process continued like that. * * * We trained our agents to make what good contacts they could here in Washington in order that should they need to get into a better job, they would have the contact ready.

The pattern of working together, in the committee's words, was this:

> They used each other's names for references on applications for Federal employment. They hired each other. They promoted each other. They raised each other's salaries. They transferred each other from bureau to bureau, from department to department, from congressional committee to congressional committee. They assigned each other to international commissions.

The story of the promotion of Harry Dexter White by President Truman to the International Monetary Fund is still fresh enough in everyone's mind so that no additional comment need be made here. One inference must be made, however, from the Harry Dexter White case. That is, that the whole story is not yet told and may never be told, because the New Deal Communist Socialists did not and do not want it to be told. As the Senate subcommittee put it:

> There is a mass of evidence and information on the hidden Communist conspiracy in Government which is still inaccessible to the Federal Bureau of Investigation and to this subcommittee because persons who know the facts of this conspiracy are not cooperating.

To date only the highlights of these 20 years of treasonable betrayal in Washington have been sketched in the public record. Some day, when all the records may be examined, the whole frightful story of New Deal treachery, sabotage, and espionage will be unfolded for public appraisal.

That story will tell exactly how many Communists and fellow-travelers found employment in the Federal bureaus after 1933. It will tell who, in 1945, lifted the ban against enlisting avowed Communists in the United States military services, and why soon after we had as alleged by Browder over 13,000 Communists in the armed services.

But the evidence is now complete that the Communists have infiltrated one of the great political parties. This admission is reported in a recent review of the Un-American Activities Committee. The Honorable MARTIN DIES, former chairman of the Un-American Activities Committee, was threatened by Mr. Roosevelt himself. At a conference between the President and Mr. DIES in 1938 at the White House the President warned Mr. DIES that the Democratic Party could not win if the Un-American Activities Committee investigated the Communists in the CIO. Such an investigation, said the President, would cause the CIO to turn against the party and, said he:

> Without their support the Democratic Party would be defeated.

Then after ridiculing DIES for seeing things under the beds the President said:

> There is nothing wrong with Communists. Some of the best friends I have got are Communists.

Perhaps the reason is not far to seek. A President who found Joe Stalin a decent fellow in 1948 hardly could be expected to become really indignant and incensed that a foreign power with a

propaganda machine at least equal to that of the United States Marines, actually had penetrated every department of his own Government.

Finally Norman Thomas and Earl Browder have announced that the Socialists and the Communists have secured most of their program through the Democratic Party. They have virtually dissolved the Socialist and Communist Parties as separate units. They are now masters of the once-great Jeffersonian Democratic Party. Thomas and Browder write with satisfaction and say in effect that—

> Our work is done. We are satisfied. Our followers numbering about 900,000 are now in the New Deal Democratic Socialist-Communist Party—the party of the future.

Thus the Communist-Socialist revolution was brought about by Roosevelt and Truman. They did not overthrow our constitutionally limited form of government by force and violence, but in conjunction with the traitors they overthrew the Republic by adopting socialism and communism under the slogans of democracy and freedom.

I should like to quote briefly from President Eisenhower upon the subject: "Because the kind of dictatorship under which we may fall today is not that brought off by means of a coup d'etat and a suddenly seized power by using the Army and Navy and guns to put us all in a straitjacket. There is a kind of dictatorship that can come about through a creeping paralysis of thought, readiness to accept paternalistic measures from the Government, and those paternalistic measures are accompanied by a surrender of our own responsibility."

So the real challenge that the American people now face is not whether they shall be able to rout out, put in jail, or to expose Communists. It is true that the Socialists-Communists did great harm to the Nation by the laws they drafted or helped draft for a rubberstamp Congress to pass and the decisions they helped make in our foreign affairs and particularly in the conduct of war.

What should really frighten us is that we are now actually appropriating billions of dollars to carry out the policies of the Communists and continue to allow their laws to remain on our statute books.

Communism as defined in Webster's International Dictionary is: "A system of social organization in which goods are held in common, the opposite of the system of private property."

The New Deal Communist's pet project, TVA fits into that definition exactly. TVA is owned and operated by the United States Government; that is to say, TVA is a communal or public-owned property acquired by taking private property amounting to $1,788 million, mostly from the people of 41 States for the alleged benefit of the people of 7 other States. Although many millions of dollars are poured into this project each year, the project is a failure. As we could expect, it has failed to better the lot of the people. They suffer from a severe shortage of power. The State of Tennessee has incurred a serious decline in productivity. The United States Chamber of Commerce has compiled a study of the economic status of Tennessee in relation to the 10 Southeastern States. In 1930, before the advent of TVA, the population of Tennessee ranked fourth among the 10 States and in 1950 she still ranked fourth. But in 1933, just a year prior to operation of TVA, the receipts from farm marketing ranked Tennessee fifth, while in 1950 she dropped to eighth place. The retail sales payroll in 1935 put Tennessee in third place; in 1948 she had dropped to fifth place. Retail sales in 1929 had Tennessee in second place; in 1948 she had dropped to fifth. In value added by manufacture, Tennessee ranked third in 1933; fourth in 1947. In gross postal receipts she ranked third in 1933; down to fourth in 1951.

Since TVA began its monopolistic control of the State of Tennessee, the people not only lost the will and initiative to produce, but they have also lost the power to govern themselves and their resources. The rates at which electrical power can be sold is dictated by TVA. They may not buy power elsewhere as private companies are excluded from the TVA reservation. They are dependent on the Federal dole and must abide by any rules that Congress may promulgate. That is socialism-communism in these United States.

Another example of the New Deal Communist legislation is public housing. The Communists live in the public housing units and form their cells there to agitate for more communism. Here is what the Soviet constitution of 1936, as amended, has to say about public housing:

> ART. 6. The land * * * and the bulk of the dwelling houses in the cities and industrial localities, are State property, that is, belong to the whole people.

Ever since 1933 when the United States got into the public housing business it has been alleged over and over again that if you improve the housing conditions of the people you improve their morals. That has never been proved, and actually the contrary is true. Judge Francis J. McCabe, of the Rhode Island juvenile court, has said:

> Public housing projects don't wipe out juvenile and adult delinquency by eliminating slums. Delinquents are more plentiful in the projects because they move into the projects from scattered areas and thereby become more concentrated.

Judge McCabe's observations are borne out by statistics proved by the chief of police of Los Angeles. In that city police calls per thousand population in a privately owned project were 0.08 percent. In four big housing projects the calls per thousand were 13.75 percent. There was 96 percent more crime in permanent public housing projects in Los Angeles than in the slums themselves and more than 1,000 percent more crime in public housing projects than in the privately owned low-rent housing projects in the same city.

The people do not like such houses as is proved by the high vacancy rates in projects in eight localities scattered throughout the Nation.

Thus we find in the United States the consequences of communism in the areas adopting it, that we find in Russia, England, France, and other countries, viz, a paralysis of building houses for rent with private capital, a lowering of standards of living by taxpayers compelled to supply schools, streets, police, and other like services for the tax-exempt Government houses, and an alarming increase of juvenile crime and dishonesty peculiar to all communism.

The taking of private property without consent by political compulsion to make it public property for the benefit of special groups is antisocial and morally wrong. Moral qualities which reside in the individual alone certainly cannot be conveyed by force of government to another. So when government attempts to separate a man's house or property rights from him by force so as to convey it to another, nothing of moral value whatever can be conveyed. Violence against property rights of the one brings degradation to the other who takes the proceeds. Besides, it corrupts the government that acts as a go-between.

Public housing and TVA are only two examples of the New Deal Socialist-Communist legislation still on our statute books. Other such legislation provides for Government subsidies, controls and regimentation extending over more than 100 aspects of the Nation's economic life.

The principle of a constitutional government limited to the legal and moral functions of government has been embodied in several proposed constitutional amendments now pending before the House of Representatives and on which hearings will soon be scheduled. Every patriot of the Republic should interest himself in the disposition of these amendments and inform the Congress that the Nation supports the principle of these amendments.

A fundamental principle is involved in this battle against socialism. That principle is that individuals exercising all their natural rights and powers are the only true source of houses, food, power—the source of all moral improvement with God's help—and that government must be strictly limited to the protection of that source.

Either we believe that with all our hearts or we believe the exact opposite with all our hearts, that government is the source, the instrument of force over men by which it gets or takes from them houses, food, power, and so forth. Surely we are not going to fall down and worship again that old satanic concept that by the use of political power and compulsion we can bring about the good life of our people. Let us reject it utterly as the concept was rejected nearly 2,000 years ago in the great temptation on the mountaintop.

Tribute to Devotion of Civil Air Patrol Pilots

EXTENSION OF REMARKS

OF

HON. PAUL W. SHAFER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. SHAFER. Mr. Speaker, throughout the Nation many thousands of volunteer pilots are organized in the Civil

Air Patrol to render emergency peacetime and wartime service to fellow flyers and to the public—service rendered without compensation.

Last week two officers of the Baltimore CAP squadron lost their lives in a plane crash while on a search mission for a missing Air Force jet T-33 near Chesapeake Bay.

The officers who thus gave "the last full measure of devotion" to their fellow men were the Rev. Edward G. Conrad, pastor of the Aisquith Presbyterian Church and a CAP squadron chaplain, and Capt. Anthony Synodinos. In this Holy Week, when we are wont to give thought to the meaning of sacrifice "even unto death," it is appropriate that we pause in tribute to these two men.

The hazard these men took in line of duty, and the sacrifice they made, attests eloquently to the importance of this agency of service and mercy and to the hazardous and rigorous duties which membership in the Civil Air Patrol involves.

It will not be amiss to bear these facts in mind when reasonable and proper requests for congressional support are received in behalf of this civilian agency.

Brownson Proposal Is Without Precedent

EXTENSION OF REMARKS

OF

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1954

Mr. DAVIS of Wisconsin. Mr. Speaker, the proposal of my able colleague the gentleman from Indiana [Mr. BROWNSON], to finance United States participation in the St. Lawrence Seaway by revenue bond issues is most unusual and without precedent in United States Government corporations. In no instance has the Federal Government ever proposed to finance a Government policy, particularly one designated as necessary for national security, with revenue bonds over which private bankers will have a veto power.

In all cases that we have studied the Federal Government has either put large amounts of equity capital into Government corporations, plus either Government guaranteed bonds or bonds backed by substantial assets. This is borne out by a study of Government corporations which I submit for the RECORD for the benefit of my colleagues since this matter will be debated on the floor tomorrow:

MEMORANDUM ON GOVERNMENT CORPORATIONS CREATED BY ACT OF CONGRESS

1. Not one of the Government corporations created by Congress and functioning today has been made solely dependent upon the issuance of nonguaranteed bonds to the public for the financing of its activities. Furthermore, so far as has been determined, not one Government corporation created by Congress in the 20th century history of such legislation has ever been made solely dependent on such bond or note issues for the funds needed to finance its activities.

2. At the present time the issuance of bonds or notes to the public without Government guaranty of principal and interest is being used only by certain banking corporations in the farm credit and housing credit fields: The Federal land banks, the Federal intermediate credit banks, the central bank for cooperatives, and the Federal home-loan banks.

3. The Federal land banks were created with a capital stock of $125 million paid in by the United States, plus capital stock purchased by all borrowers from such banks. There were also very substantial Government contributions to paid-in surplus (amounting to $141 million as of June 30, 1943). The bonds which have been issued to the public without Government guaranty are the joint and several obligations of all 12 land banks and are not revenue bonds but are unqualified commitments secured by farm first mortgages. The mortgage loans made by the banks are always at a higher interest rate than that paid by the banks on the preceding issue of bonds, the spread enabling the banks to operate. This is a straight, long-term mortgage banking operation, the bonds being marketed when funds are needed by the banks to meet the demands for first mortgage loans. Eight hundred and seventy-five million dollars of bonds were outstanding on October 31, 1953, of which at least $675 million were in the hands of commercial and other banks and insurance companies.

4. The Federal intermediate credit banks were created with a capital stock of $60 million paid in by the United States, plus a $40-million revolving fund available for further capital-stock subscriptions and paid-in surplus (the latter amounting to $5,600,000 on September 30, 1953). These banks are engaged in discounting agricultural and livestock paper for production credit associations, banks for cooperatives, commercial banks, and other institutions, and making loans to such institutions upon the pledge of collateral. These banks have sold in the open market, without Government guaranty, collateral trust debentures, which are the joint and several obligations of all 12 banks, and which are secured by cash, Government bonds, Federal farm-mortgage bonds, or the agricultural and livestock paper discounted by the banks, or secured paper representing loans made by the banks to other financing institutions. The debentures are thus not revenue commitments, but are unqualified commitments secured by collateral. This again is a straight banking operation in the farm-credit field, the debentures being issued monthly according to the banks' needs. There were $775 million of debentures outstanding on September 30, 1953. The banks had $793,500,000 of loans receivable, $32,400,000 of cash, and $62 million in Government securities.

5. The Central Bank for Cooperatives has capital furnished by the United States and also by all borrowers from this corporation (1 central bank, 12 district banks). The total capital stock on September 30, 1953, was $197 million, of which $170,500,000 had been paid in by the United States and $18,400,000 by borrowers. The debentures insured by the Central Bank must be secured by collateral at least equal to the amount of outstanding debentures, the collateral to consist of cash, direct obligations of the United States, or notes, etc., discounted or representing loans made. Here again the debentures are not revenue commitments, but are unqualified commitments secured by banking collateral. Here again there is a straight banking operation involving loans by the Central Bank to cooperatives of national or broad regional scope and to its district banks, plus the discounting of paper. On September 30, 1953, the debentures in the hands of private buyers amounted to $119 million, and there were $12 million in the hands of other Government corporations. The group of banks had assets of $333 million in loans receivable, $23,500,000 in cash, and $43,400,000 in Government securities.

6. The Federal home-loan banks perform the same function in general for their members (building and loan, savings and loan, and homestead associations; savings and cooperative banks; insurance companies) as the Federal Reserve System performs for commercial banks and the Federal land banks for farm financing. These Federal home-loan banks originally had a capital of $124,741,000 paid in by the United States and additional capital subscribed by all member institutions. As of September 30, 1953, the United States capital contribution had been repaid, and there was a capital stock of $360 million, all privately owned. These banks have issued to the public, without Government guaranty, consolidated debentures which are the joint and several obligations of all the banks. The law under which they have been issued provides that no such debentures shall be issued if any of the assets are subject to any pledge or lien; and provides further that the debentures are not to be issued in excess of the amount of the obligations of member institutions held at that time and secured by home mortgages or obligations of, or guaranteed by, the United States. There were $349 million of such debentures outstanding on September 30, 1953, in the hands of commercial banks, insurance companies, etc. At that time the banks had $797 million in loans receivable, $397 million in Government securities and $30,000 in cash. It also appears that the Secretary of the Treasury is authorized to purchase the obligations of these banks, at his discretion, up to $1 billion outstanding at any one time, but no use has had to be made of this authority. Here again we find a straight banking operation, to provide a reservoir of long- and short-term credit in the home financing field.

7. The foregoing corporations which have raised money by selling nonguaranteed bonds or debentures in the open market have all been engaged in banking operations; none of the financing so accomplished was for a construction program; in all cases the corporations had substantial capital and/or paid-in surplus contributions from the United States and also, in 3 out of the 4 cases, from their borrowers or member institutions (and in the fourth case a substantial revolving fund for additional capital contributions, if needed); and in all cases the securities issued and sold in the open market were unqualified commitments secured by banking-type collateral, not revenue bonds dependent solely on the earnings of the corporation.

8. Inland Waterways Corporation was created by Federal legislation to operate the Government-owned waterways system. There was capital stock of $15 million contributed by the United States, plus $12,300,000 of paid-in surplus. The Corporation could issue nonguaranteed notes up to 25 percent of the value of its assets but has apparently never done so. None were outstanding either on June 30, 1943 or on September 30, 1953.

9. Panama Canal Company (formerly the Panama Railroad Company) was originally created in 1849 as a privately owned corporation under New York law. Since 1905 it has been wholly owned by the United States Government through the purchase of the capital stock of the corporation. In 1948 it was reincorporated under a Federal charter, with no capital stock. It has, however, had $268 million of paid-in surplus from the Government. The former Panama Canal Agency (now named the Canal Zone Government) operated and maintained the canal until July 1, 1951, when the Panama Canal Company took over. Its operations were financed by appropriations, since tolls, taxes, etc., went into the United States Treasury as miscellaneous receipts. There has never been any public borrowing by these organizations, but

there has been some borrowing from the Treasury by the Panama Railroad Company and its successor, Panama Canal Company ($5,900,000 on September 30, 1953). Of course, the canal itself was built by the sale of United States Government bonds.

10. In the case of the Tennessee Valley Authority, there has been no capital stock but the United States has contributed a paid-in surplus of $45 million and there have been expended appropriations of over $1,500,000,000. Any bonds to be issued by TVA were to be issued on the credit of or guaranteed by the United States or sold to the Treasury. There were $29 million in the hands of the Treasury on September 30, 1953, and none elsewhere.

11. Other currently functioning corporations created by Federal legislation are:

(a) Commodity Credit Corporation—capital of $100 million paid in by United States and maintained by successive appropriations—Corporation, with approval of Secretary of Treasury, can issue bonds, notes, etc., but any sold in the open market would be guaranteed by the United States—on September 30, 1953, there were nearly $4 billion of the Corporation's obligations in the hands of the Treasury and none elsewhere.

(b) Export-Import Bank of Washington—capital of $1 billion contributed by United States—borrowing was originally from RFC, now from the Treasury—$1,430,000,000 of obligations in the hands of the Treasury on September 30, 1953.

(c) Federal Farm Mortgage Corporation—capital stock subscribed by United States—the Corporation may borrow, with approval of the Secretary of the Treasury, on bonds guaranteed by the United States—$400,000 of obligations in private hands on September 30, 1953.

(d) Federal National Mortgage Association—capital and paid-in surplus of $21 million contributed by the United States—borrowing was originally from RFC, but now is accomplished through HHFA, which borrows from the Treasury—nearly $2,500,000,000 of such obligations outstanding on September 30, 1953.

(e) Federal Crop Insurance Corporation—capital of $27 million paid in by the United States—also over $77 million of expended appropriations—no borrowings.

(f) Federal Deposit Insurance Corporation—capital of $289 million—$150 million from the United States plus $139 million from the 12 Federal Reserve banks (all such investment having been repaid by 1948)—authorized to borrow from the Treasury, but has not done so.

(g) Federal Savings and Loan Insurance Corporation—capital of $100 million originally, $77 million as of September 30, 1953, all owned by the United States—borrowing, if any, is from the Treasury.

(h) Federal Prison Industries, Inc.—capital supplied by appropriations—no borrowing.

(i) Public Housing Administration—capital stock and paid-in surplus provided by the United States, $188 million as of September 30, 1953—contributions to the States, etc., provided for by appropriations and allocations from other United States agencies (amounting to $190 million as of September 30, 1953)—authorized at one time to issue bonds, etc., guaranteed by the United States but now borrows from the Treasury ($619 million as of September 30, 1953).

(j) Institute of Inter-American Affairs—no capital stock but paid-in surplus of $12,500,000 from the United States—also other funds from appropriations either direct or by allocation from other Government agencies (amounting to $116 million as of September 30, 1953)—no borrowing power under the Federal charter of 1947.

(k) Production Credit Corporations (12)—capital of $120 million supplied by the United States—no borrowing authority.

(l) Reconstruction Finance Corporation—original capital stock of $500 million subscribed by the United States—borrowings from the Treasury.

(m) Virgin Island Corporation—paid-in surplus and expended appropriations of $6,300,000 on September 30, 1953—operates on appropriations by Congress made to a revolving fund—no obligations issued to the public.

SENATE

THURSDAY, APRIL 8, 1954

(Legislative day of Monday, April 5, 1954)

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

Dr. Leslie D. Weatherhead, minister of City Temple, London, England, offered the following prayer:

O God, the Father of all men, the controller of the destinies of men and nations, we bow before Thee in worship before the duties of another day. Show us clearly that no path is worth following if it leads away from Thee, and that no policy can wisely be promoted if it is hostile to Thy plan. Thou art the way and no other way will bring us to anything but frustration and despair, for Thou dost reign. Thy throne is established forever and Thy judgments can never be overthrown.

Help us, then, to put ourselves wholly into Thy hands, not seeking our own will but only Thine. So may we become sensitive instruments in Thy hands, that this great land may give that leadership which Thou desirest and make her contribution to the welfare of the world.

Grant Thy blessing to our President and to all who hold office, and may we, delivered from all motives of selfish interest, see clearly the path on which we should move forward and find in Thee the courage to tread it all our days.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 7, 1954, was dispensed with.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 208. An act for the relief of Sister Constantin (Teresia Kakonyi):

S. 532. An act for the relief of Giulio Squillari, Mrs. Maggiorina Barbero Squillari, Rosanna Squillari, and Eugenio Squillari;

S. 939. An act for the relief of Njdeh Hovhanissian Aslanian;

S. 1208. An act for the relief of Andrew D. Sumner;

S. 1209. An act for the relief of Dr. Uheng Khoo;

S. 1231. An act for the relief of Franz Gerich and Willy Gerich, his minor son;

S. 1691. An act to authorize Potomac Electric Power Co. to construct, maintain, and operate in the District of Columbia, and to cross Kenilworth Avenue NE., in said District, with, certain railroad tracks and related facilities, and for other purposes;

S. 1937. An act for the relief of Rev. Francis T. Dwyer and Rev. Thomas Morrissey;

S. 2499. An act for the relief of Hua Lin and his wife, Lillian Ching-Wen Lin (nee Hu);

S. 2534. An act for the relief of Dora Vida Lyew Seixas; and

H. R. 889. An act for the relief of Scarlett Scoggin.

LEAVE OF ABSENCE

Mr. ANDERSON. Mr. President, I ask unanimous consent that I may be excused from attendance on the sessions of the Senate on Friday, April 9, when members of the Joint Committee on Atomic Energy will visit Brookhaven National Laboratory; and from Monday, April 12, through Monday, April 19, when I have speaking engagements in my home State.

The PRESIDENT pro tempore. Without objection, leave is granted.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Aiken	Gore	Malone
Anderson	Green	Mansfield
Barrett	Griswold	Martin
Bennett	Hayden	Maybank
Bricker	Hendrickson	McCarran
Bridges	Hennings	McClellan
Bush	Hickenlooper	Millikin
Butler, Md.	Hill	Mundt
Butler, Nebr.	Hoey	Murray
Byrd	Holland	Neely
Carlson	Humphrey	Pastore
Case	Hunt	Payne
Clements	Ives	Potter
Cooper	Jackson	Purtell
Cordon	Jenner	Robertson
Daniel	Johnson, Colo	Russell
Dirksen	Johnson, Tex.	Saltonstall
Douglas	Johnston, S. C.	Schoeppel
Dworshak	Kefauver	Smith, Maine
Eastland	Kerr	Smith, N. J.
Ellender	Kilgore	Stennis
Ferguson	Knowland	Symington
Flanders	Kuchel	Upton
Frear	Langer	Watkins
Fulbright	Lehman	Wiley
Gillette	Long	Williams
Goldwater	Magnuson	Young

Mr. SALTONSTALL. I announce that the Senator from Minnesota [Mr. THYE] is absent by leave of the Senate. The Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr.