Increased benefits have been given to deserving groups of veterans and their dependents.

Attention has been given by the Congress to many other matters of prime importance. Among them are: Reorganization of several agencies of the Federal Government, legislation providing for study, but not Federal control over problems in the field of education, and the liberalization of the Housing Act to aid those who aspire to own their own homes.

AMERICA THAT IS PROSPEROUS

Finally, we have achieved an America that is prosperous and economically sound without war. Certain people had said that the transition from a war to a peacetime economy could not be made without a severe depression, but they have been proved wrong.

The people of America, through their elected Representatives, have again demonstrated the strength and resourcefulness of free men. A great responsibility was laid upon this Congress, and it has discharged it well.

SENATE

WEDNESDAY, AUGUST 11, 1954

(Legislative day of Thursday, August 5, 1954)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

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

O God, high and holy, above all our thought: Like the morning dew on parched ground, like the misty quiet of a summer's dawning, steal upon us now with a sense of the eternal as we bring our fainting spirits to the holiness that shames our uncleanness, to the love that forgives our iniquities, to the truth that unveils all our falseness, to the patience that outlasts our fickleness. Even as our minds are plagued with questions that haunt us, as to how humanity with the dread secret of nature in its fumbling hands can live on this planet in peace and security, steady our hearts with the knowledge that the fundamental facts of the universe are not material, but spiritual. Give us inner greatness of spirit and clearness of vision to meet and match the large designs of this glorious yet demanding day, that we may keep step with the drumbeat of Thy eternal purpose, which, in spite of puny foes, is marching on.

We ask it all in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 10, 1954, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the bill (S. 361) to provide for the renewal of and adjustment of compensation under contracts for carrying mail on water routes, with an amendment, in which it requested the concurrence of the Senate.

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

S. 2033. An act relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout; and

S. 3379. An act to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable.

The message further announced that the House had passed a bill (H. R. 10158) to provide for the payment of fees to counsel assigned to represent indigent defendants in felony cases, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 262) expressing the sense of the Congress with respect to the payment of damages to certain American employees in the United Nations who were dismissed because of their refusal under the fifth amendment to answer questions before a committee of Congress, in which it requested the concurrence of the Senate.

SEVENTY-FIFTH BIRTHDAY ANNIVERSARY OF CHARLES L. WATKINS, PARLIAMENTARIAN, UNITED STATES SENATE

Mr. JOHNSON of Texas. Mr. President, I wish to make a very brief statement which I had intended to make yesterday, but did not have the opportunity to do so. I think it would be very fitting to call attention to the fact that yesterday was the 75th birthday anniversary of one of the most capable and valuable officials of the United States Senate. I am referring, of course, to our Parliamentarian, Charles L. Watkins, a man who for many years has helped us to keep the Senate running smoothly.

Charlie Watkins has been ill since March. He is now convalescing at his home. During his absence his position has been competently filled by his able assistant, Dr. Floyd Riddick.

Mr. President, I can think of no more vital or difficult job in the Senate than that of the Parliamentarian of this body. Most of us realize that without the rich store of knowledge which the official Parliamentarian possesses, the machinery of the Senate would not function nearly so smoothly.

Charlie Watkins has been Parliamentarian of the United States Senate since 1935. For nearly 20 years he has performed his duties always, Mr. President, with tact, patience, and with an almost incredible ability to restore order from confusion.

Charlie Watkins has served both the minority and the majority in a nonpartisan spirit always, and I can never recall any occasion on which his rulings have been challenged on grounds of partiality.

Charlie Watkins' service to the Senate goes back long before his term as Parliamentarian. It actually spans half a century, going back to the days when he first came to the Senate as stenographer for former Senator James P. Clarke, of Arkansas.

Mr. President, I am confident that I can speak for Members on both sides of the aisle when I convey birthday greetings to Charlie Watkins. We all wish him a speedy recovery, and we wish him to return to our midst, and we look forward to many more years of association with him.

Mr. KNOWLAND. Mr. President, I wish to join and fully concur in the remarks made by the minority leader regarding the service of our Parliamentarian, Mr. Watkins, and his able assistant, and to concur in the statement that the operations of the Senate have worked more smoothly because of their combined efficiency and helpfulness over the years and their service in an entirely impartial and nonpartisan manner.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following a brief executive session and 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.

EXECUTIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of executive business, for action on nominations under "New Reports" other than postmasters.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. WILEY, from the Committee on Foreign Relations:

John C. Beukema, of Michigan; Harry C. Brockel, of Wisconsin; Edward J. Noble, of Connecticut; Kenneth Merle Lloyd, of Ohio; and Hugh Moore, of Pennsylvania, to be members of the Advisory Board of the St. Lawrence Seaway Development Corporation.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

TENNESSEE VALLEY AUTHORITY

The Chief Clerk read the nomination of Herbert Davis Vogel, of Michigan, to be a member of the Board of Directors,

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effective subsequent to August 31, 1954, for the term expiring May 18, 1963.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

RAILROAD RETIREMENT BOARD

The Chief Clerk read the nomination of Horace W. Harper, of Texas, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1954.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, has action been taken on the nomination of Horace W. Harper, of Texas?

The PRESIDENT pro tempore. The nomination has been confirmed.

Mr. JOHNSON of Texas. I should like to observe that Mr. Harper is a distinguished Texan, he has rendered much useful public service, I am very happy that the President has seen fit to nominate him for that very important post, and, of course, I am happy that the Senate has seen fit to confirm the nomination.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service are confirmed en bloc.

Mr. KNOWLAND. Mr. President, I ask that the President be immediately notified of the nominations this day confirmed.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

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

The PRESIDENT pro tempore. The clerk 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 PRESIDENT pro tempore. Without objection, it is so ordered.

Morning business is in order.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS—WITHDRAWAL OF NAMES

The PRESIDENT pro tempore laid before the Senate a letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the names of certain aliens whose deportation had been suspended, heretofore transmitted to the Senate, which, with the accompanying papers, was referred to the Committee on the Judiciary.

INTERSTATE COMPACTS BETWEEN STATE OF UTAH AND STATES OF NEW MEXICO AND WASHINGTON

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator, Federal Civil Defense Administration, transmitting copies of interstate compacts between the State of Utah and the States of New Mexico and Washington, which, with the accompanying papers, was referred to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WATKINS, from the Committee on the Judiciary, with amendments:

S. 3660. A bill to make the employment, and related practices, of any alien known by an employer to have entered the United States illegally within 3 years thereof unlawful, and for other purposes (Rept. No. 2451); and

S. 3661. A bill to provide for the seizure and forfeiture of any vessel or vehicle used in the transportation of any alien known by the owner thereof to have entered the United States illegally within 3 years thereof, and for other purposes (Rept. No. 2452).

By Mr. WILEY (for Mr. LANGER), from the Committee on the Judiciary, without amendment:

S. 3813. A bill for the relief of certain alien sheepherders (Rept. No. 2453);

H. R. 2061. A bill for the relief of Regine du Planty (Rept. No. 2454);

H. R. 2393. A bill for the relief of Brother Eugene Cumerlato (Rept. No. 2455);

H. R. 3024. A bill for the relief of Sergio Emeric (Rept. No. 2456);

H. R. 3566. A bill for the relief of Pimen Maximovitch Sofronov (Rept. No. 2457);

H. R. 3869. A bill for the relief of Gilbert Elkanah Richards, Adelaide Gertrude Richards, and Anthony Gilbert Richards (Rept. No. 2458);

H. R. 4015. A bill for the relief of Josef, Paula, and Kurt Friedberg (Rept. No. 2459);

H. R. 4054. A bill for the relief of Jorge Sole Massana and Montserrat Thomasa-Sanchez Massana (Rept. No. 2460);

H. R. 4427. A bill for the relief of Mrs. Helena Piasecka (Rept. No. 2461);

H. R. 4969. A bill for the relief of Basilios Xarhoulacos (Rept. No. 2462);

H. R. 5194. A bill for the relief of Pauline Katzmann (Rept. No. 2463);

H. R. 5319. A bill for the relief of Henry (also known as Heinrich) Schor, Sally (also known as Sali) Schor, and Gita (also known as Gitta Aviva) Schor (Rept. No. 2464);

H. R. 5344. A bill for the relief of Bob Kan and Fourere Kan (Rept. No. 2465);

H. R. 6492. A bill for the relief of Rodolfo Navarro (Rept. No. 2466);

H. R. 7828. A bill for the relief of Mariana George Loizos Kellis (Rept. No. 2467); and

H. R. 7885. A bill for the relief of Sohan Singh Rai and Jogindar Kaur Rai (Rept. No. 2468).

By Mr. WILEY (for Mr. LANGER), from the Committee on the Judiciary, with an amendment:

S. 3238. A bill for the relief of Johanna Schmidt (Rept. No. 2469).

By Mr. AIKEN, from the Committee on Agriculture and Forestry, without amendment:

H. R. 9756. A bill to increase the borrowing power of Commodity Credit Corporation (Rept. No. 2470).

PRINTING OF ADDITIONAL COPIES OF PART 4 OF HEARINGS RELATING TO STOCKPILE AND ACCESSIBILITY OF STRATEGIC AND CRITICAL MATERIALS IN TIME OF WAR

Mr. JENNER, from the Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 104) to print additional copies of part 4 of the hearings held before a subcommittee of the Committee on Interior and Insular Affairs relative to stockpile and accessibility of strategic and critical materials to the United States in time of war, submitted by Mr. MALONE on August 4, 1954, reported it favorably, without amendment, and it was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of part 4 of the hearings conducted before a subcommittee of the Senate Committee on Interior and Insular Affairs pursuant to Senate Resolution 143, 83d Congress, relative to stockpile and accessibility of strategic and critical materials to the United States in time of war. Such additional copies shall be for the use of the Senate Committee on Interior and Insular Affairs.

PRINTING OF ADDITIONAL COPIES OF HEARINGS HELD BY JOINT COMMITTEE ON ATOMIC ENERGY RELATING TO CONTRIBUTION OF ATOMIC ENERGY TO MEDICINE

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably, with an amendment, the concurrent resolution (H. Con. Res. 267) authorizing the printing of additional copies of the hearings held by the Joint Committee on Atomic Energy relative to the contribution of atomic energy to medicine. I ask unanimous consent for the immediate consideration of the concurrent resolution.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

The amendment of the Committee on Rules and Administration was, in line 3, after the word "Energy", to strike out "fifteen" and insert "twenty-five."

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Committee on Atomic Energy, 25,000 additional copies of the hearings held by the said joint committee during the current Congress, relative to the contribution of atomic energy to medicine.

PRINTING OF COMPILATION OF SOCIAL SECURITY LAWS

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably, with amendments, the resolution (S. Res. 297) providing for the printing of a compilation of social-security laws as a Senate document, submitted by the Senator from Colorado [Mr. MILLIKIN] on July 29, 1954. I ask unanimous consent for the present consideration of the resolution.

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

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

The amendments of the Committee on Rules and Administration were, in line 3, after the word "as" to insert "a", and in line 4, after the word "document", to strike out the period, insert a semicolon and "and that 2,500 additional copies be printed of which 500 copies shall be for the use of the Senate Committee on Finance and 2,000 copies shall be for the use of the House Committee on Ways and Means."

The amendments were agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the compilation of social-security laws, prepared by the Social Security Administration for the use of the Senate Committee on Finance, be printed as a Senate document; and that 2,500 additional copies be printed, of which 500 copies shall be for the use of the Senate Committee on Finance and 2,000 copies shall be for the use of the House Committee on Ways and Means.

PRINTING OF ADDITIONAL COPIES OF ANNUAL REPORT OF COMMITTEE ON GOVERNMENT OPERATIONS

Mr. JENNER, from the Committee on Rules and Administration, to which was referred the resolution (S. Res. 302) to print additional copies of annual report by the Committee on Government Operations (S. Rept. No. 881, 83d Cong., 2d sess.), submitted by Mr. MCCARTHY on July 31, 1954, and it was considered and agreed to, as follows:

Resolved, That the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations is authorized to have printed for its use 12,000 copies of Senate Report No. 881, 83d Congress, 2d session, entitled "Annual Report of the Committee on Government Operations made by its Senate Permanent Subcommittee on Investigations pursuant to Senate Resolution 40."

ADDITIONAL FUNDS FOR COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably, with an amendment, the resolution (S. Res. 304) to provide additional funds for the Committee on Agriculture and Forestry, reported by the Senator from Vermont [Mr. AIKEN] from the Committee on Agriculture and Forestry on August 2, 1954, and I submit a report, No. 2450, thereon. I ask unanimous consent for the present consideration of the resolution.

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

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

The amendment of the Committee on Rules and Administration was, in line 6, after the word "session", to insert a comma and "agreed to July 10, 1953."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, hereby is authorized to expend from the contingent fund of the Senate, during the 83d Congress, $12,000 in addition to the amount and for the same purposes as specified in Senate Resolution 127, 83d Congress, 1st session, agreed to July 10, 1953 (providing for an investigation of various matters related to agricultural programs).

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY

Mr. JENNER, from the Committee on Rules and Administration, to which was referred the resolution (S. Res. 305) to provide additional funds for the Committee on the Judiciary, reported by Mr. LANGER from the Committee on the Judiciary on August 2, 1954, reported it favorably, without amendment, and it was considered and agreed to, as follows:

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate during the 83d Congress $10,000 in addition to the amount, and for the same purposes specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "COMMUNIST PROPAGANDA"

Mr. JENNER, from the Committee on Rules and Administration, to which was referred the resolution (S. Res. 311) authorizing the printing of additional copies of the hearings entitled "Communist Propaganda," submitted by him on August 10, 1954, reported it favorably, without amendment, and it was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Senate Committee on the Judiciary 20,000 additional copies of the hearings entitled "Communist Propaganda," held before a subcommittee of the above committee during the 83d Congress.

BILLS INTRODUCED

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

By Mr. CARLSON:

S. 3857. A bill to amend the act of October 15, 1949, with respect to the rate of compensation of the Chairman of the Council of Economic Advisers; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

S. 3858. A bill to authorize the Secretary of the Treasury to prescribe regulations relating to the qualifications of persons who assist taxpayers in the determination of their Federal tax liability, and for other purposes; to the Committee on Finance.

By Mr. FLANDERS:

S. 3859. A bill for the relief of Ingeborg Magdalena Slania; to the Committee on the Judiciary.

AMENDMENT OF THE STANDING RULES OF THE SENATE

Mr. CAPEHART submitted the following resolution (S. Res. 312), which was referred to the Committee on Rules and Administration:

Resolved, That the table contained in subparagraph 6 (a) of rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"Committee on Banking and Currency	For the Small Business Administration."

SOCIAL SECURITY ACT AMENDMENTS OF 1954—AMENDMENTS

Mr. HAYDEN (for himself and Mr. GOLDWATER) submitted amendments intended to be proposed by them, jointly, to the bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. KENNEDY submitted amendments intended to be proposed by him to House bill 9366, supra, which were ordered to lie on the table and to be printed.

Mr. STENNIS submitted amendments intended to be proposed by him to House bill 9366, supra, which were ordered to lie on the table and to be printed.

AMENDMENT OF SECTION 345 OF REVENUE ACT OF 1951—AMENDMENT

Mr. MARTIN submitted an amendment intended to be proposed by him to the bill (H. R. 6440) to amend section 345 of the Revenue Act of 1951 and for other purposes, which was ordered to lie on the table and to be printed.

INTERSTATE TRANSPORTATION OF PARIMUTUEL MACHINERY—AMENDMENT

Mr. MCCARRAN. Mr. President, I send to the desk an amendment intended to be proposed by me to the amendment intended to be proposed by the Senator from Maryland [Mr. BUTLER], to the bill (S. 3190) to amend section 3 of the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce, if and when that bill comes before the Senate for consideration.

The bill as it was reported to the Senate contains a provision making the interstate transportation of parimutuel machinery illegal. The amendment of the Senator from Maryland would make

the bill inapplicable to parimutuel betting equipment. The argument for the amendment of the Senator from Maryland is that parimutuel betting is legal in certain States, under applicable State law, and therefore should not be hampered by Federal enactment. My proposed amendment carries this principle one step farther, and makes the exemption a general one, based on legality, rather than a special one, designed to aid only the manufacturers of parimutuel betting equipment.

The theory of my amendment is, if we are to make exceptions where betting is legal, why confine it to the racetrack States and parimutuel equipment?

I ask that my amendment may be printed and lie on the table.

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

HOUSE BILL REFERRED

The bill (H. R. 10158) to provide for the payment of fees to counsel assigned to represent indigent defendants in felony cases, was read twice by its title, and referred to the Committee on the Judiciary.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Statement prepared by him on "The Importance of Expanding the Reservoir of Language Specialists."

WHY GO EASY ON DOPE PEDDLERS?

Mr. PAYNE. Mr. President, on May 6, 1954, I introduced S. 3412, a bill to provide increased penalties for the sale of narcotic drugs to minors. The subject of sentences given to dope peddlers was discussed in an article entitled "Why Go Easy on Dope Peddlers?" written by Irene Corbally Kuhn, and published in the Washington Evening Star of August 10, 1954. The article also discusses the increase in narcotics traffic from behind the Iron Curtain. The article states:

The increase in the narcotics traffic is due to two things—the revenue that can be realized from the sale of opium in countries with a depressed economy; and the use of opium as a deliberate political weapon to demoralize youth in countries on the Red agenda for conquest.

Mr. President, I ask unanimous consent to have the article printed at this point in the body of the RECORD.

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

WHY GO EASY ON DOPE PEDDLERS?

(By Irene Corbally Kuhn)

Police executives everywhere know the dealer in dope as the chain-reaction criminal. One drug peddler, even though he operates on a small scale, can be responsible for dozens of crimes, ranging from petty larceny to murder. Yet sentences passed on dope peddlers by some judges are so light as to be nonsensical, one dedicated law enforcement officer told me.

"The law reads plainly enough," the police official added. "Most States have laws strong enough to lick the dope traffic if the judges really enforced them. For instance, in New York if you sell drugs to a minor you can get 5 years, even for a first offense. If you sell to an adult it's 2 to 15 years. And for a third offense, the law says the minimum sentence shall be 15 years.

"And yet, some judges let first-time-convicted dope pushers off with 60 days—practically a vacation—even though they've been caught redhanded selling 2 or 3 decks of heroin. You can bet most of them had been selling dope long before we were able to get the evidence on them. And you can see how fast word of this kind of judicial mollycoddling would get around, and how the underworld's shady lawyers would twist and finagle to make sure their clients came up for trial before this kind of judge.

"In this kind of crime the judge should let the law decide; he shouldn't impose his own ideas on it. These dope peddlers know what they're doing. They sell heroin mostly. It's a derivative of opium more potent than morphine, and the addict needs far less to get the same effect. And it's big business for organized criminals."

We might as well let a first offender in murder go with a rap on the knuckles as a first offender in dope peddling. Fortunately, almost all judges cooperate wholeheartedly with police in the growing national drive against the scourge. The few who don't are the exceptions, and they'll have to revise their own don't-tell-me-what-to-do attitude soon.

Public awareness of the fearsome blight of dope addiction has come about chiefly as a result of pitiless publicity, and the public service activities of newspapers digging out and publishing the stories of the wholesale corruption of teen-agers and school children by vicious dope rings.

Every bit of heroin in the United States is here illegally. The United States outlawed the drug in 1924. It is not needed for medical purposes, as there are other drugs that do the job as well or better. Actually, only 500 tons of raw opium are required for the medicinal needs of the entire world. Yet in 1950 Communist China alone dumped 500 tons on the market; and in 1952 she grew 4,000 tons.

As a matter of fact, most of the world's opium is grown in Red China. The nations permitted to export it under international agreement are Bulgaria, Greece, India, Iran, Turkey, Soviet Russia, and Yugoslavia. The increase in the narcotics traffic is due to two things—the revenue that can be realized from the sale of opium grown in countries with a depressed economy; and the use of opium as a deliberate political weapon to demoralize youth in countries on the Red agenda for conquest. These two factors are the cause of most of our troubles with the evil traffic against which all our forces of law and decency are arrayed.

ADDRESS BY FORMER PRESIDENT HOOVER AT 80TH BIRTHDAY FETE

Mr. SALTONSTALL. Mr. President, yesterday former President Hoover celebrated his 80th birthday anniversay at his birthplace in Iowa. I ask unanimous consent to have printed in the body of the RECORD at this point as a part of my remarks former President Hoover's address on that occasion, together with the text of President Eisenhower's greetings. It is not often that a former President lives to the age of 80 and is so active in rendering service for the benefit of all of us, even at that advanced age.

There being no objection, the text of the address, together with President Eisenhower's greeting, was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 11, 1954.]

TEXT OF FORMER PRESIDENT HOOVER'S SPEECH AT 80TH BIRTHDAY FETE

The Legislature and the Governor of Iowa did me the great honor of inviting me to a reception by my native State on this, my 80th birthday.

It is more than difficult adequately to express my appreciation for such evidence of affection.

I am glad to come to West Branch. My grandparents and my parents came here in a covered wagon. In this community they toiled and worshipped God. They lie buried on your hillside. The most formative years of my boyhood were spent here. My roots are in this soil.

This cottage where I was born is physical proof of the unbounded opportunity of American life.

My first paid job was in this community picking potato bugs at one cent a hundred. I was not inspired by altruism to relieve the world of a pest. Such altruism as was attached to that labor was to secure firecrackers with which to commemorate properly the Declaration of Independence.

But Iowa is a progressive State. Its mothers, anxious to avoid repairs to small boys, secured a law abolishing that kind of tribute to the Founding Fathers. Moreover, by insecticides, the slave wage of only a cent a hundred has been overcome.

Iowa has made fabulous progress since I left here. I can prove it by statistics—and all speeches must have statistics because nobody can defy a statistic.

Since that time, the people of Iowa have multiplied the wealth of the State 9 times over. That statistic is weakened by the decrease in purchasing power of money. In the meantime with the blessing of "the tall corn" you have sent to market enough hogs to cover the Chicago Stock Yards 5,045 feet deep. You can vary that statistic as you like.

Also you have sent forth a host of men and women who have distinguished themselves in every State in the Union and every foreign country. Their quality is proved by the fact that I have never seen Iowa attributed as the origin of any of our leading bank robbers, gangsters, or Communists.

A VARIED LIFE

Eighty years is a long time for a man to live. Mine has been a life of work in many lands under many kinds of governments, both good and bad. I have been honored by my countrymen in many public offices and with many opportunities to serve outside the Government. I have watched the two great world wars with their holocausts of death, destruction, and famine. I have taken some part in remedy of their terrible aftermaths. I have participated in the search for a healing peace.

I have witnessed the legacy of war in doubting minds, brutality, crime, and debased morals. Moreover, I have witnessed on the ground in 20 nations the workings of the philosophy of that antichrist Karl Marx.

THE PROBLEMS OF FREEDOM AND PROGRESS

After these long years and from all these experiences, there rises constantly in my mind the forces which make for progress and those which may corrode away the safeguards of freedom in America. I want to say something about these forces, but I shall endeavor to do so not in the tones of Jeremiah but in the spirit of St. Paul.

New forces from science and new ideas, both good and bad, constantly arise in the world. We welcome changes which advance the welfare of our people. Our system always needs repairs.

Also, we have to clean up the vast wreckage and disorders of two devastating tornadoes of wars which have swept over mankind during the past 40 years.

And, above all, we have need to remedy constant corruption of the safeguards of freemen.

The remedies in America are not revolution. They are, except for peace and war, mostly jobs of marginal repairs around a sound philosophy and a stout heart.

THE SAFEGUARDS OF FREEMEN

Our Founding Fathers did not invent the priceless boon of individual freedom and respect for the dignity of men. That great gift to mankind sprang from the Creator, and not from governments.

The Founding Fathers, with superb genius, welded together the safeguards of these freedoms.

They were mostly concerned with the dangers of political tyranny. With the coming of the industrial age, our people welded in new safeguards. We could no more have economic tyranny than political tyranny.

And, with these safeguards, our people were at one time closer to the goals of human welfare than any other civilization in all history.

POWER OF FEDERAL AND LOCAL GOVERNMENT

The progress of freedom is a never-ending struggle to prevent the abuse of power, whether by individuals, by groups, or by government or nations.

Our Founding Fathers created unique restraints on power by the Bill of Rights and a structure of built-in checks and balances. Among these new concepts was a division of power between the Federal and State Governments and between the three branches of Government. I do not need to tell you that. But what I have to tell you is that these separations of power became seriously confused, corroded, and weakened during the 20 years before this administration.

These confusions have included executive encroachment on the legislative and judicial branches. There has been judicial encroachment on the States' rights. There has been congressional encroachment on the executive. The Federal Government has grasped many of the vital functions of State and local government.

Some of the corrosions of our division of power are the aftermaths of our wars. Some of them come from the various infections of socialism. I will tell you more of that later.

Some of the corrosions come from the discovery that it is easy for the Federal Government to light the magic power of Federal credit. But the flame that warms can also consume the safeguards of freemen.

Some of these encroachments come from a long era of beguilement by pressure groups and local government for subsidies from the Federal Government.

One of the end results of all this is the growth of a huge centralized Federal bureaucracy. It has expanded in 20 years from 600,000 to 2,300,000. Some increase is necessary. Most of them are fine men and women. But innate in bureaucracy are three implacable spirits. They are self-perpetuation, expansion of their empires, and demand for more power. Bureaucracy rushes headlong into the visions of the millennium and sends the bills to the Treasury.

Today we have more Federal employees in nearly every State than all the local officials, including constables. They penetrate every part of the local government. They produce great waste of the taxpayers' money. They create a vested interest or a vested habit for some pressure group. They interfere in politics and too often are infected with corruption.

Their magics invade personal freedom of every citizen, every moment of every hour.

The remedy is to restore the checks and balances of power, to reinvigorate State and local governments and to deflate the bureaucratic empires.

Many of these confusions of power are today under vigorous investigation in which I have some part.

My countrymen, all these corrosions of the checks and balances of power call for constant battle from you, the people. They must be wiped out if you would stay fully free.

POWER IN OUR FOREIGN RELATIONS

In our foreign relations there are great dangers and also vital safeguards to freemen. During the last war we witnessed a special encroachment of the Executive upon the legislative branch. This has been through a new type of commitment of the United States to other nations.

I am not going to argue legalisms, for they do not go to the center of the issue. The real issue is whether the President, through declaration or implication or by appeasement or by acquiescence, or by joint statements with foreign officials, can commit the American people to foreign nations without the specific consent of the elected representatives of the people.

There has been a grievious list of such commitments. They include international agreements which shackle our economy by limiting a free market. But more terrible were such executive agreements as our recognition of Soviet Russia which opened the headgates for a torrent of traitors.

Our tacit alliance with Soviet Russia spread communism over the earth. Our acquiescence in the annexation by Russia of the Baltic States at Moscow and the partition of Poland at Teheran extinguished the liberties of tens of millions of people.

Worse still was the appeasement and surrender at Yalta of 10 nations to slavery. And there was the secret agreement with respect to China which set in train the communization of Mongolia, North Korea, and all of China.

These unrestrained Presidential actions have resulted in a shrinking of human freedom over the whole world. From these actions came the jeopardies of the cold war. As a byproduct these actions have shrunk our freedoms by crushing taxes, huge defense costs, inflation, and compulsory military service.

We must make such misuse of power forever impossible.

And let me say, I have no fears of this evil from President Eisenhower, but he will not always be President.

OUR PRESENT FOREIGN SITUATION

Our dangers from the Communist source of gigantic evil in the world are unending. All of the peace agencies we have created and all of the repeated conferences we have held have failed to find even a whisper of real peace.

Amid these malign forces, our haunting anxiety and our paramount necessity is the defense of our country.

It is not my purpose to define the foreign policies of our Government.

Sooner or later a new line of action will become imperative.

I have disagreed with, and protested against, the most dangerous of our foreign political policies during the whole of the 20 years prior to the last Presidential election. I opposed and protested every step in the policies which led us into the Second World War.

Especially in June 1941, when Britain was safe from a German invasion due to Hitler's diversion to attack on Stalin, I urged that the gargantuan jest of all history would be our giving aid to the Soviet Government. I urged we should allow those two dictators to exhaust each other. I stated that the result of our assistance would be to spread communism over the whole world. I urged that if we stood aside the time would come when we could bring lasting peace to the world.

I have no regrets. The consequences have proved that I was right.

THE COMMUNISTS

Today the Socialist virus and poison gas generated by Karl Marx and Friedrich Engels have spread into every nation on the earth. Their dogma is absolute materialism which defies truth and religious faith. Their poisons are of many sorts. The preservation of the safeguards of liberty makes it imperative that we give heed to their every variety.

The bloody virus type, radiating from Communist Russia, is today rotting the souls of two-fifths of all mankind which it has enslaved.

From the day Lenin rose to power in Moscow, the Communists have carried on an underground conspiracy against every other nation. The rank and file of our people are immune from this infection. The recruiting grounds for their agents are from our minority of fuzzy-minded intellectuals and labor leaders. Over a thousand such Communist agents have already been rooted out of responsible positions in our Government and other spots of influence.

Many of these spies and traitors when exposed sought sanctuary for their infamies in the fifth amendment. Such a plea of immunity is an implication of guilt. Surely these people should not have the right to vote or to hold office, for thereby they use these privileges of free men against the safeguards of freedom.

Despite the clamor over ferreting out these persons, you must not be led into the mistake that Moscow has closed down its recruiting offices for American agents. Or that continued action of the FBI and congressional committees is not equally imperative.

I have little fear that these Communist agents can destroy the Republic if we continue to ferret them out. Our greater concern should be the other varieties of Karl Marx virus.

THE SOCIALISTS

Among them are the Socialists. They assert they would proceed only by constitutional means.

The Socialists prowl on many fronts. They promote the centralized Federal Government, with its huge bureaucracy. They drive to absorb the income of the people by unnecessary Government spending and exorbitant taxes. They have pushed our Government deep into enterprises which compete with the rights of freemen. These enterprises are endowed with exemption from control of State and local governments. Congressional committees have listed hundreds of these Federal activities. But only a drop of typhoid in a barrel of drinking water sickens a whole village.

Every step of these programs somewhere, somehow, stultifies the freedom, the incentives, the courage, and the creative impulses of our people.

Beyond all this, there is proof in the world that the end result of socialism can be bloody communism. In the Iron Curtain states it was the Socialist intellectuals who weakened the freedom of men by destroying free enterprise. Thus they furnished the boarding ladders by which the Communists captured the ship of state.

THE WELFARE STATE

One of the postwar cousins of socialism is the so-called welfare state. This poison gas is generated by the same sort of fuzzy-minded intellectuals. Its slogan is "Planned economy." The phrase itself was borrowed from totalitarian governments. The end of

it would at least be a government wherein whatever is not forbidden would be compulsory.

One of the annoyances of this cult is its false assumption that our Nation has never been heedful of the welfare of our people. That we are our brother's keeper was rooted in religious faith long before these fuzzy-minded men were born. Since the foundation of the Republic we have recognized and practiced both private and governmental responsibility for the unfortunate and the aged; for the education of our youth and the health of our people.

Moreover, this cult has a host of gimmicks for giving away the people's money. Among their ideas is that government should guarantee every citizen security from the cradle to the grave.

But it is solely the initiative and the labor of the physically able in the prime of life that can support the aged, the young, the sick—and the bureaucracy. And this active earning group requires the pressures of competition, the rewards of enterprise, and new adventure to keep it on the job.

Even if security from the cradle to the grave could eliminate the risks of life, it would be a dead hand on the creative spirit of our people. Also, the judgment of the Lord to Adam about sweat has not been repealed.

When we flirt with the Delilah of security for our productive group, we had better watch out lest in our blindness we pull down the pillars of the temple of freemen.

The British under a Socialist government tried it. Its result was a level of poverty which British Socialists sought to obscure with the term "austerity." Britain is now in retreat from it.

THE COMMON MAN

Among the delusions offered us by fuzzy-minded people is that imaginary creature, the common man. It is dinned into us that this is the century of the common man. The whole idea is another cousin of the Soviet proletariat. The uncommon man is to be whittled down to size. It is the negation of individual dignity and a slogan of mediocrity and uniformity.

The common man dogma may be of use as a vote-getting apparatus. It supposedly proves the humility of demagogs.

The greatest strides of human progress have come from uncommon men and women. You have perhaps heard of George Washington, Abraham Lincoln, or Thomas Edison. They were humble in origin, but that was not their greatness.

The humor of it is that when we get sick, we want an uncommon doctor. When we go to war, we yearn for an uncommon general or admiral. When we choose the president of a university, we want an uncommon educator.

The imperative need of this Nation at all times is the leadership of the uncommon men or women. We need men and women who cannot be intimidated, who are not concerned with applause meters, nor those who sell tomorrow for cheers today.

Such leaders are not to be made like queen bees. They must rise by their own merits. America recognizes no frozen social stratifications which prevent this free rise of every individual. They rise by merit from our shops and farms. They rise from the 35 million boys and girls in our schools and colleges. That they have the determination to rise is the glorious promise of leadership among freemen.

A nation is strong or weak, it thrives or perishes upon what it believes to be true. If our youth is rightly instructed in the faith of our fathers; in the traditions of our country; in the dignity of each individual man, then our power will be stronger than any weapon of destruction that man can devise.

THE WHOLE SOCIALIST GAMUT

And now as to this whole gamut of Socialist infections, I say to you, the neighbors of my childhood, the sons and daughters of my native State, God has blessed us with another wonderful word, "heritage." The great documents of that heritage are not from Karl Marx. They are the Bible, the Declaration of Independence, and the Constitution of the United States. Within them alone can the safeguards of freedom survive. Safeguard the true spirit of these guaranties for your children, that they may not become the prisoners of a hydra-headed socialism.

If anyone rises to say that all this is reactionary, you may class him as either fuzzy minded or an ignorant enemy of freemen.

THE NEW FRONTIERS

Amid this recitation of our problems, I would not have you think that there are not great fields of promise for the future if we can keep out of war.

The last few years have seen advances in science and technology which amount almost to revolution in our life and world relations. If we maintain free minds, free spirits, and direct our steps aright, still other new horizons and new frontiers are open to us. New inventions and new applications of old knowledge will come to us daily.

These new frontiers give us other blessings. Not only do they expand our living but also they open new opportunities and new areas of adventure and enterprise. They open new vistas of beauty. They unfold the wonders of the atom and the heavens. Daily they prove the reality of an allwise Supreme giver of law.

CONCLUSION

There are voices in our country who daily sound alarms that our civilization is on the way out. Concentrated on the difficulties of our times, they see an early and dour end for us. But civilization does not decline and fall while the people still possess dynamic creative faculties, devotion to religious faith and to liberty. The American people still possess these qualities. We are not at the bedside of a nation in death agony.

Eighty years is a long time for a man to live. As the shadows lengthen over my years, my confidence, my hopes and dreams for my countrymen are undimmed. This confidence is that with advancing knowledge, toil will grow less exacting; that fear, hatred, pain, and tears may subside; that the regenerating sun of creative ability and religious devotion will refresh each morning the strength and progress of my country.

TEXT OF EISENHOWER'S GREETING

DEAR MR. PRESIDENT: As you celebrate your 80th birthday this August 10, I look anew, and with ever increasing admiration, upon your distinguished career. Few men in our country's history have been privileged to serve the Nation in so many important capacities as have you, and certainly none has done so with greater brilliance and devotion.

To me it is also remarkable that after so many years given to public service you still cheerfully accept new assignments involving governmental responsibilities of the most burdensome character.

To justify my own part in asking you to assume some of these additional duties, I merely point cut that by virtue of your long experience, wise understanding, and eminent position, you are qualified, as almost no other American, to discharge them successfully. Your party and your country are proud of you; Americans know that you have ever used your great talents in the interest of all.

I wish I could be present to join in the ceremony to honor you, but I know that what I have just stated, and what all of us Americans feel in our hearts, will be far more eloquently expressed by others present than I could hope to do. May you have many more years of happiness and health, and may we continue to have the benefit of your counsel and judgment.

With warm personal regards,

Sincerely,

DWIGHT D. EISENHOWER.

INSTRUCTION IN MURDER AND ASSASSINATION BY FORMER SOVIET AMBASSADOR TO THE UNITED STATES

Mr. McCARRAN. Mr. President, under date of July 27 there appeared in the Washington Evening Star an article by Mr. Eugene Lyons entitled "Ambassador or Murderer?" dealing with the testimony of a former Russian MGB officer respecting the instruction in murder and assassination which he got from a former Soviet Ambassador to the United States.

The point stressed in this article, Mr. President, is an extremely important one; and I ask unanimous consent that this article, which is short, may be printed in the RECORD at this point as a part of my remarks.

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

AMBASSADOR OR MURDERER?

(By Eugene Lyons)

One fact which should have sent a chill down American spines didn't come through clearly enough in the press reports of Capt. Nikolai Khokhlov's story. It holds a clue to the innermost nature of the Soviet regime.

Captain Khokhlov is the Soviet secret police agent sent to West Berlin, equipped with ingenious death weapons, to assassinate a prominent Russian anti-Communist leader. Horrified by the assignment, he surrendered to the Western authorities.

Among other things Captain Khokhlov revealed that the Moscow official who organized the murder project—the man who heads up the killer's section of the MGB—is Alexander Panyushkin.

That is the chilling fact that needs to be noted and pondered. For Mr. Panyushkin, until less than 2 years ago, served as the Soviet Ambassador to the United States. For 5 years he was a member of the Washington diplomatic corps, with all the frills and prerogatives of that exalted position.

Now, Communists are not given high posts in the hierarchy of the Kremlin's police establishment without ample training in that sphere. It is clear that Panyushkin, though disguised as a diplomat, was really a secret police agent.

He could not, otherwise, have stepped directly from his Washington post into a key MGB spot. His American assignment, we may be sure, had a lot more to do with espionage and terror than with diplomatic teas.

Moreover, people are not put at the head of complex murder operations without special knowledge and a record of achievements in that field. The man who was our official guest, with whom we negotiated during 5 long years as if he were just another diplomat, was a killer by vocation.

This amazing circumstance should give pause to those who kid themselves that we can do business with Soviet Russia—that it is a nation like other nations.

What are we to think of a government which sends specialists in homicide as its plenipotentiaries to other countries? A government whose leading officials move, as a matter of routine, from murder to diplomacy and back again to murder?

The truth is that the Kremlin regards crime, even to the point of taking life on foreign soil, as a routine instrument of policy and governance. This regime with which some free-world statesmen are so eager to coexist looks upon assassination as a standard gambit in its statesmanship.

The sooner we recognize that the Communist world is ruled by bandits, the sooner we will be rid of self-delusions in dealing with them. Even where we are obliged by circumstances to negotiate with them, we will be better off if we cease pretending about their real character.

Whatever there was of idealism in the Communist movement was expunged long ago. No genuine idealist can survive through decades of liquidations and blood purges. The survivors in the long and grim struggle for dictatorial power are the tough guys, the coldblooded killers.

Soviet representatives come into the halls of the United Nations and international conferences in the habiliments of statesmen and diplomats. But they think like kidnapers, torturers, and murderers, and live by the code of the criminal underworld.

To ignore or underrate this fact in dealing with them is to lose by default.

PERMANENT CERTIFICATION TO LOCAL-SERVICE AIRLINES

Mr. McCARRAN. Mr. President, there has come to me a copy of an editorial printed in the San Francisco Chronicle of July 26. This editorial deals with the question of granting permanent certification to local-service airlines. This is the subject of a bill, S. 3759, which I had the honor to cosponsor jointly with the Senator from Ohio [Mr. BRICKER], chairman of the Committee on Interstate and Foreign Commerce. This bill is now pending before that committee; and because of the importance of the subject, I ask unanimous consent that this fine editorial may be printed in the RECORD at this point as a part of my remarks.

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

LOCAL AIRLINES DESERVE PERMANENT CERTIFICATES

Although they have been faithfully serving the American public for almost a decade, 14 local, scheduled airlines now operating in the United States are forced to live a year-to-year existence on temporary Civil Aeronautics Board certificates.

Last year these temporary carriers served no fewer than 440 cities, and carried 1,998,000 passengers. Two hundred and sixty American cities are served exclusively by local airlines. In California, for example, 28 cities are served by Southwest Airways, one of the outstanding successes among the local airlines.

Any interruption of this network of local air service between the 260 cities which the major trunk airlines do not touch would, of course, greatly handicap the flying public. So long as the airlines are required to operate on temporary certificates, there is a continuing threat of service suspensions. Because of this the affected airlines are seeking permanent Government certification. The House has unanimously passed the Hinshaw bill, providing for this. Tomorrow, a similar bill, Senate bill No. 3759, comes before the Senate Interstate and Foreign Commerce Committee. We urge its approval and passage this session.

On the free enterprise competitive principle as properly applied to air transportation, we are convinced there is a distinct need for more air stops than the trunk airlines of the country make. Although these major airlines, plus railroad and bus interests, are organized in opposition to permanent certification of the local airline carriers, we believe the local carriers rate the stability and strength which permanent certification would give them. Air transportation for the smaller cities should be a concern of Congress, and the way for Congress to express it is to pass this pending legislation.

THE NEED FOR RATIFICATION OF THE INTERNATIONAL OPIUM PROTOCOL

Mr. WILEY. Mr. President, there is now pending before the Senate, Executive C for International Control of Opium Production and Traffic.

This protocol has been unanimously approved by the Senate Foreign Relations Committee.

It will, I know, receive the prompt and resounding approval of the Senate.

By way of supplementing remarks which I will make at the time the Senate takes this issue up for ratification, I send to the desk the text of a statement which I have prepared on the background of this subject. I ask unanimous consent that this background information be printed in the body of the CONGRESSIONAL RECORD.

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

STATEMENT BY SENATOR WILEY

WIPING OUT THE SCOURGE OF ILLICIT NARCOTICS

Of all the individual crimes committed in the world today, there are probably few more reprehensible, more evil, than that of narcotics peddling.

Literally millions of individuals throughout the world have become victims of opium poisoning.

No man can gage the extent to which these millions upon millions of human lives have been and may be wrecked—not simply the lives of the individuals directly involved, but the lives of their innocent wives and children, brothers and sisters, fathers and mothers and other relatives. No one can gage the full terrible effect upon nations—the economic loss, the social loss, the moral loss.

The scourge of opium eating and opium smoking—the scourge of illegal use—in any form—of opium derivatives and of other narcotics and their derivatives is a stain on the record of civilization.

AMERICA'S RECORD IS INSPIRING

Fortunately, our own Government has spoken as clearly, as consistently, as courageously as has any other single nation on behalf of the elimination of this scourge.

It makes one proud to be an American, to review all that our country has done down through the years in battling against illegal narcotics.

I urge my colleagues to read Executive Report 7, which describes the background of those splendid United States efforts.

I urge them, to the extent that they have an opportunity amidst their crowded day, to read the 93-page printed transcript of the hearing which had been conducted by the Senate Foreign Relations Subcommittee on the Opium Protocol.

LIMITATIONS OF PROTOCOL'S EFFECTIVENESS

When the protocol has been ratified, another important chapter in the history of world law enforcement effort will have been achieved.

Clearly, the millennium will not, however, have been ushered in, because of several obvious factors:

1. This protocol, like any protocol, depends basically upon the good faith of the signatory parties. In the past, not all the nations which have signed narcotics treaties and conventions have completely abided by them. We of the United States have always upheld our end, have always fulfilled our obligations, but the record of some other countries has been somewhat spotty.

2. Numerous nations are not signatories at all to the Protocol, although, as is explained in the report, there is machinery available in the protocol to help assure compliance by those nonparticipating states.

Each of those nations must recognize that they must answer before the world if they fail to abide by the international anti-opium effort.

RED CHINA'S DOPE WARFARE

3. But, in any event, there remains one particular country which is not a signatory or a participant, and which will probably continue openly to flout, as it has been flouting, the conscience of mankind by its vicious opium peddling.

That country is, of course, Red China.

The indictment of Red China on this count has been filed and elaborated on several occasions, and it does not require amplification here.

The indictment has been presented before the United Nations Committee on Narcotics Drugs, not only by our able United States representative on that Commission, the Honorable Harry J. Anslinger, but by the representatives of other free powers as well.

It has been made in the world press, not just in the American newspapers, but in foreign newspapers by competent journalists who have studied Red Chinese dope warfare.

It has been made as well by foreign police departments who have, time after time, apprehended violators carrying narcotics from Red China.

Mankind must speak, therefore, more firmly than ever before in protest against this foulest of Communist sins.

4. Then, there is a fourth limiting factor, and that is that this protocol does not cover all types of narcotic drugs.

A uniform drug convention is fortunately now being drafted.

A great many technical and policy problems must still be worked out, but it is my earnest hope that great progress will be made toward this goal.

In the long run, however, the uniform drug convention, like the present protocol, will depend upon the good faith of the nations of the world.

If nations refuse to honor their formal or informal obligations; if they refuse to make accurate, complete, and prompt reports regarding narcotics within their area; if they fail to crack down upon narcotics offenders in their midst; if they in any way prove the weak link in the worldwide enforcement chain against criminals, then the chain will snap.

The history of the fight against the narcotics scourge proves that criminals will always exploit the weakest link in the chain, the weakest country which fails to abide by its responsibilities.

UNITED STATES FULFILLING ITS RESPONSIBILITIES

In pointing up the responsibilities of other countries, I do not imply for one moment that we do not have continuing responsibilities in our own.

The fact of the matter is, however, that we have made a great deal of progress against the dope evil in our midst. While there has been a dreadful postwar upsurge in narcotics addiction (which is particularly disturbing in relation to addiction among our young people), the fact is that the rate of dope addiction is far less today in the United

States than it was, for example, before World War I.

In any event, no phase of narcotics addiction in the United States has so stirred the American people as has teen-age addiction. Fortunately, contrary to certain sensational stories, the teen-age problem has been confined to a relatively small proportion of our youth in a few of our principal American cities. Dope addiction, especially among impressionable young people, is, however, so contagious a social malady that the most continuous efforts must be made to stamp it out, lest, unchecked, it return one day to epidemic proportions.

On an overall basis, Commissioner Anslinger has estimated that there is now approximately 1 narcotics addict in every 3,000 of our population, a figure which, when adjusted with other data, indicates a total addict population of 60,000 to 70,000. The number of peddlers of narcotics is difficult to determine; but it might be noted that approximately 7 out of 10 of the peddlers convicted and sent to prison are themselves narcotics addicts.

A history of addiction proves its cyclical nature. Fortunately, the postwar trend is now on the decline; but there is no assurance that it could not spurt upward again, given certain favorable conditions, including the slightest relaxation of control measures, or the easing up of penalties on offenders.

That has been the repeated warning of the United States Narcotics Bureau. America knows that the Bureau represents a stalwart guardian of the American home. Its capable Commissioner, since the inception of the Bureau in 1930, has been Harry J. Anslinger. I can say from long years of cooperation with him that he is a steadfast and devoted servant of the public interest in this, as in many other respects.

My personal staff and the staffs of committees on which I have served have had a great deal of splendid contact with the Commissioner and his staff, with his agents in the field, as well as with his supervisors in Washington.

One of his crack narcotics experts served with the Kefauver Senate Crime Investigating Committee, on which I was privileged to serve. Since then, this expert—a particularly fearless fighter—has racked up still further important achievements in law enforcement.

I recall, too, the expert testimony before our Senate Crime Committee of the United States Narcotics Bureau agent who has been assigned to Italy to cooperate with Italian law-enforcement authorities and who had also done particularly fine work.

With the aid of these and other fine personnel, I know that the antinarcotics job is being carried out and that it merits the fullest cooperation on the part of the American people. It merits cooperation, too, on the part of the judicial branch of our Government, so that narcotics violators are not coddled.

NARCOTICS USE AMONG UNITED STATES SERVICEMEN IN KOREA AND JAPAN

In connection with Uncle Sam's own responsibilities, one particular phase which has recently engaged our attention is the problem that has arisen to some extent involving some members of our Armed Forces in Korea and Japan.

The peddling of considerable dope to our service boys in the Far East was brought to the attention of our Senate Foreign Relations Subcommittee at its hearing in New York.

Later, I pursued the matter further with Dr. Frank B. Berry, Assistant Secretary of Defense for Health and Medicine, who was very cooperative.

I will not attempt to review all of the phases of this problem as we explored it, but I will state that I know that the Armed Forces are keenly cognizant of their responsibilities to protect our young men, and that they are taking strong remedial steps and are seeking the fullest cooperation on the part of our friends, the Korean and Japanese law-enforcement authorities. If the laws are adequately enforced in those areas, and assuming vigilance on the part of all concerned, this problem can be kept under control and substantially reduced.

I am delighted to know that Dr. Berry will personally proceed to the Far East in order to look into this question further, and I am also delighted to know that full cooperation is being assured among all the numerous offices in the Defense Establishment having a responsibility in this respect, as well as with the Narcotics Bureau and other Federal sources.

Without attempting to get into all the details of the problem, I should like to quote now from two messages which Dr. Berry had filed with me in response to inquiries which I had conveyed:

EXCERPTS FROM LETTERS FROM ASSISTANT SECRETARY BERRY

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., July 29, 1954.

Hon. ALEXANDER WILEY,
Chairman, Committee on Foreign Relations, United States Senate.

DEAR MR. CHAIRMAN: The problem, while serious wherever it exists, is not unduly large in that area (the Far East). The situation has been known for some time and suitable preventive and corrective actions are continually being undertaken to alleviate or remove the causes.

As regards the past and current dimensions of the problem, statistics for 1952, 1953, and to include May 1954, are at hand. Whereas the incidence of convictions for narcotics violations was in gradual ascent through 1953, and 1954 convictions, together with the projection to estimate an annual rate for 1954, indicate an almost stationary situation, as a matter of fact, an increase of only 0.03 percent.

It is realized that an evaluation of the problem using these and other statistics is not conclusive. The presence of a cheap and plentiful supply of narcotics throughout Japan and Korea has been and now poses a continuing active problem to the military commands in those countries. Conclusions are that true addiction is relatively rare and that the majority of military narcotics offenders are more correctly classified as users. The commander in chief, Far East, realizes that the narcotics problem is serious but that it is not yet dangerous. He assures us that positive action is being taken at all echelons of command to control the situation that exists.

Projection of current conviction rates indicates continuance of the seriousness of this problem for 1954. The application of a continuous and reemphasized program which has been in effect within the Far East Command at all echelons of command is aimed at a definite reduction although it must be realized that when troops are in occupation status the temptations for drug, alcohol, and sex are greater than when they are in combat. The assistance from other United States Government agencies, particularly personnel of the Department of the Treasury, has been extremely helpful to the commander in chief, Far East, and is a most valuable adjunct to the program.

Civilian authorities in Japan and Korea are well aware of this problem and present laws in effect are considered to be adequate for control, if properly enforced by those authorities. Due to the economic and social factors involved (including the ability to appropriate sufficient budgetary funds for law enforcement), it is considered doubtful that complete and full control can ever be attained in this area.

This Office first became interested in this problem as a result of an inquiry from a Methodist minister, and, as stated above, a conference was held with the three Surgeons General and Mr. Anslinger. Mr. Wayland L. Speer, field supervisor of enforcement activities, addressed the Army medical personnel at the Army Medical Service graduation, Walter Reed Army Medical Center, on this subject on April 30, 1934.

Following the above conference in my office, I recommended that a group of three go to the Far East for further investigation of this subject. After conference with Secretary Wilson it was decided that I would go myself and take whomsoever I wished with me. It seemed inadvisable to leave during the present session of the Congress and I have therefore made arrangements to leave for the Far East on September 18. I shall consult with Mr. Anslinger as to the cooperation of his department in Japan and Korea. I have also conferred with Major General Maglin, Provost Marshal, who has suggested that I see the representative of their office, Mr. Byron Engle, in Tokyo.

The Air Force has already established a narcotic treatment center in Japan where they are conducting a successful campaign in the treatment of these young users of narcotics. It seems likely that this may well be converted into a triservice narcotic center, should such be needed. Maj. Gen. John M. Hargreaves, command surgeon of the Air Force in the Far East, is well aware of this problem and is taking considerable interest in the establishment of this center. From the information at hand, largely from Mr. Anslinger, it seems probable that the problem in the Far East corresponds very closely with the narcotics problem in our own large cities and the use and abuse of these drugs are usually confined to those young men with poor family backgrounds and minimum educations.

I shall be pleased to confer further with you members of the committee or the committee staff. You may be sure that the Department of Defense and the medical departments of the three services, as well as the Provost Marshal, are all aware of this problem and that steps are being taken to deal with it.

Sincerely yours,

FRANK B. BERRY, M. D.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., August 10, 1954.

Hon. ALEXANDER WILEY,
Chairman, Committee on Foreign Relations, United States Senate.

DEAR SENATOR WILEY: In reply to your letter of August 4, 1954, and after conversations with Mr. Julius M. Cahn, your counsel, I will answer your questions (further).

* * * * *

The figures reported to the Honorable Harry J. Anslinger by his agent, Mr. Wayland L. Speer, in 1952, on the number of investigations in which military personnel have been reported for engaging in narcotic traffic, are as follows:

1952	462
1953	937
1954 (first quarter)	214

To approach this in another way, on December 15, 1953, the Honorable CHARLES B. BROWNSON, of the House of Representatives, made a similar inquiry of Gen. J. E. Hull. On January 6, 1954, General Hull replied:

"The number of court-martial convictions for such offenses have been as follows:

	1951	1952	1953 (through August)
Army	192	261	324
Navy	(1)	6	18
Air Force	26	31	41

[1] No records available.

"Seventy-nine persons were hospitalized in Army hospitals from January through June 1953 as narcotics users. The Air Force hospitalized 28 narcotics users from January through November 1953. Complete records on hospitalizations and medical treatment of narcotics users in Army and Air Force hospitals during 1951 and 1952 were not available. The Navy hospitalized 8 cases in 1951, 32 cases in 1952, and 30 cases through the first 8 months of 1953. Each person apprehended for suspected use of narcotics is given a medical examination.

"True narcotic addiction is relatively rare in this theater. Nevertheless, the Army, Navy, and Air Force commanders in the Far East are well aware of the seriousness of the narcotics problem and are making every effort to reduce it. Evidence compiled in a recent thorough triservice study on narcotics has enabled us to strengthen our controls and more effectively meet this problem."

As you will note, Mr. Anslinger's report speaks of investigations and General Hull's of convictions which will account for some slight difference. According to both Mr. Anslinger and the Army neuropsychiatrist, Col. D. B. Peterson, consultant in neuropsychiatry to the Far East for the past 4 or 5 years, this problem closely parallels the civilian problem in our larger cities.

* * * * *

With all best wishes,

Sincerely,

FRANK B. BERRY, M. D.

THREE ADDITIONAL BACKGROUND PHASES

I should like now to present certain final background material which I believe will prove helpful to my colleagues on three particular phases of the narcotics problem.

First, I shall present a description of the basic types of narcotics which are generally discussed, as well as of their legal use and their illegal abuse.

Then, I shall present information with regard to the extent of the illicit traffic in the world today and, finally, data on the relationship between narcotics and other crimes.

I believe that this material, together with the material which I have previously cited, constitutes an ample justification of the protocol, which I know will receive the sympathetic and favorable attention of the Senate.

1. TYPES OF NARCOTICS

Under the laws of the United States, the term "narcotics drugs" includes (a) opium and its various derivatives (which are the only drugs covered under the present protocol); (b) coca leaves and their derivatives; (c) marihuana and its derivatives; and (d) any other drug found by the Secretary of the Treasury to have addiction qualities similar to these and so proclaimed by the President.

Opium

The opium family of drugs is generally regarded as the most troublesome of the narcotics. Paradoxically enough its very quality of relieving pain has made of it both a blessing and a curse, depending on its use.

The opium family consists of those active principles derived from the opium poppy (papaver somniferum), an annual herb. From ancient times, the milky juice of the poppy has been used both as a medicine and to produce sleep or insensibility to the problems and cares of life.

The alkaloids of opium represent its pharmacologically active constituents. The most important of these are morphine (the most commonly used and best known of the alkaloids, codeine, and papaverine.

Additionally, there are many derivatives of morphine, among which are heroin and dionin.

Heroin today represents the principal drug problem faced by the United States. It should be noted that heroin (which is five times as potent as morphine) is not permitted to be manufactured in the United States and in 50 other countries.

There are two preparations of opium which are therapeutically employed today, laudanum and paregoric. The fact that from this chemical family are derived numerous aids in medical science is indicated by the fact that a mild form, paregoric, today is customarily used with children.

As a matter of fact, when carefully used in medicine, opium and its alkaloids and derivatives have exceedingly valuable function as sedatives and pain relievers. Improper use develops into habituation and physical dependency upon the drug. Because of the dependency, more and more of the drug is required in order to produce the false effect of well-being and relief from care. Eventually, the addict becomes totally dependent upon the drug. Withdrawal of it causes acute physical discomfort and misfunctioning of all organs generally. Even a gradual withdrawal causes the same symptoms, albeit in milder form, and there is always the final psychological and physiological shock, carrying either real or imaginary terror for the addict. It is during this stage that the addict becomes an aggressive menace to society in that he will commit almost any act to secure a supply of the drug so as to relieve his physical or mental terror. Crimes of the most violent and shocking nature are committed by addicts in this condition or in prospect of this condition.

But even if the addict is supplied with sufficient amounts of the drug, he is a social menace, for he will endeavor to keep himself in a drugged stupor so that he may relish to the fullest his artificial sense of well-being.

In this semiconscious state, he is at best a net loss to himself, his family, and his society; at worst—e. g., at a driver's wheel—he is an absolute threat to the safety of others.

Cocaine, marihuana, and synthetics

Turning to other drugs not covered by the present protocol, cocaine (unlike opium, which is a depressant), is considered in the excitant group as is marihuana. Cocaine (which is derived from the coca leaf) can be used medically as a local anesthetic, but because it is so potent and dangerous, it has been extensively replaced in medicine by patented synthetic preparations that are not dangerous, such as novocaine and procaine. When abused either by sniffing deeply through the nose or by injection, cocaine causes a transient exhilaration with paranoic delusions and hallucinations followed by extreme nervous tensions and imagined fears.

Thus, effects of its misuse are mental deterioration, and physically nausea, digestive disorders, sleeplessness, loss of appetite, emaciation, and tremors. Fortunately, cocaine is very scarce on the illicit market, because the international movement of coca leaves is strictly controlled.

Also in the excitant family is marihuana—cannabis—whose varieties are popularly known as Indian hemp or hashish. It produces a form of intoxication, the strength and duration of which are not predictable because of the various factors which may determine it. Its very unpredictability in its effects on a particular individual make it one of the most dangerous drugs known. A small dose taken by one subject may bring about intense intoxication, raving fits, criminal assaults. In another individual, consumption of even considerable quantities may result in sheer stupefication.

It is this drug (smoked in cigarettes known as reefers) which has been traditionally used, especially among teen-age youngsters as a first step in causing narcotics habituation. Unlike opiates which do have therapeutic values, marihuana has no such legitimate use; indulgence in it is, therefore, always an abuse and vice.

Next, there is the problem of barbiturate drugs (notably sleeping pills) which have a sedative action similar to the opiates and which can likewise prove extremely dangerous. So dangerous are these that statistics show that more people in the United States die of barbiturate poisoning than from any other kind of poisoning.

Reference should also be made to pain-relieving synthetic drugs such as demarol. Because of potential addiction-making qualities, 11 such synthetic drugs have been brought under control of United States narcotics laws.

2. DIMENSIONS OF THE PROBLEM

A brief review of the worldwide dimensions of the current problem of illicit traffic in opium underlines the importance of prompt action to curb illegal cultivation, production, and traffic.

The following table indicates comparative total seizures of opium as reported by countries to the United Nations for the years 1939, prewar, and 1950, postwar:

[In kilograms]

Year	Raw opium	Prepared (smoking) opium
1939	28,723.875	1,331.514
1950	46,285.501	10,947.091

The report of the ninth session of the United Nations Commission on Narcotics Drugs cites the latest information, as received in annual reports filed by 43 sovereign states and 7 territories, and in seizure reports covering 1,285 seizures reported by 19 sovereign states and 17 territories.

Among the facts cited are the following:

Raw opium

Far East: During 1953, 16,970 kilograms were seized in Thailand (there are 2.2 pounds per kilogram); 4,694 kilograms in India; 4,426 kilograms in Burma; 2,272 kilograms in Singapore; 1,721 kilograms in the Federation of Malaya; 94 kilograms in Indonesia; and 83 kilograms in Hong Hong. It should be noted that the seizures in India and Burma were described as coming mostly from internal traffic, but the Chinese mainland was the source given for the greater part of 482 kilograms of raw opium seized in the Far East.

Near and Middle East: Quantities seized included Egypt with 1,475 kilograms; Turkey with 589 kilograms; Lebanon with 480 kilograms; Iraq with 369 kilograms, and Israel with 27 kilograms.

North America: In the United States, 19.5 kilograms were seized; in Mexico, 4.9, and in Canada, 1.5. The quantities seized in our country originated from Mexico, India, Turkey, and Iran.

Other regions: Seizures of raw opium have been reported in France, 309 kilograms; Australia, 94 kilograms; Netherlands, 9 kilograms; Union of South Africa, 4 kilograms; and some African territories.

Prepared opium

The volume of illicit traffic in prepared opium is smaller, but nonetheless disturbing. The largest quantities of prepared opium had been seized in Singapore, 441 kilograms; Malaya, 185 kilograms; India, 21 kilograms; Hong Kong, 17 kilograms; and Indonesia, 16 kilograms.

Sources of the illicit traffic were reported as the Chinese mainland, Singapore, and Thailand. Seizures elsewhere included Australia, 12 kilograms; United Kingdom, 3.83; France, Curacao, Trinidad, and Mauritius.

Heroin

Total heroin seizures reported for 1953 amount to 135,602 kilograms. The largest

single seizure, 14,800 kilograms reported, was made in France.

The sources reported were the Chinese mainland, France, Italy, Japan, Lebanon, Mexico, and Turkey.

It should be remembered that these figures do not include illicit traffic in cocaine or marihuana. One thousand two hundred and thirty kilograms of cannabis alone were seized in the United States.

The kilogram figures tell only a small part of the story, of course. Not long ago Life magazine reported how a kilo of heroin—purchased in Italy for $1,000—would be sold and resold through criminal hands. Eventually, after considerable adulteration so that it contained only 3 percent to 8 percent heroin it would be put up in paper packets and sold for $200,000 in the retail market and would be capable of supplying an enormous number of addict shots.

Mr. William Tompkins, now Assistant Attorney General for Internal Security, testifying before the committee on Federal-State local seizures within the New Jersey area (for which he was formerly United States attorney), reported that a single kilogram—representing between 39 and 40 ounces of pure heroin, constituted enough heroin to give addicts better than 300,000 shots.

Smuggling of opium

It should be noted that opium smuggling utilizes every medium of transportation, notably the sea, principally through merchant seamen, as well as airlines, and even the mail.

The very nature of modern, high-speed international transportation underlines the importance of worldwide cooperation in sealing off the smuggling channels. The ingenuity of smugglers in seeking to evade the various national police and customs forces makes necessary, moreover, the highest degree of coordination among law-enforcement officials.

Few types of criminal operation are organized on a more systematic and worldwide a basis than illicit narcotics traffic.

In virtually no other crime, moreover, can the effect of foreign violations of the law be felt so significantly on lawbreaking within other countries.

Thus, the narcotics problem in the United States can never be reduced to smallest possible proportions until overseas sources of supply have been effectively slashed. The history of the combating of narcotics traffic in our country attests to the fact that time after time the success of a foreign government in stamping out narcotics-cultivation production, export, or smuggling has been felt almost immediately within the United States. Experiences with respect to Peruvian and Italian governmental action prove this point.

Peru

Numerous instances can be cited attesting to the direct and dramatic relationship between a foreign source of narcotics and addiction with the United States. In 1948 there was scarcely one cocaine seizure in the United States. Suddenly, however, the country was flooded with cocaine. Its origin was traced to Peru. A now-departed regime there had allowed 17 cocaine factories to operate, although here in the United States there is only 1 factory for a country of many times the population. Through representations to the Peruvian Ambassador, all of the cocaine factories were closed. Within 6 months there was a phenomenal change in the prevalence of cocaine addiction in the United States; it almost disappeared completely.

Italy

Beginning in 1951, investigations conducted in Italy proved that Italian heroin had been smuggled into the United States and elsewhere since 1948. Five licensed factories there diverted one ton of heroin into illicit channels.

Recognizing this shocking situation, the Italian Government undertook remedial measures. In October 1951 the Italian Commission of Public Health passed a decree indefinitely suspending the further production of heroin. Clearly, such further production was unwarranted since possibly only 20 kilograms of heroin out of the total annual production of 200 kilograms were used or needed for Italian medical consumption. This reduced the supply of heroin available for smuggling to the United States, although not so dramatically as in the cocaine instance because, unfortunately, there were other foreign sources of supply available.

3. NARCOTICS AND CRIME

In conclusion, I want to point out the interconnection between narcotics and the crime problem as a whole. As I have previously indicated, and as the public is generally aware, an individual under narcotic intoxication and/or desperate to secure narcotic supplies may commit crimes of the most violent and reprehensible nature. What is not generally perceived, however, is that most narcotic offenders have police records of a nonnarcotic nature prior to their having become drug addicts. Criminality breeds addiction, and addiction aggravates criminality.

The Federal Bureau of Narcotics, on a random review of its files, showed that 83 percent of 119 narcotic trafficker addicts had previous criminal records for other offenses prior to their first narcotics crime.

The Canadian Government several years ago conducted a study of narcotic criminality. It showed that 93 percent of those convicted of narcotic offenses during the period under review had committed at least 1 crime prior to the first narcotic offense and some had committed as many as 27 other crimes prior to the first narcotic offense.

These observations are paralleled by the experience of law enforcement officials of other countries.

Major American gangsters, like Charles "Lucky" Luciano and Waxey Gordon, have very often engaged in the narcotics traffic, along with sundry other crimes. The profits from illicit narcotics are potentially so vast as to offer ready temptation to the criminal mind.

The temptation, particularly to the addict-criminal, often proves virtually irresistible.

Superintendent R. S. S. Wilson, a noted narcotic expert of the Royal Canadian Mounted Police, pointed out "the ordinary criminal may attempt to go straight, perhaps reform, or the fear of punishment deter him. But not so the addict. For him there is no reform, no road back, for just so long as he is an addict. So he is inexorably bound to a life of crime."

LEGISLATIVE PROGRAM

Mr. McCARRAN. Mr. President, the able majority leader has several times announced that on a day certain, in the near future—that is, today—the Senate would take up what the majority leader has repeatedly referred to as "the three anti-Communist bills." I understand it is now planned that the bills so referred to will be taken up on Monday.

Mr. President, there are more than three anti-Communist bills on the Senate Calendar. According to my count, there are 10 such bills.

I shall list the bills in this category, and then I want to ask the able majority leader if he will clarify his intentions with regard to bringing up some or all of these bills for Senate consideration. I think it would be well if the able majority leader would make it clear whether Monday is to be set aside for the consideration of anti-Communist legislation, or only for the consideration of certain anti-Communist legislation; and, if only for certain legislation, then we should be told, I believe, what is planned with respect to the other anti-Communist legislation pending on the calendar.

The bills which I believe merit inclusion on any list of pending anti-Communist legislation are the following:

Calendar No. 1447, S. 2373, to prohibit repeated stays of execution or sentence; Calendar No. 1540, S. 23, to make it unlawful for a Communist to hold office or employment with a labor organization, and to facilitate the discharge of subversives; Calendar No. 1720, S. 3706, dealing with Communist infiltrated organizations——

Mr. KNOWLAND. Mr. President, I might say that Senate bill 3706 is the unfinished business.

Mr. McCARRAN. That is true. Other bills in this category are Calendar No. 1833, H. R. 9580, to revise and extend the laws relating to espionage and sabotage; Calendar No. 1834, S. 3428, to give better protection to strategic defense facilities.

Mr. KNOWLAND. Those 2 bills and Senate bill 3706 are the 3 bills that were previously announced.

Mr. McCARRAN. That is correct. There are also Calendar No. 2065, H. R. 7486, to increase the penalty for harboring a person wanted for arrest; Calendar No. 2067, H. R. 8658, to increase the penalty for jumping bail; Calendar No. 2220, S. 521, relating to published articles and broadcasts by foreign agents; Calendar No. 2222, S. 19, to suspend the running of the statutes of limitations applicable to offenses involving performance of official duties by Government officers and employees during periods of Government service; and Calendar No. 2223, H. R. 7130, the so-called expatriation bill.

Mr. KNOWLAND. I will say to the distinguished Senator from Nevada that the other measures had not been scheduled, primarily because I had hoped some of them might be passed during the calendar call.

As soon as the calendar call has been completed, there are a number of bills, not only in this category but in other categories, which we intend to take up with the policy committee.

The list I had given, as I am sure the Senator from Nevada understands, was not meant to be an exclusive one, but merely a start; and we shall try to have consideration given the other bills.

Mr. McCARRAN. I am very happy to hear the Senator from California say that the three bills mentioned are not exclusive, because I was a little afraid they were exclusive; and I want the others considered.

Mr. KNOWLAND. Yes.

Mr. McCARRAN. I wonder whether the majority leader will give consideration to this matter: There are now at the desk 1 or 2 bills with amendments by the House of Representatives, and they correspond to bills now on the Senate Calendar. If we act on those bills at this time—and I do not think it would take very long, that would clear the situation as regards that part of the calendar. I do not wish to impede in any way; instead, I wish to facilitate.

Mr. KNOWLAND. If the Senator from Nevada will inform me of the numbers of the bills, so I can discuss them with the minority leader, we may be able to clear up the matter.

Mr. McCARRAN. They are Senate bill 541 and Senate bill 16. They are now at the desk, having been messaged from the House of Representatives.

Mr. KNOWLAND. What are the bills?

Mr. McCARRAN. Senate bill 16 has to do with immunity; Senate bill 541 relates to war claims.

I bring this matter to the attention of the Senator from California merely because these bills correspond in part to bills on the calendar.

Mr. KNOWLAND. Insofar as Senate bill 16, the immunity bill, is concerned, I think we can take it up during the day.

AMENDMENT OF IMMUNITY PROVISION RELATING TO WITNESSES BEFORE CONGRESSIONAL COMMITTEES

Mr. McCARRAN. Mr. President, would it be agreeable to the majority leader to have the Chair lay before the Senate the amendments of the House to Senate bill 16 at this time?

Mr. KNOWLAND. Mr. President, that is agreeable. I have discussed it with the minority leader, and it is agreeable to him.

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 16) to amend the immunity provision relating to testimony given by witnesses before either House of Congress or their committees, which were, to strike out all after the enacting clause and insert:

That title 18, United States Code, section 3486, is amended to read as follows:

"§ 3486. Compelled testimony tending to incriminate witnesses; immunity

"(a) In the course of any investigation relating to 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 or the overthrow of its Government by force or violence, no witness shall be excused from testifying or from producing books, papers, or other evidence before either House, or before any committee of either House, or before any joint committee of the two Houses of Congress on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, when the record shows that—

"(1) in the case of proceedings before one of the Houses of Congress, that a majority of the members present of that House; or

"(2) in the case of proceedings before a committee, that two-thirds of the members of the full committee shall by affirmative vote have authorized such witness to be granted immunity under this section with respect to the transactions, matters, or things concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence by direction of the presiding officer and

that an order of the United States district court for the district wherein the inquiry is being carried on has been entered into the record requiring said person to testify or produce evidence. Such an order may be issued by a United States district court judge upon application by a duly authorized representative of the Congress or of the committee concerned. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecutions described in subsection (d) hereof) against him in any court.

"(b) Neither House nor any committee thereof nor any joint committee of the two Houses of Congress shall grant immunity to any witness without first having notified the Attorney General of the United States of such action and thereafter having secured the approval of the United States district court for the district wherein such inquiry is being held. The Attorney General of the United States shall be notified of the time of each proposed application to the United States district court and shall be given the opportunity to be heard with respect thereto prior to the entrance into the record of the order of the district court.

"(c) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving 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, violations of sections 212 (a) (27), (28), (29), or 241 (a) (6), (7), or 313 (a) of the Immigration and Nationality Act (66 Stat. 182–186; 204–206; 240–241), and conspiracies involving any of the foregoing, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in subsection (d) hereof) against him in any court.

"(d) No witness shall be exempt under the provision of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section."

SEC. 2. The analysis of chapter 223 of title 18, United State Code, is amended by striking out

"3486. Testimony before Congress; immunity."

and inserting in lieu thereof the following:

"3486. Compelled testimony tending to incriminate witness; immunity."

And to amend the title so as to read: "An act to permit the compelling of testimony under certain conditions and to grant immunity from prosecution in connection therewith."

Mr. McCARRAN. Mr. President, this is a bill which as it passed the Senate related to testimony given by witnesses before either House of Congress or their committees. It has been amended in the House to include also provisions respecting the grant of immunity to witnesses before Federal grand juries and before petit juries in Federal courts.

The House committee has done a fine job in reconciling differing viewpoints on this bill, and the bill in the form in which it has passed the House is wholly acceptable to the author of the original Senate bill.

For many months the Attorney General held out for a power of veto over the action of a congressional committee in voting to grant immunity to a witness in exchange for his testimony. I opposed any such grant of a veto power to the Attorney General, because I felt that it would be a violation of the doctrine of the separation of powers.

On the other hand, I have thought it entirely proper to provide that in connection with grants of immunity to witnesses before Federal grand juries and petit juries in Federal courts, the Attorney General should secure a court order or leave of court before immunity could be granted. Some months ago I suggested that the application of the same principle to grants of immunity by congressional committees might resolve the controversy. This is what the House bill provides for, and I think it is a salutary provision.

The House bill also limits grants of immunity to cases involving the internal security of the United States. I see no objection to that limitation. As a matter of fact, the addition of that limitation should make the bill more palatable to those who have been afraid that by reason of enactment of such legislation there might be a possibility that immunity would be granted to murderers or kidnapers in return for testimony not vitally necessary, or that in some other way this legislation might provide for excessive grants of immunity.

I think the bill in the form in which it has been passed by the House avoids any such danger, while at the same time providing the means so urgently needed for securing vital testimony with respect to the Communist conspiracy against the internal security of the United States.

Let me make it clear, lest there be any misunderstanding, that this bill does not take away from any witness his constitutional privilege against self-incrimination. This bill recognizes that privilege and fully meets it by removing all possibility of self-incrimination in connection with the testimony which is compelled.

Under this bill, where two-thirds of the members of a committee vote to authorize a grant of immunity in the case of a certain witness with respect to the transactions, matters, or things concerning which he is compelled to testify, after having claimed his privilege against self-incrimination, the committee could send a representative into the United States district court for the district in which the inquiry is being carried on and ask for an order by a United States

district court judge requiring the witness to testify, notwithstanding his claim of privilege. The committee would have to notify the Attorney General of the intention to seek such an order, and the Attorney General would have the right to go into court and be heard with respect to the grant of an order requiring the witness to testify. If the order should be issued and the witness should then be required to testify, he could not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he might be so compelled to testify.

Similar provisions would be made with respect to witnesses before grand juries or witnesses before petit juries in Federal courts, except that there the request for a court order would be made in open court by the Attorney General or his authorized representative rather than by a representative of a congressional committee.

This is urgently needed legislation, Mr. President. It was recommended years ago by the Senate Internal Security Subcommittee. In the present administration it has been considered as a part of the President's program of internal security legislation. The provisions of the bill as it has passed the House are fair and resolve points of controversy which have previously existed between the legislative and executive branches with respect to such legislation. I, therefore, move that the Senate concur in the House amendments to Senate bill 16.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN].

Mr. LEHMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEHMAN. Does this mean that the conference report is now before the Senate.

Mr. McCARRAN. This is not a conference report.

The PRESIDING OFFICER. The matter under consideration is the motion of the Senator from Nevada to concur in the House amendments to Senate bill 16.

Mr. LEHMAN. Mr. President, this is a very important bill. I certainly have not had a chance to study the House amendment, and I doubt very much whether any other Senator has had a chance to study it. I do not believe that we should take action on the bill now, if that is the purpose of the request of the Senator from Nevada.

The PRESIDING OFFICER. The Chair will advise the Senator from New York that the Senator from Nevada has moved that the House amendment be agreed to.

Mr. KNOWLAND. The bill has been before the Senate since last Thursday.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. LEHMAN. Mr. President, I wish to be recorded as voting in the negative, not necessarily because I am opposed to the bill but because I object to the manner in which it has been brought up.

Mr. LEHMAN subsequently said: Mr. President, I wish to return to the bill which was passed a few minutes ago. I believe it is S. 16. I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEHMAN. Was that bill, which came back from the House with an amendment, ever printed and distributed in the Senate, or referred to a committee?

The PRESIDING OFFICER. It was printed in the House proceedings.

Mr. LEHMAN. Was it ever referred to a committee when it came to the Senate?

The PRESIDING OFFICER. That is not the normal procedure. Such bills are taken from the desk. The matter can be brought up at any time.

Mr. LEHMAN. Mr. President, again I wish to file a protest. Possibly it was within the rules of the Senate to have proceeded as has been ruled by the Chair, but this bill, when it came before the Senate last year, I believe, was opposed by a substantial number of Members of the Senate. I know that I voted against it. I believe that as it comes back from the House the Members of this body should at least be given the opportunity to study the changes made in the bill by the House of Representatives. To put an important bill through in the manner it has been put through is contrary to good policy, and I wish to file a strong protest.

Mr. McCARRAN. Mr. President——

Mr. KNOWLAND. Mr. President, I yield to the Senator from Nevada.

Mr. McCARRAN. To repeat the expression of the leader of the majority, this bill has been on the desk of the clerk now for several days, if not for a week. It has been known to the Senators who were interested in the matter. This bill was passed by a yea-and-nay vote of the Senate. It was sent to the House and held there for months. It was amended by the House in a very meticulous manner, and returned to the Senate as amended. The author of the bill has moved that the Senate approve it as passed in the House. That is the usual procedure.

The PRESIDING OFFICER. The bill was referred to in the House proceedings of August 4, and in the Senate proceedings of August 5. It was received in the Senate under date of August 4, and it has been referred to also in debate on the floor since that time.

McCARTHYISM: A DEFENSE OF AMERICAN CIVILIZATION

Mr. McCARRAN. Mr. President, last May Dr. Francis X. Gannon, assistant professor of history and politics, University of Scranton, delivered a lecture which he entitled "McCarthyism: A Defense of American Civilization."

In the course of this lecture, Dr. Gannon laid an indictment against communism and Communists which ought to be read by every Member of this body.

Let me quote him very briefly, and, I stress, only in small part. Dr. Gannon said:

> Communists have advised Presidents, dined at the White House, slept at the White House, picketed Federal courthouses, picketed the FBI, castigated fearless investigators * * * poisoned young minds * * * lampooned, ridiculed, derided, bludgeoned, and taunted * * * outstanding anti-Communists * * *.
>
> Communists have caused internecine quarrels. They have played off against one another our major political parties. They have arrayed leaders of major religious bodies against one another. They have divided families and friends. They have cursed out the apostates from their ranks. As a result of this strategy of confusion Communists have been feted, awarded, promoted, lauded, and martyrized.

At another point in his lecture, discussing the matter of academic freedom, Dr. Gannon said:

> Just what is academic freedom? It is the privilege of a teacher to present truth to developing minds. It is not the license to introduce developing minds to untruth and indecency unless they are labeled as such.

Speaking again of Communists, Dr. Gannon said:

> Communists are evildoers. Those who give Communists the least aid and comfort are also evildoers. Because they are clothed with the name of dupe, fellow traveler, liberal, progressive, or intellectual does not detract from the fact that they are evildoers. Evil should never be rewarded; it should be punished. Evildoers should be punished. They should be repelled by every weapon at our command.

Mr. President, I could quote more at length from Dr. Gannon's lecture; but in the interest of saving the time of the Senate, I will not do so. I only ask that the full text of this lecture may be printed in the RECORD at this point as a part of my remarks.

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

McCARTHYISM: A DEFENSE OF AMERICAN CIVILIZATION

Someday in the future—perhaps even at this very moment—it will be the task of a lexicographer, as he compiles his dictionary, to define the word McCarthyism. I think that it is safe to predict that he shall fail to provide a satisfactory definition. Instead, his results will probably read as follows: "McCarthyism: Pertaining to and of McCARTHY, JOSEPH R., onetime Member of the United States Senate from the State of Wisconsin."

It is almost unnecessary to comment that the simple word "McCARTHY" will not be further defined elsewhere in the dictionary. But the ism is subject to definiton today. We can find McCarthyism being defined almost daily in the various media of the press: the newspaper, the radio, television, pamphlets, magazines, learned journals, house organs, religious publications; in legislative sessions in our country and abroad, in pulpits of every creed, in conversations of large and small groups, in debates, in forums, in panels—in other words, in every place where men find a chance to express their ideas.

The definitions are not all alike. They are oftentimes as dissimilar as black and white, night and day, right and wrong. Nevertheless, it is safe to say that the same words are being repeated and repeated to describe this newest of isms.

We constantly hear such words and phrases as these to describe McCarthyism: Fascist, totalitarian, demagog, Gestapo, hysteria, witch hunting, inquisition, bigotry, terroristic, smear, unbalanced, antisemitic, libelous, undemocratic, persecution, uniformity, and so on ad infinitum.

The repetitious use of words of this sort in association with the name McCARTHY would seem to imply strongly that our country has been cursed with some manner of predatory beast upon committing the collective galaxy of crimes generally attributed to Attila, Nero, Hitler, Mussolini, Statlin, and even Satan himself.

It behooves us to pay a great deal of attention to such damning words and phrases especially when we consider the sources of such utterances. Such words and phrases have been publicly used by two of our Presidents, the wife of a President, national leaders of high elective and appointive office, distinguished members of the clergy, pundits of the press, foreign dignitaries of friendly and unfriendly nations, leading scientists and professional people, high-school teachers, college presidents, deans and professors, people from all entertainment media, best-selling authors in the fictional and nonfictional field, labor leaders, industrial giants, housewives, leading newspaper editorialists, and sidewalk and cocktail lounge conversationalists.

McCarthyism and McCARTHY have a legion of critics. That legion forms an unusual conglomeration of adherents. Even a hastily contrived list would have to include former President Truman, incumbent President Eisenhower, Senators Lehman, Humphrey, Kefauver, Margaret Chase Smith, Paul Douglas, Chavez, former Senators Tydings and Benton, newsmen Drew Pearson, Thomas L. Stokes, Joseph Barnes, Joseph and Stewart Alsop, Edward R. Murrow, Homer Bigart, John Crosby, Elmer Davis, H. V. Kaltenborn, Douglas Edwards, Agnes Meyer, the editorial and publishing staffs of Time, Life, the New York Times, the New York Herald Tribune, the Washington Post (now combined with the Times Herald), New York Post, Milwaukee Journal, the Boston Herald, the Nation, Pravda, Izvestia, Daily Worker, the New Republic, Atlantic magazine, Harper's magazine, the Saturday Review of Literature, the Monthly Review, Commonweal, the Reporter. We must also include as critics of McCARTHY and McCarthyism such clergymen as Methodist Bishop G. Bromley Oxnam, Roman Catholic Bishop Bernard J. Sheil, Rabbi Joseph Shubow, assorted personalities as Marquis Childs, Clement Atlee, Alan Barth, Eleanor Roosevelt, Arthur Meier Schlesinger, Jr., Earl Browder, Henry Steele Commager, James B. Conant, Robert Maynard Hutchins, Adlai Stevenson, Harold Stassen, and a host of other famous men and women from all walks of life. This is only a sampling of Senator McCARTHY's distinguished critics.

There is no comparable list of adherents to McCarthyism but there are signs at least that such a list is growing in numbers at the present time.

Now here is a subject which has seemed to have gripped the imagination of all thinking Americans as well as those who think of America. It is a subject that has permeated every phase of our civilization.

It is a subject that has entered into every avenue of our political, social, cultural, and economic life. Few, if any, subjects in modern times have engaged so much concentrated attention.

We cannot escape McCarthyism. Let us be thankful that we cannot escape it as long as we try to defend what is our American civilization. The time has come for our fellow Americans to stop apologizing to Europeans and other foreigners on behalf of McCarthyism. Let us start boasting about McCarthyism and its growth.

McCarthyism is nothing less than a a defense of our American civilization despite the glittering group of critics who are arrayed against McCarthyism. It would defy the normal imagination to recite one single topic which could bring together such a varied group of attackers such as are waging a ceaseless barrage of propaganda against McCARTHY and his "ism."

It is my sincere and considered belief that McCarthyism may well be partially defined as one of the last intellectual bulwarks of our civilization. McCarthyism is not expendable at this time. McCarthyism is necessary until something better is developed to protect our civilization from the current and growing threat of communism.

Before developing this thesis any further, let me state what I believe to be our American civilization. I believe that our American civilization is an accumulation of political, social, cultural, and economic habits developed through evolution and revolution. These habits have sometimes been formed by purging ourselves of the mistakes made in our own history or in the history of previous and foreign civilizations. Sometimes these habits have been formed by adapting good features of previous and foreign civilizations. Also, these habits have been formed often through the faculties of inventiveness on the part of Americans. These habits are basically decent. These are the habits which give to our country that uniqueness which makes the United States an object of admiration or envy for every nation in the world.

Consider briefly some of our political habits. We are a people living under a moral law—our Constitution—which provides for the protection by our Government of our natural rights. We are habituated to expect that protection and to protest, without fear, if that protection is not all that we demand and have a right to expect. It may not be a perfect political arrangement but it will suffice until a better one is introduced peacefully and accepted by the freely expressed will of our people.

Consider briefly our social habits. We are basically a people who do believe and practice the golden rule. There are no legal castes, classes, or strata of any kind in our society. We have emphasized, as no previous society has ever done, the equality of men on earth, men before and after the law, men before opportunities, and men in quest of reward. We have continually emphasized the sanctity of human and property rights in defense of encroachment upon those rights.

Consider briefly our economic habits. We have tried to maintain freedom of enterprise and initiative and inventiveness for all men of good will. We have not had such freedoms destroyed by recession, panic, depression, inflation, deflation, labor crises, or economic theorists. We have managed to survive the Square Deal, the New Deal, and the Fair Deal. We have survived through agrarianism, the Wobblies populism, progressivism, New Freedom, new nationalism, internationalism, isolation, and reforms of all descriptions. We have even survived the Henry Wallaceites. We survived Harry Hopkinsism—no mean feat and one which goes a long way toward explaining the miracle of America.

Consider briefly some of our cultural habits. We live in a country where every man may enjoy the religion of his choice or no religion. We live in a country where sectarian and nonsectarian schools exist side by side. We live in a country where for the edification of television audiences Molly Goldberg serves as a summertime replacement for Bishop Sheen. We live in a country where the columns of Drew Pearson and Westbrook Pegler may be placed side by side on the same editorial page. In other words, our cultural habits are marked by freedom and diversity. They are not characterized by uniformity or regimentation.

Now there is only one force in the world at this time which appears to be strong enough to change or destroy our habits of civilization—that one force is communism—the cancer of our generation. And like a bodily cancer, communism is a pervading, spreading, destructive disease and it can reduce even the strongest political unit to the status of a whimpering, grovelling, snivelling puppet.

The world has long sought a cure for bodily cancer. Experimentation, trial and error, discovery, disappointment, hope, progress, and failure are some of the elements of that search. Our country has sought a cure for the political cancer—communism. Sometimes that search has bogged down in a mire of indifference. Sometimes that search has been blocked by extreme opposition. Sometimes that search has stumbled against political expediency. McCarthyism is the best cure yet found. McCarthyism is a serious attempt to ferret out the roots of the cancer, to ferret out the advocates of communism, to ferret out the willing and/or the unwitting supporters of communism and Communists, to ferret out those who would obstruct in the slightest degree the search for the roots of communism.

There can be little quarrel with the observation that communism is a real threat to our country. The major share of our national annual budget is a defense item, a defense against an expected and feared aggression by the stronghold of communism which can only be Soviet Russia and its allies. Americans have spared little expense or energy to build up a wall of alliances against the external attacks of communism. There can be little doubt, however, that we have been remiss in building up our defenses against the attacks of communism from within our borders. The advocates of communism have found places in our Government, in its political, diplomatic, administrative, military, and clerical offices. They have found room in our press, in our pulpits, in our schools, in our laboratories, in our industrial plants, in our entertainment media, in our cultural societies, in our youth organizations, and in our labor organizations.

Communists have advised Presidents, dined at the White House, slept at the White House, picketed Federal court houses, picketed the FBI, castigated fearless investigators such as Bob Stripling, Martin Dies, J. Parnell Thomas, and Joseph McCarthy. Communists have poisoned young minds. They have lampooned, ridiculed, derided, bludgeoned, and taunted such outstanding anti-Communists as Louis Budenz, Whittaker Chambers, Elizabeth Bentley, J. B. Matthews, Alfred Kohlberg, Eugene Lyons, William F. Buckley, Bob Considine, Senators Jenner and McCarran, Congressman Velde, John O'Donnell, Walter Winchell, Father James Gillis, George Sokolsky, Gov. Hugh Gregg of New Hampshire, Walter Trohan, James Burnham, Fulton Lewis, Westbrook Pegler, Gen. Claire Chennault, Gen. Douglas MacArthur, Judge Harold Medina, David Lawrence, Ralph deToledano, John T. Flynn, and the editorial staff of the New York Journal American, the Washington Times-Herald (now defunct), the Manchester Union-Leader, the Chicago Tribune, the Freeman, Human Events, the American Mercury, the American Legion magazine, the Boston Post; the publishing house of Regnery & Co., Devin-Adair, Caxton Publishers, the Committee for Constitutional Government, the producers of Facts Forum, as well as any other individual or group advocating a consistent anti-Communist policy.

Communists have caused internecine quarrels. They have played off against one another our major political parties. They have arrayed leaders of major religious bodies against one another. They have divided

families and friends. They have cursed out the apostates from their ranks. As a result of this strategy of confusion Communists have been feted, awarded, promoted, lauded, and martyrized.

Ironically enough, these same Communists have sought and found shelter under a decent document—the Constitution—when their gross indecencies have been in the process of discovery. They have used the 1st, 4th, 5th, 6th, and 10th amendments plus the Declaration of Independence plus the utterances of Abraham Lincoln and George Washington.

These same Communists have oftentimes hidden behind the facade of front organizations which emphasize in their titles and letterheads such words and phrases as anti-Fascist, democratic, liberty, civil rights, freedom, American, and civil liberties.

Senator JOSEPH R. MCCARTHY has been one outstanding man who has bullied these vermin when they have been called to task before the legal investigating body of which he is the present chairman. It has been the work of his congressional subcommittee to investigate and to study subversive personalities who have been influential in undermining our civilization and then to make recommendations for laws to prevent future successes of similar vermin.

MCCARTHY'S has been pretty much of a thankless and misinterpreted task. He has interrogated and investigated people who were not and are not Communists. This has been necessary to complete the background of the investigations. Instead of being praised for being thorough, he has been condemned.

MCCARTHY has recited names in public which he has associated by simple logic with a pattern of subversion even though some of those names belong to people in high places. However, he has not called out names which are completely out from under a cloud of suspicion in respect to past and/or present activities and associations.

MCCARTHY has been confronted time and time again by witnesses from the ranks of high-school faculties and college professors who have suffered a sudden loss of memory when asked questions about their membership in the Communist Party, their Communist associates, their recruitment efforts for the party, their financial contributions to the party, their membership in front organizations, or their association with perennial joiners. Such teachers often use the shield of the fifth amendment or they maintain that such questions are an affront to academic freedom. Please note how ridiculous these defenses are. A teacher, who by his very occupation, is called upon to answer much more searching inquiries in his daily routine, suddenly has a loss of memory and cannot tell Senator MCCARTHY whether or not he ever did or still does belong to the Communist Party. Membership in that world renowned party is not something to be forgotten easily. It is an entrance into the vale of complete indecency and should under all normal circumstances be a move forever ingrained on the mind of the individual.

Then there is the matter of academic freedom. I cite Bishop Fulton J. Sheen for his concise answer to this problem:

"There is no danger whatsoever to academic freedom when a professor is asked if he is a member or not of the Communist Party. Absolutely none."

And there can be more said about academic freedom. First of all just what is academic freedom? It is the privilege of a teacher to present truth to developing minds. It is not the license to introduce developing minds to untruth and indecency unless they are labeled as such.

Communism is indecent and it is a massive collection of untruths. Nothing good can be said for communism. Academic freedom does not have the elasticity to allow favorable comments by any Christian, any American, or any real educator on behalf of communism.

And it would not be improper to say a few words at this time about the fifth amendment. It is a part of our Constitution. That Constitution is designed until the present time to protect only two groups, namely, loyal Americans and friendly aliens residing in this country. It was never and is not now designed to protect enemies of this country, and remember Communists are avowed enemies of this country. Only the naive or ignorant will still deny that Communists are our sworn enemies.

Let these fifth amendment teachers reflect if they will upon the chances they would have of survival if they were teaching anti-Communist doctrines in any of the Communist countries today. They would soon learn that academic freedom is peculiarly a tradition of freedom-loving countries.

Is it too much to expect that teachers should respect their positions of trust and that they have a moral obligation to display inspiring decency to students so that those students will be encouraged to seek the full truth of the subject at hand after an introduction to the basic truths of that subject? A Communist teacher is a moral pervert; his perversion should not be the subject of quibbling over the technicalities of tenure. He should be shunned arbitrarily from the academic profession and then called before the bar of decency to answer for his crimes of perversion and subversion. He should be tried as an accessory before, during, and after the crime of intellectual murder—brainwashing under the guise of a liberal shampoo.

Senator MCCARTHY has been berated for questioning the widely publicized pro-Communist statements and associations of scientists. MCCARTHY'S critics seem to take the stand that because a man has a distinguished position in the field of physics or mathematics or nuclear fission that such a man automatically qualifies for immunity from criticism when he transcends the boundaries of his specialized field of knowledge and begins to pontificate on other subjects.

They further take the stand that such distinguished savants of the physical sciences should not be criticized for their adherence to and support of the cause of communism or Communist-front organizations.

Such muddle-headed thinking develops to the point where Americans are asked to reward, condone, and follow these scientists who support a cause that is subversive of all that our fine civilization represents. I cannot understand why Albert Einstein or J. Robert Oppenheimer should be commended for harboring communistic views or associates in the past or in the present. Because a man builds a better mouse trap is no reason for believing that he should be respected as a guardian along the way of truth in moral matters. Do not forget that communism is a question of morals. It is not a subject that can be reduced to a scientific formula.

Albert Einstein and Oppenheimer and others of their ilk are not to be regarded as paragons of knowledge respecting constitutional law and every other subject within the ken of Americans. They have no right to tell us what church to attend, what school to attend, how to run a grocery store, how to answer or defy congressional committees, what brand of cigarettes to smoke, or what political beliefs will best serve us as Americans.

Scientists as these are specialists in a material field. They have shown a marked deficiency in certain fields of intelligence. They cannot recognize a subversive doctrine or subversive organization when such a doctrine or such an organization has been labeled subversive in public documents. These men have shown a marked lack of decency. Einstein, for example, encourages defiance to orderly processes of legally appointed investigating committees. Oppenheimer has never voluntarily bared his past record of associates who were technically and actually at war with our civilization. He has instead sheltered and apologized for his associates and provided them refuge in sensitive positions of government by his very silence. No scientist is unexpendable. Let our Government officials appoint and rely upon men whose past is completely unclouded by membership in or association with those perverts who join in and continue to support Communist front organizations.

Senator MCCARTHY has been roundly denounced for criticizing high officials of our Government for allowing people to continue in their employment in sensitive positions even though they have enjoyed questionable associations in the past or enjoy questionable associations at present.

This is a country of more than 160 million people. It is not too much to expect that Government employees without the slightest taint of a pro-Communist background can be recruited from that large population.

It is not a national necessity that this country should employ or continue to employ someone who has married a Communist, or someone who has belonged to a half a dozen Communist-front organizations, or made contributions to the Rosenbergs' cause, or paid personal tribute to the Red Dean of Canterbury. It is ridiculous to say that the normal part of every American's growth is to join for a long or short period some subversive organization which is intent upon reducing our civilization to a mass of atheistic rubble. Communism was never decent. There was never a decent climate of opinion which allowed toleration of communism.

Surely our leaders of Government can find individuals in this country who have never deviated in the direction of communism. An unsullied record is certainly preferable to a tarnished record. Dupes in positions of trust are positively expendable. There is no room in logic for countenancing them in the service of our Government no matter how minor or unimportant might be their job. Because a man is a graduate of a university which has a charter 200 or 300 years old does not qualify that man for a sensitive Government position if he is a fellow-traveler.

It is laudable to forgive sinners but where in the name of common sense is it wise to reward sinners. The ordinary prudent parent does not employ a known paroled murderer as a babysitter even though the murder was committed some time in the distant past. Likewise, a prudent American would not reward an ex-contributor to the Communist Party with a job of trust in the Government which is a prime target of that party.

It is our right as members of a Judaic-Christian civilization to be critical of those who have deviated from standards of political decency by contributing (even minutely) to the cause of communism. Communism is an evil which can destroy our existence as a decent civilization.

Communism has as its ultimate objective the destruction of our decent habits of civilization. Communism can make no positive contributions to our or any civilization. Its impressions can only be of a negative and destructive nature. Communism would destroy our political Government by deemphasizing to the point of non-recognition human integrity, natural rights, property rights and freedoms; and, it would wage a war against religion with the objective of creating a vacuum in the field of religion.

There can be no compromise with such a force as communism. It is ridiculous to expect that the Communists can be susceptible to compromise, or appeasement, or conciliation, or any other decent overtures. As Munich failed as a compromise with nazism, so too, Poland, Hungary, Czechoslovakia,

China, and other nations stand as real evidence that there can be no compromise with communism. We cannot mix decency and indecency and expect the total product to be decency. We cannot mix positives and negatives and expect the total product to be positives. We cannot mix Americanism and communism and expect the end product to be Americanism.

Communists are evildoers. Those who give Communists the least aid and comfort are also evildoers. Because they are clothed with the name of dupe, fellow traveler, liberal, progressive, or intellectual does not detract from the fact that they are evildoers. Evil should never be rewarded; it should be punished. Evildoers should be punished. They should be repelled by every weapon at our command.

We have mighty weapons. We have the Department of Justice, the FBI, grand juries, State and National legislative investigative committees and a good court system. We have the means of education. We have the force of public opinion. We have the moral strength which is inherent in decency. We have the electric chair, gas chamber, and gallows.

The sins of Communists, pro-Communists, dupes, fellow travelers, and their protectors should be aired. The age of the sins does not matter. Conspiracies are not consummated overnight. Conspiracies are long and complicated in formation. Old sins form a part of the pattern of conspiracy and make later sins possible and successful. It does not matter if a man or woman fell under the spell of communism 5, 10, 15, or 20 years ago. We must concern ourselves with whether or not the spell has completely worn off. When we are convinced that the spell is gone, we must examine if that spell was cast off voluntarily or only when the man or woman was under close scrutiny by a judicial or investigating body. Even if we are firmly convinced that the spell is gone, we have no moral obligation to reward the convert for his cure.

Being a non-Communist or anti-Communist is normal for Americans and they expect no rewards for being normal. Apostasy does not breed privilege.

Senator McCARTHY has labored under the belief that if a man falls once, he can fall again and he should not be placed in a position where his second fall might jeopardize the security of our Nation. That is an extremely prudent view admittedly. But there is call for extreme prudence when the security, freedom, and existence of 160 million people are involved.

This does not mean that Senator McCARTHY refuse to recognize that there are sincere former Communists who have since their reformation contributed mightily and generously by positive action to the crusade against communism. Whittaker Chambers, Louis Budenz, Elizabeth Bentley, and others have bared their past records for all to see. They have revealed names, incidents, associates, and all manner of valuable information which lends to the revelation of the entire Communist conspiracy in this country. They have rejected communism and embraced Americanism. They did not seek the shield of the Constitution, academic freedom, or abuse the legally constituted investigative bodies of our Government. They have made public confession and repentance and penance for their political sins. However, they have come under the scornful attacks of that new legion—the anti-anti-Communists.

Compare the treatment accorded to such aggressive and cooperative converts from communism to the treatment accorded to those who have made no positive contribution after their alleged conversion from a policy giving aid and comfort to the Communist cause.

Lucille Ball confessed that at the age of 25 she registered and voted as a Communist to satisfy the whim of a domineering grandfather. There have probably been more inane reasons for giving aid and comfort to the cause of communism but, if there have been, they escape me at the present moment. It would follow from her reasoning that each generation should satisfy the past generation when it comes to marking a ballot in secrecy. This woman has, since her widely heralded explanation, become one of the favorite entertainers of the White House. Needless to say an endorsement of that nature is much more than a strong anti-Communist such as Adolphe Menjou ever received.

The death of John Garfield ended his career—not the fact that he had been exposed as a fellow-traveler and joiner. Other careers that come to mind as not being retarded noticeably after exposure as dupes or fellow-travelers include Judy Holliday, Jose Ferrer, Abe Burrows, Marlon and Jocelyn Brando, Lee Cobb, Kim Hunter, Danny Kaye, Frank Sinatra, Karen Morley, Melvyn Douglas, Mr. and Mrs. Humphrey Bogart, and Larry Parks. My own studies of this problem fail to reveal where any one of these entertainers has made a positive contribution to the cause of anti-communism.

Senator McCARTHY and others practicing McCarthyism have made the American public aware of people who, if they are not Communists, have not harmed the Communist cause. Rather they have consistently espoused the aims and ideals of Soviet Russia in their teachings, writings, and activities. By no manner of reasoning can they be included in the ranks of anti-Communists. I speak of such men as Owen Lattimore, Frederick Schuman, T. A. Bisson, Edgar Snow, and Theodore C. White.

By what manner of reasoning can Edward R. Murrow be regarded as an anti-Communist? He can certainly be regarded as an anti-anti-Communist. There is also Elmer Davis, bitterly anti-McCARTHY, but who as head of the Office of War Information, shielded willingly or unwittingly an effective collection of Communist propagandists speaking with the support of our Government to the entire world as they tried to undermine Americanism. Does the dismal career of Elmer Davis in a position of trust qualify him as an expert on anti-communism? Should he be lauded for his attacks upon a real anti-Communist, Senator McCARTHY? What, precisely, has Elmer Davis ever done to lessen the influence of Reds in the country or has he consistently given the Communists aid and comfort by his hysterical utterances upon McCarthyism?

Can there be any excuse for James B. Conant and Nathaniel Pusey, past and present Harvard presidents, for making that aged campus a spawning ground for Communists? What lunatic fringe of thinkers would describe Eleanor Roosevelt as an anti-Communist?

One of Senator McCARTHY's prime targets was George Catlett Marshall. No one name aroused so much anti-McCarthyism. Yet few can deny that Marshall, serving his novitiate in diplomacy, contributed aid and comfort to Moscow and Mao Tse-tung by his advocacy of an armistice in China. In a few days Marshall accomplished more for the Chinese Communists than they had been able to accomplish in more than 20 years of active fighting in China. Marshall insured the rout of the Chinese Nationalists. This does not mean that Marshall was a Communist. It does mean that he was stupid enough to accept advice from someone who was positively pro-Communist. Gen. Claire Chennault's book, The Way of a Fighter, is a strong indictment against Marshall's amateurness. Incidentally, what, if anything, has Marshall upon his own initiative done to combat communism? Even the Marshall plan was his in name only and he received the Nobel peace prize for that. He might well have sent his check to the relief of Nationalist China.

Another of McCARTHY's targets was Dean Acheson, former Secretary of State. He was a man who could not find it in his heart to condemn Alger Hiss, who was an architect of pro-Communist diplomacy within the walls of the State Department and an architect of the Yalta sell-out and that great war preventative, the United Nations. Is Acheson to be applauded and defended for harboring such disreputable employees of our Government as Hiss, John Stewart Service, Philip Jessup, and John Paton Davies? Is McCARTHY to be condemned for spotlighting this cancerous situation within the most sensitive spot of our diplomacy?

Now, included in any appraisal of McCarthyism must be a mention of the new horde of questionable Americans—the anti-anti-Communists. They are a strange group. They insist that they are against communism, yet they carry on relentless attacks against those who are recognizable as anti-Communists. It is one of the major tasks of these anti-anti-Communists to discount the real conversions of former Communists, to ridicule their confessions as fictional, all this despite the repeated support of these former Communists by J. Edgar Hoover and other responsible loyal investigators. The same sort of treatment is accorded to those courageous Americans who live a dual life while working underground for the FBI. The same sort of treatment is accorded to those enlightened and courageous people who escape from behind the Iron Curtain and volunteer their knowledge to American investigative bodies.

The anti-anti-Communists also exert much energy in petty attacks on the person of Senator McCARTHY. They invent stories questioning his rigid adherence to his religion. They describe McCARTHY as anti-Semitic, anti-Negro, and anti-Protestant. They probe and search his personal financial record. They probe and search the finances of his friends and associates. They ridicule his military record. They quote him out of context. They distort his facts. They carry on vicious whispering campaigns reflecting upon his personal integrity. They minimize the results of his work. They accuse him of neglecting his duty because he has not yet filled the Federal prisons with Communists. They ignore the fact that McCARTHY is not a prosecutor, that he is not a one-man jury. They ignore the fact that Senator McCARTHY is the elective choice for the United States Senate, a choice made by the electorate of the sovereign State of Wisconsin, and that a portion of his duties assigned to him by his colleagues of the Senate is to investigate subversives in this country, and that he is then to make recommendations for laws to make it more difficult for the infiltration of subversives into the core of our civilization. If McCARTHY smiles, the anti-anti-Communists describe him as uneasy.

The anti-anti-Communists spend a great deal of time in publishing, editing, and writing books. They review each other's books. They invariably praise each others work but also invariably condemn, boycott, or suppress any book which is written from an anti-Communist position. This has been particularly noticeable in the book review sections of the New York Times, New York Herald Tribune, Saturday Review of Literature, Harper's, Atlantic, the Nation, and New Republic. The American Legion magazine has repeatedly called this frivolous situation to the attention of its readers but the practice has not abated. The anti-anti-Communist conspiracy still continues unretarded in the book-selling, book-publishing, and book-reviewing fields.

The anti-anti-Communists have also made it a practice to play the numbers game over figures allegedly or actually presented by Senator McCARTHY in a series of speeches made in 1950. I refer you to the recent publication of McCARTHY and His Enemy by William F. Buckley, Jr. and L. Brent Bozell. Those two authors have satisfactorily

analyzed and exploded the theory that McCARTHY was inconsistent with that subject of numbers of Communists at work in the State Department in 1950.

However, the anti-anti-Communists have another numbers game. This second numbers game propounds the theory that since only a fraction of 1 percent of Americans are Communists, there is no real danger to our security—certainly not the type of danger which is pointed out by McCARTHY. This is a most specious line of reasoning and has had some support from recent utterances by President Eisenhower. Those who minimize the dangers of subversives might well read the dispassionate account Web of Subversion recently written by James Burnham. That one book makes me wish that we had a thousand full-time Senator McCARTHY's in action at this very time. Instead we have 1 Senator McCARTHY and he has been hamstrung in a 2-a-day television spectacle while Nero Malenkov must be wearing out his fiddles.

Beyond Burnham's account of subversion, let us further consider the ridiculousness of estimating and evaluating the dangers of subversives in terms of numbers and percentages. How many men like Alger Hiss are needed to corrupt the State Department? How many men like Harry Dexter White are needed to corrupt the Treasury Department? How many sets of muscles are needed to carry secrets out of radar laboratories, H-bomb installations, the Central Intelligence Agency, or General Electric plants?

There was a Man who began his crusade with 12 disciples. His cause has never before in history been so challenged as it is today by the antichrist which is communism. The advocates of antichrist should view optimistically their future success in this country if they have 25,000 disciples (Eisenhower's figures) carrying out their cancerous destiny in this country today. Remember there was only Karl Marx and Frederich Engels 106 years ago. Remember further that no revolution is started by a majority of the populace.

And before closing—a few words about McCARTHY's methods. There has been a hue and cry that his methods are too rough. I interject an objection and maintain that McCARTHY's methods have been too gentle. No set of methods can be too rough against Communists and those who directly or indirectly give willing aid and comfort to the Communists. This is a holy war that exists in our time. It is a struggle for existence. It is a fight between decency and indecency. It is a time when standards of fair play should be ignored because one set of belligerents does not recognize fairness as a virtue but only as a weakness.

McCARTHY and men like him should be given more and more encouragement to gouge and kick and punch, figuratively speaking. Abuse of uncooperative witnesses should be intensified and prolonged until the American public becomes aware of the callousness of the subversives who are in our midst. This is not a time for niceties. We are dealing with people who are in the employ of, or sympathize with, a foul, corrupt nation and cause which endure only through the use of brute force, through slavery, torture, degradation, persecution and indecency. Such a nation, and cause and their adherents are not going to be converted by reason or appeals to sensitivities which have been dulled by regimentation—they can only be convinced by the one thing they recognize—force.

McCARTHY is the only national leader yet on the scene who seems to recognize this fact. His methods have been the only productive methods in ferreting out Communists since MARTIN DIES was railroaded out of politics and his chief investigator, Robert Stripling, was made a yardbird in the Army. I refer you to the Red Plot Against America, by Bob Considine and Robert E. Stripling for the account of an earlier version of the G. David Schine controversy enacted back in 1944 and 1945.

If, and I do not maintain that they are—if McCARTHY's methods are bad, point out, if you will, a better set of methods which have been tried and tested and found to be efficient. Question, if you will, anyone who disputes McCarthyism by asking that critic what he has personally done to uncover Communists in a more efficient manner than McCARTHY. His silence will astound you—I promise.

And as a final admonition. Silence McCARTHY and the vermin will crawl out of their hiding places and into the arms of their liberal protectors. Silence McCARTHY and these indecent creatures will wreak untold destruction until another McCARTHY comes along, but then it may be too late. Let us hope not.

My thoughts are not exhausted on this subject and I hope that they never are, even if my voice is in the minority. I curse the day when McCarthyism is no more.

THE UNITED NATIONS

Mr. WILEY. Mr. President, according to newspaper reports, Gen. Mark Clark testified before a Senate committee to the effect that the United States should withdraw from the United Nations. That is the opinion of Gen. Mark Clark.

I was happy to read in this morning's Washington Post the result of a Gallup Poll, which shows that the youth of the Nation very decided disagree with the general.

Gen. Mark Clark, according to newspaper reports, said that he could see no good being accomplished by the United Nations. I suggest that he read what the United Nations has accomplished. I suppose the Ten Commandments have not accomplished what they were supposed to accomplish. However, the Ten Commanments, when they are utilized by people of good spirit, who live according to their spirit, prove to be very valuable.

The trouble is not with the mechanism. The trouble is with those who attempt to operate the mechanism. At least the United Nations is a program. The late Senator Vandenberg called it the Town Meeting of the World. After my experience with it, I call it the crossroads of the world.

I am happy to note that according to a recent Gallup poll the youth of the Nation believe there is hope in the United Nations and that it may be a solution. At least it is a hope.

Nothing was said by the general about where we would go if we terminated our membership in the United Nations. We would probably precipitate a third world war.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article dealing with the subject which was published in this morning's Washington Post.

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

THE GALLUP POLL—PUBLIC ACCEPTANCE OF U. N. HAS INCREASED SINCE 1945

(By George Gallup)

PRINCETON, N. J., August 10.—Two reasons the public's unwillingness to go along with the Knowland proposal to pull out of the United Nations if Red China is admitted come to light in the latest coast-to-coast survey by the institute:

1. Public acceptance of the U. N. has widened since it was founded in 1945. An institute survey in July of that year found 66 percent in favor of Senate ratification of the U. N. Charter.

Today, 9 years later, 3 out of every 4 Americans (76 percent) say they approve of the world organization.

2. Nearly 6 out of every 10 (59 percent) believe the U. N. has done a good job, in general, in trying to solve the problems it has had to face.

Only 1 person in 4 (26 percent) believes it has done a poor job.

As reported Sunday, 59 percent say we should not, as Senator KNOWLAND has proposed, pull out of the U. N. if the Chinese Reds are admitted by majority vote.

To find out where the American people stand on the U. N. today, the institute had its nationwide corps of interviewers ask two questions of a cross-section of voters. The first:

Do you approve or disapprove of the United Nations?

	Percent
Approve	76
Disapprove	11
No opinion	13
	100

Strongest approval of the world organization is found among persons who have attended college. Here is the vote by education levels:

[Percent]

	College	High school	Grade school
Approve	90	78	64
Disapprove	6	11	14
No opinion	4	11	22
Total	100	100	100

The second question:

"In general, do you think the United Nations is doing a good job or a poor job in trying to solve the problems it has had to face?"

Here is the trend since 1951—1 year after we entered the Korean war:

[Percent]

	June 1951	September 1953	January 1954	Today
Good	54	66	55	59
Poor	36	22	30	26
No opinion	10	12	15	15
Total	100	100	100	100

Of interest is the fact that partisan differences of opinion on both of today's questions about the U. N. are remarkably absent. Republicans, Democrats, and independents all express approval of the organization and believe that, in general, it has done a good job to date.

Few organizations in history have ever started out with such overwhelming support as the U. N.

In institute surveys during the years that have followed, the public has repeatedly been in favor of the U. N., although expressing disappointment at times over the achievements and progress of the world organization.

But the public also has felt strongly that the proper course was to strengthen the organization, not abandon it.

For example, in December 1952, an overwhelming majority—77 percent—of the Na-

tion's voters said it was highly important to make the U. N. a greater success.

Today's survey is eloquent evidence of how far public opinion has swung away from the isolationist doctrine of the 1930's.

By way of contrast, an institute survey in 1937 found just 33 percent of the people in favor of joining a league or association of nations. Those were the days of the Neutrality Act.

The turning point came in 1941. That was when an institute survey found that a majority of our people had turned their thoughts to joining a new league.

In December 1942 a very sizable majority of 73 percent expressed the opinion that Washington should call a meeting of Allied leaders to set up a world organization without waiting for the war to end.

That is what happened in San Francisco 2½ years later.

CALL OF THE CALENDAR

The PRESIDING OFFICER. If there is no further morning business the Senate will proceed to the call of the calendar.

Mr. KNOWLAND. Mr. President, I have discussed with both the majority and the minority calendar committees the fact that as of last night the last bill on the calendar was calendar No. 2394, S. 3822. All measures from that point on have been placed on the calendar since yesterday. Obviously, the calendar committees have not had an opportunity to study those measures. In fact, the reports on many of them have not been received. Therefore it would seem to me that under the circumstances we should stop the call of the calendar with calendar No. 2394.

So that every Senator may be advised, we expect to have one more calendar call, at least, before final adjournment, and perhaps more than one.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. Is it the intention of the majority leader that we stop after Calendar 2394 is called?

Mr. KNOWLAND. Yes; stop the calendar call with No. 2394, S. 3822. That is the last bill which was on the calendar as of last night.

The PRESIDING OFFICER. Is it the intention of the majority leader, after Calendar 2394 has been disposed of, to return to the beginning of the calendar?

Mr. KNOWLAND. Yes; the Senate will then resume the call at the beginning of the calendar.

The PRESIDING OFFICER. The Secretary will state the first bill to be called on the calendar under the order.

TIBOR, SZUZSA (SUSANNE), AND JUDITH SAUER

The bill (H. R. 5340) for the relief of Tibor, Szuzsa (Susanne), and Judith Sauer was considered, ordered to a third reading, read the third time, and passed.

LIBORIO GUIDO RUTILIO

The bill (H. R. 5354) for the relief of Liborio Guido Rutilio was considered, ordered to a third reading, read the third time, and passed.

GERTRUD O. HEINZ

The bill (H. R. 6026) for the relief of Gertrud O. Heinz was considered, ordered to a third reading, read the third time, and passed.

MRS. CARIDAD ROSA AVILA LEYVA DE ERNEST

The bill (H. R. 5816) for the relief of Mrs. Caridad Rosa Avila Leyva de Ernest was considered, ordered to a third reading, read the third time, and passed.

ESTERINA PELLA BELLUCCI

The bill (H. R. 6553) for the relief of Esterina Pella Bellucci was considered, ordered to a third reading, read the third time, and passed.

MRS. ELISABETH METZING RINK

The bill (H. R. 6855) for the relief of Mrs. Elisabeth Metzing Rink was considered, ordered to a third reading, read the third time, and passed.

MARIA ELIZABETH SANCHEZ Y MORENO

The bill (H. R. 6982) for the relief of Maria Elizabeth Sanchez y Moreno was considered, ordered to a third reading, read the third time, and passed.

WALTRUADE ELSA SOLLEDER

The bill (H. R. 7041) for the relief of Waltruade Elsa Solleder was considered, ordered to a third reading, read the third time, and passed.

ANNELIESE CATALINO

The bill (H. R. 7145) for the relief of Anneliese Catalino was considered, ordered to a third reading, read the third time, and passed.

THORA JUNE GRUMBLES

The bill (H. R. 7150) for the relief of Thora June Grumbles was considered, ordered to a third reading, read the third time, and passed.

JOZEF VAN DEN BROECK

The bill (H. R. 7152) for the relief of Jozef Van den broeck was considered, ordered to a third reading, read the third time, and passed.

ANDERS TARANGER

The bill H. R. 7221) for the relief of Anders Taranger was considered, ordered to a third reading, read the third time, and passed.

JOHN LEWIS PYLES, JR.

The bill (H. R. 7761) for the relief of John Lewis Pyles, Jr., was considered, ordered to a third reading, read the third time, and passed.

FUNG PING WAH ET AL

The bill (H. R. 8239) for the relief of Fung Ping Wah (also known as Reginald Ping Wah Fung) and his wife, Fung Wai-Yin Li (also known as Doris Fung), was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF THE STATE OF OKLAHOMA

The bill (S. 377) for the relief of the State of Oklahoma was announced as next in order.

Mr. HENDRICKSON. Mr. President, I think we should have a thorough explanation of this bill, because it involves the payment of a very substantial sum of money.

Mr. McCARRAN. Mr. President, this legislation would pay to the State of Oklahoma the sum of $656,500 in full settlement of all claims of the State against the United States by reason of an agreement made by the United States through the Works Projects Administration under a stipulation regarding participation by the WPA in certain highway projects undertaken by the State highway commission and necessitated by reason of the construction of the Grand River Dam in Oklahoma.

This legislation has quite a history, in which there was considerable disagreement between the State of Oklahoma and the United States Government as to damages for inundating highways and bridges for the construction of the Grand River Dam. After suits between the parties involved, a stipulation was entered into whereby the United States Government settled a $2½ million claim by the State of Oklahoma for approximately $700,000, of which the State of Oklahoma received approximately $50,000, leaving a balance of $656,500. The WPA was to do work in the way of highways and bridges for the State of Oklahome up to that amount, but since the lake level of the Grand River Dam had not actually been determined, the State of Oklahoma was not in position to have the work done. At about that time the United States became engaged in World War II and the WPA was abolished. Therefore, the funds allocated for this purpose are no longer in existence.

The Government's contention in this matter is that, under the stipulation, settlement was made for all damages and that on a later suit brought by the State of Oklahoma, the stipulation was held to be a bar against further recovery; but the committee is of the opinion that, while it is a bar for any suit for damages, the fact remains that the United States Government entered into an agreement to pay this money to the State of Oklahoma and has not done so. The committee therefore recommends that the claim be considered favorably.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 377) for the relief of the State of Oklahoma, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 5, after the word

"River", to strike out "ram" and insert "dam", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Oklahoma, for the use and benefit of the State highway commission of such State, the sum of $656,500. The payment of such sum shall be in full settlement of all claims of the State of Oklahoma against the United States by reason of an agreement, made by the United States through the Works Projects Administration, under a stipulation filed on February 25, 1941, in the case of *United States* v. *Phillips* and others (civil action numbered 351 in the United States District Court for the Northern District of Oklahoma), for the Work Projects Administration to participate in certain highway projects in the Grand River Dam Reservoir area undertaken by the State highway commission of the State of Oklahoma and necessitated by reason of the construction of the Grand River Dam. Such agreement was not fully carried out by the Work Projects Administration because of the subsequent participation by the United States in World War II and abolishment of the Work Projects Administration.

Mr. HENDRICKSON. Mr. President, may I ask the distinguished Senator from Nevada a question?

Mr. McCARRAN. Mr. President, I have an amendment which I am going to offer, if I may.

Mr. HENDRICKSON. I was going to ask about that amendment.

Mr. McCARRAN. Mr. President, I offer herewith an amendment to S. 377, a bill for the relief of the State of Oklahoma, which amendment would prohibit the payment of any attorneys' fees in connection with this claim. Even though the attorneys who appeared in behalf of the State of Oklahoma were employees of that sovereign State, this amendment is offered in order to have the bill conform completely with the past action of the judiciary committee relating to attorneys' fees. The amendment is as follows:

On page 2, line 11, strike the period, insert a colon in lieu thereof, and the following:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Nevada.

The LEGISLATIVE CLERK. On page 2, line 11, it is proposed to strike the period, insert a comma in lieu thereof, and the following:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HENDRICKSON. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. HENDRICKSON. Mr. President, for some time I have been deeply concerned about these private-claim bills, particularly those involving the payment of money. I should like to ask the distinguished Senator from Nevada if, from his long experience as a member of the Judiciary Committee, the Senate should not have some rule whereunder bills providing for the payment of sums exceeding a certain amount should be debated.

Mr. McCARRAN. Mr. President, the committee in recent months has uniformly turned down fees for attorneys. There might be some instances in which a different rule should apply, and there might be cases where a different rule would be justified, but under all the conditions, as I view it—and in this matter I may say that I am substituting for the chairman of the Judiciary Committee—in this case there should be no attorney's fees allowed.

Mr. HENDRICKSON. I quite agree with the distinguished Senator as to his amendment, but I am concerned about the payment of large sums of money without a thorough debate on the floor of the Senate. I shall not object in this instance, because the equities are clearly presented. But, more and more, the Senate is getting into the habit of acting on bills which allow very excessive sums, in some cases, without any debate at all. I am only trying to find some way to protect the members of the Judiciary Committee and of the Senate, because we have virtually become a court of claims. I know these things deeply concern the Senator from Nevada. To protect the Senate, we created the Court of Claims to hear the facts and adjudicate claims, but we constantly authorize payments on testimony which would not be recognized in a court of law.

Mr. McCARRAN. Mr. President, I may say to the Senator and to the Senate that those of us who are on the Judiciary Committee consider it a matter of grave concern when we view the magnitude of some of the bills which come before that committee and the amounts of money which are involved. However, the committee is well staffed. The staff is composed of a hard-working group. After a staff member passes on any claim it is then submitted to the entire staff and to every member of the committee, so that a study can be made, and so that a Senator's individual staff may make a study of the claim. Then the claim is brought before the Judiciary Committee as a whole, and there it is discussed pro and con. As a rule, we go into such matters very thoroughly. This matter was gone into at length.

Mr. HENDRICKSON. That is quite true in the earlier days of the session, Mr. President, but in recent weeks the Judiciary Committee has been voting to report en bloc 150 bills at a time without any explanation to the full committee at all. I think such a procedure is wrong. In my opinion, I think some of these days the Senate of the United States is going to be very much embarrassed by the ever-increasing tendency to pay large sums of money without a full examination of all the witnesses involved, and in many cases the witnesses should be examined under oath.

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

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

Mr. SMATHERS. I should like to ask the able Senator from New Jersey if it is not his duty, as chairman of the calendar committee on his side, to rise and object when he finds a bill he thinks carries too large an amount, thereby requiring that the bill be put on the regular calendar to be debated, so that all the facts can be brought out.

Mr. HENDRICKSON. That is one of my duties.

Mr. SMATHERS. I do not quite understand the position of the Senator from New Jersey. I agree that many claims bills involve large amounts of money, but, as the Senator from Nevada [Mr. McCARRAN] said, the bills are considered by the full Judiciary Committee. Then they are reported to the Senate, where the calendar committees, with their staffs, consider them. If the Senator from New Jersey has any doubt about a bill, if I have any doubt about a bill, or if any other Senator has any doubt about a bill, there is a duty to stand up and object. One objection will cause a bill to be passed over, so that the whole matter can be debated.

Mr. HENDRICKSON. The Senator from Florida need have no fear in that regard. The Senator from New Jersey will object, and will object many times during the course of the day.

Mr. SMATHERS. I thank the Senator. I understand the Senator from New Jersey does not intend to object to this bill. Is that correct?

Mr. HENDRICKSON. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

Mr. JOHNSTON of South Carolina. Mr. President, what the Senator from New Jersey has said was well stated. We do get into a rush at the conclusion of a session, and it is difficult for the Members of the Senate really to give full consideration to bills. However, the staff has gone over these bills, as I think the Senator from New Jersey will agree, before the committee reports them. The staff does most of the work of studying the bills for the committee. If we did not have an excellent staff in the committee I do not know what we would do, for we, as Senators, do not have time to study each and every claim which is filed.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. McCARRAN. If any Senator is in doubt about this particular bill, I may say that extensive hearings were held on it. This is not one of the bills which came in "in the rush," so to speak.

Mr. JOHNSTON of South Carolina. No; this is not one of those.

Mr. McCARRAN. The Senate need have no apprehension as to this bill.

Mr. HENDRICKSON. Mr. President, it is for that reason that I shall not object to the bill. The bill has had study; but there are other bills which have not had such study.

Mr. McCARRAN. That is correct.

Mr. JOHNSTON of South Carolina. I was calling the attention of the Senate to that fact, not as to this particular bill any more than any other bill. Toward the close of a session we do get in a jam, and it would be very easy for something to happen sometime that might embarrass us in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

The amendment was agreed to.

The bill (S. 377) was ordered to be engrossed for a third reading, read the third time, and passed.

HAVA SHPAK ET AL.

The Senate proceeded to consider the bill (S. 547) for the relief of Hava Shpak, A. A. Shpak, and Sympcha Shpak, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Hava Shpak, A. A. Shpak, and Sympcha Shpak shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEREMY ALLEN CLORE

The Senate proceeded to consider the bill (S. 1601) for the relief of Jeremy Allen Clore, which had been reported from the Committee on the Judiciary with an amendment, in line 5, after the word "natural", to insert "alien", so as to make the bill read:

Be it enacted, etc., That for the purposes of the Immigration and Nationality Act, Jeremy Allen Clore shall be held and considered to be the natural alien child of Mr. and Mrs. J. M. Clore, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. CHANG HO CHO

The Senate proceeded to consider the bill (S. 1978) for the relief of Dr. Chang Ho Cho, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee", to strike out "and head tax", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Dr. Chang Ho Cho shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANICETO SPARAGNA

The Senate proceeded to consider the bill (S. 2064) for the relief of Aniceto Sparagna, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee.", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Aniceto Sparagna shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN HENRIETTE BUCH

The Senate proceeded to consider the bill (S. 2536) for the relief of Ellen Henriette Buch, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "available", to insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Ellen Henriette Buch shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHAYA FRANGLES

The Senate proceeded to consider the bill (S. 2649) for the relief of Chaya Frangles, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Chaya Frangles, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Benjamin Sherman, legal residents of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER HABERL

The Senate proceeded to consider the bill (S. 2709) for the relief of Peter Haberl, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and "*Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Peter Haberl may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provision of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GIANNI BERNARDIS

The Senate proceeded to consider the bill (S. 2789) for the relief of Gianni Bernardis, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Gianni Bernardis shall be held and considered to be the minor alien child of Jacob Schiffman, a United States citizen. Notwithstanding the provision of section 212 (a) (7) of the said act, Gianni Bernardis may be admitted to the United States for permanent residence if otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERNESTO DE LEON

The Senate proceeded to consider the bill (S. 2791) for the relief of Ernesto DeLeon, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee.", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number

from the appropriate quota for the first year that such quota is available.", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Ernesto DeLeon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SANDRA LEA MacMULLIN

The Senate proceeded to consider the bill (S. 2885) for the relief of Sandra Lea MacMullin, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and *"Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the act," so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Sandra Lea MacMullin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERNEST LUDWIG BAMFORD AND MRS. NADINE BAMFORD

The Senate proceeded to consider the bill (S. 3065) for the relief of Ernest Ludwig Bamford and Mrs. Nadine Bamford, which had been reported from the Committee on the Judiciary with an amendment, in line 8, after the word "fees", to strike out "and head taxes", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Ernest Ludwig Bamford and Mrs. Nadine Bamford shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer or officers to make appropriate deductions of two numbers from the first available immigration quota or quotas.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRENE JULIENNE GIVENS

The Senate proceeded to consider the bill (S. 3160) for the relief of Irene Julienne Givens, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided*, That this exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Irene Julienne Givens may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INGEBORG OTTO

The Senate proceeded to consider the bill (S. 3221) for the relief of Ingeborg Otto, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in accordance with section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (7) of the Immigration and Nationality Act, Ingeborg Otto may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in accordance with section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALI HASSAN WAFFA

The Senate proceeded to consider the bill (S. 3322) for the relief of Ali Hassan Waffa, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Ali Hassan Waffa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BABETTE BAYER TRISLER

The Senate proceeded to consider the bill (S. 3343) for the relief of Babette Bayer Trisler, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act," to insert a colon and *"Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Babette Bayer Trisler may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNELIESE HOFMANN

The Senate proceeded to consider the bill (S. 3424) for the relief of Anneliese Hofmann, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act: *And provided further*, That the marriage to her United States citizen fiance, Onore E. Case, shall occur not later than 6 months following the date of the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Anneliese Hofmann may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act: *And provided further*, That the marriage to her United States citizen fiance, Onore E. Case, shall occur not later than 6 months following the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLINT LEWIS

The Senate proceeded to consider the bill (H. R. 1514) for the relief of Clint Lewis, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "act", to strike out "in excess of 10 per centum thereof."

Mr. HENDRICKSON. Mr. President, reserving the right to object, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, beginning with line 3, it is proposed to strike out "That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated," and insert in lieu thereof the following: "That the Director of the Foreign Operations Administration is authorized and directed to pay, out of any money made available for assistance to France pursuant to section 103 (a) of the Mutual Security Act of 1954."

Mr. WILEY. Mr. President, I shall have to object to the amendment offered by the Senator from New Jersey, if it is insisted on. Otherwise, I shall not object to the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

Mr. HENDRICKSON. Mr. President, will the Senator from Wisconsin withhold his objection?

Mr. WILEY. Yes.

Mr. HENDRICKSON. This bill involves a French flier who stole an American military plane and crashed into American property. I know the amount is small, but I cannot understand why the money should not come from the French assistance appropriation.

Mr. WILEY. My answer is that the bill pays a private claim of $200, resulting from the crash of an airplane flown without permission by a French pilot in Texas in 1951.

I understand the amendment which has been offered by the Senator from New Jersey would require the claim to be paid by the Director of the Foreign Operations Administration, the purpose being to deduct the amount of the claim from assistance programed for France.

It seems to me that the amendment offered by the Senator from New Jersey should be resisted, and, as chairman of the Committee on Foreign Relations, I am resisting it, particularly in view of the claimant's own statement that "if the claim is not proper according to military law, we can forget it." This statement was contained in a letter from Clint Lewis to Representative HOMER THORNBERRY, as appears on page 4 of the Senate committee report.

I have simply raised the question because I have been asked to object to the amendment, but not to the bill. Of course, if the amendment is insisted upon, I shall ask that the bill go over.

Mr. HENDRICKSON. I ask that the bill go over.

Mr. McCARRAN. Mr. President, may I make a statement in answer to the Senator from Wisconsin [Mr. WILEY]?

The PRESIDING OFFICER. If the Senator from New Jersey will withhold his objection on the bill which is under consideration, the Senator from Nevada can be recognized.

Mr. HENDRICKSON. Indeed I will.

Mr. McCARRAN. Mr. President, the bill proposes to award the sum of $200 to Clint Lewis, of Caldwell, Tex., in full settlement of his claims against the United States for property damage sustained by him as the result of an accident involving a United States Air Force plane in Burleson County, Tex., on June 4, 1951.

A member of the French Air Force stationed at Randolph Air Force Base, Tex., took an American Air Force plane without authority and crashed said plane into property belonging to the claimant.

The claimant filed a claim with the Department of the Air Force for the amount of $200 for property damage sustained by him due to the plane crash. This claim was disapproved for the reason that the accident causing the damage was due to an airman acting outside the scope of his employment. Subsequently, the United States Government entered into negotiations with the Government of France in an effort to secure payment of the claim and the French Government refused to consider the claim favorably. The committee believes it inequitable to deny a United States citizen compensation for damages caused to his property by a member of the French Air Force when, under the Foreign Claims Act, the United States is responsible for damages or destruction of private property in a foreign country irrespective of whether the United States airman was acting in an official capacity. It appears incongruous to deprive a United States citizen of a remedy for damages caused to his property when at the same time the United States compensates foreign citizens when their property is damaged, irrespective of whether the member of the United States Armed Forces causing the damage is acting within the scope of his authority.

The committee therefore recommends favorable consideration of this bill, H. R. 1514, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, as the Senator from Texas [Mr. JOHNSON] just remarked to me, this is a very small matter of $200. In view of that fact I shall not object to passage of the bill.

The PRESIDING OFFICER. Does the Senator from New Jersey withdraw his objection?

Mr. HENDRICKSON. I withdraw the objection, Mr. President. I should like to call the attention of the Senator from Wisconsin to a bill reported by him from the Committee on Foreign Relations. It is Calendar No. 2355, S. 3844, a bill to provide for a reciprocal and more effective remedy for certain claims arising out of the acts of military personnel and to authorize the pro rata sharing of the cost of such claims with foreign nations, and for other purposes.

The principle of that bill is exactly the same as my amendment sought to accomplish. I do not know how the Senator from Wisconsin can explain this inconsistency.

The PRESIDING OFFICER. Does the Senator from New Jersey withdraw both his objection and the amendment?

Mr. HENDRICKSON. I withdraw my objection.

The PRESIDING OFFICER. And the amendment, too?

Mr. HENDRICKSON. And my amendment as well.

The PRESIDING OFFICER. The Senator from New Jersey withdraws his amendment.

The question is on agreeing to the committee amendment.

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 and passed.

WAH CHANG CORP.

The Senate proceeded to consider the bill (H. R. 5461) for the relief of Wah Chang Corp., which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding any statute of limitations, lapse of time, or any prior court decision on this claim by any court of the United States, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on the claim of Wah Chang Corp. against the United States for compensation for loss of property and for removal expenses incurred as a result of the acquisition in the year 1942 by the United States for military purposes of pier No. 13, New York foreign-trade zone, Staten Island, N. Y., which had theretofore been leased by said Wah Chang Corp. and upon which the said Wah Chang Corp. had erected and maintained a tungsten processing plant.

SEC. 2. Suit upon such claim may be instituted hereunder not later than 1 year after the date of the enactment of this act: *Provided, however,* That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

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 and passed.

The title was amended so as to read: "An act to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment on the claim of Wah Chang Corp. against the United States."

JUAN ANTONIO GORRONO LAJARZABULO AND JESUS MARIA OJENOLA GUERNICA

The Senate proceeded to consider the bill (S. 1852) for the relief of Juan Antonio Gorrono Lajarzabulo and Jesus Maria Ojenola Guernica, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the name "Gorrono", to strike out "Lajarzabulo" and insert "Lejarzaburu"; and in line 5, after the name "Objenola", to strike out "Guernica" and insert "Garnica", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Juan Antonio Gorrono Lejarzaburu and Jesus Maria Ojenola Garnica shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct

the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Juan Antonio Gorrono Lejarzaburu and Jesus Maria Ojenola Garnica."

URSULA WILKE

The Senate proceeded to consider the bill (S. 1873) for the relief of Ursula Wilke, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Ursula Wilke, the fiance of Sgt. Willard M. Collins, a United States citizen serviceman, and Mike Mario Wilke, their minor child, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Ursula Wilke is coming to the United States with a bona fide intention of being married to the said Willard M. Collins and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Ursula Wilke and Mike Mario Wilke, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above persons shall occur within 3 months after the entry of the said Ursula Wilke and Mike Mario Wilke, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Ursula Wilke and Mike Mario Wilke as of the date of the payment by them of the required visa fees: *Provided further*, That the exemption granted herein shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Ursula Wilke and Mike Mario Wilke."

VITTORIA ALBERGHETTI AND OTHERS

The Senate proceeded to consider the bill (S. 2841) for the relief of Vittoria Alberghetti, Daniele Alberghetti, and Anna Maria Alberghetti, which had been reported from the Committee on the Judiciary with amendments in line 4, after the name "Alberghetti", to strike out "and", and in line 5, after the name "Alberghetti", to insert "Carla Alberghetti, and Paolo Alberghetti", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Vittoria Alberghetti, Daniele Alberghetti, Anna Maria Alberghetti, Carla Alberghetti, and Paolo Alberghetti shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Vittoria Alberghetti, Danielle Alberghetti, Anna Maria Alberghetti, Carla Alberghetti, and Paolo Alberghetti."

EVANTIYI YORGIADIS

The Senate proceeded to consider the bill (S. 2925) for the relief of Evantiyi Yorgiadis, which had been reported from the Committee on the Judiciary with an amendment, in line 4, after the name "Evantiyi", to strike out "Yorgiadis" and insert "Yorgiyadis", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Evantiyi Yorgiyadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Evantiyi Yorgiyadis."

MRS. CECIL NORTON BROY

The Senate proceeded to consider the bill (H. R. 7886) for the relief of Mrs. Cecil Norton Broy, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "of", to strike out "$3,000" and insert "$10,000"; in line 10, after the name "Broy", to insert "and for his subsequent death"; and on page 2, line 5, after the word "act", to strike out "in excess of 10 percent thereof."

Mr. McCARRAN. Mr. President, this bill would pay to Mrs. Cecil Norton Broy the sum of $10,000 for medical and hospital expenses and personal loss incurred by her when her husband died as a result of being struck by a train in Bergheim, Germany, on August 29, 1940, while employed in the diplomatic service of the United States Government. Mr. Broy died some 3 years after the accident, but the cause of his death is traceable directly to the injuries received. At that time Mr. Broy, being an officer of the United States Government, did not come within the provisions of the Federal Employees' Compensation Act as it was construed, so that no benefits were available to him by reason thereof, nor to his widow. Mrs. Broy did receive, however, retirement benefits, which the committee considered for a career officer to be in the nature of insurance, inasmuch as there was the contributory feature on the part of Mr. Broy. The committee feels that Mrs. Broy is entitled to be reimbursed for the hospital and medical expenses incurred as a result of this accident. Even though there was no liability on the part of the United States Government for the injury, it did occur in the course of his official duties, and had Mr. Broy been determined to be an employee of the United States Government coming within the provisions of the Employees' Compensation Act, such benefits would have been forthcoming over and above the amount of the hospital and medical expenses. The committee feels that Mrs. Broy is entitled to that difference, as stated in the report, on the basis of a bill passed in the 76th Congress, for the relief of the widow of George A. Meffan, who was a United States marshal killed in the performance of his official duties. He also was not an employee of the United States Government entitled to the Federal employees' compensation benefits, so a private bill was introduced and his widow was awarded the sum of $5,000 as a result thereof. The committee, after consideration, felt that this bill was meritorious and recommends it to the favorable consideration of the Senate.

Mr. COOPER. Mr. President, I wish to ask a question of the distinguished Senator from Nevada. I note that the report states that the husband of the claimant was injured while riding in an automobile which was struck by a train in Germany. The report also states that the German National Railway paid the actual medical expenses and loss of earnings. The House awarded $3,000. I will ask the distinguished Senator if the increase to $10,000 is based upon the assumption that the death of the husband of the claimant was occasioned by the injury. Is it not a fact that the death occurred 3 years after the accident, as a result of heart failure?

Mr. McCARRAN. The investigation showed that the accident was the proximate cause of the death.

Mr. COOPER. That the accident was the proximate cause of the heart failure that occasioned the death of the husband of the claimant?

Mr. McCARRAN. The accident was the proximate cause of the death, whether it was due to heart failure or whatever it was.

Mr. COOPER. Did the committee find that death of the husband of the claimant 3 years afterward was occasioned by the accident in Germany?

Mr. McCARRAN. That was the conclusion reached by both the House and Senate committees.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE D. EMERY CO.—RESOLUTION PASSED OVER

The resolution (S. Res. 285) to refer S. 3730, for the relief of the George D. Emery Co., to the Court of Claims for a report, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HENDRICKSON. Mr. President, may we have an explanation?

Mr. McCARRAN. Mr. President, I hope I may be pardoned today, because the Senator from North Dakota, by reason of illness in his family, is absent, and I am picking up the explanations as I go along, and trying to make clear the reasons for reporting the bills.

The purpose of the resolution is to refer to the Court of Claims the claim of the George D. Emery Co. for compensation for services they performed on behalf of the Reconstruction Finance Corporation and other Government agencies in connection with establishing an abaca plantation in Ecuador, in accordance with the Abaca Production Act of 1950, Public Law 683, 81st Congress.

The procedure involves a hearing by the court, with a report back to Congress giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, as a claim, legal or equitable, against the United States.

This formula has been used many times by the Congress in connection with complex claims brought to the attention of the committee.

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

Mr. McCARRAN. I yield to the Senator from New Jersey.

Mr. HENDRICKSON. Is it not true that the claimant has already received from the RFC approximately $25,000 for his out-of-pocket expenses?

Mr. McCARRAN. That is correct, according to the record.

Mr. HENDRICKSON. Then the passage of the bill, if the Court of Claims awards additional money, would result in giving the claimant a profit over and above his out-of-pocket expenses, would it not?

Mr. McCARRAN. I take it that may be true if money is awarded by the Court of Claims.

Mr. HENDRICKSON. Does the Senator feel that is justified?

Mr. McCARRAN. If the claimant can establish his claim in the Court of Claims; yes.

Mr. HENDRICKSON. A precedent would be established, however, would it not?

Mr. McCARRAN. I do not think it would establish a precedent; I think it follows a precedent which we have already established.

Mr. HENDRICKSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GOLDWATER. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

SUSPENSION OF DUTIES AND IMPORT TAXES ON METAL SCRAP

The bill (H. R. 8155) to continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION FROM TARIFF DUTY OF CRUDE SILICON CARBIDE

The bill (H. R. 8628) to amend the Tariff Act of 1930 to insure that crude silicon carbide imported into the United States will continue to be exempt from duty was announced as next in order.

Mr. SALTONSTALL. Mr. President, I send an amendment to the desk, which I desire to offer for myself and my colleague [Mr. KENNEDY].

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. 2. (a) Paragraph 720 of title I of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1001, par. 720), is amended by adding at the end thereof the following subparagraph:

"(d) Fish sticks and similar products of any size or shape, fillets, or other portions of fish, if breaded, coated with batter, or similarly prepared, but not packed in oil or in oil and other substances, whether in bulk or in containers of any size or kind, and whether or not described or provided for elsewhere in this act, if uncooked, 20 percent ad valorem; cooked in any degree, 30 percent ad valorem."

(b) The foregoing amendment shall enter into effect as soon as practicable on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or a termination of the international obligations of the United States with which the amendment would be in conflict.

The title was amended so as to read: "An act to amend the Tariff Act of 1930 to insure that crude silicon carbide imported into the United States will continue to be exempt from duty, and with respect to the duties applicable to certain prepared fish."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. SALTONSTALL. Mr. President, I have taken the amendment up with the distinguished chairman of the Committee on Finance, and also with the ranking member of the committee on the minority side. I believe that they are agreeable to taking the amendment to conference.

Mr. MILLIKIN. Mr. President, I have no objection to taking the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. SALTONSTALL] for himself and his colleague [Mr. KENNEDY].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time and passed.

AMENDMENT OF TARIFF ACT OF 1930

The bill (H. R. 9248) to amend section 308 (5) of the Tariff Act of 1930, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, may we have an explanation of the bill?

Mr. MILLIKIN. Mr. President, the bill would permit the temporary importation into the United States of boats and vehicles for use in specified shows or races, without the posting of bond. Bond is generally filed to insure payment of duty or the reexport of the article. Each year we have bills of this kind. So far as I can remember, they are uniformly approved. There is no violation of whatever the tariff law may be; this measure is merely to permit a temporary importation of such boats.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 2, after line 8, to insert:

SEC. 2. (a) Paragraph 1631 of the Tariff Act of 1930, as amended, is amended by inserting "book binding or cover" after "book,".

(b) The amendment made by this section shall be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after the 10th day following the date of this act and prior to September 1, 1956.

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 and passed.

BENEFITS FOR SERVICE IN WOMEN'S ARMY AUXILIARY CORPS

The Senate proceeded to consider the bill (H. R. 8041) to provide benefits under laws administered by the Veterans' Administration based upon service in the Women's Army Auxiliary Corps under certain conditions, which had been reported from the Committee on Finance with amendments, on page 1, line 6, after the word "disability", to insert "incurred in line of duty"; and in line 8, after the word "Corps", to insert "established under Public Law 110, 78th Congress."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANTONIO FOPP

The bill (S. 1871) for the relief of Antonio Fopp was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, this bill has been reported from the Committee on Labor and Public Welfare, but the bill appears to be in the nature of a relief bill, very closely allied to a private claim or pension bill. Of course, as a pension bill it would be barred by the provisions of the Legislative Reorganization Act; and, as a relief bill, I wonder whether jurisdiction does not properly lie in the Judiciary Committee.

I wonder whether there would be objection to referring the bill to the Judiciary Committee for consideration. It seems to me to be clear that the bill comes within the jurisdiction of the Judiciary Committee.

Mr. GOLDWATER. Mr. President, I may say to the Senator from Nevada that the bill was referred to the Committee on Labor and Public Welfare because the bill came under the Railroad Retirement Act. The Subcommittee on Railroad Retirement, of which I am chairman, held hearings on the bill, and decided that Mr. Fopp was entitled to this payment. I feel that the bill comes within the jurisdiction of the Committee on Labor and Public Welfare, because it relates directly to the Railroad Retirement Act, and we are the only committee having jurisdiction over that act.

Mr. McCARRAN. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I am very glad to yield.

Mr. McCARRAN. Is not this bill in fact entirely in the nature of a claim against the Government?

Mr. GOLDWATER. I may say that it is not exactly in the nature of a claim. We have decided to give Mr. Fopp credit for service he performed. After the credit has been given, Mr. Fopp is entitled to payment under the Railroad Retirement Act. We had to decide on the legality and the soundness of his claim to the time.

Mr. McCARRAN. It is, in fact, a claim under the Railroad Retirement Act; is it not?

Mr. GOLDWATER. Not exactly. The subcommittee had to determine the validity of Mr. Fopp's claim to the time he served. The employer failed to report it in connection with his retirement. That is the extent of our determination.

Having determined that, Mr. Fopp is automatically, without any reference of the bill to any other committee, entitled to the money under the Railroad Retirement Act.

Mr. McCARRAN. As I understand—and if I am in error, I hope the Senator from Arizona will correct me—this is a claim which clears the record of this person and gives him compensation. Is that correct?

Mr. GOLDWATER. I do not agree with the Senator from Nevada that it is a claim. It is a request to the subcommittee to determine whether Mr. Fopp performed the service. Having determined that, the matter is then out of our hands; it is practically automatic from that point.

I may say that the Senators from Montana introduced the bill, and can explain it much better than I can.

Mr. McCARRAN. Mr. President, my understanding is that the bill clears the record as to this person, and awards his claim, under the record. With that in mind, I shall not raise any objection. However, I wished to draw the attention of the Senate to the close line with respect to jurisdiction.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1871) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Railroad Retirement Act of 1937, as amended, Antonio Fopp, of Somers, Mont., shall be credited with service performed by him and compensation therefor between August 29, 1935, and January 1946, as an employee of Glacier Park Co., but which through administrative error was not reported by his employer within the time limit prescribed by section 8 of the act.

LAURIE DEA HOLLEY

The Senate proceeded to consider the bill (S. 3436) for the relief of Laurie Dea Holley which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the words "sum of", to strike out "$10,000" and insert "$5,000, and to the legal guardian of Karmen Lael Holley, minor child, $20,000"; in line 8, after the word "of", where it occurs the second time, to strike out "her" and insert "their"; in line 9, after the word "of" to strike out "her husband" and insert "their husband and father"; and on page 2, line 9, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laurie Dea Holley, of Cannonville, Utah, the sum of $5,000, and to the legal guardian of Karmen Lael Holley, minor child, $20,000, in full satisfaction, except as provided in section 2 of this act, of their claim against the United States for the death of their husband and father, Elmer Leroy Holley, who was fatally injured in an accident which occurred on November 29, 1953, while he was engaged in the performance of his duties as an employee of the United States Senate Post Office.

SEC. 2. This act or any payment made in accordance with its provisions shall not have the effect of destroying or changing any rights to compensation under the provisions of the Federal Employees' Compensation Act resulting from such death.

SEC. 3. No part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Laurie Dea Holley and the legal guardian of Karmen Lael Holley, minor child."

NORMAN F. GEORGE

The bill (S. 1061) for the relief of Norman F. George was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Norman F. George, of Montpelier, Vt., is hereby relieved of all liability to the United States for repayment of the sum of $118 representing the aggregate balance claimed to be due the United States as a result of errors made in family allowance payments to his wife and of errors in deductions from his pay on account of such payments, while he was a member of the Armed Forces of the United States during World War II.

COPYRIGHTS—AMENDMENT OF UNITED STATES CODE—BILL PASSED OVER

The bill (S. 2559) to amend title 17, United States Code, entitled "Copyrights," was announced as next in order.

The PRESIDING OFFICER. This bill is a companion measure to House bill 6616, Calendar 2235. The two bills are identical, with one exception, namely, that on page 8, in line 2, of the Senate bill, the word "its" appears, whereas in the House bill, on page 8, in line 4, the word is "is."

Mr. SMATHERS. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

EXTENSION OF FEDERAL DECLARATORY JUDGMENTS ACT TO TERRITORY OF ALASKA—AMENDMENT OF UNITED STATES CODE.

The bill (H. R. 1975) to amend section 2201 of title 28, United States Code, to extend the Federal Declaratory Judgments Act to Territory of Alaska, was considered, ordered to a third reading, read the third time, and passed.

REGISTRATION OF JUDGMENTS, DISTRICT COURT OF ALASKA—AMENDMENT OF UNITED STATES CODE

The bill (H. R. 1976) to amend title 28, United States Code, to permit the registration of judgments in or from the District Court for the Territory of Alaska, was considered, ordered to a third reading, read the third time, and passed.

CAPT. WALTER C. WOLF—BILL PASSED OVER

The Senate proceeded to consider the bill (H. R. 3557) for the relief of Capt. Walter C. Wolf.

Mr. McCARRAN. Mr. President, I offer an amendment which I send to the desk and ask to have stated. The amendment would prevent the payment of any attorney's fees in connection with this claim. The amendment is offered in order that the bill may be in complete conformity with the past action of the Judiciary Committee in regard to attorney's fees.

The PRESIDING OFFICER. The amendment submitted by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 2, in line 10, it is proposed to strike out the period, and insert a colon and the following:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

Mr. SMATHERS. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. Will the Senator from Florida withhold the request, until action can be taken on the amendment?

Mr. SMATHERS. Certainly.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. SMATHERS. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 3757) for the relief of Dorothy Kilmer Nickerson was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT A. DUVAL

The bill (H. R. 7140) for the relief of Robert A. Duval was considered, ordered to a third reading, read the third time, and passed.

MRS. ESTERLEE HUTZLER WEINHOEPPEL

The bill (H. R. 7411) for the relief of Mrs. Esterlee Hutzler Weinhoeppel was considered, ordered to a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 286) referring the bill (S. 1613) for the relief of the Tom Hellander Co., Superior, Nebr., to the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request, I ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

JURISDICTION OF CLAIMS ARISING FROM CONSTRUCTION OF ELEPHANT BUTTE DAM—BILL PLACED AT FOOT OF CALENDAR

The bill (S. 417) conferring jurisdiction upon the United States District Court for the District of New Mexico, to hear, determine, and render judgment upon certain claims arising as a result of the construction by the United States of Elephant Butte Dam on the Rio Grande, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, I have no objection to the present consideration of the bill; but I have a request that the bill go over, although I had understood that the request might be withdrawn.

I wonder whether the Senator from New Mexico can inform us about that.

Mr. CHAVEZ. Mr. President, I wonder whether the Senator from Florida will be willing to have the bill passed over temporarily?

Mr. SMATHERS. Mr. President, I ask that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

Mr. CHAVEZ subsequently said: Mr. President, this morning there was called to the attention of the Senate Calendar No. 1939, Senate bill 417. At that time the Senator from Texas [Mr. DANIEL] asked that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Did the Chair correctly understand the Senator from New Mexico to say that the bill was placed at the foot of the calendar?

Mr. CHAVEZ. Yes. But the Senator from Texas now has prepared an amendment which is agreeable to me, and I believe we can now dispose of the bill.

The PRESIDING OFFICER. Unanimous consent will be required in order to have the Senate return to the bill at this time.

Mr. CHAVEZ. Mr. President, I ask unanimous consent, in view of the fact that the Senator from Texas has prepared an amendment that is agreeable to the Senator from New Mexico, that the Senate now return to that bill.

Mr. HENDRICKSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HENDRICKSON. I have no objection to having the bill go to the foot of the calendar.

The PRESIDING OFFICER. That is where the bill is at this time.

BILL PASSED OVER

The bill (S. 1737) for the relief of certain former employees of the Inland Waterways Corporation was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

CITY OF SANDPOINT, IDAHO—BILL PLACED AT FOOT OF THE CALENDAR

The bill (S. 3166) for the relief of the city of Sandpoint, Idaho, was announced as next in order.

Mr. HENDRICKSON. Mr. President, this bill involves quite a large amount of money, and I think the record should show a clear explanation.

Mr. SMATHERS. Mr. President, I ask that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

BILL PASSED OVER

The bill (S. 3214) for the relief of Mrs. Marie Monchen was announced as next in order.

Mr. SMATHERS. Over.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

LT. P. B. SAMPSON

The Senate proceeded to consider the bill (S. 3293) for the relief of Lt. P. B. Sampson which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after the word "act" to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to 1st Lt. P. B. Sampson (AO2234561), Box 172, Army Post Office 334, care of Postmaster, San Francisco, Calif., the sum of $1,139.57, in full settlement of all claims against the United States for the damages sustained by him on account of damage to and destruction of his household goods and personal effects as the result of a crash of a B–29 bomber in Guam, Marianas Islands, on December 17, 1953, for which he has not heretofore been compensated: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 1370) for the relief of Guy H. Davant was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2032) for the relief of Clarence D. Newland was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3222) for the relief of Martin Luther Johnson was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

FREDERICK JOSEPH BUTTACCIO AND OTHERS

The Senate proceeded to consider the bill (H. R. 4474) for the relief of Frederick Joseph Buttaccio and others, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 6, after the word "Act", to strike out "in excess of 10 percent 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 and passed.

BILL PASSED OVER

The bill (H. R. 4638) for the relief of David W. Wallace was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

HARVEY SCHWARTZ

The Senate proceeded to consider the bill (S. 2496) for the relief of Harvey Schwartz, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "of", to strike out "$850.52" and insert "$600.82"; and at the top of page 2, to insert "SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harvey Schwartz the sum of $250, which represents overpayments in salary received by him during the period beginning April 14, 1952, the date he was erroneously appointed to a position in grade GS–7, and ending on the date he was demoted to a position in grade GS–5 in compliance with the provisions of section 1310 of the Supplemental Appropriation Act of 1952", so as to make the bill read:

Be it enacted, etc., That Harvey Schwartz, of Denver, Colo., an employee of the Veterans' Administration, is relieved of all liability to refund to the United States the sum of $600.82, representing overpayments in salary received by him during the period beginning April 14, 1952, the date he was erroneously appointed to a position in grade GS–7, and ending on the date he was demoted to a position in grade GS–5 in compliance with the provisions of section 1310 of the Supplemental Appropriation Act, 1952.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harvey Schwartz the sum of $250, which represents overpayments in salary received by him during the period beginning April 14, 1952, the date he was erroneously appointed to a position in grade GS–7, and ending on the date he was demoted to a position in grade GS–5 in compliance with the provisions of section 1310 of the Supplemental Appropriation Act of 1952.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED TO FOOT OF THE CALENDAR

The bill (H. R. 1665) for the relief of Carl Piowaty and W. J. Piowaty was announced as next in order.

Mr. SMATHERS. Mr. President, I ask that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

HAROLD J. DAVIS

The Senate proceeded to consider the bill (H. R. 7413) for the relief of Harold J. Davis, which had been reported from the Committee on the Judiciary with amendments on page 1, line 9, after the word "him", to strike out "on the 3d and 4th of July" and insert "on or about the 3d or 4th day of June", and on page 2, line 3, after the word "except", to strike out "medical expenses shall" and insert "hospital and medical expenses actually incurred shall."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 5420) to amend section 161, title 35, United States Code, relating to the patenting of plants was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

RIGHTS OF PRIORITY OF NATIONALS OF JAPAN AND GERMANY RELATING TO APPLICATIONS FOR PATENTS

The bill (H. R. 6280) to extend temporarily the rights of priority of nationals of Japan and certain nationals of Germany with respect to applications for patents was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3305) to authorize payment of certain war claims, including payment of certain claims arising out of the sequestration by the Imperial Japanese Government of credits of members of the military and naval forces of the United States and other United States nationals in the Philippines was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN LAND TO THE HOT SPRINGS SCHOOL DISTRICT AND TO GARLAND COUNTY, ARK.

The bill (H. R. 8038) to authorize the conveyance to the Hot Springs School District and to Garland County, Ark., for school and for other public purposes, of certain land originally donated to the United States and situated in Hot Springs National Park, Ark., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

LILLIAN SCHLOSSBERG

The Senate proceeded to consider the bill (H. R. 2163) for the relief of Lillian Schlossberg, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 2401 (b) of title 28, United States Code, jurisdiction is hereby conferred on the United States District Court for the Eastern District of New York to hear, determine, and render judgment on the tort claim of Mr. and Mrs. Allan Schlossberg, of Brooklyn, N. Y., arising out of an accident involving a United States Army vehicle on December 8, 1945, in the vicinity of Canal Street and West Broadway, New York, N. Y.

SEC. 2. Suit upon such claim may be instituted hereunder not later than 6 months after the date of the enactment of this act: *Provided, however,* That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

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 and passed.

The title was amended so as to read: "An act for the relief of Mr. and Mrs. Allan Schlossberg."

BILL PASSED OVER

The bill (H. R. 8753) 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, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HENDRICKSON subsequently said: Mr. President, some time ago Calendar No. 1957 (H. R. 8753), to amend the Federal Property and Adminstrative 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, was objected to. I understand the objection has been withdrawn. Therefore I ask unanimous consent that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN OF BEAUFORT, N. C.

The bill (S. 3709) to provide for the conveyance of certain real property to the town of Beaufort, N. C., was announced as next in order.

Mr. ERVIN. Mr. President, an identical bill, House bill 9406, has passed the House. I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of the House bill, and that the House bill be substituted for the Senate bill and be presently considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Committee on Government Operations is discharged from further consideration of House bill 9406.

Is there objection to the present consideration of House bill 9406?

There being no objection, the bill (H. R. 9406) for the conveyance of certain real property to the town of Beaufort, N. C., was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3709 is indefinitely postponed.

CONVEYANCE OF CERTAIN LANDS TO THE COUNTY OF CUMBERLAND, N. C.

The bill (H. R. 6658) to provide for the conveyance of certain lands by the United States to the county of Cumberland, State of North Carolina, without remuneration, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 179) to amend section 7 of the Administrative Expenses Act of 1946, as amended, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN LAND IN SUMTER COUNTY, GA., TO THE AMERICUS AND SUMTER COUNTY CHAMBER OF COMMERCE

The bill (H. R. 8501) to provide for the conveyance of certain land in Sumter County, Ga., to the Americus and Sumter County Chamber of Commerce was considered, ordered to a third reading, read the third time, and passed.

Mr. MORSE subsequently said: Mr. President, I wish to make a very brief statement for the record on Calendar No. 1961, a bill (H. R. 8020) to authorize the transfer of certain property of the United States Government in Klamath County, Oreg., to the State of Oregon, under the time that I am allotted on the pending bill.

When I was at the hospital this morning, Calendar No. 1961, H. R. 8020, was passed. I had made clear to the Senate Calendar Committee that I had no objection, because it does not violate the Morse formula, but so that no one in the future will misunderstand my position, let me say this very briefly:

This is a case in which some 25 acres of land were donated to the Federal Government by the Sumter County Chamber of Commerce, in Georgia, for the specific purpose of building a veterans' hospital. The Federal Government accepted the property for that purpose, and that purpose alone.

The Federal Government then curtailed its veterans' hospital program and decided against building a hospital at this particular site. It is now proposed to reconvey the property to the donors, in keeping with their clear equity in the matter and in keeping with the original intent of the transfer, because unless the property was to be used for the hospital purposes, there was no intention on the part of the chamber of commerce to donate the property in the first place. Thus, the Morse formula does not apply.

TRANSFER OF CERTAIN PROPERTY TO THE STATE OF OREGON

The Senate proceeded to consider the bill (H. R. 8020) authorizing the transfer of certain property of the United States Government (in Klamath County, Oreg.) to the State of Oregon, which had been reported from the Committee on Government Operations with an amendment, on page 4, line 17, after the word "of", to strike out "title 40, United States Code Supplement, chapter 10, titled 'Management and Disposal of Government Property', subchapter II, section 484 (k) (2) (D) (40 U. S. C. Supp., 484 (k) (2) (D))" and insert "section 203 (d) (2) (D) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C., 484 (k) (2) (D))."

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 and passed.

BILL PASSED OVER

The bill (S. 3778) amending section 413 of the Foreign Service Act of 1946 was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WILEY subsequently said: Mr. President, I ask unanimous consent that calendar 1963, Senate bill 3778, be placed at the foot of the calendar. I understand that it is agreeable to the Senator who previously objected to the bill to have it placed at the foot of the calendar at this time.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

Mr. HENDRICKSON. Mr. President, I understand that the bill has already been ordered to the foot of the calendar.

The PRESIDING OFFICER. No; the bill was passed over, upon objection.

Mr. HENDRICKSON. Then I am satisfied to have the bill go to the foot of the calendar.

The PRESIDING OFFICER. Very well.

Mr. WILEY. Mr. President, I thank the Senator from New Jersey.

Mr. GORE. Mr. President, I wonder how we shall come out if such a course is followed—in other words, if, following the making of an objection, and after the Senator who objected may perhaps have left the floor, the bill is ordered placed at the foot of the calendar. I wonder whether it is proper to have that done without notice to the Senator or Senators who previously objected to the consideration of the bill, and asked that it be passed over.

The PRESIDING OFFICER. The Chair cannot rule as to that.

Mr. MANSFIELD. Mr. President, the purpose was to request that the bill go to the foot of the calendar.

The PRESIDING OFFICER. If objection was filed, it would still stand.

Mr. WILEY. I wish to say that I have spoken to the Senator who objected, and we have conferred about the bill. It is agreeable to him that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. The bill has been ordered to the foot of the calendar.

THEODORE J. HARRIS

The Senate proceeded to consider the bill (S. 3104) for the relief of Theodore J. Harris.

Mr. McCARRAN. Mr. President, on behalf of the chairman of the Judiciary Committee I offer an amendment to Senate bill 3104. This amendment would prohibit the payment of any attorneys' fees in connection with this claim. This amendment is offered to have this bill conform completely with the past action of the Judiciary Committee relating to attorneys' fees.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 2, line 6, it is proposed to strike out the period, insert a colon, and the following:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Theodore J. Harris, Rockville, Md., is hereby relieved of all liability to refund to the United States the sum of $257.01. Such sum represents the compensation received by the said Theodore J. Harris for Saturday and Sunday overtime service performed during the period from February to April 1951, at the Rockville, Md., post office. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Theodore J. Harris, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for such refund: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

STANLEY RYDZON AND ALEXANDER F. ANDERSON

The Senate proceeded to consider the bill (S. 3105) for the relief of Stanley Rydzon and Alexander F. Anderson.

Mr. McCARRAN. Mr. President, on behalf of the chairman of the Committee on the Judiciary I offer herewith an amendment. This amendment would prohibit the payment of any attorney's fees in connection with this claim. This amendment is offered in order to have the bill conform completely with the past action of the Judiciary Committee relating to attorney's fees.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 2, line 13, it is proposed to strike the period, insert a colon in lieu thereof, and the following:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Stanley Rydzon and Alexander F. Anderson are hereby relieved of all liability to refund to the United States the sums of $2,074.50 and $1,550.25, respectively. Such sums represent compensation received by the persons aforesaid as employees of the United States post office, San Antonio, Tex., during the periods July 1, 1950, to April 15, 1953, and April 9, 1951, to March 31, 1953, respectively, all dates inclusive, while they were also employed by the General Services Administration and each was receiving dual compensation from the United States at a combined annual rate in excess of $2,000. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amounts for which liability is relieved by the act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Stanley Rydzon and Alexander F. Anderson an amount equal to the aggregate of the amounts paid by them, respectively, or withheld from sums otherwise due them, respectively, in complete or partial satisfaction of the claims of the United States for such refunds: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ESTATE OF P. H. McCONNELL—BILL PASSED TO FOOT OF CALENDAR

The bill (S. 3326) for the relief of P. H. McConnell was announced as next in order.

Mr. GORE. Over.

Mr. McCARRAN. Mr. President, will the Senator withhold his objection for a moment?

Mr. GORE. I withhold objection.

Mr. McCARRAN. Mr. President, on July 20, 1954, S. 3326, Calendar No. 1966, was reported to the Senate from the Committee on the Judiciary.

As reported, this bill is for the relief of P. H. McConnell.

Since the time of reporting the bill it has been learned that the claimant is deceased.

I offer herewith amendments to the title and text of S. 3326, so as to provide for the relief of the estate of P. H. McConnell.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. GORE subsequently said: Mr. President, the junior Senator from Tennessee was under the impression that there was no agency report with respect to Calendar 1966, Senate bill 3326, for the relief of P. H. McConnell. I am now supplied with the report, and I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar No. 1966, Senate bill 3326?

Mr. HENDRICKSON. Mr. President, I object on the ground that we must establish an orderly procedure if we are ever to finish the call of the calendar. The bill must go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

BILL PASSED TO FOOT OF THE CALENDAR

The bill (H. R. 3516) for the relief of Anna K. McQuilkin was announced as next in order.

Mr. SMATHERS. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is requested of House bill 3516, Calendar No. 1967.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

HAROLD E. WAHLBERG

The Senate proceeded to consider the bill (H. R. 5986) for the relief of Harold E. Wahlberg.

Mr. McCARRAN. Mr. President, on behalf of the chairman of the Judiciary Committee, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 2, line 3, it is proposed to strike the period, insert a colon in lieu thereof and the following:

Provided, That no part of any proceeds paid as the result of the enactment of this legislation shall be paid or delievered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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 and passed.

RULES OF PRACTICE AND PROCEDURE BEFORE FEDERAL AGENCIES

The bill (S. 17) to provide general rules of practice and procedure before Federal agencies, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object—and I certainly shall not object—I think this is a very important bill. I am sure the distinguished Senator from Nevada feels that the RECORD should show the purpose of the bill.

The PRESIDING OFFICER. An explanation is requested.

Mr. McCARRAN. Mr. President, the aim of this bill is to bring increased uniformity and simplicity into the practice before administrative agencies of the Government.

Almost everyone agrees there is an area within which the rules of practice before the various agencies of the Government can be made simpler and more uniform. Almost everyone disagrees as to just where the boundaries of this area are to be found.

The purpose of this bill is to provide the machinery by which the location of this boundary may be determined, and

through which the greatest feasible decree of uniformity and simplicity in rules of practice may be brought about.

This will make it easier for the average citizen who must deal with the complexities of his Government. It will also make it easier for lawyers to represent their clients before the Government departments and agencies. As the committee report points out:

At the present time, the field of administrative practice and procedure is a jungle to be entered with impunity only by those familiar with its paths, and then only warily, for the paths are often subject to change with little notice.

This bill, S. 17, would create a commission of 9 members, including 2 Senators, 2 Members of the House of Representatives, an Assistant Attorney General, the head of an independent agency in the executive branch of the Government, a chief judge of one of the judicial circuits, a law school dean, and a practicing lawyer, and would charge this commission with the duty of formulating and transmitting to the Attorney General, for report to Congress, general rules of practice and procedure for agencies.

In deference to the accountants who now practice before certain agencies, and who fear legislation which might restrict such practice to lawyers, the bill has been amended to provide specifically that the rules proposed by the commission shall not deal with qualifications or requirements for admission to practice before agencies of the Government.

It is also provided that the proposed rules shall neither abridge, enlarge, nor modify substantive powers or limitations respecting any agency, and may not provide or withdraw authority to hold hearings or to issue compulsory process.

Just as in the case of the eminently successful rules of criminal procedure and rules of civil procedure, the rules of procedure for administrative agencies which the commission would propose would be submitted to the Congress within 30 days after the beginning of a session, and if the Congress found the rules unobjectionable, they would become effective 10 days after the adjournment sine die of the session.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 17?

There being no objection, the Senate proceeded to consider the bill (S. 17) to provide general rules of practice and procedure before Federal agencies, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 4, after the word "process." to insert "Such rules shall not deal with qualifications or requirements for admission to practice before such agencies.", so as to make the bill read:

Be it enacted, etc., That the definitions in the Administrative Procedure Act shall be applicable to the same terms used in this act.

SEC. 2. Rules of practice and procedure for agencies: The Commission established by section 3 of this act shall formulate, and transmit to the Attorney General for report to Congress, general rules of practice and procedure for agencies, including forms and such rules as it may deem appropriate in agencies respecting judicial proceedings for the enforcement or review of agency action. Such rules shall neither abridge, enlarge, nor modify substantive powers or limitations respecting any agency nor may they provide or withdraw authority to hold hearings or to issue compulsory process. Such rules shall not deal with qualifications or requirements for admission to practice before such agencies. Unless previously disapproved by concurrent resolution of Congress the rules so formulated shall take effect 10 days after the adjournment sine die of any regular session of Congress at which, within 30 days of the beginning of such session, they shall have been reported to Congress by the Attorney General. After rules so become effective all laws and agency rules or practices in conflict therewith shall, to the extent of such conflict, be of no further force or effect except in the case of an agency proceeding initiated prior to such effective date. Additions, repeals, or amendments shall be formulated and shall become effective in the same manner. So far as any administrative function is exempt from such general rules by statutory definition or by a provision of the rules, they shall nevertheless be treated as models for adoption to the extent that the policy of this act and the ends of justice would be served.

SEC. 3. Administrative Rules Commission: For the purposes of section 2 of this act there is hereby established a commission composed of (1) the chairman and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives or, in case one or more of them declines to serve, the next ranking member of the committee on the majority or minority side, as the case may be, until four shall accept; (2) one of the Assistant Attorneys General who has served as such not less than 2 years, designated by the Attorney General; (3) the head of an independent agency who has served more than 1 term of office as such, designated by the President; (4) the senior chief judge of the judicial circuits or, in case he declines to serve, the next in seniority until one agrees to serve; (5) a dean of a law school, designated by the President; and (6) a practicing lawyer versed in Federal administrative law and representative of the legal profession, designated by the President, who shall not be subject to title 18, United States Code, section 283, or any similar prohibition. Members of the Commission shall receive no compensation other than reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission except that members not drawing compensation from the United States for personal services shall be paid $50 per diem in lieu of subsistence. The Commission shall elect a chairman and secretary from among their number, and without regard to the civil-service laws or the Classification Act, shall appoint, and fix the compensation of, such professional and clerical assistants as may be necessary for the performance of its duties. The Commission shall also provide for, and collaborate with, voluntary and uncompensated advisory committees representative of Government agencies and private or professional interests. The Attorney General shall be responsible for the Commission's quarters, facilities, and budget. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums, not to exceed in the aggregate $25,000, as may be necessary for the purposes of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS C. POLLARD

The Senate proceeded to consider the bill (S. 1692) for the relief of Francis C. Pollard which had been reported from the Committee on the Judiciary with an amendment on page 2, line 11, after the word "act" to strike out "in excess of 10 percent thereof," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis C. Pollard (commander, United States Coast Guard (retired)), of Fairhaven, Mass., a sum equal to the amount that the said Francis C. Pollard would have received for 4 months' terminal leave had he been placed on terminal leave beginning on September 1, 1944, plus such additional amount as would be equal to the difference between the retired pay he has received for the period January 1, 1945, to the date of the enactment of this act and the retired pay he would have received for such period had he in fact been granted such 4 months' terminal leave.

SEC. 2. In the administration of all laws and regulations related to the granting of retired pay to retired officers of the United States Coast Guard the said Francis C. Pollard shall be held and considered to have had 24 years of creditable service on January 1, 1945.

SEC. 3. No part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEADOW SCHOOL DISTRICT NO. 29, UPHAM, N. DAK.

The Senate proceeded to consider the bill (S. 3076) to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior which had been reported from the Committee on the Judiciary with an amendment on page 2, line 7, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Meadow School District No. 29, Upham, N. Dak., the sum of $5,197.56 in full satisfaction of such school district's claim against the United States for reimbursement of loss of revenue resulting from the acquisition by the United States Department of the Interior of approximately 30 percent of the lands within such school district for a wildlife refuge, such amount representing the equitable share of such school district's bonded indebtedness remaining due against such lands acquired by the Department of the Interior at the time of such acquisition: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the

provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISQUALIFICATION OF JUDGES BELIEVED TO HAVE PERSONAL BIAS OR PREJUDICE

The bill (S. 3517) to amend section 144 of title 28 of the United States Code was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRANK L. PEYTON

The Senate proceeded to consider the bill (H. R. 2024) for the relief of Frank L. Peyton, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "act", to strike out "in excess of 10 percent 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 and passed.

ESTHER SMITH

The Senate proceeded to consider the bill (H. R. 3008) for the relief of Esther Smith, which had been reported from the Committee on the Judiciary with an amendment, on page 2, at the beginning of line 1, to strike out "in excess of 10 percent 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 and passed.

FRANK G. KOCH

The Senate proceeded to consider the bill (H. R. 3951) for the relief of Frank G. Koch, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 5, after the word "act", to strike out "in excess of 10 percent 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 and passed.

MRS. DOROTHY J. WILLIAMS, WIDOW OF MELVIN EDWARD WILLIAMS

The Senate proceeded to consided the bill (H. R. 5093) for the relief of Mrs. Dorothy J. Williams, widow of Melvin Edward Williams.

Mr. McCARRAN. Mr. President, I send forward an amendment with reference to attorneys' fees.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 9, it is proposed to strike out the period, insert a colon in lieu thereof, and the following:

Provided, That no part of any proceeds paid as the result of the enactment of this legislation shall be paid or delivered to or received by any agent or attorney on account of the services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

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 and passed.

JOSEPH ANDREW WRIGHT

The Senate proceeded to consider the bill (S. 47) for the relief of Joseph Andrew Wright which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the word "for", to strike out "total"; and on page 2, line 7, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Andrew Wright (C-2952631), a sum equal to the amount of compensation for disability incurred in peacetime naval service which would have been payable to him for the period beginning November 13, 1930, the date of his discharge from the United States Navy, and ending November 29, 1949, the date on which his claim for disability compensation was allowed by the Administrator of Veterans' Affairs by virtue of a correction in his naval record ordered by the Board for Corrections of Naval Records, and approved by the Secretary of the Navy, on November 22, 1949, if claim for such compensation had been filed and allowed immediately upon his discharge from the United States Navy: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. R. SWARTHOUT, AND THE LEGAL GUARDIAN OF HAROLD SWARTHOUT—BILL PASSED TO FOOT OF THE CALENDAR

The bill (S. 1022) for the relief of L. R. Swarthout, and the legal guardian of Harold Swarthout, was announced as next in order.

Mr. SMATHERS. Mr. President, by request, I ask that the bill go to the foot of the calendar.

Mr. McCARRAN. Will the Senator withhold his objection?

Mr. SMATHERS. I am happy to withhold it.

Mr. McCARRAN. Mr. President, I should like to offer an amendment. At the time the bill was printed a typographical error was made, with respect to one of the amendments proposed by the committee. The report accompanying the bill correctly reflects the proposed amendment. At this time I submit an amendment, and I ask for its immediate consideration. I ask that the amendment be stated.

The PRESIDING OFFICER. The Chair would like to inquire if the Senator from Florida desires that the bill go to the foot of the calendar and that the proposed amendment be taken up at the time the bill is under consideration.

Mr. SMATHERS. I make that request, because we have a request that the bill go to the foot of the calendar.

The PRESIDING OFFICER. The bill will be passed to the foot of the calendar.

CUBAN-AMERICAN SUGAR CO. CLAIM

The Senate proceeded to consider the the bill (S. 3304) conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Cuban-American Sugar Co. against the United States which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "claim", to strike out the comma and "together with interest therein,"; and on page 3, line 2, after the word "amended", to insert a colon and *"Provided, however,* That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.", so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear, determine, and render judgment on the claim of the Cuban-American Sugar Co. against the United States for a refund of taxes erroneously and illegally assessed and collected as excess-profit taxes for the period from January 1, 1917, to September 30, 1917. That, for the purpose of arriving at the correct determination of the tax for this period, the Court of Claims is to apply the method of computation under sections 201 or 203 of the Revenue Act of 1917, based upon the invested capital of the corporation amounting to $39,848,530.85, which was the invested capital of the Cuban-American Sugar Co. according to the decisions of the Board of Tax Appeals, all dated December 16, 1932, which decisions were based upon the stipulation entered into between the Cuban-American Sugar Co. and the Commissioner of Internal Revenue, whereby it was agreed that the sum of $39,848,530.85 was the invested capital of the Cuban-American Sugar Co. for the calendar year 1917.

SEC. 2. In the proceedings upon such claims before the Court of Claims the United States shall not avail itself of the defense that the General Counsel for the Bureau of Internal Revenue acted without legal authority in making such stipulation of settlement.

SEC. 3. Suit upon such claim may be instituted at any time within 6 months after the date of enactment of this act, notwithstanding the lapse of time, laches, the form or any content or the time of filing of claims for the refund and alleged amendments thereto, heretofore filed or any statute of limitations. Proceedings for the determina-

tion of such claim and appeals from the payment of any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 1346 of title 28, United States Code, as amended: *Provided, however,* That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES R. LOGAN

The Senate proceeded to consider the bill (H. R. 4175) for the relief of Charles R. Logan which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "of", to strike out "$800" and insert "$2,799.93"; and on page 2, line 5, after the word "act", to strike out "in excess of 10 percent thereof."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHANCY C. NEWSOM

The Senate proceeded to consider the bill (H. R. 5460) for the relief of Chancy C. Newsom which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to the legal guardian of Susan M. Newsom, a minor, the sum of $25,000, in full satisfaction of all claims against the United States for personal and permanent injuries, pain and suffering, facial and other physical disfigurement sustained by the said Susan M. Newsom on February 21, 1952, when she was severely burned by the explosion of an oil switch at Camp Wood, Kumamoto, Kyushu, Japan, and (2) to Chancy C. Newsom, of 28 Northwest 36 Court, Miami, Fla., father of the said Susan M. Newsom, the sum of $327, in full satisfaction of his claim against the United States for reimbursement for hospital and other expenses incurred by him on account of the injuries so sustained by the said Susan M. Newsom: *Provided,* That no part of the amount appropriated by this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HENDRICKSON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from New Jersey.

The LEGISLATIVE CLERK. On page 2, line 14, it is proposed to strike out the figure "$25,000" and to insert in lieu thereof the figure "$17,473."

Mr. HENDRICKSON. The amendment brings the sum to be awarded in line with the amount contained in the bill passed by the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

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, and passed.

The title was amended so as to read: "An act for the relief of Chancy C. Newsom and the legal guardian of Susan M. Newsom, a minor."

CONVEYANCE OF A CERTAIN TRACT OF LAND IN MISSISSIPPI TO JONATHAN JONES—BILL PLACED AT FOOT OF CALENDAR

The bill (S. 3316) to authorize and direct the conveyance of a certain tract of land in the State of Mississippi to Jonathan Jones was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. By request, I ask that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

BILLS PASSED OVER

The bill (H. R. 5605) to amend the Federal Property and Administrative Services Act of 1949 to provide for payment of taxes or payments in lieu of taxes with respect to real property transferred from Government Corporations to other agencies of the Federal Government, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6290) to discontinue certain reports now required by law, was announced as next in order.

Mr. COOPER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 951) for the relief of the Trust Association of H. Kempner was announced as next in order.

Mr. COOPER. Over.

The PRESIDING OFFICER. The bill will be passed over.

MARKERS IN NATIONAL CEMETERIES

The bill (H. R. 4690) to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action was considered, ordered to a third reading, read the third time, and passed.

CHIEF, MEDICAL SERVICE CORPS OF THE NAVY

The bill (H. R. 2224) to amend the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, so as to authorize the appointment of a Chief of the Medical Service Corps of the Navy, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (H. R. 6223) to amend section 87 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 47), to relieve the States from accountability and pecuniary liability for property lost, damaged, or destroyed except in cases where it shall appear that the loss, damage, or destruction of the property was due to carelessness or negligence or could have been avoided by the exercise of reasonable care was considered, ordered to a third reading, read the third time, and passed.

PAY OF CERTAIN NAVAL OFFICERS

The bill (H. R. 7131) to repeal a limitation on pay of certain officers of the Navy was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF CERTAIN UNCOMPLETED NAVAL VESSELS

The bill (H. R. 8570) to authorize the Secretary of the Navy to dispose of certain uncompleted naval vessels, and for other purposes, was announced as next in order.

Mr. MAGNUSON. Mr. President, may we have an explanation of the bill?

Mr. SALTONSTALL. Mr. President, this bill will do three things.

First. Authorize the Secretary of the Navy to scrap two uncompleted destroyers on which construction has been stopped for at least 7 years. These vessels, the *Castle* and *Woodrow R. Thompson,* consist of two uncompleted hulls, located in the Naval Industrial Reserve Shipyard, Port Newark, N. J. The shipyard itself has been deactivated for several years. The Navy has no authority to scrap the hulls since existing legislation requires that they be kept for eventual completion.

Second. The bill would ratify the Navy action of scrapping two uncompleted destroyers which were scrapped shortly after December 3, 1946, without legislative authority. These vessels at the time consisted of two uncompleted hulls.

Third. The bill would ratify the Navy action in discontinuing the construction of two submarines, the *Lancetfish* and *Turbot.* Technically, the Navy was required by law to complete these vessels because of the Appropriation Rescission Act of 1946, which required the Navy to complete all vessels which were 20 percent complete as of March 1, 1946. Subsequently the Navy found that about $9½ million could be saved by completing two other submarines of the fleet reserve rather than the two named in the bill. *Lancetfish* was placed in the reserve fleet and the *Turbot* was assigned

for test purposes. Both of these vessels can be completed at a later date, if necessary.

Mr. MAGNUSON. Is the bill directed specifically to three ships, or does the bill contain general authority?

Mr. SALTONSTALL. It is directed specifically to two submarines, two uncompleted destroyers, and two more uncompleted destroyers.

Mr. MAGNUSON. It is limited to those ships?

Mr. SALTONSTALL. That is correct.

Mr. MAGNUSON. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8570) to authorize the Secretary of the Navy to dispose of certain uncompleted naval vessels, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

INTEGRATION OF JUDGE ADVOCATES' PROMOTION LIST WITH THAT OF THE ARMY

The bill (H. R. 9000) to integrate the Judge Advocates' promotion list with that of the Army to restore lost seniority and grade, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

REVOCATION OF ELECTION BY RETIRED MEMBERS OF THE UNIFORMED SERVICES UNDER THE UNIFORMED SERVICES CONTINGENCY OPTION ACT OF 1953

The bill (H. R. 9302) to permit retired members of the uniformed services to revoke elections made under the Uniformed Services Contingency Option Act of 1953 in certain cases where the elections were made because of mathematical errors or misinformation was considered, ordered to a third reading, read the third time, and passed.

TRANSFER OF CERTAIN PROPERTY IN CANAL ZONE

The bill (S. 2780) to authorize certain property transactions in Cocoli, Canal Zone, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. There is on the calendar a companion bill to S. 2780. It is Calendar No. 2238, H. R. 7334. Without objection, the House bill will be considered. The Secretary will state the House bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 7334) to authorize certain property transactions in Cocoli, C. Z., and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, S. 2780 will be indefinitely postponed.

AUTHORIZING ADMINISTRATOR OF VETERANS' AFFAIRS TO CONVEY CERTAIN PROPERTY TO MILWAUKEE COUNTY, WIS.

The bill (S. 3393) authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wis., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs is authorized and directed to convey to Milwaukee County, Wis., for use for highway, motor vehicle parking, and recreational purposes, all right, title, and interest of the United States in and to a tract of 28 acres of land, more or less, together with structures thereon, constituting a portion of the reservation of the Veterans' Administration Center, Wood, Wis., and situated along the southwesterly boundary of certain land conveyed to Milwaukee County by the Administrator pursuant to the act of September 1, 1949 (63 Stat. 683), and described therein as "Parcel II." The exact legal description of the land to be conveyed shall be determined by the Administrator or his designate and, in the event that a survey is required in order to make such determination, Milwaukee County shall bear the expense thereof.

SEC. 2. The deed of conveyance shall—

(a) provide that Milwaukee County shall construct for the Veterans' Administration two service buildings, a duplex house and two-car garage, an animal house (all with necessary utilities and service drives), a water meter pit, necessary fencing, and a service road, all of which construction shall be in accordance with plans, and at locations on the reservation of the Veterans' Administration Center, Wood, Wis., to be mutually agreed upon by the Administrator of Veterans' Affairs or his designate and Milwaukee County;

(b) provide that if Milwaukee County fails to use the tract of land so conveyed for highway, motor vehicle parking and recreational purposes or alienates or attempts to alienate all or any part thereof, title thereto shall revert to the United States; and

(c) contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

PARTICIPATION IN FIRST INTERNATIONAL INSTRUMENT CONGRESS AND EXPOSITION

The joint resolution (H. J. Res. 257) authorizing the President to invite the States of the Union and foreign countries to participate in the First International Instrument Congress and Exposition to be held in Philadelphia, Pa., from September 13 to 25, 1954, was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF MEDALS TO CERTAIN SCIENTIFIC AND EDUCATIONAL SOCIETIES

The Senate proceeded to consider the bill (S. 3400) to authorize the issuance of commemorative medals to certain scientific and educational societies of which Benjamin Franklin was a member in observance of the 250th anniversary of his birth which had been reported from the Committee on Banking and Currency with amendments, on page 1, line 6, after the word "of", to strike out "State" and insert "the Treasury"; at the beginning of line 8, to strike out "gold" and insert "bronze"; on page 2, line 1, after the word "scientific" to strike out "and"; and in the same line, after the word "educational" to insert "and welfare", so as to make the bill read:

Be it enacted, etc., That, in commemoration of the 250th anniversary of the birth of Benjamin Franklin occurring on January 17, 1956, and in connection with the observance and celebration of that event, the Secretary of the Treasury is authorized and directed to have struck 19 bronze medals of an appropriate design and inscription and to provide for the presentation of such medals to the following-named scientific, educational, and welfare societies of which Benjamin Franklin was a member: The American Philosophical Society (Philadelphia), Philadelphia Society of the Sons of St. George, Accademia di Scienze, Lettre et Arti in Padors (formerly Reale Accademia) (Italy), L'Academie des Sciences, L'Institute de France (formerly Academie Royale), the Royal Society (England), Königliche Geselleschaft der Wissenschaftler, Göttingen (Germany), the Royal Society of Arts (England), Bataafsch Genootschap der Proefondervindelijke Wijsbegeerte (Netherlands), The Academie de Medicine (France), The Medical Society of London, The American Academy of Arts and Sciences (Boston), the Royal Society of Edinburgh, Real Academia de la Historia (Spain), Academie Nationale des Sciences, Belle-Lettres et Arts de Lyon (France), Real Accademia delle Science di Torino (Italy), the Manchester Literary and Philosophical Society (England), the Societa Patrioca diretta all'avanzamento dell'Agricultura delle Arti e delle Manifatture, Milano (Italy), the Philadelphia Society for Promoting Agriculture, and the Society of Antiquaries of London.

SEC. 2. Such sums as may be necessary to carry out the purposes of this act are hereby authorized to be appropriated.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the issuance of commemorative medals to certain societies of which Benjamin Franklin was a member in observance of the 250th anniversary of his birth."

AMENDMENT OF FEDERAL CREDIT UNION ACT, AS AMENDED

The bill (H. R. 9236) to amend the Federal Credit Union Act, as amended, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF TRADING WITH THE ENEMY ACT—BILL PASSED OVER

The bill (S. 3423) to amend the Trading With the Enemy Act, was announced as next in order.

Mr. SMATHERS. Over.

Mr. DIRKSEN. Mr. President, will the Senator withhold his objection?

Mr. SMATHERS. I am happy to withhold it.

Mr. DIRKSEN. I ask leave to proceed for 15 minutes, in explanation of the bill.

Mr. HENDRICKSON. I object.

The PRESIDING OFFICER. Objection is heard. The bill goes over.

Mr. SMATHERS. Mr. President, I renew my request that the bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. HENDRICKSON. Mr. President, I should like to state the reason for my objection. It was stated at the beginning of the calendar call that both calendar committees agreed that we would have an orderly call of the calendar, and not violate the spirit of the 5-minute rule.

BILL PASSED OVER

The bill (S. 1555) to authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River storage project and participating projects and for other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

RECLASSIFICATION OF DICTAPHONES IN THE TARIFF ACT OF 1930

The Senate proceeded to consider the bill (H. R. 8932) to reclassify dictaphones in the Tariff Act of 1930 which had been reported from the Committee on Finance with amendments, on page 2, line 11, after the word "The", to insert "foregoing"; and after line 13, to insert:

SEC. 5. Section 201 of title II of the Tariff Act of 1930, as amended, is further amended by adding at the end thereof a new paragraph to read as follows:

"PAR. 1818. Furfural."

SEC. 6. The Secretary of the Treasury is hereby directed to admit free of duty black granite, in whatever form, for use in any statue, monument, or memorial authorized by law to be erected on Federal property.

The amendments were agreed to.

Mr. MARTIN. Mr. President, to H. R. 8932 I offer an amendment which I send to the desk and ask to have stated.

Mr. MILLIKIN. Mr. President, may I ask the Senator from Pennsylvania what is the purport of his amendment?

Mr. MARTIN. As the distinguished chairman of the Committee on Finance will recall, the committee acted upon an amendment to this bill which would permit the importation of black granite, for the construction of the Marine Corps War Memorial on the Nevius Tract near Arlington Cemetery. This is the famous monument, showing Marines raising the flag on Iwo Jima.

Subsequently, it was brought to my attention that there is granite of a similar kind to be found in the United States, and the wording of the committee amendment might be interpreted to permit the entry of black granite, duty free, for an unspecified period of time. This was not the intention of the original amendment, which was for the specific purpose of the monument. I believe this limiting amendment will answer the objection raised.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Pennsylvania.

The LEGISLATIVE CLERK. On page 2, line 19, after the word "form", it is proposed to insert "imported prior to January 1, 1955."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. MARTIN].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

INCREASE IN RATES OF COMPENSATION TO CERTAIN VETERANS

The Senate proceeded to consider the bill (H. R. 9020) to provide increases in the monthly rates of compensation payable to certain veterans and their dependents.

Mr. COOPER. Mr. President, I ask unanimous consent to have a statement printed immediately prior to the passage of Calendar No. 2002, H. R. 9020.

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

STATEMENT BY SENATOR COOPER

There are two important veterans bills presently pending before the Senate, H. R. 9020 and H. R. 9962. These bills will provide for a much-needed increase in veterans' compensation, their dependents, and survivors. We all know to what extent veterans who must live on fixed compensation and pension payments have been seriously affected by the increases in the cost of living.

Although I am not a member of the Senate Finance Committee, which submitted the reports on these bills, I became familiar with the scope and purpose of these bills as a member of the majority Calendar Committee and I wish to speak in support of this vital legislation. I should like to offer brief explanations of the bills before us and to set forth the actual increases provided.

H. R. 9020

Section 1 of H. R. 9020 provides for a 5 percent increase in compensation for veterans with service-incurred disability and applies to wartime veterans as well as veterans of the regular establishment who served in time of peace. The actual increases which are provided in the bill are as follows:

Compensation increases to veterans and dependents under H. R. 9020

	Present law war-service-connected rates, Veterans Regulation 1 (a), as amended, pt. I	H. R. 9020	Present law peacetime-service-connected rates, Veterans Regulation 1 (a), as amended, pt. II	H. R. 9020
(a) 10 percent disability	$15.75	$17.00	$12.60	$14.00
(b) 20 percent disability	31.50	33.00	25.20	26.00
(c) 30 percent disability	47.25	50.00	37.80	40.00
(d) 40 percent disability	63.00	66.00	50.40	53.00
(e) 50 percent disability	86.25	91.00	69.00	73.00
(f) 60 percent disability	103.50	109.00	82.80	87.00
(g) 70 percent disability	120.75	127.00	96.60	102.00
(h) 80 percent disability	138.00	145.00	110.40	116.00
(i) 90 percent disability	155.25	163.00	124.20	130.00
(j) Total disability	172.50	181.00	138.00	145.00
(k) Anatomical loss, or loss of use of a creative organ, or 1 foot, or 1 hand, or blindness of 1 eye, having only light perception, rates (a) to (j) increased monthly by	47.00	47.00	37.60	37.60
Anatomical loss, or loss of use of a creative organ, or 1 foot, or 1 hand, or blindness of 1 eye, having only light perception, in addition to requirement for any of rates in (l) to (n), rate increased monthly for each loss or loss of use by	[1] 47.00	[1] 47.00	[2] 37.60	[2] 37.60
(l) Anatomical loss, or loss of use of both hands, or both feet, or 1 hand and 1 foot, or blind both eyes with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, monthly compensation	266.00	279.00	212.80	223.00
(m) Anatomical loss, or loss of use of 2 extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, monthly compensation	313.00	329.00	250.40	263.00
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthetic appliance, or suffered anatomical loss of both eyes, monthly compensation	353.00	371.00	282.40	297.00
(o) Suffered disability under conditions which would entitled him to 2 or more rates in (l) to (n), no condition being considered twice, or suffered total deafness in combination with total blindness with 5/200 visual acuity or less, monthly compensation	400.00	420.00	320.00	336.00
(p) In event disabled person's service-incurred disabilities exceed requirements for any of rates prescribed, Administrator, in his discretion, may allow next higher rate, or intermediate rate, but in no event in excess of	400.00	420.00	320.00	336.00
(q) Minimum rate for arrested tuberculosis	67.00	67.00	53.60	53.60

[1] But in no event to exceed $420.
[2] But in no event to exceed $336.

Section 2 of H. R. 9020 provides increases for widows and parents of veterans whose death resulted from a service-incurred disability. Widows without children will be increased from $75 to $87 per month. Dependent parents will receive an increase from $60 to $75 if one parent is living, and from the present rate of $70 to $80 if both parents are living.

The total cost of the increases provided in this bill is estimated at $109,854,000. The estimated allocation of the costs is as follows:

	Cost	Korea	World War II	World War I	Spanish War	Regular		Total
						Wartime	Peacetime	
Veterans	$60,045,000	135,800	1,623,700	213,100	400	1,500	61,900	2,036,000
Widows	9,722,000	3,300	26,400	31,700	975	325	6,000	68,700
Parents	40,087,000	19,100	194,400	20,400	20	1,480	7,300	242,700
Total	109,854,000							

H. R. 9962

The second bill provides a similar increase for non-service-connected veterans and their dependents. H. R. 9962 will increase by 5 percent virtually all monthly rates of pensions payable to veterans and dependents under the various laws which are administered by the Veterans Administration. This will include veterans of the Korean war, World War II, World War I, the Spanish-American War, the Civil War, the Indian Campaign, and the Mexican War.

The actual increases provided in H. R. 9962 for veterans of the recent wars are as follows:

Pension increase to veterans and dependents under H. R. 9962

	Existing rates	H. R. 9962	Number affected	Estimated first year's cost
WORLD WAR I, WORLD WAR II, AND KOREAN CONFLICT				
Veterans			482,700 veterans	$20,210,000
Permanent and total disability	$63.00	$66.15		
Permanent and total disability and age 65	75.00	78.75		
Rated permanent and totally disabled, continuous period of 10 years				
Aid and attendance	129.00	135.45		
(NOTE.—The foregoing rates are available to Spanish-American War veterans. However, substantially all such veterans on the pension rolls are being paid the greater rates set forth below.)				
Dependents			310,600 cases	9,257,000
Widow, no child	48.00	50.40		
Widow and 1 child	60.00	63.00		
Each additional child	7.20	7.56		
Children where there is no widow:				
1 child	26.00	27.30		
2 children (equally divided)	39.00	40.95		
3 children (equally divided)	52.00	54.60		
Each additional child (total equally divided)	7.20	7.56		
SPANISH-AMERICAN WAR				
Veterans			61,800 veterans	3,707,000
90 days' or more service:				
⅓o disability or more	96.75	101.59		
Age 62 or over				
Aid and attendance	129.00	135.45		
70 through 89 days' service:				
⅓o disability or more	64.50	67.73		
Age 62 or over				
Aid and attendance	83.85	88.04		
Dependents			81,700 cases	2,564,000
Widow	51.60	54.18		
Widow who was wife of veteran during service	64.50	67.73		
Additional for each child	7.74	8.13		
Children where there is no widow:				
1 child (to age 16)	59.34	62.31		
Each additional child (to age 16), total equally divided	7.74	8.13		
1 child (age 16 or over)	26.00	27.30		
2 children (age 16 or over) equally divided	39.00	40.95		
3 children (age 16 or over) equally divided	52.00	54.60		
Each additional child (age 16 or over), total equally divided	7.20	7.56		

It is estimated that the enactment of H. R. 9962 would affect approximately 544,700 veterans and 399,100 cases of deceased veterans during the first year, at an additional cost of approximately $35,958,000.

I am glad that we are considering legislation to provide these increases. The economic readjustments in recent years have been a particular hardship to our veterans whose rates of compensation have often lagged far behind the cost of living and the adjustments which were made for other segments of our population. It is my hope that the Senate will approve both of these bills.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

EXTENSION OF COVERAGE OF SERVICEMEN'S INDEMNITY ACT TO RESERVE OFFICERS' TRAINING CORPS

The bill (H. R. 5314) to extend the coverage of the Servicemen's Indemnity Act to members of the Reserve Officers' Training Corps when ordered to active training duty for periods in excess of 14 days was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object, may we have an explanation of this bill?

Mr. MILLIKIN. Mr. President, the purpose of the proposed legislation is to extend coverage under the Servicemen's Indemnity Act of 1951, effective April 25, 1951, to members of the Army Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, and the Air Force Reserve Officers' Training Corps, when called or ordered to active duty for 14 days or more. Thus, in the event of death of a member of any of these training corps while on such active training duty, his beneficiary would be entitled to $10,000 free indemnity insurance.

In addition to providing indemnity coverage, the bill extends to members of these training corps the right to apply for national service life insurance within 120 days after separation from active training duty of more than 30 days.

Mr. HENDRICKSON. Does not the Senator think that this will establish an undesirable precedent?

Mr. MILLIKIN. I do not think so.

Mr. GOLDWATER. Mr. President, will the Senator from Colorado yield?

Mr. MILLIKIN. I yield.

Mr. GOLDWATER. Will the Senator state whether the bill covers National Guard men also?

Mr. MILLIKIN. They are already covered under the law.

Mr. GOLDWATER. Does it include Air National Guard men also?

Mr. MILLIKIN. All guardsmen are covered.

Mr. GOLDWATER. They are presently covered?

Mr. MILLIKIN. Yes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 5314) was considered, ordered to a third reading, read the third time, and passed.

BILL AND RESOLUTION PASSED OVER

The bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code, so as to extend coverage under the Old-Age and Survivors' Insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for

other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 288) to make certain funds available to the Committee on Government Operations was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

PRINTING OF PRAYERS OF CHAPLAIN OF THE SENATE

The resolution (S. Res. 294) to print the prayers of the Chaplain of the Senate was considered and agreed to, as follows:

Resolved, That 3,000 copies of the prayers offered by the Reverend Frederick Brown Harris, Doctor of Divinity, Chaplain of the Senate, at the opening of the daily sessions of the Senate during the 81st, 82d, and 83d Congresses, inclusive, be printed and bound for the use of the Senate.

ADDITIONAL FUNDS FOR THE COMMITTEE ON BANKING AND CURRENCY

The Senate proceeded to consider the resolution (S. Res. 289) to provide additional funds for the Committee on Banking and Currency, which had been reported from the Committee on Rules and Administration with amendments, on page 1, line 12, after the word "exceed", to strike out "$150,000" and insert "$75,000"; and on page 2, line 2, after the word "purposes", to insert "pursuant to Senate Resolution 229, agreed to April 23, 1954", so as to make the resolution read:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 (a) of the Legislative Reorganization Act of 1946 and pursuant to its jurisdiction under rule XXV (1) (d) 4 of the Standing Rules of the Senate, the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized until January 31, 1955, to make such expenditures, and to employ upon a temporary basis such investigators, and such technical, clerical, and other assistants, as it deems advisable.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed $75,000 (in addition to amounts heretofore made available for such purposes pursuant to S. Res. 229, agreed to April 23, 1954), shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

STUDY OF ANTITRUST LAWS—RESOLUTION PASSED OVER

The resolution (S. Res. 14) authorizing a study of the antitrust laws of the United States, and administration, interpretation, and effect, was announced as next in order.

Mr. GORE. Over.

Mr. MAGNUSON. With regard to Calendar 2008, Senate Resolution 14, I am wondering if the objector would inform the Senate whether the objection is by request. What is the reason for the objection?

Mr. GORE. It is by request.

Mr. MAGNUSON. Reserving the right to object, Mr. President—and I shall not object—this is a very important investigation which is now going on, involving the question of monopoly and antitrust laws. It also involves the question of the misuse of monopoly and the question of power and matters of that sort.

I had hoped that the objector might allow this resolution to go to the foot of the calendar, instead of going over, so that we might be able to get the matter settled. It has been hanging fire for a long time, as I think the Senator from Nevada [Mr. MCCARRAN] will agree. We would like to have the resolution adopted, so that we can get started on this matter.

Mr. GORE. Mr. President, the members of the Calendar Committee have as their prime function the registration of objections on the part of their colleagues. I have been requested to object to the consideration of this resolution. Unless that request is withdrawn, I am not in a position to have the resolution considered.

Mr. MAGNUSON. May I make a suggestion to the Senator from Tennessee? If he will allow this resolution to go to the foot of the calendar, I might ask who the objector is, and I might be able to talk to him.

Mr. GORE. I am not going to say in which direction I have been looking; but I see a certain Senator shaking his head to indicate "No," so I will have to insist that it go over.

The PRESIDING OFFICER. The resolution will go over.

Mr. MAGNUSON. I will say the Senator from Tennessee was not looking behind him.

Mr. HAYDEN. Mr. President, will the Senator from Tennessee withhold his objection for a moment?

Mr. GORE. I withhold the objection.

Mr. HAYDEN. The amount of money involved in the resolution is comparatively small. It is understood that there will be cooperation with the Department of Justice, which is also investigating this same subject matter. It would seem to me that the Judiciary Committee ought to study this subject, along with the Department of Justice. I hope some arrangement can be made.

Mr. MAGNUSON. The amount involved, as I have been informed by the distinguished Senator from Nevada [Mr. MCCARRAN], is $35,000. This is a very important matter. It involves the whole power question, and many other questions of antimonopoly which I think have been sadly neglected at the other end of the avenue.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GORE. Over.

The PRESIDING OFFICER. The resolution will go over.

Mr. MAGNUSON. Is the objection by request?

Mr. GORE. It is by request.

AMENDMENT OF INTERNAL REVENUE CODE—BILL PASSED OVER

The bill (H. R. 5407) to amend section 2879 (b) of the Internal Revenue Code was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MALONE subsequently said: Mr. President, may I ask the distinguished Senator from Florida to withhold his objection to Calendar 2009, H. R. 5407, so that I may make a statement and request?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that unanimous consent must be obtained in order to return to the consideration of the bill.

Mr. HENDRICKSON. Mr. President, I shall have to object, because I have been insisting all along that such bills go to the foot of the calendar, and then to be heard in their turn.

Mr. MALONE. That is the request I now make. I ask that Calendar No. 2009, H. R. 5407, go to the foot of the calendar to be called again at that time.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

INCREASE OF COMPENSATION OF CLASSIFIED, POSTAL, AND OTHER GOVERNMENT EMPLOYEES—BILL PASSED TO FOOT OF CALENDAR

The Senate proceeded to consider the bill (H. R. 7774) to establish a uniform system for the granting of incentive awards to officers and employees of the United States, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

TITLE I—EMPLOYEES GENERALLY

SEC. 101. (a) Section 603 (b) and section 603 (c) of the Classification Act of 1949, as amended, are amended to read as follows:

"(b) The compensation schedule for the General Schedule shall be as follows:

"Grade	Per annum rates					
1	$2,670	$2,750	$2,830	$2,910	$2,990	$3,070	$3,150
2	2,920	3,000	3,080	3,160	3,240	3,320	3,400
3	3,120	3,200	3,280	3,360	3,440	3,520	3,600
4	3,345	3,425	3,505	3,585	3,665	3,745	3,825
5	3,580	3,705	3,830	3,955	4,080	4,205	4,330
6	3,985	4,110	4,235	4,360	4,485	4,610	4,735
7	4,415	4,540	4,665	4,790	4,915	5,040	5,165
8	4,850	4,975	5,100	5,225	5,350	5,475	5,600
9	5,315	5,440	5,565	5,690	5,815	5,940	6,065
10	5,775	5,900	6,025	6,150	6,275	6,400	6,525
11	6,235	6,435	6,635	6,835	7,035	7,235	
12	7,390	7,590	7,790	7,990	8,190	8,390	
13	8,780	8,980	9,180	9,380	9,580	9,780	
14	10,040	10,240	10,440	10,640	10,840	11,040	
15	11,240	11,490	11,740	11,990	12,240		
16	12,440	12,640	12,840	13,040	13,240		
17	13,440	13,640	13,840	14,040	14,240		
18	14,800						

"(c) (1) The compensation schedule for the Crafts, Protective, and Custodial Schedule shall be as follows:

"Grade	Per annum rates						
1	$1,980	$2,040	$2,100	$2,160	$2,220	$2,280	$2,340
2	2,590	2,660	2,730	2,800	2,870	2,940	3,010
3	2,722	2,802	2,882	2,962	3,042	3,122	3,202
4	2,920	3,000	3,080	3,160	3,240	3,320	3,400
5	3,144	3,224	3,304	3,384	3,464	3,544	3,624
6	3,370	3,450	3,530	3,610	3,690	3,770	3,850
7	3,605	3,705	3,805	3,905	4,005	4,105	4,205
8	3,925	4,050	4,175	4,300	4,425	4,550	4,675
9	4,360	4,485	4,610	4,735	4,860	4,985	5,110
10	4,795	4,920	5,045	5,170	5,295	5,420	5,545

"(2) Charwomen working part time shall be paid at the rate of $2,870 per annum, and head charwomen working part time at the rate of $3,010 per annum."

(b) The rates of basic compensation of officers and employees to whom this section applies shall be initially adjusted as follows:

(1) If the employee is receiving a rate of basic compensation immediately prior to the effective date of this section at one of the scheduled or longevity rates provided by the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding scheduled or longevity rate in effect on and after such date;

(2) If the employee is receiving a rate of basic compensation immediately prior to the effective date of this section at a rate between two scheduled or two longevity rates, or between a scheduled rate and a longevity rate, provided by the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date;

(3) If the employee, immediately prior to the effective date of this section, is in a position in any one of the first 10 grades of the General Schedule or in any one of the grades of the Crafts, Protective, and Custodial Schedule, and is receiving a rate of basic compensation in excess of the maximum longevity rate of his grade as provided in this section, he shall continue to receive basic compensation without change in rate until (A) he leaves such position, or (B) he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended; but when such position becomes vacant, the rate of basic compensation of any subsequent appointee shall be fixed in accordance with such act, as amended;

(4) If the employee, immediately prior to the effective date of this section, is in a position in grade 11, 12, 13, 14, or 15 of the General Schedule, and is receiving a rate of basic compensation in excess of the maximum scheduled rate of his grade as provided in this section, he shall continue to receive basic compensation without change in rate until (A) he leaves such position, or (B) he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended; but when such position becomes vacant, the rate of basic compensation of any subsequent appointee shall be fixed in accordance with such act, as amended.

SEC. 102. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed pursuant to section 62 (2) of the Bankruptcy Act (11 U. S. C. 102 (a) (2)), section 3656 of title 18 of the United States Code, the second and third sentences of section 603, section 604 (5), or sections 672 to 675, inclusive, of title 28 of the United States Code, are hereby increased by 5 percent, except that no such rate shall be increased by more than $440 per annum or less than $170 per annum.

(b) The limitations of $10,560 and $14,355 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the paragraph under the heading "Salaries of Supporting Personnel" in the Judiciary Appropriation Act, 1955, or in any subsequent appropriation act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this act.

SEC. 103. (a) Each officer and employee in or under the legislative branch of the Government (other than an employee in the office of a Senator) whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946 shall be paid additional compensation at the rate of 5 percent of the aggregate rate of his rate of basic compensation and the rate of the additional compensation received by him under sections 501 and 502 of the Federal Employees Pay Act of 1945, as amended, section 301 of the Postal Rate Revision and Federal Employees Salary Act of 1948, the provisions under the heading "Increased pay for legislative employees" in the Second Supplemental Appropriation Act, 1950, and the act of October 24, 1951 (Public Law 201, 82d Cong.) except that no such officer or employee shall be paid additional compensation at a rate less than $170 per annum or in excess of $440 per annum.

(b) Section 2 (b) of the act of October 24, 1951 (Public Law 201, 82d Cong.) is amended by striking out "$11,646" and inserting in lieu thereof "$12,086."

(c) (1) The aggregate amount of the basic compensation authorized to be paid for administrative and clerical assistance and messenger service in the offices of Senators is hereby increased by—

(A) $2,160 in the case of Senators from States the population of which is less than 3 million;

(B) $2,400 in the case of Senators from States the population of which is 3 million or more but less than 5 million;

(C) $3,120 in the case of Senators from States the population of which is 5 million or more but less than 10 million; and

(D) $3,180 in the case of Senators from States the population of which is 10 million or more.

(2) The second proviso in the paragraph relating to the authority of Senators to rearrange the basic salaries of employees in their respective offices, which appears in the Legislative Branch Appropriation Act, 1947, as amended (2 U. S. C. 60f), is amended by striking out "$5,880" and inserting in lieu thereof "$6,180"; by striking out "$7,320" and inserting in lieu thereof "$7,620"; and by striking out "$8,400" and inserting in lieu thereof "$8,640."

(d) The rates of basic compensation of each of the elected officers of the Senate and the House of Representatives (not including the presiding officers of the two Houses), the Parliamentarian of the Senate, the Parliamentarian of the House of Representatives, the legislative counsel of the Senate, the legislative counsel of the House of Representatives, and the coordinator of information of the House of Representatives are hereby increased by 5 percent, except that no such rate shall be increased by more than $440 per annum or less than $170 per annum.

(e) (1) The provisions of subsection (a) shall not apply to employees whose compensation is paid from the appropriation contained in the paragraph designated "Folding documents" under the heading "Contingent Expenses of the Senate" in the Legislative Branch Appropriation Act, 1955 (Public Law 470, 83d Cong.).

(2) The limitations in the paragraph designated "Folding documents" under the "Contingent Expenses of the House" in the Legislative Appropriation Act, 1955 (Public Law 470, 83d Cong.), are hereby increased by 5 percent.

(f) The Official Reporters of the proceedings of the debates of the Senate and their employees shall be considered to be officers or employees in or under the legislative branch of the Government within the meaning of subsection (a) and the provisions of law referred to in such subsection.

(g) The additional compensation provided by subsection (a) and the provisions of law referred to in such subsection shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act of May 29, 1930, as amended.

SEC. 104. Section 66 of the Farm Credit Act of 1933 (48 Stat. 269) is hereby amended to read as follows:

"SEC. 66. No director, officer, or employee of the Central Bank for Cooperatives, or of any production credit corporation, production credit association, or bank for cooperatives shall be paid compensation at a rate in excess of $14,240 per annum."

SEC. 105. (a) The rates of basic compensation of officers and employees in the Department of Medicine and Surgery in the Veterans' Administration whose rates of basic compensation are provided by Public Law 293, 79th Congress, approved January 3, 1946, as amended, are hereby increased by 5 percent, except that no such rate shall be increased by more than $440 per annum or less than $170 per annum.

(b) Section 8 (d) of Public Law 293, 79th Congress, as amended, is amended by striking out "$12,800" and in lieu thereof "$13,240."

SEC. 106. The rates of basic compensation provided by sections 412 and 415 of the Foreign Service Act of 1946, as amended, are hereby increased by 5 percent, except that no such rate shall be increased by more than $440 per annum or less than $170 per annum.

SEC. 107. The rate of basic compensation of the Treasurer of the United States shall be at the maximum scheduled rate of the highest grade established by the Classification Act of 1949, as amended.

SEC. 108. Notwithstanding any other provisions of this act, no rate of compensation which is $14,800 or more per annum shall be increased by this act, and no rate of compensation shall be increased by this act to an amount in excess of $14,800 per annum.

SEC. 109. Section 3 of the Travel Expense Act of 1949 (63 Stat. 166, as amended; 5 U. S. C. 836) is amended by striking out "$9" and inserting in lieu thereof "$12."

SEC. 110. This title shall take effect on the first day of the first pay period which begins after the date of its enactment.

TITLE II—POSTAL EMPLOYEES

SEC. 201. It is the sense of the Congress that—

(1) it is both necessary and desirable that an equitable system should be established for the classification of positions and the determination of salaries of postmasters, officers, and employees in the field service of the Post Office Department; and

(2) such classification and salary system should be established after a study of all problems relating thereto conducted by a commission composed of representatives of the Congress, the Post Office Department, and postal employees, and through the enactment of appropriate legislation pursuant to recommendations submitted to the Congress by such commission following the completion of such study.

SEC. 202. (a) The rates of basic compensation, other than rates referred to in subsection (b) of this section, of postmasters, officers, and employees in the postal field

service whose rates of compensation are prescribed by the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes," approved July 6, 1945 (Public Law 134, 70th Cong.), as amended, are hereby increased by 5 percent except that no such rate shall be increased by more than $440 or less than $200 per annum.

(b) (1) That part of the compensation schedule headed "Grades and Salaries of Employees in the Automatic Grades" and contained in section 11A of such act of July 6, 1945 (Public Law 134, 79th Cong.), as amended, which provides hourly rates of compensation, is amended to read as follows:

"*Hourly rates*

"Clerks in post offices of the 3d class; carriers in village delivery service	$1.435	$1.485	$1.54	$1.59					
Charmen and charwomen	1.495	1.55							
Mail handlers, messengers, watchmen; operators of the pneumatic tube service; garagemen-drivers	1.645	1.695	1.75	1.80					
Special delivery messengers in post offices of the 1st class	1.645	1.695	1.75	1.80	$1.855	$1.905	$1.96		
Clerks; carriers in city delivery service; driver mechanics; general mechanics; dispatchers of the pneumatic tube service	1.695	1.75	1.80	1.855	1.905	1.96	2.01	$2.065	$2.115
Postal transportation clerks	1.80	1.855	1.905	1.96	2.01	2.065	2.115		
Special mechanics	2.02								;"

(2) The rates of basic compensation of postmasters at post offices of the fourth class are hereby increased by 5 percent.

(3) The rates of fixed compensation per annum of rural carriers are hereby increased by 5 percent except that no such rate shall be increased by more than $440 or less than $200 per annum.

(c) This section shall not apply to skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis.

(d) The increases in rates of basic compensation provided by this section shall not apply to longevity salary increases.

SEC. 203. Section 16 (r) of such act of July 6, 1945 (Public Law 134, 79th Cong.), as amended, which relates to travel allowances for employees in the Postal Transportation Service who are assigned to road duty, is amended by striking out "$6 per day" and inserting in lieu thereof "$9 per day."

SEC. 204. Any increase in rate of basic compensation by reason of the enactment of this title shall not be considered as an "equivalent increase" in compensation within the meaning of section 701 or the Classification Act of 1949, as amended, in the case of postmasters, officers, and employees in the postal field service who transfer or are transferred to positions within the purview of the Classification Act of 1949, as amended.

SEC. 205. In the exercise of the authority granted by section 81 of title 2 of the Canal Zone Code, as amended, the Governor of the Canal Zone is authorized to grant, as of the effective date of this section, additional compensation to postal employees of the Canal Zone Government, based on the additional compensation granted by this act to similar employees in the field service of the Post Office Department of the United States.

SEC. 206. This act shall have the same force and effect within Guam as within other possessions of the United States.

SEC. 207. (a) Section 7 of the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945 (Public Law 134, 79th Cong.), as amended, is amended to read as follows:

"*Method of payment*

"SEC. 7. (a) The compensation of postmasters and per annum rate employees shall be paid in 26 installments. Each such installment shall be the compensation for a pay period of 2 weeks. The compensation of hourly rate substitute employees and other hourly rate employees shall be computed for each pay period of 2 weeks on the basis of the number of hours of work performed by such employees during such pay period.

"(b) To compute an hourly rate for postmasters and per annum rate employees, the per annum rate shall be divided by 2080.

"(c) To compute a daily rate for postmasters and per annum rate employees, the hourly rate shall be multiplied by the number of daily hours of service required.

"(d) Subsections (b) and (c) of this section shall not apply to carriers in the rural delivery service. Whenever, for pay computation purposes, it is necessary to convert the basic annual rate of compensation of carriers in the rural delivery service to a basic daily or biweekly rate, the following rules shall govern:

"(1) An annual rate shall be divided by 312 to derive a daily rate.

"(2) A daily rate shall be multiplied by 12 to derive a biweekly rate.

"(e) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

"(f) When a pay period for any postmaster or employee begins in one fiscal year and ends in another fiscal year, the gross amount of the earnings of such postmaster or employee for such pay period may be regarded as a charge against the appropriation or allotment current at the end of such pay period."

(b) Section 8 of such act of July 6, 1945, as amended, is amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) The salaries of postmasters, assistant postmasters, and supervisors paid under the provisions of this section shall be readjusted at the beginning of the first complete pay period in each fiscal year."

(c) Section 9 (b) of such act of July 6, 1945, as amended, is amended by adding at the end thereof a new sentence to read as follows: "The salaries of superintendents and assistant superintendents of classified stations shall be readjusted at the beginning of the first complete pay period in each fiscal year."

(d) Section 11A of such act of July 6, 1945, as amended, is amended by striking out "and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the top automatic grade" and by inserting in lieu thereof "and shall be promoted successively at the beginning of the first complete pay period following 52 weeks of satisfactory service in each grade to the next higher grade until they reach the top automatic grade."

(e) Section 13 of such act of July 6, 1945, as amended, is amended by adding immediately after subsection (a) thereof a new subsection (b) to read as follows:

"(b) The salaries of employees paid under the provisions of this section shall be readjusted at the beginning of the first complete pay period in each fiscal year."

(f) Section 14 of such act of July 6, 1945, as amended, is amended by adding immediately after subsection (a) thereof a new subsection (b) to read as follows:

"(b) The salaries of employees paid under the provisions of this section shall be readjusted at the beginning of the first complete pay period in each fiscal year."

(g) That part of subsection (1) of section 14 of such act of July 6, 1945, as amended, which precedes the first proviso is amended to read as follows:

"(1) Temporary employees in the custodial service paid on an annual basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the first complete pay period following 52 weeks of satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position; and temporary employees in the custodial service paid on an hourly basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the first complete pay period following 52 weeks of satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position".

(h) Section 15 (b) of such act of July 6, 1945, as amended, is amended by striking out "and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade until they reach grade 8", and by inserting in lieu thereof "and shall be promoted successively at the beginning of the first complete pay period following 52 weeks of satisfactory service in each grade until they reach grade 8".

(i) That part of section 18 (f) of such act of July 6, 1945, as amended, which precedes the first proviso is amended to read as follows:

(i) That part of section 18 (f) of such act of July 6, 1945, as amended, which precedes the first proviso is amended to read as follows:

"(f) Each temporary employee in the mail equipment shops paid on an annual basis shall be paid at the rate of pay of the lowest grade provided for a regular employee in the same type of position in which such temporary employee is employed, and shall, at the beginning of the first complete pay period following 52 weeks of satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position:".

(j) The first section of the act of April 15, 1947 (Public Law 35, 80th Cong.), as amended, is amended by striking out "shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade" and by inserting in lieu thereof "shall be promoted successively at the beginning of the first complete pay period following 52 weeks of satisfactory service in each grade."

(k) All laws or parts of laws inconsistent with the amendments made by this section are hereby repealed or modified to the extent necessary to carry out the purposes of and conform to such amendments.

SEC. 208. (a) (1) There is hereby established a Commission on Postal Field Service Classification (hereinafter referred to as "the Commission") to be composed of (A) the chairman and ranking minority member of the Committee on Post Office and Civil Service of the Senate, (B) the chairman and ranking minority member of the Committee on Post Office and Civil Service of the House of Representatives, (C) the Postmaster General, (D) two officers or employees of the Post Office Department to be appointed by the President, and (E) two representatives of postal employee organizations to be appointed by the President.

(2) The Postmaster General shall be Chairman of the Commission. Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original selection. Five of the members of the Commission shall constitute a quorum for the transaction of business. The Commission shall fix the number of members who shall constitute a quorum for each subcommittee thereof.

(b) The Commission, acting as a whole or by subcommittee, shall conduct or cause to be conducted a thorough investigation and study for the purpose of developing a plan for the establishment of a uniform, integrated, and equitable classification and pay system for all postmasters, officers, employees, and positions in the postal field service.

(c) The Postmaster General is authorized to make available to the Commission such personnel, facilities, and services of the Post Office Department as may be necessary to enable it to perform its functions. The chairman of the Committee on Post Office and Civil Service of the Senate and the chairman of the Committee on Post Office and Civil Service of the House of Representatives are authorized to assign from time to time the members of the staffs of their respective committees to duties and responsibilities in connection with the operation of the Commission.

(d) The Commission shall report to the Senate and the House of Representatives, on or before March 1, 1955, the results of its study and investigation, together with such recommendations (including drafts of legislation to carry out such recommendations) as it deems advisable.

SEC. 209. Section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, 82d Cong.), as amended, is hereby repealed.

SEC. 210. This title shall take effect as follows:

(1) Sections 206 and 208 and this section, shall take effect on the date of enactment of this act;

(2) Sections 202, 204, and 205 shall take effect on the first day of the first pay period which begins after the date of enactment of this act;

(3) Sections 203 and 209 shall take effect on the first day of the first calendar month following the calendar month in which this act is enacted; and

(4) Section 207 shall take effect upon such date, not later than 90 days after the date of enactment of this act, as may be designated by the Postmaster General.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. HENDRICKSON. Mr. President, to the committee amendment I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from New Jersey to the committee amendment.

The LEGISLATIVE CLERK. On page 15, line 3, it is proposed to insert "(a)", immediately following "Section 109."; and on page 15, between lines 5 and 6, to insert the following:

(b) The proviso in the paragraph designated "Inquiries and investigations" under the heading "Contingent Expenses of the Senate" in the Legislative Appropriation Act, 1955, is amended by striking out "$9" and inserting in lieu thereof "$12."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey to the committee amendment.

The amendment to the amendment was agreed to.

Mr. CARLSON. Mr. President, to the committee amendment I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Kansas.

The LEGISLATIVE CLERK. In the committee amendment on page 13, before the period in line 13, it is proposed to insert a comma and the following: "and the provisions of section 2 (a) of the Federal Employees' Group Life Insurance Act of 1954."

Mr. CARLSON. Mr. President, I offer this amendment to take care of the Official Reporters of Debates of the Senate. I think all of us are agreed they have rendered outstanding service. They have been left out of the Federal insurance bill, and the amendment would include them in this particular bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. JOHNSTON of South Carolina. Mr. President, I think we ought to know what we are passing. This is the pay increase bill for postal and other Federal employees. I should like to call to the attention of the Senate the fact that the Democrats of the committee proposed a 10 percent and a 7 percent increase, and that both were defeated because of unanimous objection by the Republicans on the committee. What is proposed here is a compromise 5 percent agreement. There is sufficient reason to pass this bill on the call of the calendar. Time is short and hasty action is mandatory. However, if I had known this bill would pass on the calendar call, I would have been prepared to offer some amendments to increase certain provisions. I hope this bill passes because pay increases are urgently needed by Government employees.

Mr. GORE. Reserving the right to object, the junior Senator from Tennessee understood that there was to be an amendment to this bill.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. HENDRICKSON] and the Senator from Kansas [Mr. CARLSON] offered amendments which have been read, and acted upon by the Senate.

Mr. HENDRICKSON. Mr. President, before the bill is passed, I should like to say that the amendment offered by the Senator from New Jersey was on behalf of the distinguished Senator from North Dakota, who is absent today because of illness in his family.

The PRESIDING OFFICER. The question is on the engrossment of the amendment, and the third reading of the bill.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to increase the rates of compensation of classified, postal, and other employees of the Government, and for other purposes."

Mr. KNOWLAND subsequently said: Mr. President, I ask unanimous consent that the vote whereby Calendar 2010, H. R. 7774, was passed be reconsidered, and that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill (H. R. 7774) will go to the foot of the calendar.

READJUSTMENT OF COMPENSATION OF HOLDERS OF CONTRACTS OF MAIL-MESSENGER SERVICE

The Senate proceeded to consider the bill (H. R. 2263) to authorize the Postmaster General to readjust the compensation of holders of contracts for the performance of mail-messenger service, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO CLASSIFICATION ACT OF 1949

Number of positions in grades 16, 17, and 18 of the General Schedule

SEC. 101. (a) Section 505 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 505. (a) No position shall be placed in grade 16 or 17 of the General Schedule except by action of, or after prior approval by, the Commission.

"(b) No position shall be placed in or removed from grade 18 of the General Schedule except by the President upon recommendation of the Commission.

"(c) At any one time there shall not be more than 400 positions in grade 16 of the General Schedule, not more than 115 positions in grade 17 of the General Schedule, and not more than 35 positions in grade 18 of the General Schedule.

"(d) Positions that may be established under the proviso of section 203 (b) (1) of the act of August 2, 1946 (60 Stat. 836), may be in addition to those authorized by the foregoing provisions of this section."

(b) The amendment made by subsection (a) shall not affect positions allocated to grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, pursuant to provisions of law (other than the Classification Act of 1949, as amended) and reorganization plans in effect prior to the effective date of this section.

Longevity step-increases

SEC. 102. (a) (1) Subsection (a) of section 703 of the Classification Act of 1949, as amended, is amended by striking out the words "change of grade or rate of basic compensation except such change as may be prescribed by any provision of law of general application" and inserting in lieu thereof the words "increase in grade or rate of basic compensation except such increase as may be prescribed by any provision of law of general application."

(2) Subsection (b) (1) of section 703 of the Classification Act of 1949, as amended, is amended to read as follows:

"(b) (1) No officer or employee shall be entitled to a longevity step-increase while holding a position in any grade above grade 15 of the General Schedule."

(b) The amendments made by subsection (a) shall become effective at the beginning of the first pay period following the date of enactment of this act.

SEC. 103. (a) Section 704 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 704. In the case of officers and employees in grades 11 to 15, inclusive, of the General Schedule who are receiving compensation at or above the maximum scheduled rates for their respective grades on the date immediately preceding the effective date of this amendatory section, not to exceed 3 years of service performed immediately preceding such effective date shall be counted toward longevity step increases under section 703. Notwithstanding subsection (b) (4) of section 703, longevity step increases for grade 15 of the General Schedule shall be $200."

(b) The amendment made by subsection (a) shall become effective at the beginning of the first pay period following the date of enactment of this act.

Recruitment above the minimum rate of the class

SEC. 104. Section 803 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 803. (a) Whenever the Commission shall find (1) that a sufficient number of qualified eligibles for positions in a given class cannot be secured in one or more areas or locations at the existing minimum rate for such class, and (2) that there is a possibility that a sufficient number of such eligibles can be secured by increasing the minimum rate for such class in such areas or locations to one of the higher rates within the grade in which such class is placed, the Commission may establish such higher rate as the minimum rate for that class in each area or location concerned.

"(b) Minimum rates established under subsection (a) may be revised from time to time by the Commission. Such actions or revisions shall have the force and effect of law.

"(c) Any increase in rate of basic compensation resulting from the establishment of minimum rates under this section shall not be regarded as an 'equivalent increase' in compensation within the meaning of section 701 (a)."

Exclusion from Classification Act of 1949 of crafts, trades, and labor positions and application of prevailing wage policy to such positions

SEC. 105. (a) Paragraph (7) of section 202 of the Classification Act of 1949, as amended, is amended to read as follows:

"(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing the duties of whom are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations: *Provided*, That the compensation of such employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates: *Provided further*, That whenever the Civil Service Commission concurs in the opinion of the employing agency that in any given area the number of such employees is so few as to make prevailing rate determinations impracticable, such employee or employees shall be subject to the provisions of the Classification Act of 1949, as amended, which are applicable to positions of equivalent difficulty or responsibility."

(b) Section 204 (c) is amended to read as follows:

"(c) Section 202 (except paragraph (7) thereof) and section 203 shall not apply to the Office of the Architect of the Capitol."

Transfer of certain positions from the Crafts, Protective, and Custodial Schedule to the General Schedule

Sec. 106. (a) Not earlier than the first day of the second pay period which begins after the date of enactment of this act, and not later than the first day of the first pay period which begins more than 6 months after the date of enactment of this act, all positions in the Crafts, Protective, and Custodial Schedule of the Classification Act of 1949, as amended, not included from such act by section 202 (7) thereof, as amended by section 105 of this title, shall be placed in corresponding grades of the General Schedule as set forth below:

Grade of the Crafts, Protective, and Custodial Schedule	Corresponding new grade of the General Schedule
1	1
2	1
3	1
4	2
5	3
6	4
7	5
8	6
9	7
10	8

(b) The rates of basic compensation of officers and employees to whom this section applies shall be initially adjusted as follows:

(1) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule which is less than the minimum scheduled rate of that grade in the General Schedule in which his position is placed, his compensation shall be increased to such minimum rate;

(2) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule which is equal to one of the scheduled or longevity rates of that grade in the General Schedule in which his position is placed, he shall receive a rate of basic compensation at such scheduled or longevity rate;

(3) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule at a rate between 2 scheduled or 2 longevity rates, or between a scheduled rate and a longevity rate, of that grade in the General Schedule in which his position is placed, he shall receive a rate of basic compensation at the higher of such 2 rates.

(4) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule in excess of the maximum longevity rate of that grade in the General Schedule in which his position is placed, he shall continue to receive basic compensation without change in rate until (A) he leaves such position, or (B) he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended; but when such position becomes vacant the rate of basic compensation of any subsequent appointee shall be fixed in accordance with such act, as amended.

(c) The conversion to grades of the General Schedule of positions covered by this section, and the initial adjustments in compensation as prescribed herein, shall not be construed to be transfers or promotions within the meaning of section 802 (b) of the Classification Act of 1949, as amended, and the regulations issued thereunder.

Abolishment of Crafts, Protective, and Custodial Schedule

SEC. 107. Section 601 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 601. There is hereby established for positions to which this act applies a basic compensation schedule, to be known as the 'General Schedule,' the symbol for which shall be 'GS'."

SEC. 108. (a) Section 602 of the Classification Act of 1949, as amended, is amended by striking out "(a)" after "SEC. 602."

(b) Subsection (b) of such section 602 is hereby repealed.

SEC. 109. (a) Subsection (a) of section 603 of the Classification Act of 1949, as amended, is amended to read as follows:

"(a) The rates of basic compensation with respect to officers, employees, and positions to which this act applies shall be in accordance with the compensation schedule contained in subsection (b)."

(b) Subsection (c) of such section 603 is hereby repealed.

(c) Subsection (d) of such section 603 is amended to read as follows:

"(c) Whenever payment is made on the basis of a daily, hourly, weekly, biweekly, or monthly rate, such rate shall be computed from the appropriate annual rate specified in subsection (b) by the method prescribed in section 604 (d) of the Federal Employees Pay Act of 1945, as amended."

SEC. 110. (a) Section 105 of this title shall take effect on the date or dates specified by the head of a department, but not earlier than the first day of the second pay period which begins after the date of enactment of this act, and not later than the first day of the first pay period which begins more than 12 months after the date of enactment of this act, with respect to each employee and position in such department within the purview of such section 105.

(b) Sections 107, 108, and 109 of this title shall take effect, with respect to employees and positions in a department, upon the completion of the actions required by sections 105 and 106 of this title to be taken with respect to such employees and positions, but in no event later than the first day of the first pay period which begins more than 12 months after the date of enactment of this act.

Miscellaneous provisions

SEC. 111. Section 604 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 604. Employees receiving basic compensation at a rate authorized by law, immediately prior to the effective date of this title, in excess of the appropriate new rate of the grade as determined under paragraphs (1) to (10), inclusive, of section 604 (b) of this act, as in effect prior to the date of enactment of this amended section, may continue to receive such rate so long as they remain in the same position and grade, but when any such position becomes vacant, the rate of basic compensation of any subsequent appointee shall be fixed in accordance with this act."

SEC. 112. Sections 703 (c) and 802 (b) of the Classification Act of 1949, as amended, are amended by striking out "section 604 (b) (11)" and inserting in lieu thereof "section 604."

SEC. 113. The Civil Service Commission is hereby authorized to issue such regulations as may be necessary for the administration of this title.

SEC. 114. Nothing contained in this title shall be construed to decrease the existing rate of basic compensation of any present employee, but when his position becomes vacant any subsequent appointee to such position shall be compensated in accordance with the scale of pay applicable to such position.

SEC. 115. The term "department" shall have the same meaning in this title as when used in the Classification Act of 1949, as amended.

TITLE II—AMENDMENTS TO THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED

SEC. 201. This title may be cited as the "Federal Employees Pay Act Amendments of 1954."

SEC. 202. (a) Subsection (a) of section 101 of the Federal Employees Pay Act of 1945, as amended, is amended by striking out "titles II and III" and inserting in lieu thereof "titles II, III, and IV."

(b) Subsection (b) of such section 101 is hereby repealed.

Compensation for overtime work

SEC. 203. Section 201 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"SEC. 201. All hours of work officially ordered or approved in excess of 40 hours in any administrative workweek performed by officers and employees to whom this title applies shall be considered to be overtime work and compensation for such overtime work, except as otherwise provided for in this act, shall be at the following rates:

"(1) For each officer and employee whose basic compensation is at a rate which does not exceed the maximum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to 1½ times the hourly rate of basic compensation of such officer or employee, and all of such amount shall be considered premium compensation.

"(2) For each officer and employee whose basic compensation is at a rate which exceeds the maximum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to 1½ times the hourly rate of such maximum scheduled rate of basic compensation, or an amount equal to the basic hourly rate of compensation of such officer or employee, whichever is greater, and all of such amount shall be considered premium compensation."

SEC. 204. Section 202 (a) of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"SEC. 202. (a) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia, or the head of any legislative or judicial agency to which this title applies, (1) may, at the request of any officer or employee, grant such officer or employee compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent in irregular or occasional overtime work, and (2) may, at his own discretion, provide that any officer or employee, whose rate of basic compensation is in excess of the maximum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work for which compensation would be due under this act with an equal amount of compensatory time off from his scheduled tour of duty in lieu of such compensation."

SEC. 205. (a) Section 203 of the Federal Employees Pay Act of 1945, as amended, is redesignated as section 205, and wherever such section number appears in such act or in any other provision of law it is amended to conform to the redesignation prescribed by this subsection.

(b) The Federal Employees Pay Act of 1945, as amended, is amended by inserting after section 202 thereof the following new sections:

"Call-Back Overtime

"SEC. 203. For the purposes of this act, any unscheduled overtime work performed by any officer or employee on a day when no work was scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least 2 hours in duration.

"Time in Travel Status

"SEC. 204. For the purposes of this act, time spent in a travel status away from the official-duty station of any officer or employee shall be considered as hours of employment only when (a) within the days and hours of such officer's or employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours, or (b) when the travel involves the performance of work while traveling or is carried out under arduous conditions."

Compensation for night and holiday work

SEC. 206. Section 301 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"SEC. 301. (a) Any regularly scheduled work between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian (including periods of absence with pay during such hours due to holidays, and any such hours within periods of leave with pay if such periods total less than 8 hours during any pay period) shall be considered nightwork, except as provided in subsection (b), and any officer or employee performing such work to whom this title applies shall be compensated for such work at his rate of basic compensation plus premium compensation amounting to 10 percent of such rate, unless otherwise provided in title IV of this act. This section shall not operate to modify the provisions of the act of July 1, 1944 (Public Law No. 394, 78th Cong.), or any other law authorizing additional compensation for nightwork.

"(b) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, may designate any time after 6 o'clock postmeridian and any time before 6 o'clock antemeridian as the beginning and end, respectively, of nightwork for the purpose of subsection (a) at any post outside the several States and the District of Columbia where customary hours of business extend into the hours of nightwork provided by such subsection."

SEC. 207. Section 302 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"SEC. 302. (a) All work not exceeding 8 hours, which is not overtime work as defined in section 201 of this act and which is performed on a holiday designated by Federal statute or Executive order, shall be compensated at the rate of basic compensation of the officer or employee performing such work on a holiday plus premium compensation at a rate equal to the rate of basic compensation of such officer or employee.

"(b) Any officer or employee who is required to perform any work on such a holiday shall be compensated for at least 2 hours of such work, and any such premium compensation due under the provisions of this section shall be in addition to any premium compensation which may be due for the same work under the provisions of section 301 of this act providing premium compensation for nightwork.

"(c) Overtime work, as defined in section 201 of this act, on Sundays and such holidays shall be compensated in accordance with the provisions of such section 201.

Special provisions for certain types of work

SEC. 208. (a) The Federal Employees Pay Act of 1945, as amended, is amended by inserting after title III thereof a new title to read as follows:

"TITLE IV—SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK

"SEC. 401. (a) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia may, with the approval of the Civil Service Commission, provide that—

"(1) any officer or employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this act. Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 25 percent) of such part of the rate of basic compensation for any such position as does not exceed the maximum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended, by taking into consideration the number of hours of actual work required in such position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of such position are made more onerous by night or holiday work, or by being extended over periods of more than 40 hours a week, and any other relative factors; or

"(2) any officer or employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the officer or employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this act, except for regularly scheduled overtime duty. Premium compensation under this paragraph, shall be determined as an appropriate percentage (not in excess of 15 percent) of such part of the rate of basic compensation for any such position as does not exceed the maximum scheduled rate of basic compensation provided for grade GS–9 in the Classification Act of 1949, as amended, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in such position.

"(b) This section shall not apply to officers and employees in positions the duties of which are to supervise or perform work involved in (1) fighting fires, (2) maintaining fire-fighting apparatus and equipment, (3) inspecting fire protection apparatus and equipment, and (4) inspecting fire hazards in public buildings and reservations with a view to elimination of such fire hazards. Any such officer or employee shall receive premium compensation for such duty on the basis to which such officer or employee is entitled under any other provisions of this act.

(b) Nothing contained in this section shall be construed to decrease the existing aggregate rate of compensation of any present employee, but when the position of such employee becomes vacant any subsequent appointee thereto shall receive premium compensation provided for such position in accordance with this section.

Limitation on premium compensation

SEC. 209. Section 603 of the Federal Employees Pay Act of 1945, as amended, and the heading immediately preceding such section are amended to read as follows:

"Limitation on premium compensation

"SEC. 603. (a) No premium compensation provided by this act shall be paid to any officer or employee whose rate of basic compensation equals or exceeds the maximum scheduled rate of basic compensation pro-

vided for grade GS–15 in the Classification Act of 1949, as amended.

"(b) In the case of any officer or employee whose rate of basic compensation is less than the maximum scheduled rate of basic compensation provided for grade GS–15 in the Classification Act of 1949, as amended, such premium compensation may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such maximum scheduled rate with respect to any pay period."

Work schedules

SEC. 210. (a) The heading immediately preceding section 604 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"Establishment of Basic Workweek; Work Schedules; Pay Computation Methods"

(b) Section 604 (a) of the Federal Employees Pay Act of 1945, as amended, is amended by inserting "(1)" after "(a)" and by adding at the end thereof a new paragraph as follows:

"(2) Except where the head of each such department, establishment, or agency and of the municipal government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to all officers and employees in his organization, (A) that assignments to tours of duty shall be scheduled in advance over periods of not less than 1 week, (B) that the basic 40-hour workweek shall be scheduled on 5 days, which shall be Monday through Friday wherever possible, and the 2 days outside the basic workweek shall be consecutive, (C) that the working hours in each day in the basic workweek shall be the same, (D) that the basic nonovertime workday shall not exceed 8 hours, (E) that the occurrence of holidays shall not affect the designation of the basic workweek, and (F) that breaks in working hours of more than 1 hour shall not be scheduled in any basic workday."

SEC. 211. This title shall become effective at the beginning of the first pay period which begins more than 60 days after the date of enactment of this act.

TITLE III—GOVERNMENT EMPLOYEES' INCENTIVE AWARDS

SEC. 301. This title may be cited as the "Government Employees' Incentive Awards Act."

SEC. 302. The departmental awards program set forth in this title shall be carried out under such regulations and instructions as may be issued by the United States Civil Service Commission which shall annually report the results of the program, with related recommendations, to the President for transmittal to the Congress.

SEC. 303. As used in this title, the term "department" means an executive department or independent agency in the executive branch of the Government, including a Government-owned or controlled corporation (but not including the Tennessee Valley Authority), and also includes (a) the Administrative Office of the United States Courts, (b) the Library of Congress, (c) the Botanic Garden, (d) the Government Printing Office, (e) the Office of the Architect of the Capitol, and (f) the municipal government of the District of Columbia.

SEC. 304. (a) The head of each department is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the Government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of Government operations or who perform special acts or services in the public interest in connection with or related to their official employment.

(b) In instances determined by the President to warrant such action, he is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the Government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of Government operations, or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment, and any such Presidential awards may be in addition to the departmental awards authorized in subsection (a) of this section.

(c) Awards under this section may be paid notwithstanding the death or separation from the service of the officer or employee concerned: *Provided*, That the suggestions, inventions, superior accomplishments, other personal efforts, or special acts or services in the public interest forming the basis for the awards are made or rendered while the officer or employee is in the employ of the Government.

(d) A cash award under this section shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the Government of the United States or the municipal government of the District of Columbia of any idea, method, or device for which the award is made shall not form the basis of a further claim of any nature upon the Government of the United States or the municipal government of the District of Columbia by the employee, his heirs, or assigns.

(e) Awards to employees and expenses for the honorary recognition of employees may be paid from the funds or appropriations available to the activity primarily benefiting or may be paid from the several funds or appropriations of the various activities benefiting as may be determined by the President for awards under subsection (b) of this section, and by the head of the department concerned for awards under subsection (a) of this section.

(f) An award under this title shall be given due weight in qualifying and selecting employees for promotion.

SEC. 305. The following laws and parts of laws are hereby repealed:

(a) Sections 702, 1002, and 1003 of the Classification Act of 1949 (63 Stat. 954; 5 U. S. C. 1122, 1152, 1153).

(b) Section 14 of the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 809; 5 U. S. C. 116a).

(c) The act entitled "An act authorizing payments of rewards to postal employees for inventions," approved December 3, 1945 (59 Stat. 591; 39 U. S. C. 813).

(d) The act entitled "An act authorizing the Secretary of War to pay a cash award for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing process or plant," approved July 17, 1912 (37 Stat. 193; 50 U. S. C. 58).

(e) The act entitled "An act to provide equitable compensation for useful suggestions or inventions by personnel of the Department of the Interior," approved June 26, 1944 (58 Stat. 360; 5 U. S. C. 500).

(f) Subsections (a) and (b) of section 35 of the act entitled "An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes," approved August 2, 1946 (60 Stat. 857; 5 U. S. C. 416).

(g) The joint resolution entitled "Joint resolution to provide cash awards to personnel of the Maritime Commission and the War Shipping Administration for useful suggestions to improve administration of their activities," approved March 13, 1944 (58 Stat. 115; 46 U. S. C. 1111b).

(h) All other laws or parts of laws inconsistent with this act are hereby repealed to the extent of such inconsistency.

SEC. 306. This title shall take effect on the 90th day after the date of its enactment.

TITLE IV—UNIFORM ALLOWANCES

SEC. 401. This title may be cited as the "Federal Employees Uniform Allowance Act."

SEC. 402. There is hereby authorized to be appropriated annually to each agency of the Government of the United States or of the District of Columbia (including Government-owned corporations), upon a showing of the necessity or desirability thereof, an amount not to exceed $100 multiplied by the number of the employees of such agency who are required by regulation now existing or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform. The head of any agency to which any such appropriation is made shall pay, out of such appropriation, to each such employee an allowance for defraying the expenses of acquisition and upkeep of such uniform at such times and in such amounts, not to exceed $100 per annum, as may be prescribed by the head of such agency in accordance with rules and regulations promulgated pursuant to section 404. Where the payment of a uniform allowance is authorized under any other provision of law or regulation existing on the date of enactment of this act, the head of the agency may in his discretion continue the payment of such allowance under such provision of law or regulation, but where a uniform allowance is paid under any such law or regulation no allowance shall be paid under this section.

SEC. 403. Allowances paid under this title shall not be considered as pay, salary, or compensation within the meaning of the Civil Service Retirement Act of May 29, 1930, as amended, or as wages within the meaning of section 209 of the Social Security Act, as amended, or subchapter A or D of chapter 9 of the Internal Revenue Code, as amended.

SEC. 404. The Director of the Bureau of the Budget is authorized and directed to promulgate such rules and regulations as may be necessary to provide for the uniform administration of this title.

TITLE V—ANNUAL LEAVE

SEC. 501. Clause (6) of section 2 of the act of August 3, 1950, as amended by section 5 of such act of July 2, 1953, is amended to read as follows: "(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual or vacation leave; except that such lump-sum payment shall not include compensation for any period of accumulated leave in excess of 30 days, plus current accrued leave, or in excess of the number of days of accumulated leave to which he is entitled on the date of separation (excluding accumulated leave earned in the 1954 leave year and thereafter), plus current accrued leave, whichever is the greater."

SEC. 502. Section 6 of the act of July 2, 1953 (Public Law 102, 83d Cong.), is hereby repealed.

SEC. 503. Section 501 of this title shall take effect as of September 1, 1953.

TITLE VI—GROUP INSURANCE

SEC. 601. This act may be cited as the "Federal Employees' Group Life Insurance Act of 1954."

SEC. 602. (a) Except as provided in (b) of this section, each appointive or elective officer or employee (hereinafter called employee) in or under the executive, judicial, or legislative branch of the United States

Government, including a Government owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests), and of the municipal government of the District of Columbia shall, at such time and under such conditions of eligibility as the Civil Service Commission (hereinafter called the Commission) may by regulation prescribe, come within the purview of this title. Such regulations may provide for the exclusion of employees on the basis of the nature and type of employment or conditions pertaining thereto such as, but not limited to, short-term appointments, seasonal or intermittent employment, part-time employment, and employment of like nature, and shall be issued only after consultation with the head of the department, establishment, agency, or other employing authority concerned: *Provided*, That no employee or group of employees shall be excluded solely on the basis of the hazardous nature of employment.

(b) This title shall not apply to noncitizen employees whose permanent duty station is located outside a State of the United States or the District of Columbia, nor shall it apply to commissioned officers and enlisted personnel on active duty in or with the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, who have indemnity coverage under the Servicemen's Indemnity Act of 1951 (65 Stat. 33).

SEC. 603. (a) Each employee to whom this title applies shall be eligible to be insured for an amount of group life insurance approximating his annual compensation not exceeding $20,000 plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual compensation is—		The amount of group life insurance shall be—	The amount of group accidental death and dismemberment insurance shall be—
Greater than—	But not greater than—		
0	$1,000	$1,000	$1,000
$1,000	2,000	2,000	2,000
2,000	3,000	3,000	3,000
3,000	4,000	4,000	4,000
4,000	5,000	5,000	5,000
5,000	6,000	6,000	6,000
6,000	7,000	7,000	7,000
7,000	8,000	8,000	8,000
8,000	9,000	9,000	9,000
9,000	10,000	10,000	10,000
10,000	11,000	11,000	11,000
11,000	12,000	12,000	12,000
12,000	13,000	13,000	13,000
13,000	14,000	14,000	14,000
14,000	15,500	15,000	15,000
15,000	16,000	16,000	16,000
16,000	17,000	17,000	17,000
17,000	18,000	18,000	18,000
18,000	19,000	19,000	19,000
19,000	------	20,000	20,000

(b) Subject to the conditions and limitations of the policy or policies purchased by the Commission under this title, as may be approved by the Commission, the group accidental death and dismemberment insurance shall provide payments as follows:

Loss	*Amount payable*
For loss of life.	Full amount shown in the schedule in (a) of this section.
Loss of 1 hand or of 1 foot or loss of sight of 1 eye.	One-half the amount shown in the schedule in (a) of this section.
Loss of two or more such members.	Full amount shown in the schedule in (a) of this section.

For any one accident the aggregate of group accidental death and dismemberment insurance that may be paid shall not exceed the amount shown in the schedule in (a) of this section.

(c) The Commission shall by regulation provide for the conversion of other than annual rates of compensation to an annual basis, and shall further specify the types of compensation to be included in annual compensation.

(d) Each of such amounts of insurance shall me reduced by 2 percent thereof at the end of each full calendar month following the date the employee attains age 65, subject to minimum amounts prescribed by the Commission, but not less than 25 percent of the insurance in force immediately preceding the first reduction provided herein: *Provided*, That the amounts of insurance in force from time to time on an employee who becomes insured under this title after having attained the age of 65 shall be the same as would be in force had he been insured at age 65, and shall be based on the lesser of his annual compensation (1) at the time he becomes so insured, or (2) at age 65, provided he was eligible at that time to be insured under this title.

SEC. 604. Any amount of group life insurance and group accidental death insurance in force on any employee at the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the employee may have designated by a writing received in the employing office prior to death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if none of the above, to the child or children of such employee and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of such employee or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such employee;

Sixth, if none of the above, to other next of kin of such employee entitled under the laws of domicile of such employee at the time of his death.

If any person otherwise entitled to payment under this section does not make claim therefor within 1 year after the death of the employee, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased the employee, and any such payment shall be a bar to recovery by any other person.

SEC. 605. (a) During any period in which an employee under age 65 is insured under a policy of insurance purchased by the Commission as authorized in section 607 of this title, there shall be withheld from each salary payment of such employee, as his share of the cost of his group life and accidental death and dismemberment insurance, an amount determined by the Commission, but not to exceed the rate of 25 cents biweekly for each $1,000 of his group life insurance: *Provided*, That an employee who is paid on other than a biweekly basis shall have an amount so withheld, determined at a proportionate rate, which rate shall be adjusted to the nearest cent.

Any policy of insurance purchased by the Commission as authorized in section 607 of this title shall provide that all employees eligible under the terms of this title will be automatically insured thereunder commencing on the date they first become so eligible: *Provided*, That any employee desiring not to be so insured shall, on an appropriate form to be prescribed by the Commission, give written notice to his employing office that he desires not to be insured. If such notice is received before the employee shall have become insured under such policy, he shall not be so insured; if it is received after he shall have become insured, his insurance under the policy will cease effective with the end of the pay period during which the notice is received by the employing office.

(b) For each period in which an employee is insured under a policy of insurance purchased by the Commission as authorized in section 607 of this title, there shall be contributed from the respective appropriation or fund which is used for payment of his salary, wage, or other compensation (or, in the case of an elected official, from such appropriation or fund as may be available for payment of other salaries of the same office or establishment) a sum computed at a rate determined by the Commission, but not to exceed one-half the amount withheld from the employee under this section.

(c) The sums withheld from employees under subsection (a) and the sums contributed from appropriations and funds under subsection (b) shall be deposited in the Treasury of the United States to the credit of a fund which is hereby created. Said fund is hereby made available without fiscal year limitation for premium payments under any insurance policy or policies purchased as authorized in sections 607 and 610 of this title, and for any expenses incurred by the Commission in the administration of this title within such limitations as may be specified annually in appropriation acts: *Provided*, That appropriations available to the Commission for salaries and expenses for the fiscal year 1955 shall be available on a reimbursable basis for necessary administrative expenses of carrying out the purposes of this title until said fund shall be sufficient to provide therefor. The income derived from any dividends or premium rate adjustments received from insurers shall constitute a part of said fund.

SEC. 606. Each policy purchased under this title shall contain a provision, in terms approved by the Commission, to the effect that any insurance thereunder on any employee shall cease upon his separation from the service or 12 months after discontinuance of his salary payments, whichever first occurs, subject to a provision which shall be contained in the policy for temporary extension of coverage and for conversion to an individual policy of life insurance under conditions approved by the Commission, except that if upon such date as the insurance would otherwise cease the employee (a) retires on an immediate annuity, and (b) unless retired for disability, has had 15 years of creditable civilian service, as determined by the Commission, his life insurance only may, under conditions determined by the Commission, be continued without cost to him in the amounts for which he would have been insured from time to time had his salary payments continued at the same rate as on the date of cessation.

SEC. 607. (a) The Commission is authorized, without regard to section 3709 of the Revised Statutes as amended, to purchase from one or more life-insurance companies, as determined by it, a policy or policies of group life accidental, death and dismemberment insurance to provide the benefits specified in this title: *Provided*, That any such company must meet the following requirements: (1) Be licensed under the laws of 48 of the States of the United States and the District of Columbia to transact life and accidental death and dismemberment insurance, and (2) the amount of its employee group life insurance on the most recent December 31 for which information is available to the Commission shall on that date equal at least 1 percent of the total amount of employee group life insurance in the United States in all life-insurance companies.

(b) The life-insurance company or companies issuing such policy or policies shall establish an administrative office under a name to be approved by the Commission.

(c) The Commission shall arrange with the life-insurance company or companies issuing any policy or policies purchased under this title to reinsure, under conditions approved by it, portions of the total amount of insurance under the policy or policies, determined as provided in subsection (d) of this section, with such other life-insurance companies as may elect to participate in such reinsurance.

(d) The Commission shall determine a formula so that the amount of insurance in force to be retained by each issuing company after ceding reinsurance and the total amount of reinsurance ceded to each reinsuring company shall be in proportion to the total amount of each such company's group life insurance in force in the United States on December 31, 1953: *Provided,* That in determining such proportions, that portion of any company's group life insurance in force on December 31, 1953, which is in excess of $100,000,000 shall be reduced by 25 percent of the first $100,000,000 of such excess, 50 percent of the second $100,000,000 of such excess, 75 percent of the third $100,000,000 of such excess, and 95 percent of any excess thereafter: *Provided further,* That the amount retained by or ceded to any company shall not exceed 25 percent of the amount of that company's total life insurance in force in the United States on December 31, 1953: *Provided further,* That if, at the end of 1 year following the date of enactment of this act, in the case of any issuing company or reinsurer which insured employees of the Federal Government on December 31, 1953, under policies issued to an association of Federal employees, the amount which results from the application of this formula is less than the decrease, if any, in the amount of such company's insurance under such policies, the amount allocated to such company shall, upon the first reallocation as provided in subsection (e) of this section, be increased to the amount of such decrease: *And provided further,* That any fraternal benefit association which is licensed under the laws of a State of the United States or the District of Columbia to transact life insurance and is engaged in issuing insurance certificates on the lives of employees of the Federal Government exclusively shall be eligible to act as a reinsuring company and may be allocated an amount of reinsurance equal to 25 percent of its total life insurance in force on employees of the Federal Government on December 31, 1953.

(e) The companies eligible to participate as reinsurers, and the amount of insurance under the policy or policies to be allocated to each issuing company or reinsurer may be redetermined by the Commission for and in advance of any policy year after the first, on a basis consistent with subsections (c) and (d) of this section, with any modifications thereof it deems appropriate to carry out the intent of such subsections, and based on each participating company's group life insurance in force, excluding that under any policy or policies purchased under this title except in the case of companies covered in the third proviso of subsection (d), in the United States on the most recent December 31 for which information is available to it, and shall be so redetermined in a similar manner not less often than every 3 years or at any time that any participating company withdraws from participation.

(f) The Commission may at any time discontinue any policy or policies it has purchased from any insurance company.

SEC. 608. (a) Each policy or policies purchased under this title shall include, for the first policy year, basic tables of premium rates as follows:

(1) For group life insurance, a schedule of basic premium rates by age which the Commission shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amounts of group life insurance under the policy at its date of issue to determine an average basic premium rate per $1,000 of life insurance, and

(2) For group accidental death and dismemberment insurance, a basic premium rate which the Commission shall have determined on a basis consistent with the lowest rate generally charged for new group accidental death and dismemberment insurance policies issued to large employers.

Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company or companies issuing the policy on a basis determined by the Commission in advance of such year to be consistent with the general practice of life insurance companies under policies of group life and group accidental death and dismemberment insurance issued to large employers.

(b) Each policy so purchased shall include a provision that, in the event the Commission determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, it may approve the determination of a tentative average group life premium rate, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Commission during any policy year upon request by the insurance company or companies issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

(c) Each policy so purchased shall contain a provision stipulating the maximum expense and rise charges for the first policy year, which charges shall have been determined by the Commission on a basis consistent with the general level of such charges made by life insurance companies under policies of group life and accidental death and dismemberment insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Commission may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by it to such companies at least 1 year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

(d) Each such policy shall provide for an accounting to the Commission not later than 90 days after the end of each policy year, which shall set forth, in a form approved by the Commission, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charges for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company or companies issuing the policy as a special contingency reserve to be used by such insurance company or companies for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company or companies issuing the policy, which rate shall be approved by the Commission as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies: *Provided,* That if and when the Commission determines that such special contingency reserve has attained an amount estimated by it to make satisfactory provision for adverse fluctuations in future charges under the policy, any further such excess shall be deposited in the Treasury of the United States to the credit of the fund. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited in the Treasury of the United States to the credit of the fund, subject to the right of the insurance company or companies issuing the policy to make such deposit in equal monthly installments over a period of not more than 2 years.

SEC. 609. The Commission shall arrange to have each employee insured under such policy receive a certificate setting forth the benefits to which the employee is entitled thereunder, to whom such benefits shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the employee. Such certificate shall be in lieu of the certificate which the insurance company or companies would otherwise be required to issue.

SEC. 610. (a) The Commission is authorized to arrange with any nonprofit association of Federal employees for the assumption by the fund of any existing life insurance agreements of such association with its members retired or otherwise separated from the Federal service and to insure the obligations assumed with any company or companies meeting the requirements of section 607 (a).

(b) Any such arrangement shall provide that payments by such insured members for life insurance only shall thereafter be made at the same rates to the fund, under such conditions as the Commission may prescribe.

(c) Any such arrangement shall further provide that there be transferred to and deposited in the fund the lesser of the following amounts:

(1) The total assets of the life insurance fund of such association; or

(2) The amount required to meet the liabilities under life insurance agreements assumed, taking into account the payments as provided in paragraph (b). The determination of this amount shall be based on an actuarial valuation satisfactory to the Commission, procured by the association without expense to the Commission.

(d) The arrangements authorized by this section shall be made only with those associations which terminate life insurance agreements with all of their members within 1 year after the date of enactment of this act, and such arrangements shall apply only to life insurance granted to any member by any such association before January 1, 1954.

(e) In any case in which the fund assumes a liability for life insurance as provided in this section in respect to a person who (1) subsequently becomes eligible to be insured as an employee under this title, and (2) does not give notice, as provided in section 605 (a), of his desire not to be so insured, the life insurance provided under this section shall terminate as of the date such person becomes insured as an employee.

SEC. 611. Except as otherwise provided herein, the Commission is hereby authorized to promulgate such regulations as may be necessary and proper to give effect to the intent, purposes, and provisions of this title.

SEC. 612. (a) There is hereby established an Advisory Council on Group Insurance consisting of the Secretary of the Treasury as Chairman, the Secretary of Labor, and the Director of the Bureau of the Budget, who

shall serve without additional compensation. The council shall meet once a year, or oftener at the call of the Commission, and shall review the operations of this title and advise the Commission on matters of policy relating to its activities thereunder.

(b) The Chairman of the Commission shall appoint a committee composed of five employees insured under this title, who shall serve without compensation, to advise the Commission regarding matters of concern to employees under this title.

SEC. 613. The Commission shall report annually to Congress upon the operation of this title.

SEC. 614. The district courts of the United States shall have original jurisdiction, concurrent with the Court of Claims, of any civil action or claim against the United States founded upon this title.

SEC. 615. The insurance provided by this title and the withholdings and contributions for that purpose shall become effective when directed by the Commission.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. (a) Section 2 (b) of the Performance Rating Act of 1950 (5 U. S. C., sec. 2001) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

"(12) The Central Intelligence Agency."

(b) Section 9 of the Central Intelligence Agency Act of 1949, as amended (50 U. S. C., sec. 403i), is hereby repealed.

SEC. 702. Section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, 82d Cong.), as amended, is hereby repealed.

Mr. SMATHERS. Mr. President, may we have an explanation of the bill?

Mr. CARLSON. Mr. President, this is the House version of the fringe benefit bill. A similar bill passed the Senate some weeks ago, and was sent to the House of Representatives, where it was amended by including the classified pay bill. It has not moved since that time.

It is a piece of legislation which is important to the Federal workers of the Nation. It has the approval of everyone with whom I have talked.

The Senate Committee on Post Office and Civil Service took the fringe benefit bill and the Federal insurance bill and combined them as amendments to the House bill which is presently before the Senate.

Since that time the House has passed the Federal insurance bill. I ask unanimous consent that the provisions with regard to Federal insurance may be stricken from the bill now pending.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. CARLSON. That would leave the fringe benefit bill about as it passed the Senate for further action, either by the committee of conference, or by the House accepting the amendment of the Senate.

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

Mr. CARLSON. I yield.

Mr. GORE. The supplemental appropriation bill, which the Senate considered a few days ago, provided for salary increases for certain employees of the Senate. Would the proposed action involve a duplication of the previous action?

Mr. CARLSON. The distinguished Senator from Tennessee talked with me about that, and I told him I would check and propose an amendment to take care of that situation. Under a gentleman's agreement on the Senate floor, the number of positions to be included in the bill were 150. If the appropriation bill should supersede this bill, providing for 150, I sincerely hope that they will be included in that number. It is my sincere intention that that be done, but I have not prepared the language for such an amendment.

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

Mr. GORE. I yield.

Mr. HAYDEN. I happen to know that the House conferees seriously objected to the amendment placed in the bill changing the civil-service ratings of certain employees of the Architect of the Capitol, and said that the matter could be cured, in their opinion, by some contact which was to be made with the Civil Service Commission. I understand that contact has been made. If that be true, then there will be nothing in the bill, when it comes out of conference, of the nature to which the Senator has referred.

Mr. CARLSON. Mr. President, I appreciate very much the statement of the Senator from Arizona, because that is certainly what I hoped would be the attitude of the Senate on this particular piece of legislation.

Mr. GORE. I thank the Senator.

The PRESIDING OFFICER. Will the Senator from Kansas kindly advise what portion of the bill relative to the insurance features he asks to have stricken out?

Mr. CARLSON. The section I wish stricken is an amendment to H. R. 2263, beginning on page 28.

The PRESIDING OFFICER. It is an amendment to the pending bill?

Mr. CARLSON. Yes. I ask that that be stricken.

The PRESIDING OFFICER. Is it title 6?

Mr. CARLSON. That is correct.

Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 28, line 20, it is proposed to strike out title 6, Group Insurance.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. CARLSON. Mr. President, I offer the amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 46, after line 14, it is proposed to insert a new section, as follows:

SEC. 703. The Official Reporters of the proceedings and debates of the Senate and their employees shall be considered to be officers or employees in or under the legislative branch of the Government within the meaning of the provisions of section 2 (a) of the Federal Employees' Group Life Insurance Act of 1954.

Mr. CARLSON. Mr. President, I offer this amendment to the bill because I sincerely hope the Senate will take care of the Official Reporters of Debates, who have worked so faithfully during this session.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment as amended 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 and passed.

The title was amended so as to read: "An act to amend the Classification Act of 1949, as amended, and the Federal Employees Pay Act of 1945, as amended, and for other purposes."

BILL PASSED OVER

The bill (H. R. 1980) to authorize and direct the Commissioners of the District of Columbia to construct a bridge over the Potomac River in the vicinity of Jones Point, Va., and for other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

SPECIAL REGULATIONS IN THE DISTRICT OF COLUMBIA FOR THE AMERICAN LEGION NATIONAL CONVENTION

The joint resolution (H. J. Res. 560) to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the American Legion National Convention of 1954, to authorize the granting of certain permits to the American Legion 1954 Convention Corporation on the occasion of such convention, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

QUARTERING OF TROOPS DURING AMERICAN LEGION CONVENTION IN THE DISTRICT OF COLUMBIA

The joint resolution (H. J. Res. 561) to authorize the quartering in public buildings in the District of Columbia of troops participating in activities related to the American Legion National Convention of 1954 was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF CODE OF LAW FOR THE DISTRICT OF COLUMBIA RELATING TO ATTACHMENT PROCEEDINGS

The Senate proceeded to consider the bill (H. R. 8128) to amend section 1089 of the Code of Law for the District of Columbia relating to attachment proceedings, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 9, after the word "after", to strike out "'1809" and insert "1089"."

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 and passed.

CONSOLIDATION OF POLICE AND MUNICIPAL COURTS OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 8915) to amend the act entitled "An act to consolidate the police court of the District of Columbia and the municipal court of the District of Columbia, to be known as the municipal court of appeals for the District of Columbia and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment, on page 3, at the beginning of line 1, to strike out "121" and insert "1121."

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 and passed.

The title was amended so as to read: "An act to amend the act entitled 'An act to consolidate the police court of the District of Columbia and the municipal court of the District of Columbia, to be known as the municipal court for the District of Columbia, to create "the municipal court of appeals for the District of Columbia", and for other purposes.' "

WAIVER OF ANNUITIES, RELIEF, OR RETIREMENT COMPENSATION OF RETIRED POLICEMEN AND FIREMEN OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 7853) to permit retired policemen, firemen, and teachers of the District of Columbia to waive all or part of their annuities, relief, or retirement compensation, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That any person entitled to relief or retirement compensation pursuant to the provisions of section 12 of the act approved September 1, 1916 (39 Stat. 718), as amended (title 4, ch. 5, D. C. Code, 1951 edition), may decline to accept all or any part of such relief or retirement compensation by a waiver signed and filed with the Commissioners of the District of Columbia or their designated agent. Such waiver may be revoked in writing at any time, but no payment of the relief or retirement compensation waived shall be made covering the period during which such waiver was in effect.

Mr. HENDRICKSON. Mr. President, may we have a brief explanation of the bill?

Mr. CASE. The purpose of the bill is to permit retired policemen and firemen to waive all or any part of their retirement compensation or relief to which they are entitled, in the same manner as persons retired under the Civil Service Retirement Act. Section 3 of Public Law 555 of the 82d Congress, approved July 16, 1952, gives such privilege to the latter group of employees.

The purpose of the committee amendment is to eliminate school teachers from the provisions of this measure. This was done in accordance with the request of a representative of the American Federation of Teachers appearing at the subcommittee hearings on June 22, 1954.

Representatives of the policemen's and firemen's groups favored the bill, as did the District of Columbia Commissioners.

The House passed the bill, and it was reported unanimously by the Senate Committee on the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

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 and passed.

The title was amended, so as to read: "An act to permit retired policemen and firemen of the District of Columbia to waive all or part of their relief or retirement compensation."

CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA

The bill (H. R. 6127) to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PROVISION FOR FAMILY QUARTERS FOR PERSONNEL OF THE MILITARY DEPARTMENTS

The Senate proceeded to consider the bill (S. 3818) to provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes, which had been reported from the Committee on Armed Services with an amendment on page 16, after line 11, to strike out:

SEC. 407. The Secretary of Defense is authorized to procure family housing for military personnel in foreign countries through the use of not to exceed the equivalent of $75 million in foreign currencies in accordance with the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), which family housing shall be in addition to family housing to be constructed or acquired by the Department of Defense through the use of appropriated funds. Notwithstanding any other provision of law, the Secretary of the military department concerned is authorized to utilize and transfer to the Commodity Credit Corporation in lieu of reimbursement pursuant to section 105 of said act the allowances for quarters that would otherwise be payable to military personnel occupying such family housing to the amount of the cost of the quarters involved.

And in lieu thereof to insert the following:

SEC. 407. The Secretary of Defense is authorized, subject to the approval of the Director of the Bureau of the Budget, to construct, or acquire by lease or otherwise, family housing, in addition to family housing otherwise authorized to be constructed or acquired by the Department of Defense in foreign countries, to the value of $75 million through the use of foreign currencies in accordance with the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress).

The Secretary of Defense shall furnish to the Committees on Armed Services of the Senate and the House of Representatives a quarterly report, the first of which shall be submitted 3 months subsequent to the date of enactment of this act, setting forth the cost, number, and location of housing units constructed or acquired pursuant to the authority contained in this section during the 3-month period preceding the date of such report, and setting forth the cost, number, and location of the housing units intended to be constructed or acquired pursuant to such authority during the next succeeding quarter.

Appropriations of the Department of Defense otherwise available for payment of quarters allowances of personnel occupying such family housing shall be available for reimbursement to the Commodity Credit Corporation pursuant to section 105 of the Agricultural Trade Development and Assistant Act of 1954 in an amount equivalent to the dollar value of the currencies used.

So as to make the bill read:

Be it enacted, etc.—

TITLE I

SEC. 101. The Secretary of the Army is authorized further to develop military installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and the acquisition of land, as follows:

Continental United States

(Third Army Area)

Fort Campbell, Ky.: 300 units of family housing, $4,093,000.

(Fourth Army Area)

Fort Bliss, Tex.: 250 units of family housing, $3,213,000.

Fort Hood, Tex.: 600 units of family housing, $8,099,000.

(Fifth Army Area)

Camp Carson, Colo.: 1,000 units of family housing, $13,427,000.

Camp Crowder, Mo.: 70 units of family housing, $952,000.

(Sixth Army Area)

Fort Lewis, Wash.: 800 units of family housing, $10,686,000.

Camp Cooke (United States Disciplinary Barracks), Calif.: 50 units of family housing, $663,000.

Yuma Test Station, Ariz.: 20 units of family housing, $267,000.

(Quartermaster Corps)

Belle Mead General Depot, N. J.: 10 units of family housing, $158,000.

(Chemical Corps)

Dugway Proving Ground, Utah: 30 units of family housing, $486,000.

(Signal Corps)

Fort Huachuca, Ariz.: 200 units of family housing, $2,899,000.

Department of the Army Transmitting Station, Va.: 10 units of family housing $164,000.

(Corps of Engineers)

Fort Belvoir, Va.: 300 units of family housing, $3,984,000.

(Transportation Corps)

Fort Eustis, Va.: 250 units of family housing, $3,374,000.

Wilmington Ammunition Terminal, N. C.: 4 units of family housing, $69,000.

(Army Security Agency)

Two Rock Ranch Station, Calif.: 10 units of family housing, $160,000.

(Armed Forces Special Weapons project)

Sandia Base, N. Mex.: 3 units of family housing, $79,000.

Killeen Base, Tex.: 5 units of family housing: $99,000.

(Tactical Sites)

Various locations: 300 units of family housing, $3,990,000.

SEC. 102. The Secretary of the Army is authorized further to develop military installations and facilities by providing family housing for personnel of the military department and their dependents by the rehabilitation of public works, which include appurtenances, utilities, and equipment, in a total amount of $12,230,550: *Provided*, That in his discretion the Secretary of the Army may utilize the authorization contained in this section to provide family housing by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and acquisition of land, at locations to be determined by him. Such family housing shall be in addition to, but shall not exceed 5 percent of, the total number of units authorized by section 101 of this act, but the average cost of such additional units shall not exceed $12,500.

TITLE II

SEC. 201. The Secretary of the Navy is authorized further to develop naval installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, ultilities, equipment, and the acquisition of land as follows:

Continental United States

(1st Naval District)

Naval hosiptal, Newport, R. I.: 10 units of family housing, $152,000.

(3d Naval District)

Naval hospital, St. Albans, N. Y.: 10 units of family housing, $152,000.

(4th Naval District)

Naval shipyard, Philadelphia, Pa.: 25 units of family housing, $321,300.

Naval hospital, Philadelphia, Pa.: 10 units of family housing, $152,000.

(5th Naval District)

Naval hospital, Camp Lejeune, N. C.: 50 units of family housing, $642,500.

Marine Corps air facility, New River, N. C.: 35 units of family housing, $473,300.

Naval hospital, Portsmouth, Va.: 10 units of family housing, $152,000.

Naval mine depot, Yorktown, Va. (Skiffes Creek Annex): 5 units of family housing, $91,200.

(6th Naval District)

Naval air station, Cecil Field: 90 units of family housing, $1,192,200.

Naval hospital, Jacksonville, Fla.: 30 units of family housing, $397,300.

Naval air station, Key West, Fla.: 20 units of family housing, $273,900.

Naval station, Key West, Fla.: 80 units of family housing, $1,044,500.

Naval mine countermeasures station, Panama City, Fla.: 25 units of family housing, $343,100.

Naval hospital, Pensacola, Fla.: 25 units of family housing, $321,300.

Naval supply corps school, Athens, Ga.: 30 units of family housing, $456,000.

Naval auxiliary air station, Glynco, Ga.: 80 units of family housing, $1,058,600.

Naval construction battalion center, Gulfport, Miss. 7 units of family housing, $102,100.

Marine Corps auxiliary air station, Beaufort, S. C.: 175 units of family housing, $2,305,600.

Naval hospital, Beaufort, S. C.: 50 units of family housing, $654,300.

(8th Naval District)

Naval auxiliary air station, Chase Field, Tex.: 80 units of family housing, $1,073,400.

(11th Naval District)

Naval amphibious base, Coronado, Calif.: 2 units of family housing, $47,300.

Naval air station, Miramar, Calif.: 15 units of family housing, $204,500.

Naval hospital, San Diego, Calif.: 10 units of family housing, $152,000.

(12th Naval District)

Naval hospital, Oakland, Calif.: 10 units of family housing, $152,000.

Naval supply center, Oakland, Calif.: 10 units of family housing, $152,000.

Naval communication station, Skaggs Island, Calif.: 50 units of family housing, $666,000.

Naval auxiliary air station, Fallon, Nev.: 60 units of family housing, $787,500.

Marine Corps facilities

Marine Corps depot of supplies, Albany, Ga.: 100 units of family housing, $1,339,800.

Marine Corps supply annex, Barstow, Calif.: 1 unit of family housing, $27,000.

Marine Corps recruit depot, San Diego, Calif.: 12 units of family housing, $173,400.

Marine Corps school, Quantico, Va.: 300 units of family housing, $4,121,700.

Outside continental United States

(Atlantic Ocean Area)

Naval station, Argentia, Newfoundland: 45 units of family housing, $595,100.

Naval base, Guantanamo Bay, Cuba: 100 units of family housing, $1,379,000.

(Pacific Ocean Area)

Naval station, Kwajalein, Marshall Islands: 175 units of family housing, $2,289,100.

Marine Corps barracks, Pearl Harbor, T. H.: 2 units of family housing, $30,400.

SEC. 202. The Secretary of the Navy is authorized further to develop naval installations and facilities by providing family housing for personnel of the military departments and their dependents by the rehabilitation of public works, which include appurtenances, utilities, and equipment, in a total amount of $1,218,300: *Provided*, That in his discretion the Secretary of the Navy may utilize the authorization contained in this section to provide family housing by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment and acquisition of land, at locations to be determined by him. Such family housing shall be in addition to, but shall not exceed 5 percent of, the total number of units authorized by section 201 of this act, but the average cost of such additional units shall not exceed $12,500.

TITLE III

SEC. 301. The Secretary of the Air Force is authorized further to develop Air Force installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and the acquisition of land as follows:

Continental United States

(Strategic Air Command)

Sedalia Air Force Base, Mo.: 400 units of family housing, $5,364,000.

Altus Air Force Base, Okla.: 360 units of family housing, $4,827,600.

Lincoln Air Force Base, Nebr.: 400 units of family housing, $5,364,000.

Smoky Hill Air Force Base, Kans.: 280 units of family housing, $3,754,800.

Dow Air Force Base, Maine: 300 units of family housing, $4,023,000.

Lake Charles Air Force Base, La.: 200 units of family housing, $2,682,000.

Davis-Monthan Air Force Base, Ariz.: 5 units of family housing, $108,000.

Fairchild Air Force Base, Wash.: 5 units of family housing, $108,000.

Great Falls Air Force Base, Mont.: 4 units of family housing, $87,750.

Hunter Air Force Base, Ga.: 5 units of family housing, $108,000.

Columbus Air Force Base, Miss.: 30 units of family housing, $402,300.

Larson Air Force Base, Wash.: 5 units of family housing, $108,000.

Limestone Air Force Base, Maine: 4 units of family housing, $87,750.

Lockbourne Air Force Base, Ohio: 4 units of family housing, $87,750.

Mather Air Force Base, Calif.: 4 units of family housing, $87,750.

Mountain Home Air Force Base, Idaho: 4 units of family housing, $81,000.

Nellis Air Force Base, Nev.: 5 units of family housing, $108,000.

Travis Air Force Base, Calif.: 6 units of family housing, $128,250.

(Air Defense Command)

Suffolk County Air Force Base, N. Y.: 100 units of family housing, $1,341,000.

Otis Air Force Base, Mass.: 200 units of family housing, $2,682,000.

Newcastle County Airport, Del.: 100 units of family housing, $1,341,000.

Truax Air Force Base, Wis.: 100 units of family housing, $1,341,000.

Kinross Air Force Base, Mich.: 90 units of family housing, $1,206,900.

Paine Air Force Base, Wash.: 70 units of family housing, $938,700.

Oxnard Air Force Base, Calif.: 70 units of family housing, $938,700.

Ent Air Force Base, Colo.: 90 units of family housing, $1,206,900.

Youngstown Municipal Airport, Ohio: 50 units of family housing, $670,500.

Greater Pittsburgh Airport, Pa.: 50 units of family housing, $670,500.

Niagara Municipal Airport, N. Y.: 50 units of family housing, $670,500.

Minneapolis-St. Paul Airport, Minn.: 70 units of family housing, $938,700.

Duluth Municipal Airport, Minn.: 100 units of family housing, $1,341,000.

Geiger Field, Wash.: 50 units of family housing, $370,500.

Sioux City Municipal Airport, Iowa: 50 units of family housing, $670,500.

Presque Isle Air Force Base, Maine: 50 units of family housing, $670,500.

McGee-Tyson Airport, Tenn.: 50 units of family housing, $670,500.

Portland International Airport, Oreg.: 60 units of family housing, $804,600.

Minot area, North Dakota: 65 units of family housing, $871,650.

Wurtsmith Air Force Base, Mich.: 50 units of family housing, $670,500.

(Tactical Air Command)

Clovis Air Force Base, N. Mex.: 170 units of family housing, $2,279,700.

Hurlburt Air Force Base, Fla.: 275 units of family housing, $3,687,750.

Foster Air Force Base, Tex.: 200 units of family housing, $2,682,000.

McGuire Air Force Base, N. J.: 5 units of family housing, $108,000.

Shaw Air Force Base, S. C.: 5 units of family housing, $108,000.

(Air Training Command)

Luke Air Force Base, Ariz.: 125 units of family housing, $1,676,250.

Laredo Air Force Base, Tex.: 100 units of family housing, $1,341,000.

Gary Air Force Base, Tex.: 100 units of family housing, $1,341,000.

Laughlin Air Force Base, Tex.: 150 units of family housing, $2,011,500.

Greenville Air Force Base, Miss.: 120 units of family housing, $1,609,200.

Moody Air Force Base, Ga.: 140 units of family housing, $1,877,400.

Stead Air Force Base, Nev.: 90 units of family housing, $1,206,900.

McConnell Air Force Base, Kans.: 150 units of family housing, $2,011,500.

Webb Air Force Base, Tex.: 85 units of family housing, $1,139,850.

Parks Air Force Base, Calif.: 85 units of family housing, $1,139,850.

(Military Air Transport Service)

Charleston Air Force Base, S. C.: 450 units of family housing, $6,034,500.

(Continental Air Command)

Beale Air Force Base, Calif.: 225 units of family housing, $3,017,250.

(Research and Development Command)

Kirtland Air Force Base, N. Mex.: 5 units of family housing, $108,000.

TITLE IV

SEC. 401. The Secretaries of the Army, Navy, and Air Force are respectively authorized to proceed with the further development of military, naval, and Air Force installations and facilities as authorized by titles I, II, and III of this act without regard to the provisions of sections 1136, 3648, and 3734, as respectively amended, of the Revised Statutes, and prior to approval of title to underlying land, as provided by section 355, as amended, of the Revised Statues. The authority to provide family housing by the construction or installation of public works shall include authority to acquire lands and rights and interests thereto or therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise.

SEC. 402. There is hereby authorized to be appropriated not to exceed $175 million to carry out the purposes of titles I, II, and III, and not to exceed $15 million to carry out the purposes of section 408, of this act.

SEC. 403. Any of the approximate costs enumerated in titles I, II, and III of this act may, in the discretion of the Secretary concerned, be varied upward by 10 percent, but the total of all costs shall not exceed the total amount authorized to be appropriated by this act.

SEC. 404. Not to exceed 250 of the units of family quarters constructed under the authority of titles I, II, and III of this act shall have a net floor area of not to exceed 2,100 square feet. None of the other family quarters authorized to be constructed by this act shall have a net floor area in excess of 1,250 square feet, and the average net floor area of all of such other family quarters shall not exceed 1,080 square feet.

SEC. 405. Appropriation made to carry out the purpose of this act shall be available for expenses incident to construction or rehabilitation work authorized by this act, including administration, overhead, planning, and supervision.

SEC. 406. Whenever—

(a) the President determines that compliance with the requirements of Public Law 245, 82d Congress, in the case of contracts made pursuant to this act with respect to the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of the provisions of this act; and

(b) the Secretary of Defense and the Comptroller General have agreed upon alternative methods for conducting an adequate audit of such contracts, the President is authorized to exempt such contracts from the requirements of Public Law 245, 82d Congress.

SEC. 407. The Secretary of Defense is authorized, subject to the approval of the Director of the Bureau of the Budget, to construct, or acquire by lease or otherwise, family housing, in addition to family housing otherwise authorized to be constructed or acquired by the Department of Defense in foreign countries, to the value of $75 million through the use of foreign currencies in accordance with the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Cong).

The Secretary of Defense shall furnish to the Committees on Armed Services of the Senate and the House of Representatives a quarterly report, the first of which shall be submitted 3 months subsequent to the date of enactment of this act, setting forth the cost, number, and location of housing units constructed or acquired pursuant to the authority contained in this section during the 3-month period preceding the date of such report, and setting forth the cost, number, and location of the housing units intended to be constructed or acquired pursuant to such authority during the next succeeding quarter.

Appropriations of the Department of Defense otherwise available for payment of quarters allowances of personnel occupying such family housing shall be available for reimbursement to the Commodity Credit Corporation pursuant to section 105 of the Agricultural Trade Development and Assistance Act of 1954 in an amount equivalent to the dollar value of the currencies used.

SEC. 408. The Secretaries of the military departments are authorized to acquire a total of not to exceed 5,000 units of trailers which may be made available at locations both inside and outside continental United States for occupancy by military personnel and their dependents on a rental basis without loss of any allowances for quarters.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls attention to the fact that there is on the calendar a companion bill, namely, Calendar No. 2037 (H. R. 9924) to provide for family quarters for personnel of the Military Departments of the Department of Defense and for other purposes. The bill seems to be somewhat different in character.

Mr. CASE. Mr. President, if consent is given that the Senate may proceed to the consideration of the House bill, I desire to move to strike out all after the enacting clause and insert the Senate bill, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

Mr. GOLDWATER. Mr. President, if I may address a question to the Senator from South Dakota, does the bill provide for family quarters on all military bases in this country, or merely on military bases adjacent to Washington?

Mr. CASE. No; the bases are scattered throughout the United States, and there are some overseas bases, but they are mostly in Continental United States. The Senator from South Dakota has in his hands a list of the authorizations by States. They appear alphabetically, and under the first ones listed there appear several in Arizona.

Mr. GOLDWATER. Are the quarters to be provided for military personnel, or civilian personnel?

Mr. CASE. They are primarily to be used by military personnel.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GOLDWATER. Mr. President, I have one more question. What percentage of the quarters would be for military personnel and what percentage would be for civilian personnel?

Mr. CASE. It is possible that in some isolated locations or stations, there might be some housing occupied by civilian personnel, but primarily I should say that more than 90 percent of the housing would be occupied by dependents of military personnel.

Mr. GOLDWATER. Is the provision in conjunction with the Wherry housing program or in addition to it?

Mr. CASE. In a way it is in addition to it, but the Senator from South Dakota may say that in the supplemental appropriation bill which was passed by the Senate a few days ago a provision was added, which would in effect constitute a rider, that the funds appropriated under this heading—and that would be under the authorization of the bill—would not be used for family housing unless the Secretary of Defense should certify that it was impracticable to construct family housing under provisions of title 8 of the Housing Act.

Mr. GOLDWATER. That answers my question. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 9924) to provide for family quarters for personnel of the Military Departments of the Department of Defense, and for other purposes.

Mr. CASE. Mr. President, I move that all after the enacting clause of the House bill (H. R. 9924) be stricken out, and that the text of the Senate bill as amended be substituted.

The reason for that request is that the Senate committee spent several days in hearings in an endeavor to reduce the authorizations for particular stations, in order that the total authorizations would come within the amounts proposed to be authorized. The total number of individual allocations under the House bill would have exceeded the authorizations.

The Senate committee also inserted two or three major new sections in the bill. For instance, one authorizes the use of foreign currencies for construction overseas, with the approval of the Bureau of the Budget. The committee feels that those are definitely constructive changes in the bill, and desires that the provisions of the Senate bill be substituted for the House bill, but passed under the House number.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. CASE] that all after the enacting clause be stricken out and the Senate bill as amended be inserted.

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, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3818 is indefinitely postposed.

Mr. CASE. Mr. President, I ask unanimous consent that I may have printed in the RECORD at this point a statement on the provisions of the bill.

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

STATEMENT BY SENATOR CASE

The principal purpose of S. 3818 is to authorize the Secretaries of the 3 military departments to construct 11,967 units of family quarters for military personnel. Secondary purposes are to authorize the Secretary of Defense to procure family housing for military personnel in foreign countries through the use of foreign currencies generated by the sale of surplus agricultural commodities and to authorize the acquisition of 5,000 house trailers for availability to military personnel on a rental basis without loss of quarters allowances.

For those military personnel who have dependents, the Government furnishes either public quarters or quarters allowances at rates prescribed by the Career Compensation Act of 1949, as amended. The rates currently in effect are $77.10 monthly for enlisted men with two dependents and $96.90 per month for enlisted men with 3 or more dependents. The monthly rates of quarters allowances for officers at the present time are as follows: Second lieutenants and ensigns, $85.50; first lieutenants or lieutenants (junior grade), $94.20; captain or full lieutenant, $102.60; major or lieutenant commander, $119.70; lieutenant colonel or commander, $136.80; colonel or captain, $136.80; flag or general officers, $171. The housing that would be constructed under the authorization contained in this bill will mean that quarters allowances at these rates will not be paid to the personnel occupying the housing.

The Government-owned quarters now in existence have been constructed with appropriated funds, but although several billions of dollars have been authorized and appropriated for military construction since the end of World War II, an insignificant portion of this construction has been for family quarters. This statement is substantiated by the fact that only 807 units of family housing have been built with appropriated funds within the United States over the past 4 years.

The failure to provide adequate family housing for military personnel has undoubtedly been one of the contributing causes of a reduction in reenlistment rates and an increase in the resignations of officers, with consequential loss of trained personnel and expense of training replacements. The committee does not contend that the nonavailability of family housing is the only factor that influences a person to leave the military service; we cannot disregard the incentives that military personnel have to leave military service. The Congress has approved a program of substantial benefits and privileges available under the so-called bill of rights for persons entering civilian life after military service. These benefits include, among other things, mustering-out pay, lump-sum payment for accrued leave, unemployment compensation, Government assistance in financing the purchase of homes, Government assistance for education. Almost all the top-ranking civilian and military officials in the Department of Defense have stressed the serious consequences flowing from loss of trained personnel through failure to reenlist and resignation of officers. Again let me state that the committee does not maintain that this family housing authorization is a complete answer to the loss of military personnel but it does believe that in conjunction with other programs, the construction of family housing should tend to make military service more attractive.

The Senator from South Dakota might also mention that the Congress has had no hesitation in authorizing and appropriating the many billions necessary to provide materiel such as airplanes, ships, tanks, and guns, and the bases from which to operate these implements of war. Since the cost of providing adequate living quarters for the personnel who must man this equipment is relatively small when compared with the cost of the equipment and the bases themselves, there is no sound reason why we should be niggardly in this respect.

The committee has been convinced that the military departments have used conservative criteria in estimating requirements for family quarters. Illustrative of this conviction is the fact that in the calculating of these requirements the permanent peacetime strength of the Armed Forces has been assumed to be 1,750,000, which figure is slightly more than one-half of the present actual strength. About 10 percent of the 1,750,000 are officers and some 90 percent enlisted men. Approximately 80 percent of the officers and 20 percent of the enlisted men are estimated to be married and to require family quarters for the purpose of this calculation, which results in the requirement of 140,000 units for officers and 315,000 units for enlisted men, a total of 455,000 units. Against this total there are now available 47,000 permanent public quarters and 25,000 temporary public quarters that are in satisfactory condition and 87,000 units constructed under the so-called Wherry Act that are completed or in the process of completion. The total availability of 149,000 units when matched against the total requirement of 455,000 units reflects a deficit of 306,000 units. It has been estimated that 150,000 privately owned housing units are available in local communities. Thus the net deficit is at least 150,000 units.

With a deficit of this size, the obvious question is how best to meet the deficit. The principal alternatives are to construct the housing through appropriated funds or to cause the housing to be constructed through further utilization of title VIII of the National Housing Act, which is known as the Wherry Housing Act. When the committee questioned Department of Defense representatives regarding why the Wherry Act could not be utilized to provide the needed housing these representatives furnished a statement that has been set forth on pages 3 and 4 of the committee report. The Senator from South Dakota recommends that this statement be read by those who would urge Wherry housing as a complete solution to this problem.

It should be noted that every housing unit constructed pursuant to the authorization contained in S. 3818 will mean that the Appropriations Committee will not be required to appropriate quarters allowances for the personnel occupying these units. Since the average quarters allowance is between $1,000 and $1,100 per year, and this authorization bill would provide 11,967 units of family housing, it will be seen that in future years appropriations for quarters allowances can be reduced by about $12 million each year. After 14 or 15 years the cost of the housing will have been amortized and the only cost to the Government after that time will be for maintenance. The estimated life of the housing is 35 years so that after the total cost of the construction has been returned to the Government substantial savings will accrue over approximately 20 years, and these savings would be in addition to those caused by whatever effect an increase in reenlistment rates and a decrease in resignations might have.

The type and cost of housing provided under this authorization will be subject to promulgation of detailed specifications by the Secretary of Defense. One-, two-, three-, and four-bedroom houses will be provided. Housing constructed for enlisted men will average 952 square feet in area and $12,850 in cost; housing for company-grade officers will average 1,126 square feet in area and $15,200 in cost; housing for field-grade officers will average 1,500 square feet in area and $20,250 in cost; and housing for officers in flag and general rank will average 2,000 square feet in area and $27,000 in cost.

Since the average cost of all housing to be constructed under the authorization contained in this bill will be $13,500, it is manifest that the great preponderance of the housing to be constructed is for enlisted men and company-grade officers.

When the military construction authorization bill for fiscal year 1955, which has become Public Law 534, 83d Congress, was pending before the House Committee on Armed Services, the Department of Defense requested an amendment to the bill that would have added $350 million in authorization for the construction of military family housing. The House Committee on Armed Services decided to consider the family-housing authorization separately, and Public Law 534, 83d Congress, does not contain authorization for family housing. Subsequently, the House Committee on Armed Services conducted hearings on the housing authorization and reported H. R. 9924. The line items comprising H. R. 9924, as it was reported by the House Armed Services Committee, total some $216 million, but an appropriation of not to exceed $175 million was recommended to carry out the purposes of the bill.

The committee was of the opinion that the appropriations authorization should correspond to the total of the line items in the bill. After conducting hearings, the committee made reductions and deletions necessary to cause the line items to not exceed $175 million.

Section 407 of the bill authorizes the Secretary of Defense to procure family housing for military personnel in foreign countries through the use of foreign currencies, in accordance with the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Cong.). The extent of this authority is limited to the equivalent of $75 million in foreign currencies.

The Agricultural Trade Development and Assistance Act of 1954 authorizes the President to negotiate agreements with friendly nations for the sale of surplus agricultural commodities in exchange for foreign currencies. Section 104 of the act prescribes the purposes for which the President may use the foreign currencies that accrue to the United States from the sale of surplus commodities. Section 105 of the act provides that "any department or agency of the Government using any of such currencies for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used."

In order that the Commodity Credit Corporation shall not be unfairly charged with the cost of military housing, section 407 of this bill provides that appropriations otherwise available for payment of quarters allowances of personnel occupying family housing acquired pursuant to this authority shall be available for reimbursement to the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used.

The committee has amended section 407 by adding a provision that the Committees on Armed Services shall be furnished quarterly reports of the housing procured pursuant to the authority contained in this section.

Section 408 of the bill authorizes the Secretaries of the military departments to acquire a total of not to exceed 5,000 units of trailers to be made available for occupancy by military personnel and their dependents on a rental basis without loss of any allowances for quarters.

The committee has been sufficiently impressed by recent refinements in trailers to believe that they would serve a useful purpose in some locations where it is inadvisable to construct or otherwise to procure housing for military personnel. Trailers probably do not constitute housing that is sufficiently adequate to require the personnel occupying them to forfeit the entire amount of quarters allowances, and it is contemplated that the rentals charged for the use of these trailers will be somewhat less than the quarters allowances accruing to the personnel occupying them. The rentals received will be covered into the Treasury under "Miscellaneous receipts."

If there are questions from Senators I shall be glad to attempt to answer them. If there are no questions I recommend that the bill be passed.

CONVEYANCE OF CERTAIN MINERAL RIGHTS TO MRS. PEARL O. MARR

The Senate proceeded to consider the bill (S. 3251) to provide for the conveyance of certain mineral rights to Mrs. Pearl O. Marr, of Crossroads, N. Mex., which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 2, to insert:

SEC. 2. Mrs. Pearl O. Marr shall succeed to the position of the United States as lessor at the time the Secretary of the Interior makes conveyance under this act. The United States shall not be liable for any rents or royalties accruing before the date of the conveyance.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed and without compensation to Mrs. Pearl O. Marr, of Crossroads, N. Mex., all oil, gas, or other mineral rights which are held by the United States in the following-described lands situated in Lea County, N. Mex.: The east half of the southeast quarter of section 33; the south half of the south half of section 34; the southwest quarter of the southwest quarter of section 35, township 9, range 37 east, New Mexico principal meridian, containing two hundred and eighty acres, more or less.

SEC. 2. Mrs. Pearl O. Marr shall succeed to the position of the United States as lessor at the time the Secretary of the Interior makes conveyance under this act. The United States shall not be liable for any rents or royalties accruing before the date of the conveyance.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTINGUISHMENT OF OUTCROP AND UNDERGROUND FIRES IN COAL FORMATIONS

The Senate proceeded to consider the bill (H. R. 270) to provide for the control and extinguished of outcrop and underground fires in coal formations, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 3, line 14, after "Sec. 5", to insert "(a)"; in line 21, at the beginning of the line, to strike out "'(a)" and insert "(1)"; on page 4, at the beginning of line 1, to strike out "(b)" and insert "(2)"; after line 3, to insert:

(b) The Secretary of the Interior shall require in connection with any project for the control or extinguishment of fires in any inactive coal mine on any lands not owned or controlled by the United States or any of its agencies, except where such project is necessary for the protection of lands or other property owned or controlled by the United States or any of its agencies, (1) that the State or person owning or controlling such lands contribute on a matching basis 50 percent of the cost of planning and executing such project, or (2), if such State or person furnishes evidence satisfactory to the Secretary of the Interior of an inability to make the matching contribution herein provided for, that such State or person pay to the Government, within such period of time as the Secretary of the Interior shall determine, an amount equal to 50 percent of the cost of planning and executing such project. At least 75 percent of the funds expended in any fiscal year, from any appropriation available to carry out the purposes of this act, in connection with projects for the control or extinguishment of fires in inactive coal mines where such action is not necessary for the protection of lands or other property owned or controlled by the United States or any of its agencies, shall be expended in conformity with clause (1) of this subsection.

On page 5, line 7, after the word "act", to insert "of 1949", and on page 6, line 10, after the word "fund", to strike out "for disbursement by the Secretary of the Interior as the terms of the grant may require," and insert "to be disbursed by the Secretary of the Treasury upon certification by the Secretary of the Interior in accordance with the terms of the grant."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ISSUANCE OF CERTAIN PUBLIC IMPROVEMENT BONDS BY THE TERRITORY OF HAWAII

The bill (H. R. 6886) to ratify and confirm sections 5 and 6 of Act 254 and Act 280 of the Session Laws of Hawaii 1953 and to authorize the issuance of certain public improvement bonds by the Territory of Hawaii was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TERRITORY OF HAWAII

The bill (H. R. 5997) to enable the Legislature of the Territory of Hawaii to authorize the issuance of general obligation bonds, the proceeds thereof to be used for veterans' mortgages, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF ORGANIC ACT OF GUAM

The bill (H. R. 8634) to amend section 22 of the Organic Act of Guam was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The Senate proceeded to consider the bill (H. R. 9859) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF CERTAIN UNITED STATES PROPERTY TO THE STATE OF WYOMING

The bill (S. 2486) authorizing the Secretary of the Interior to transfer certain property of the United States Government (in the Wyoming National Guard Camp Guernsey target and maneuver area, Platte County, Wyo.) to the State of Wyoming was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. BARRETT. Mr. President, the purpose of the bill is to convey to the State of Wyoming, for the use of the Wyoming National Guard, about 7,680 acres of grazing land in Platte County, Wyo., to be used as a maneuver and target area.

I might say the bill provides that if the land is not used for that purpose the title shall revert to the United States.

The fact of the matter is that the National Guard of several surrounding States have indicated that they desire to use this area for the same purpose. The State of Wyoming has set aside several thousand acres of its own land for the same purpose. In addition to that, the State has bought up about $40,000 worth of privately owned lands.

The purpose of the bill is to authorize the transfer of Federal lands lying within the proposed maneuver area to the State of Wyoming.

Mr. MORSE. I asked for the explanation because I knew it would bear out what the Senator from Wyoming has just said. The bill is in line with a whole series of conveyances for National Guard purposes, such as at Fort Blanding, in Florida; at Klamath Falls, in Oregon; and one in California, as I recall.

Mr. BARRETT. That is correct.

Mr. MORSE. The bill is definitely in line with the Morse formula, insofar as the conveyance is concerned, because the Federal Government is to receive more than adequate consideration, when we consider the Federal benefits which accrue from the National Guard service.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2486), which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 6, after the word "Lots" to strike out "1, 2, 3,

and 4, southwest quarter northeast quarter, south half northwest quarter, northwest quarter southeast quarter, southeast quarter southeast quarter section 1; lots 1, 2, 3, and 4, south half northwest quarter, east half southwest quarter, southwest quarter southeast quarter section 2; lots 3 and 4, west half southeast quarter section 3; lots"; in line 13, after "section 7", to strike out "northeast quarter, northwest quarter southeast quarter section 10; north half northeast quarter, southwest quarter northeast quarter section 11; east half northeast quarter, southwest quarter northeast quarter, west half southeast quarter section 12; northwest quarter northeast quarter, southeast quarter northeast quarter section 13."

On page 3, line 23, after "section 33" to strike out "east half" and insert "northeast quarter"; on page 5, after line 9, to insert:

SEC. 2. (a) Where lands described to be conveyed herein are being used under valid outstanding United States grazing leases, the Secretary of the Interior shall convey the lands only after he finds suitable provision, equitable to such lessees, has been made to compensate them for losses resulting from the use of the lands for the purposes of this act and to assure them appropriate preference to such future use of the lands for grazing as may be consistent with the purposes of this act.

(b) The Secretary of the Interior, at the earliest possible date after the execution of the conveyance authorized by this act, shall issue a permit to the State of Wyoming allowing the State the free use of the lands described below for the purposes described in section 1 of this act and subject to adequate protection of the lands for Federal purposes:

Lots 1, 2, 3, and 4, southwest quarter northeast quarter, south half northwest quarter, northwest quarter southeast quarter, southeast quarter southeast quarter section 1; lots 1, 2, 3, and 4, south half northwest quarter, east half southwest quarter, southwest quarter southeast quarter section 2; lots 3 and 4, west half southeast quarter section 3; northeast quarter, northwest quarter southeast quarter section 10; north half northeast quarter, southwest quarter northeast quarter section 11; east half northeast quarter, southwest quarter northeast quarter, west half southeast quarter section 12; northwest quarter northeast quarter, southeast quarter northeast quarter section 13; southeast quarter section 35, township 38 north, range 67 west, sixth principal meridian, State of Wyoming.

And on page 6, after line 13, to insert:

SEC. 3. The State of Wyoming may dispose of interests and rights in the land by lease, license, and easement, provided that the exercise of such rights and uses shall not impair the use of the land for the purposes set out in section 1 of this act. Revenues derived from such transactions by the State of Wyoming shall be expended by the State for the protection, maintenance, and preservation of the lands for the purposes expressed in this act and for the protection and preservation of the natural resources thereon. The United States and the State of Wyoming shall share equally in any residual revenue beyond the cost for those purposes. All moneys to which the United States is entitled under this act shall be deposited in the Treasury as miscellaneous receipts. The Secretary of the Interior and the Secretary of the Army are authorized to enter into any necessary agreements with the proper authorities of the State of Wyoming for the purpose of carrying out the provisions of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to transfer to the State of Wyoming certain property of the United States Government situated near Lake Guernsey, Platte County, Wyo., described as follows:

Lots 1, 2, 3, and 4 of section 5; lots 1, 2, 3, 5, and 6, east half southwest quarter, west half southeast quarter section 6; northwest quarter northeast quarter, west half southwest quarter, southeast quarter southwest quarter section 17; northeast quarter, north half northwest quarter, southeast quarter northwest quarter, northeast quarter southwest quarter, north half southeast quarter section 20; all in township 28 north, range 66, west, sixth principal meridian.

Lots 1, 2, 3, and 4, south half north half section 4; south half southwest quarter section 5; lot 1, section 7; lots 2 and 3, northeast quarter southwest quarter section 18; southeast quarter northeast quarter, northwest quarter southeast quarter section 24; all in township 27 north, range 67 west, sixth principal meridian.

South half southwest quarter section 2; northwest quarter southwest quarter, northeast quarter southeast quarter south half south half section 3; northwest quarter northeast quarter, south half northeast quarter section 8; northwest quarter northeast quarter, northeast quarter northwest quarter, south half north half, north half south half section 9; northwest quarter, north half southwest quarter, southeast quarter southwest quarter section 10; north half northwest quarter, southwest quarter northwest quarter, northwest quarter southwest quarter section 14; northeast quarter, southwest quarter southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 15; northeast quarter, northeast quarter southeast quarter section 17; northeast quarter southeast quarter section 20; west half southwest quarter section 21; north half northwest quarter, southeast quarter southeast quarter section 22; southwest quarter northeast quarter, northeast quarter northwest quarter, south half northwest quarter, southwest quarter section 23; east half northwest quarter section 24; northwest quarter southeast quarter section 25; east half northwest quarter, northeast quarter southwest quarter section 27; southwest quarter northeast quarter, southwest quarter, west half southeast quarter section 28; northeast quarter southeast quarter section 29; southeast quarter southeast quarter section 31; all of section 33; northeast quarter of section 35; all in township 28 north, range 67 west, sixth principal meridian. Consisting of approximately 7,680 acres; and said property shall be conveyed, together with all buildings, improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, and the Secretary of the Interior shall execute and deliver in the name of the United States in its behalf any and all contracts, conveyances, or other instruments as may be necessary to effectuate the said transfer: *Provided*, That there shall be reserved to the United States all minerals, including oil and gas, in said lands.

Such conveyance shall contain a provision that said property shall be used primarily for training of the National Guard or Air National Guard and for other military purposes, and that, if the State of Wyoming shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States and, in addition, all improvements made by the State of Wyoming during its occupancy shall vest in the United States without payment of compensation therefor.

Such conveyance shall contain the further provision that whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist and upon the determination by the appropriate Secretary that the property so conveyed is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made by the State of Wyoming, for the duration of such state of war or other national emergency, and upon the cessation thereof plus 6 months said property is to revert to the State of Wyoming together with any or all facilities and improvements, appurtenances, and utilities thereon or appertaining thereto.

SEC. 2. (a) Where lands described to be conveyed herein are being used under valid outstanding United States grazing leases, the Secretary of the Interior shall convey the lands only after he finds suitable provision, equitable to such lessees, has been made to compensate them for losses resulting from the use of the lands for the purposes of this act and to assure them appropriate preference to such future use of the lands for grazing as may be consistent with the purposes of this act.

(b) The Secretary of the Interior, at the earliest possible date after the execution of the conveyance authorized by this act, shall issue a permit to the State of Wyoming allowing the State the free use of the lands described below for the purposes described in section 1 of this act and subject to adequate protection of the lands for Federal purposes:

Lots 1, 2, 3, and 4, southwest quarter northeast quarter, south half northwest quarter, northwest quarter southeast quarter, southeast quarter southeast quarter section 1; lots 1, 2, 3, and 4, south half northwest quarter, east half southwest quarter, southwest quarter southeast quarter section 2; lots 3 and 4, west half southeast quarter section 3; northeast quarter, northwest quarter southeast quarter section 10; north half northeast quarter, southwest quarter northeast quarter section 11; east half northeast quarter, southwest quarter northeast quarter, west half southeast quarter section 12; northwest quarter northeast quarter, southeast quarter northeast quarter section 13; southeast quarter section 35, township 38 north, range 67 west, sixth principal meridian, State of Wyoming.

SEC. 3. The State of Wyoming may dispose of interests and rights in the land by lease, license and easement, provided that the exercise of such rights and uses shall not impair the use of the land for the purposes set out in section 1 of this act. Revenues derived from such transactions by the State of Wyoming shall be expended by the State for the protection, maintenance, and preservation of the lands for the purposes expressed in this act and for the protection and preservation of the natural resources thereon. The United States and the State of Wyoming shall share equally in any residual revenue beyond the cost for those purposes. All moneys to which the United States is entitled under this act shall be deposited in the Treasury as miscellaneous receipts. The Secretary of the Interior and the Secretary of the Army are authorized to enter into any necessary agreements with the proper authorities of the State of Wyoming for the purpose of carrying out the provisions of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES UNDER NONMINERAL LAND LAWS

The Senate proceeded to consider the bill (S. 3071) to amend the act authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such act to 320 acres was announced as next in order.

Mr. McCARRAN. Mr. President, may we have an explanation of the bill?

Mr. BARRETT. Mr. President, the purpose of the bill is to bring into accord two different laws affecting desert entries. In the act of March 3, 1877, Congress authorized entries of homesteads not exceeding 320 acres on nonmineral desert lands. In the act of July 17, 1914, desert entries were authorized on lands withdrawn, classified, or valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals. In that case, nonmineral entries are limited to a maximum of 160 acres.

The purpose of the bill is to bring both those acts into accord, so as to provide for entries of 320 acres. Under the act of 1914 there was a reservation of the minerals to the United States, and that will continue to be the case.

This bill has been approved by the Department of the Interior and the Bureau of the Budget, and was unanimously approved by our committee. The Department of the Interior justified the bill because homesteading under the Desert Entry Act has taken nearly all of the valuable lands which were available, and now all that is left are rather rough lands.

Mr. MAGNUSON. Mr. President, I should like to ask a question. I am concerned with how this measure might affect the 160-acre limitation on desert lands under the Department of the Interior, which are reclaimed under the reclamation law.

Mr. BARRETT. Is the Senator from Washington speaking of entries under the reclamation law?

Mr. MAGNUSON. Yes.

Mr. BARRETT. Let me say that the bill does not affect in any way, shape, or form, homestead entries under the reclamation law. This is a bill relating to homestead entry on desert claims.

Mr. MAGNUSON. Does the bill relate to Federal lands that do not come under the reclamation law?

Mr. BARRETT. That is true.

Mr. MAGNUSON. The bill applies only to those lands, does it?

Mr. BARRETT. That is correct.

Mr. MAGNUSON. The bill increases the acreage from 160 acres to 320 acres, does it?

Mr. BARRETT. On entries under the 1914 act that is true.

Mr. MAGNUSON. But the RECORD will be clear, as I understand, that in no way is there an implied repeal or an implication that the 160-acre limitation under the reclamation laws will be affected.

Mr. BARRETT. That is correct.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3071) which had been reported from the Committee on Interior and Insular Affairs with an amendment at the top of page 2, to insert:

SEC. 2. The first session of the act of June 22, 1910 (36 Stat. 583), is amended by striking out the following language: "No desert entry made under the provisions of this act shall contain more than 160 acres, and."

SEC. 3. Any person who has made a valid desert-land entry on lands subject to the act of June 22, 1910 (36 Stat. 583), or of July 17, 1914 (38 Stat. 509), may, if otherwise qualified, enter as a personal privilege, not assignable, an additional tract of desert land subject to the provisions of this act and section 7 of the act of June 28, 1934, as amended (48 Stat. 1269; 1272; 43 U. S. C., sec. 315f), which shall not, together with the original entry, exceed 320 acres. The holder of an additional entry authorized under this section must comply with all the requirements of the desert-land law on the lands embraced by his additional entry.

So as to make the bill read:

Be it enacted, etc., That the first section of the act entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals", approved July 17, 1914 (38 Stat. 509), is amended by deleting the following: "; but no desert entry made under the provisions of this act shall contain more than 160 acres."

SEC. 2. The first section of the act of June 22, 1910 (36 Stat. 583), is amended by striking out the following language: "No desert entry made under the provisions of this act shall contain more than 160 acres, and."

SEC. 3. Any person who has made a valid desert-land entry on lands subject to the act of June 22, 1910 (36 Stat. 583), or of July 17, 1914 (38 Stat. 509), may if otherwise qualified, enter as a personal privilege, not assignable, an additional tract of desert land subject to the provisions of this act and section 7 of the act of June 28, 1934, as amended (48 Stat. 1269; 1272; 43 U. S. C., sec. 315f), which shall not, together with the original entry, exceed 320 acres. The holder of an additional entry authorized under this section must comply with all the requirements of the desert-land law on the lands embraced by his additional entry.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF HAWAII HOMESTEAD LAW

The bill (H. R. 6885) to amend section 1 of Joint Resolution 12 enacted by the 25th Legislature of the Territory of Hawaii, in the regular session of 1949, and approved by the 81st Congress of the United States of America at the second session (Public Law 746, ch. 833), was considered, ordered to a third reading, read the third time, and passed.

PROMOTION OF RESERVE COMPONENTS OF THE ARMED FORCES—BILL PASSED OVER

The bill (H. R. 6573) to provide for the promotion, precedence, constructive credit, distribution, retention, and elimination of officers of the reserve components of the Armed Forces of the United States, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN LANDS TO THE MONTEREY COUNTY FLOOD-CONTROL AND WATER CONSERVATION DISTRICT, MONTEREY COUNTY, CALIF.

The Senate proceeded to consider the bill (S. 3189) providing for the conveyance by the United States to the Monterey County Flood-Control and Water Conservation District, Monterey County, Calif., of certain lands in Camp Roberts Military Reservation, Calif., which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause, and insert:

That (a) the Secretary of the Army is authorized to convey by quitclaim deed, to the Monterey County Flood Control and Water Conservation District of Monterey County, Calif., for the purpose of constructing, operating, and maintaining thereon a dam and reservoir area for its El Nacimiento Reservoir project, all right, title, and interest of the United States, except as reserved herein, in and to so much of the following described lands within the boundaries of Camp Roberts Military Reservation, Calif., as the Secretary of the Army, or his designee, and the Monterey County Flood Control and Water Conservation District shall determine to be necessary as a dam site and reservoir area for the El Nacimiento project:

The east half of the southeast quarter of section 11; the southwest quarter of section 12; the west half of section 13; and the east half of the east half of section 14, all lying in township 25 south, range 10 east, Mount Diablo base meridian.

(b) The deed conveying the lands determined to be necessary for the dam site and reservoir area for the El Nacimiento project shall provide (1) for the reservation by the United States of all mineral rights, including oil and gas, in and underlying the lands conveyed, (2) that the lands conveyed shall be used solely for the purpose of constructing, maintaining, and operating a dam and reservoir project thereon, and in the event such dam has not been constructed thereon within 10 years after the enactment of this act, or in the event the lands conveyed shall at any time after construction of the dam cease to be used for the sole purpose of maintaining and operating a dam and reservoir thereon, all right, title, and interest in and to such lands shall revert to the United States, (3) that in the event the existing water supply at Camp Roberts shall be diminished or adversely affected in any manner by the construction, operation, and maintenance of the dam and reservoir project, the grantee, its successors, and assigns, shall provide to the United States without additional cost substitute or supplementary water supply necessary to equal the existing supply at Camp Roberts, (4) the Armed Forces of the United States shall be granted for recreational and training purposes the use of the lands conveyed, to the extent that such use does not adversely affect the operation and maintenance of the dam and reservoir, and the use of the remaining portion of the reservoir area, to the extent provided in the regulations of the Monterey County Flood Control and Water Conservation District generally applicable to the reservoir area, and (5) the grantee shall remove, relocate, and reconstruct, at its own cost and expense all structures, roads, and

fences at Camp Roberts affected by the proposed conveyance.

SEC. 2. The Secretary of the Army is authorized to issue to the Monterey County Flood Control and Water Conservation District, without compensation therefor, and on such terms and conditions as he deems appropriate, a license to use and occupy any lands in the area described in Section 1 not conveyed pursuant to the authorization contained therein, as may be required for the excavation of borrow materials and any other purposes related to the construction of the El Nacimiento project.

SEC. 3. The conveyance herein authorized shall be made for a monetary consideration determined by the Secretary of the Army or his authorized representative to represent the fair market value of the estate conveyed and, in making such determination, the Secretary shall take into account the value of the benefits accruing to the Camp Roberts Military Reservation as a result of the conveyance.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the conveyance by the United States to the Monterey County Flood Control and Water Conservation District, Monterey County, Calif., of certain lands in Camp Roberts Military Reservation, Calif., for use as a dam and reservoir site and for other purposes."

Mr. MORSE subsequently said: Mr. President, when Calendar No. 2031, Senate bill 3189, was taken up, I was engrossed in a conference, with the Senator from Kentucky, in regard to an amendment to another bill; and therefore I missed my opportunity to submit an amendment to Senate bill 3189. The amendment is in line with amendments which heretofore have been adopted in the case of similar bills.

So I ask unanimous consent that Senate bill 3189, Calendar No. 2031, be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection——

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon understands, does he not, that Calendar No. 2031, Senate bill 3189, has been passed?

Mr. MORSE. I understand; but I should like to have the vote by which it was passed reconsidered, so that the bill may go to the foot of the calendar.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which Calendar No. 2031, Senate bill 3189, was passed?

Mr. KUCHEL. Mr. President, at this time I object. I should like to discuss the matter with the Senator from Oregon.

Mr. MORSE. Then, Mr. President, we may as well stop the call of the calendar, if I cannot have the courtesy of reconsideration of the bill. I was engrossed in the discussion of an amendment to another bill at the time, and, at the speed we were going, I missed the fact that the bill was passed. If I cannot be extended the courtesy of reconsideration of the vote by which the bill was passed, we may as well stop consideration of measures on the calendar.

Mr. HENDRICKSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HENDRICKSON. The calendar committee takes the position that there should be no return to bills which have been considered, except to have them passed to the foot of the calendar. I think that is in the interest of orderly procedure.

Mr. MORSE. I think it is too, but the Senator from California does not want the bill to go to the foot of the calendar.

Mr. KUCHEL. Mr. President, I could not hear what the Senator from Oregon was saying a moment ago.

Mr. MORSE. I wished to offer an amendment to Calendar No. 2031, Senate bill 3189. I am sure the Senator from California would not object to it. It is an amendment which has been adopted in connection with a whole series of bills. It goes to the question of determining a standard for the price of the property.

Section 3 of the bill as it stands reads as follows:

SEC. 3. The conveyance herein authorized shall be made for a monetary consideration determined by the Secretary of the Army or his authorized representative to represent the fair market value of the estate conveyed and, in making such determination, the Secretary shall take into account the value of the benefits accruing to the Camp Roberts Military Reservation as a result of the conveyance.

In connection with a whole series of bills, I have objected to this particular language. All my amendment provides is that the property shall be conveyed at the fair market value.

Other Senators have adopted the standard which has become pretty much of a practice in the Senate.

The Senator from Nevada [Mr. McCARRAN], in connection with an identical bill, in principle, at the last call of the calendar, adopted the language of my amendment. It does not prevent sale of the property, but it does take away from any Government official arbitrary discretion to take into account some such intangible thing as is included in the language of the bill defining the fair market standard. All I am asking is that the property be conveyed on the basis of the fair market value.

The PRESIDING OFFICER. Does the Chair correctly understand that the Senator from California has withdrawn his objection?

Mr. KUCHEL. Mr. President, I will withdraw my objection if the bill may be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered, and the bill will be passed to the foot of the calendar for consideration later.

RETIREMENT OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

The bill (H. R. 9002) to amend the Officer Personnel Act of 1947 to provide for the retirement of certain officers of the Regular Army and the Regular Air Force at age 60, and for other purposes, was announced as next in order.

Mr. COOPER. Mr. President, I ask that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

CONFERRING OF APPROPRIATE DEGREES UPON PERSONS IN THE RESIDENT COLLEGE OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

The bill (S. 3712) to authorize the commander, Air University, to confer appropriate degrees upon persons who meet all requirements for those degrees in the Resident College of the United States Air Force Institute of Technology was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That under regulations prescribed by the Secretary of the Air Force, the commander, Air University, may, upon accreditation of the United States Air Force Institute of Technology by a nationally recognized accreditation association or authority, confer appropriate degrees upon persons who meet all requirements for those degrees in the Resident College of the United States Air Force Institute of Technology.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent that an explanation of the bill may be printed at this point in the RECORD.

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

AUTHORIZING COMMANDER, AIR UNIVERSITY, TO CONFER APPROPRIATE DEGREES UPON PERSONS WHO MEET ALL REQUIREMENTS FOR THOSE DEGREES IN THE RESIDENT COLLEGE OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

The purpose of S. 3712 is to provide authority for the commander of the Air University to confer appropriate degrees upon persons who meet the proper requirements for the degrees in the Resident College of the United States Air Force Institute of Technology. The bill further provides, however, that the commander would possess the degree-granting authority only after the Institute of Technology has received accreditation by a nationally recognized accreditation association or authority. This school is operated by the Air Force and offers a very high degree of training in aeronautical engineering and related fields. Persons who attend the school are selected Air Force officers.

This bill will provide the means by which the Institute will be eligible for accreditation since a school cannot be recognized for accreditation unless it first has degree-granting authority. In federally operated schools Congress must provide such authority. There is ample legislative precedent for this bill. The Navy counterpart to the Air Force Institute of Technology is the United States Naval Postgraduate School at Monterey, Calif., which was authorized the degree-granting authority as a result of Public Law 303 of the 80th Congress.

This bill therefore provides the means by which deserving students who complete the high-level course of instruction may receive an appropriate degree after the school itself has received accreditation.

SALE OF PUBLIC LANDS TO CERTAIN LESSEES IN THE TERRITORY OF HAWAII

The bill (H. R. 5832) to authorize the Commissioner of Public Lands of the Territory of Hawaii to sell public lands

to certain lessees, permittees, and others, was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF PUBLIC-IMPROVEMENT BONDS BY THE TERRITORY OF HAWAII

The bill (H. R. 7517) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public-improvement bonds was considered, order to a third reading, read the third time, and passed.

SALE OF PUBLIC-IMPROVEMENT BONDS BY THE CITY AND COUNTY OF HONOLULU, T. H.

The bill (H. R. 7518) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public-improvement bonds was considered, ordered to a third reading, read the third time, and passed.

FAMILY QUARTERS FOR PERSONNEL OF THE MILITARY DEPARTMENTS

Mr. BENNETT. Mr. President, was Calendar No. 2037, House bill 9924, acted upon?

The PRESIDING OFFICER. A companion bill, Calendar No. 2020, Senate bill 3818, was previously passed.

Mr. BENNETT. Very well.

CONVEYANCE OF CERTAIN LAND BY THE FARM LOAN BOARD OF HAWAII

The bill (H. R. 7568) to authorize and direct the Farm Loan Board of Hawaii to convey certain land and to ratify and confirm certain acts of said farm loan board was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF CERTAIN LANDS FOR THE CATOCTIN RECREATIONAL AREA, MARYLAND

The bill (S. 3296) to authorize the exchange of lands acquired by the United States for the Catoctin recreational demonstration area, Frederick County, Md., for the purpose of consolidating Federal holdings therein was announced as next in order.

The PRESIDING OFFICER. This bill is a companion bill to Calendar No. 2237, House bill 8821, which is identical.

Is there objection to present consideration of the House bill, in lieu of the Senate bill?

There being no objection, the bill (H. R. 8821) to authorize the exchange of lands acquired by the United States for the Catoctin recreational demonstration area, Frederick County, Md., for the purpose of consolidating Federal holdings therein, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3296 will be indefinitely postponed.

ERECTION OF MEMORIAL GIFT FROM THE PEOPLE OF THE NETHERLANDS

The joint resolution (H. J. 356) authorizing the erection of a memorial gift from the people of the Netherlands was considered, ordered to a third reading, read the third time, and passed.

CREATION OF NATIONAL MONUMENT COMMISSION

The Senate proceeded to consider the bill (H. R. 6455) to create a National Monument Commission, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 16, after the word "Arts", to insert "and thereafter submitted to Congress for legislative authorization."

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 and passed.

REQUIREMENT OF BOND COVERING PROPERTY FOR USE BY RESERVE OFFICERS' TRAINING CORPS

The Senate proceeded to consider the bill (H. R. 7734) to amend section 47 of the National Defense Act concerning the requirement for bond covering certain property issued by the United States for use by Reserve Officers' Training Corps units maintained at educational institutions, which had been reported from the Committee on Armed Services with amendments on page 1, line 9, after the word "consider", to strike out "appropriate" and insert "adequate, but in no event less than $5,000"; and on page 2, line 4, after the word "instruction.", to insert "A bond without surety thereon may be accepted by the Secretary of the Army or the Secretary of the Air Force, provided the institution to which the property is issued furnishes to the Secretary concerned satisfactory evidence of its financial responsibility."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AUTHORIZATION OF APPROPRIATION FOR CONSTRUCTION OF PUBLIC-SCHOOL FACILITIES, KLAMATH INDIAN RESERVATION, OREG.

The bill (S. 2699) to authorize an appropriation for the construction of certain public-school facilities on the Klamath Indian Reservation at Chiloquin, Oreg., was announced as next in order.

The PRESIDING OFFICER. This is a companion bill to Calendar No. 2236, House bill 7290, and is identical with one exception: On page 2, in line 6, of the House bill, the wording is "of tuition from Federal funds," whereas in the case of the Senate bill the words are "from Federal funds of tuition of Indian children under Federal supervision."

Is it the wish of the Senate to have the House bill considered? Is there objection to the consideration of the House bill at this time?

There being no objection, the Senate proceeded to consider the bill (H. R. 7290) to authorize an appropriation for the construction of certain public-school facilities on the Klamath Indian Reservation at Chiloquin, Oreg.

Mr. WATKINS. Mr. President, I offer the following amendment, to strike out all after the enacting clause of the House bill and insert the text of the Senate bill, including the amendment reported by the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause, and insert:

That there is hereby authorized to be appropriated the sum of $206,880 to be used by the Secretary of Interior for assisting the Klamath County School District in constructing and equipping new public-school facilities, which shall include an elementary school site, school building, and necessary equipment, on the Klamath Indian Reservation at Chiloquin, Klamath County, Oreg.

SEC. 2. The expenditure of any money appropriated pursuant to the first section of this act shall be subject to the express conditions that (1) 40 percent of the cost of such facilities shall be paid by the Klamath County School District; (2) such facilities shall be available to all Indian children of the district on the same terms, except as to payment from Federal funds of tuition of Indian children under Federal supervision, as other children of the district; (3) the cost of preparing the plans and specifications for such facilities, to be furnished by the local or State authorities, shall be paid out of the appropriation authorized in this act in the same proportion as the building costs; (4) upon the approval of such plans and specifications by the Secretary of the Interior, the actual work shall proceed under the supervision of such local authority; and (5) payment for the work completed shall be made monthly on vouchers properly certified by the local officials of the Bureau of Indian Affairs.

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 and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2699 will be indefinitely postponed.

CIVIL GOVERNMENT FOR ALASKA

The bill (H. R. 1974) to amend the third paragraph of section 4, chapter 1, title I, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900 (31 Stat. 322; 48 U. S. C., sec. 101), as amended, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN LAND IN STATE OF MARYLAND

The Senate proceeded to consider the bill (S. 264) to provide for the conveyance of certain land in the State of Maryland to the Disney-Bell Post 66 of the American Legion, Bowie, Md., which

had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 2, to strike out:

SEC. 2. Such conveyance shall be made subject to (a) the condition that such land shall be used for public purposes and if it should be used for any other purpose title shall revert to the United States, and (b) such other conditions, limitations, or reservations as the Secretary may deem proper.

And insert:

SEC. 2. Such conveyance shall be made upon payment by the Disney-Bell Post 66 of 50 percent of the appraised fair market value, exclusive of any increased value resulting from the development or improvement of the lands, as determined by the Secretary, and shall be made subject to (a) the condition that such land shall be used by the American Legion post for its purposes and if it should be used for any other purposes, title shall revert to the United States, and (b) such other conditions, limitations, or reservations as the Secretary may deem proper.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey to the Disney-Bell Post 66 of the American Legion, Bowie, Md., without consideration, all right, title, and interest of the United States, except as retained under section 2 of this act, to all of the land approximating 6 acres more or less in Prince Georges County, Md., which such post is now using under a special use permit issued by the Fish and Wildlife Service of the Department of the Interior.

SEC. 2. Such conveyance shall be made upon payment by the Disney-Bell Post 66 of 50 percent of the appraised fair market value, exclusive of any increased value resulting from the development or improvement of the lands, as determined by the Secretary, and shall be made subject to (a) the condition that such land shall be used by the American Legion post for its purposes and if it should be used for any other purposes, title shall revert to the United States, and (b) such other conditions, limitations, or reservations as the Secretary may deem proper.

The amendment was agreed to.

Mr. DWORSHAK. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Idaho will be stated.

The LEGISLATIVE CLERK. On page 1, line 5, it is proposed to strike out the words "without consideration."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFORMATION OF SIZE OF TOWNLOTS TO LOCAL STANDARDS

The bill (H. R. 8385) to amend section 2382 of the Revised Statutes, in order to make the size of townlots conform in size to local standards was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is requested of House bill 8385.

Mr. DWORSHAK. Mr. President, the purpose of the bill is to revise the existing statute relating to townsites on public lands, so as to repeal the present outmoded maximum area limitation of 4,200 square feet on townlots in such townsites. The bill is fully explained in House Report 1886. The bill merely authorizes an expansion in the size of townlots.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

SALE OF CERTAIN LAND IN ALASKA

The Senate proceeded to consider the bill (H. R. 2009) 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 which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 4, to strike out:

SEC. 2. That the conveyance shall be made upon the payment by the said association for the land at its reasonable appraised price of not less than $10 per acre, to be fixed by the Secretary of the Interior: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior: *Provided further*, That said conveyance shall not be made unless or until said proposed grantee shall have complied with all applicable statutes and regulations of the Territory of Alaska pertaining to associations of the general class of said proposed grantee.

SEC. 3. Notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Ninilchik Hospital Association of Ninilchik, Alaska, only if the hospital pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

SEC. 4. If, at any time following conveyance of such lands to the Ninilchik Hospital Association, the Secretary of the Interior makes a determination that the association or its successors is no longer using such lands for the purposes specified in section 1 of this act, title to the lands conveyed shall revert to the United States. This reverter provision, however, shall cease to be in effect as to such lands 25 years after issuance of patent therefor.

And in lieu thereof to insert:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Cong., 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321; 48 U. S. C. sec. 356): *Provided further*, That notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Ninilchik Hospital Association only if the association pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

SALE OF CERTAIN LAND IN ALASKA TO THE ALASKA EVANGELIZATION SOCIETY

The Senate proceeded to consider the bill (H. R. 2010) to authorize the sale of certain land in Alaska to the Alaska Evangelization Society, of Levelock, Alaska, for missionary purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is requested of House bill 2010.

Mr. MORSE. If I may ask one question, perhaps an explanation will be unnecessary.

Is adequate compensation being paid for this land?

Mr. KUCHEL. Yes. That is true of this entire series of Alaskan bills.

Mr. MORSE. It is my understanding that the Federal Government is receiving adequate compensation in all these transactions, and therefore the Morse formula is not involved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 15, to strike out:

SEC. 2. That the conveyance shall be made upon the payment by the said Society for the land at its reasonable appraised price, to be fixed by the Secretary of the Interior at not less than $1.25 per acre, if the Society makes the total payment due within 5 years after notification by the Secretary of the amount due: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws.

And in lieu thereof to insert:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Cong., 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321; 48 U. S. C., sec. 356): *Provided further*, That, notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Alaska Evangelization Society only if the organization pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

SALE OF CERTAIN PUBLIC LANDS IN ALASKA TO THE ALASKA COUNCIL OF BOY SCOUTS OF AMERICA

The Senate proceeded to consider the bill (H. R. 2012) to authorize the sale of certain public lands in Alaska to the Alaska Council of Boy Scouts of America for a campsite and other public purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, after line 8, to strike out:

SEC. 2. The lands shall be sold to the Council at the reasonable appraised price to be fixed by the Secretary of the Interior, plus the cost of survey. The conveyance shall be made only if the council makes the total payment due within 5 years after notification by the Secretary of the amount due: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws.

And in lieu thereof to insert:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Cong., 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321); 48 U. S. C., sec. 356): *Provided further*, That notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Alaska Council of Boy Scouts of America only if the organization pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

SALE OF CERTAIN PUBLIC LAND IN ALASKA TO THE COMMUNITY CLUB OF CHUGIAK, ALASKA

The Senate proceeded to consider the bill (H. R. 2014) to authorize the sale of certain public land in Alaska to the Community Club of Chugiak, Alaska, which had been reported from the Committee on Interior and Insular Affairs with an amendment at the top of page 2, to strike out:

SEC. 2. That the conveyance shall be made upon the payment by the said Community Club for the land at its reasonable appraised price of not less than $1.25 per acre, to be fixed by the Secretary of the Interior: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws. The Secretary shall have the appraisal made on the basis of the value of the lands at the date of appraisal exclusive of any increased value resulting from the development or improvement of the lands.

SEC. 3. Notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Community Club of Chugiak, Alaska, only if the club pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

And in lieu thereof to insert the following:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corportation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Cong., 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321; 48 U. S. C., sec. 356): *Provided further*, That notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Community Club of Chugiak, Alaska, only if the organization pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

SALE OF CERTAIN PUBLIC LAND IN ALASKA TO THE TURNAGAIN ARM COMMUNITY CLUB OF ANCHORAGE, ALASKA

The Senate proceeded to consider the bill (H. R. 3854) to authorize the sale of certain public land in Alaska to the Turnagain Arm Community Club of Anchorage, Alaska, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 9, to strike out:

SEC. 2. The lands shall be sold to the club at the reasonable appraised price to be fixed by the Secretary of the Interior, but not less than $1.25 per acre, plus the cost of survey. The Secretary shall have the appraisal made on the basis of the value of the lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the club or its successors in interest. The conveyance shall be made only if the club makes the total payment due within 5 years after notification by the Secretary of the amount due: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior.

And in lieu thereof to insert:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Cong., 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321; 48 U. S. C., sec. 356): *Provided further*, That notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Turnagain Arm Community Club of Anchorage Alaska, only if the organization pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

SALE OF CERTAIN LAND IN ALASKA TO THE BAPTIST MID-MISSIONS

The Senate proceeded to consider the bill (H. R. 6959) to authorize the sale of certain land in Alaska to the Baptist Mid-Missions, an Ohio nonprofit corporation, for use as a church site, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 2, to strike out:

SEC. 2. That the conveyance shall be made upon the payment by the Baptist Mid-Missions for the land at its reasonable appraised price to be fixed by the Secretary of the Interior. The conveyance shall be made only if the Baptist Mid-Mission makes the total payment due within 5 years after notification by the Secretary of the amount due: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws.

And in lieu thereof to insert:

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the act of June 4, 1954 (Public Law 387, 83d Congress, 2d sess.): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public land laws, or a valid possessory right based upon section 8 of the act of May 17, 1884 (23 Stat. 24), section 14 of the act of March 3, 1891 (26 Stat. 1095), or section 27 of the act of June 6, 1900 (31 Stat. 321; 48 U. S. C., sec. 356): *Provided further*, That notwithstanding any of the provisions of this act, the Secretary shall convey the lands to the Baptist Mid-Missions only if the organization pays the price fixed by the Secretary within 5 years after notification by the Secretary of the price.

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 and passed.

Mr. McCARRAN. Mr. President, I should like to ask whether or not all these bills involve what we generally term the Morse formula. The Senator from Oregon can answer that question. Do the bills in the series of Alaskan bills which are now being considered involve the Morse formula?

Mr. MORSE. The Federal Government is receiving even more than 50 percent of the appraised fair market value.

QUITCLAIM OF RIGHT, TITLE, AND INTEREST TO CERTAIN LANDS IN ARIZONA

The Senate proceeded to consider the bill (S. 3187) to authorize the United States of America to quitclaim all its right, title, and interest in and to certain lands in Arizona, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 9, after line 6, to strike out:

SEC. 4. With respect to all of the lands quitclaimed by this act there is, however, reserved to the United States, pursuant to the provisions of the act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

And in lieu thereof to insert:

SEC. 4. With respect to all of the lands quitclaimed by this act, all minerals are hereby reserved to the United States, together with the right of the United States, its lessees, permittees, and licensees to enter upon the land to prospect for, drill for, mine, treat, store, transport, and remove such minerals and to use so much of the surface and subsurface as may be reasonably necessary for the foregoing purposes.

So as to make the bill read:

Be it enacted, etc., That, subject to the reservations set out in section 4 of this act, the United States of America hereby quitclaims all of its right, title, and interest in and to the land described in that certain deed executed by Salt River Valley Water Users' Association, an Arizona corporation, dated May 20, 1941, and recorded May 20, 1941, in the office of the county recorder, Maricopa County, State of Arizona, in book 360 of deeds at page 81, to the persons named as grantees therein or to the persons who succeeded to and now hold the possessory interests conveyed by said deed; and in addition thereto, the United States of America hereby quitclaims to the State of Arizona all its right, title, and interest in and to all that portion of the land lying within the right-of-way of the State highway designated on the plat of Victory Tract as the Apache Trail, said plat being recorded in the office of the county recorder of Maricopa County in book 31 of maps, page 6 thereof.

SEC. 2. Subject to the reservations set out in section 4 of this act, the United States of America hereby quitclaims all of its right, title, and interest in and to the lands described in those certain instruments executed by Salt River Valley Water Users' Association, an Arizona corporation, and recorded in the office of the county recorder, Maricopa County, State of Arizona, as follows:

Deed dated June 1, 1931, and recorded June 19, 1931, in book 257 of deeds at page 182;

Deed dated January 24, 1935, and recorded August 17, 1935, in book 294 of deeds at page 159;

Deed dated April 9, 1934, and recorded April 16, 1945, in book 432 of deeds at pages 289 and 290;

Deed dated October 13, 1947, also executed by Salt River Project Agricultural Improvement and Power District, a municipal corporation of Arizona, and recorded December 17, 1947, in docket 105 at pages 67 and 68;

Deed dated July 5, 1930, and recorded January 28, 1931, in book 250 of deeds at page 510;

Deed dated January 20, 1939, and recorded June 22, 1939, in book 334 of deeds at pages 243 and 244 subject to the rights-of-way, reservations, and covenants as set forth in said deed;

Deed dated August 1, 1927, and recorded April 12, 1928, in book 220 of deeds at page 161;

Deed dated April 16, 1930, and recorded May 10, 1930, in book 247 of deeds at pages 17 and 18;

Deed dated January 10, 1935, and recorded February 13, 1935, in book 289 of deeds at pages 95 and 96;

Deed dated September 24, 1930, and recorded October 4, 1930, in book 248 of deeds at pages 378 and 379;

Deed dated March 19, 1928, and recorded May 4, 1928, in book 220 of deeds at pages 364 and 365;

Deed dated April 6, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded April 15, 1953, in docket 1117 at page 174;

Deed dated December 2, 1929, and recorded June 20, 1930, in book 247 of deeds at pages 352 and 353;

Deed dated October 30, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded November 17, 1953, in docket 1234 at pages 166 and 167;

Deed dated April 6, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded April 17, 1953, in docket 1119 at pages 70, 71, and 72;

Deed dated November 3, 1952, and recorded November 5, 1952, in docket 1019 at pages 491 and 492;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 170 and 171;

General release of easement dated May 2, 1932, and recorded May 2, 1932, in book 45 of miscellaneous at page 500;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 160 and 161;

Deed dated October 5, 1936, and recorded October 19, 1953, in docket 1219 at pages 513 and 514;

Deed dated November 16, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded November 17, 1953, in docket 1234 at pages 162 and 163;

Deed dated May 5, 1938, and recorded May 11, 1938, in book 321 of deeds at page 486;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 168 and 169;

Deed dated July 18, 1923, and recorded August 18, 1923, in book 177 of deeds at pages 447 and 448, as well as in deed from Arthur D. Neuhard to the United States of America, dated December 13, 1922, and recorded December 14, 1922, in book 171 of deeds at pages 298 and 299;

Deed dated July 18, 1931, and recorded August 8, 1931, in book 257 of deeds at pages 510 and 511; and

Deed dated November 3, 1953, and recorded November 17, 1953, in docket 1234 at pages 164 and 165, subject to the rights-of-way set forth in said deed;

to the persons named as grantees or releasee therein or, if such persons no longer hold the possessory interests conveyed by said deeds or released by said general release of easement, then to the persons who succeeded to and now hold such possessory interests.

SEC. 3. Subject to the reservation set out in section 4 of this act, the United States of America hereby quitclaims to the abutting property owners of record on either side of the rights-of-way of the hereinafter described canals to the center lines thereof all of its right, title, and interest in and to the following described property:

All that certain canal right-of-way known as the Maricopa Canal, which takes its head out of the Salt River jointly with that of the Salt River Valley Canal on the north side thereof in section 8, township 1 north, range 4 east, Gila and Salt River base and meridian, and running thence in a northwesterly direction to its terminus in section 27, township 2 north, range 1 east, Gila and Salt River base and meridian, Maricopa County, Ariz., except those portions of said right-of-way through, over, and across the following lands:

North half of the south half section 8, township 1 north, range 4 east.

North half of the south half section 7, township 1 north, range 4 east.

North half of the south half section 12, township 1 north, range 3 east.

Southwest quarter section 1, township 1 north, range 3 east.

Southeast quarter section 2, township 1 north, range 3 east.

Southwest quarter section 25, township 2 north, range 2 east.

Northwest quarter of the northwest quarter of section 36, township 2 north, range 2 east.

North half of the north half of section 34, township 2 north, range 2 east.

Northwest quarter of the northwest quarter of the northeast quarter of section 33, township 2 north, range 2 east.

All that certain canal right-of-way known as the Salt River Valley Canal, which takes its head out of the Salt River jointly with that of the Maricopa Canal, on the north side of said river, in section 8, township 1 north, range 4 east, Gila and Salt River base and meridian, and running thence in a westerly direction to its terminus in section 12, township 1 north, range 1 west, Maricopa County, Ariz., except those portions of said right-of-way through, over, and across the following lands:

North half of the south half of section 8, township 1 north, range 4 east.

North half of the south half of section 7, township 1 north, range 4 east.

North half of the south half of section 12, township 1 north, range 3 east.

North half of the northwest quarter of section 12, township 1 north, range 2 east.

North half of the north half of section 11, township 1 north, range 2 east.

North half of the north half of section 10, township 1 north, range 2 east.

North half of the north half of section 9, township 1 north, range 2 east.

North half of the north half of section 8, township 1 north, range 2 east.

North half of the north half of section 7, township 1 north, range 2 east.

North half of the north half of section 12, township 1 north, range 1 east.

North half of the north half of section 11, township 1 north, range 1 east.

North half of the northeast quarter of the northeast quarter of section 10, township 1 north, range 1 east.

Northwest quarter of the northeast quarter of section 10, township 1 north, range 1 east.

North half of the north half of section 9, township 1 north, range 1 east.

Northeast quarter of the northwest quarter of section 8, township 1 north, range 1 east.

North half of the north half of section 7, township 1 north, range 1 east.

North half of the northeast quarter of section 12, township 1 north, range 1 west.

SEC. 4. With respect to all of the lands quitclaimed by this act, all minerals are hereby reserved to the United States, together with the right of the United States, its lessees, permittees, and licensees to enter upon the land to prospect for, drill for, mine, treat, store, transport, and remove such minerals and to use so much of the surface and

subsurface as may be reasonably necessary for the foregoing purposes.

SEC. 5. For the purposes of this act, the deeds from the Salt River Valley Water Users' Association referred to in sections 1 and 2 of this act shall be deemed, insofar as the United States is concerned, to have created possessory interests in the grantees therein named, and the general release of easement referred to in section 2 of this act shall be deemed, insofar as the United States is concerned, to have released possessory interests to the releasee therein named.

SEC. 6. Nothing contained in this act shall be deemed to create or recognize any obligation or liability whatsoever on the part of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the United States of America to quitclaim all its right, title, and interest in and to certain lands in Arizona, except for mineral interests therein, and for other purposes."

PRIVATE FINANCING OF NEW SHIP CONSTRUCTION—BILL PASSED OVER

The bill (H. R. 9987) to amend certain provisions of title XI of the Merchant Marine Act, 1936, as amended, to facilitate private financing of new ship construction, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

Mr. BUTLER. Mr. President, will the Senator from Tennessee withhold his objection for a moment?

Mr. GORE. I withhold my objection.

Mr. BUTLER. May I inquire from whom the objection comes?

Mr. GORE. It has not been the custom of members of the Calendar Committee for the minority publicly to disclose the identity of the colleague who registers an objection.

Mr. BUTLER. Will the Senator do so privately? I should like to talk with the Senator who is objecting, if possible. This is very important legislation. It is completely noncontroversial.

Mr. GORE. I shall be happy to confer with the Senator.

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

Mr. BUTLER. I yield.

Mr. MAGNUSON. I am sure that my friend from Maryland does not wish the RECORD to show that this legislation is completely noncontroversial. I am not the objector referred to in this case, but I think this is too important a piece of legislation, and too complicated to be passed by unanimous consent upon the call of the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE IN FEDERAL AID FOR SUPPORT OF DISABLED SOLDIERS, SAILORS, AND AIRMEN OF THE UNITED STATES

The bill (H. R. 8180) to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers, sailors, and airmen of the United States was considered, ordered to a third reading, read the third time, and passed.

EDUCATION AND TRAINING BENEFITS TO CERTAIN VETERANS

The bill (H. R. 9888) to amend the laws granting education and training benefits to certain veterans to extend the period during which such benefits may be offered was considered, ordered to a third reading, read the third time, and passed.

COMPENSATION FOR OVERTIME EMPLOYEES OF THE UNITED STATES PUBLIC HEALTH, FOREIGN QUARANTINE DIVISION

The bill (H. R. 6253) to amend Public Law 410, 78th Congress, with regard to compensation for overtime, Sunday, and holiday work of employees of the United States Public Health Service, Foreign Quarantine Division, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MURRAY. Mr. President, reserving the right to object—and I shall not object—I should like to ask a question of the Senator from Connecticut [Mr. PURTELL]. Do I understand correctly that the class of carriers exempted under the last paragraph of this bill from paying for public-health inspection includes any and every airline which operates regularly and publishes schedules?

Mr. PURTELL. The Senator is correct. The charges imposed under this bill do not apply at any time to any airline whose operations are covered by published schedules.

Mr. MURRAY. I was sure that was the intent of the committee. I am glad to have the information. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF SECTION 345, REVENUE ACT OF 1951—BILL PASSED OVER

The bill (H. R. 6440) to amend section 345 of the Revenue Act of 1951 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, I offer an amendment to the bill.

Mr. GORE. Over.

Mr. HENDRICKSON. This measure is clearly not a calendar measure. It should not be passed on the call of the calendar. On that ground I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCARRAN. Mr. President——

Mr. HENDRICKSON. Of course, I gladly withhold my objection if the Senator from Nevada wants to make an explanation of the bill.

Mr. McCARRAN. I wanted to offer an amendment to the bill.

Mr. POTTER. Mr. President, will the Senator withhold his objection so that I may make an inquiry about the bill? I should like to address some questions to the chairman of the Committee on Finance.

Mr. HENDRICKSON. I withhold my objection.

Mr. POTTER. It is my understanding that the Senate committee adopted as an amendment to this bill S. 3588, which was introduced by the late Senator Butler, of Nebraska, and sponsored by the Senator from Nebraska [Mr. REYNOLDS]. It is my understanding that they accepted the bill in toto as an amendment to the bill now under consideration, but that inadvertently, due to an omission by the clerk, some language was left out of the bill. I am wondering if the chairman is familiar with that situation.

Mr. MILLIKIN. I think I am reasonably familiar with it.

Mr. POTTER. Can the chairman tell me whether it was done inadvertently, or whether there was some purpose behind it, because it greatly affects the interests of my State of Michigan, for example.

Mr. MILLIKIN. There was no purpose behind it in any invidious sense. Objection has been made to House bill 6440, and the bill will go over. Even if objection had not been made by the Senator from Tennessee [Mr. GORE], I think another objection would be made. So we will thrash it out in the Senate.

I shall be very glad to consult with the junior Senator from Michigan, or anybody else who may be interested.

Mr. POTTER. I thank the Senator, and I hope before the proposed legislation comes before the Senate for debate, we shall have an opportunity to consult and possibly offer an amendment to the language, as amended, in order to meet any objections the committee might have.

Mr. MILLIKIN. It is apparent now that there are several matters which the Members are not satisfied with, so I think it is proper that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CITATION OF WENDELL H. FURRY FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 306) to cite Wendell H. Furry for contempt of the Senate was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HENDRICKSON. May we have an explanation of the resolution?

Mr. McCARTHY. Calendar No. 2063, Senate Resolution 306, relates to the case

of Wendell H. Furry, an associate professor at Harvard University at Cambridge, Mass. The investigating subcommittee and the full committee unanimously—I believe it was unanimously—voted that contempt proceedings be brought against Furry, after we first got an opinion from the Attorney General.

There are five contempt cases. We wrote the Attorney General, and while he could not give us an official opinion, he did write us that he thought these cases were good contempt cases.

Let me state briefly the Furry case:

Furry was an associate professor at Harvard University. He testified in public session before the investigating committee on January 15 of this year. He admitted that he had been a member of the Communist Party at Harvard University. The first time he appeared he invoked the fifth amendment; the second time he appeared he did not.

He testified that while he was a member of the Communist Party, employed in secret radar work, at least six other members of the Communist Party were likewise so employed. He was questioned in detail as to the names of the other six Communists who were working in secret radar work, where they were located, where they were working in Government, and what they were doing. He refused to answer. He did not invoke the fifth amendment. If he had invoked the fifth amendment, I feel we could not have cited him for contempt. He invoked no part of the Constitution. He merely refused to answer.

Mr. HENDRICKSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 306) to cite Wendell H. Furry for contempt of the Senate was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Committee on Government Operations of the United States Senate as to the refusal of Wendell H. Furry to answer questions before the Senate Permanent Subcommittee on Investigations, said refusal to answer being pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate to the United States Attorney for the District of the State of Massachusetts, to the end that the said Wendell H. Furry may be proceeded against in the manner and form provided by law.

CITATION OF LEON J. KAMIN FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 307) to cite Leon J. Kamin for contempt of the Senate was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the resolution?

Mr. McCARTHY. I shall be glad to make an explanation.

This is the case of Leon J. Kamin. On January 15, 1954, at Boston, Mass., Kamin testified before the investigating committee that he was a research assistant at Harvard. He admitted that he had been a member of the Communist Party from November of 1945 until January of 1946. He said he dropped out and rejoined the party in 1947 and remained a member of the Communist Party until 1950. He admitted that he was a paid functionary of the Communist Party, and that his name in the Communist Party was Leo Soft, which name he used while writing articles for the Daily Worker.

On eight different occasions Kamin refused to answer questions concerning the identity of other individuals he knew to be Communists and who were employed in handling classified defense work for the United States Government.

He did not invoke the fifth amendment. In other words, he said, "Yes; I was a Communist from 1945 to 1946 and from 1947 to 1950. I knew other Communists worked in handling classified Government work."

We asked him to name them, and he refused to do so. He did not invoke the fifth amendment. If he had, I believe he would not have been subject to citation for contempt.

On two occasions he declined to answer on the grounds of good conscience, under the first amendment. On the other occasions he merely refused to answer, invoking the privilege of no amendment to the Constitution whatsoever.

Mr. HENDRICKSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 307) to cite Leon J. Kamin for contempt of the Senate was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Committee on Government Operations of the United States Senate as to the refusal of Leon J. Kamin to answer questions before the Senate Permanent Subcommittee on Investigations, said refusal to answer being pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate to the United States attorney for the District of the State of Massachusetts, to the end that the said Leon J. Kamin may be proceeded against in the manner and form provided by law.

CONCEALING OF PERSONS FROM ARREST

The bill (H. R. 7486) to amend section 1071 of title 18, United States Code, relating to the concealing of persons from arrest, so as to increase the penalties therein provided, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 26) to amend chapter 19, title 5, of the United States Code, entitled "Administrative Procedure," so as to prohibit the employment by any person of any member, official, attorney, or employee of a Government agency except under certain conditions was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

PUNISHMENT OF PERSONS WHO JUMP BAIL

The bill (H. R. 8658) to amend title 18, United States Code, to provide for the punishment of persons who jump bail was considered, ordered to a third reading, read the third time, and passed.

REGULATION OF ADMISSION TO VIRGIN ISLANDS OF INFESTED OR INFECTED CATTLE OR CHICKENS

The Senate proceeded to consider the bill (S. 3800) to amend section 6 of the act of August 30, 1890, as amended, and section 2 of the act of February 2, 1903, as amended, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 5, after the word "freed", to strike out "therefrom"." and insert "therefrom." ", so as to make the bill read:

Be it enacted, etc., That section 6 of the act of August 30, 1890 (26 Stat. 414, 416; 21 U. S. C. 104), entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," as amended, is further amended by deleting the words "and the admission into the Virgin Islands" immediately following the word "Texas" in the first sentence of such section; deleting the period at the end of such sentence; and adding the following clause after the word "therefrom" in such sentence: ", and the admission from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle which have been infested with or exposed to ticks upon being freed therefrom."

SEC. 2. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792; 21 U. S. C. 111), entitled "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes", as amended, is further amended by deleting the proviso reading: ": *Provided,* That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE FOREST FIRE PROTECTION COMPACT

The bill (H. R. 6393) granting the consent and approval of Congress to an interstate forest fire protection compact, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ELLENDER. Mr. President, this bill would give the consent of Congress to Arkansas, Louisiana, Mississippi, Oklahoma, and Texas to enter into the South Central Interstate Forest Fire Protection Compact. That compact is similar to the northeastern and southeastern

forest fire protection compacts which have heretofore been approved by Congress. It provides for cooperation in the prevention and suppression of forest fires. Each member State would, first, formulate its own forest fire plan and integrate it with a regional forest fire plan formulated by compact administrators; second, render assistance to other States upon request; and third, be given—for itself and its employees—certain duties, rights, privileges, immunities, and responsibilities necessary to effectuation of the compact. The Department of Agriculture would be authorized to act as primary research and coordinating agency and to make recommendations with respect to the regional fire plan. The Department has indicated that this would not require additional direct Federal expenditures.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8193) to amend the Refugee Relief Act of 1953 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

MONIEK LEMBERGER AND OTHERS

The bill (S. 575) for the relief of Moniek Lemberger, Frida Lemberger, and Peysach Lemberger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Moniek Lemberger, Frida Lemberger, and Peysach Lemberger shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

KURT GLASER

The bill (S. 1083) for the relief of Kurt Glaser was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Kurt Glaser shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CHARALAMPOS SOCRATES IOSSIFOGLU AND OTHERS

The bill (S. 1291) for the relief of Charalampos Socrates Iossifoglu, Nora Iossifoglu, Helen Iossifoglu, and Efrossini Iossifoglu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Charalampos Socrates Iossifoglu, Nora Iossifoglu, Helen Iossifoglu, and Efrossini Iossifoglu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

GERARD LUCIEN DANDURAND

The bill (S. 1417) for the relief of Gerard Lucien Dandurand was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Gerard Lucien Dandurand. From and after the date of enactment of this act, the said Gerard Lucien Dandurand shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

CONSTANTINOS PANTERMALIS

The bill (S. 1622) for the relief of Constantinos Pantermalis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Constantinos Pantermalis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ALEXY W. KATYLL AND IOANNA KATYLL

The bill (S. 2010) for the relief of Alexy W. Katyll and Ioanna Katyll was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Alexy W. Katyll and Ioanna Katyll shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

DEBORAH JORDAN WILLIAMS (GRACE YOKO WATANABE)

The bill (S. 2056) for the relief of Deborah Jordan Williams (Grace Yoko Watanabe) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Deborah Jordan Williams (Grace Yoko Watanabe), shall be held and considered to be the natural-born alien child of Maj. and Mrs. Robert Willoughby Williams, citizens of the United States.

GARABED PAPAZIAN

The bill (S. 2329) for the relief of Garabed Papazian was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Garabed Papazian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

DAVID WEI-DAO LEA AND JULIA AN-FONG WANG LEA

The bill (S. 2452) for the relief of David Wei-Dao Lea and Julia An-Fong Wang Lea was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, David Wei-Dao Lea and Julia An-Fong Wang Lea shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

LUPE M. GONZALEZ

The Senate proceeded to consider the bill (S. 2525) for the relief of Lupe M. Gonzalez which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee.", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Lupe M. Gonzalez shall be held and considered to have been lawfully admitted to the

United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. LUCIANO A. LEGIARDI-LAURA

The bill (S. 2613) for the relief of Dr. Luciano A. Legiardi-Laura was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Dr. Luciano A. Legiardi-Laura, who lost United States citizenship under the provisions of the first paragraph of section 2 of the act of March 2, 1907, may be naturalized by taking, prior to 1 year after the date of enactment of this act, before any court referrd to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Dr. Luciano A. Legiardi-Laura shall have the same citizenship status as that which existed immediately prior to its loss.

ESTHER JOANNE POTTER

The bill (S. 2640) for the relief of Esther Joanne Potter was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Esther Joanne Potter, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Gail M. Potter, citizens of the United States.

VICTORIANA AREITIO BERINCUA

The bill (S. 2646) for the relief of Victoriana Areitio Berincua was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Victoriana Areitio Berincua shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

MARY GEORGE SOLOMON

The bill (S. 2667) for the relief of Mary George Solomon was announced as next in order.

The PRESIDING OFFICER. The Chair will state that there is a companion bill, Calendar No. 2255, H. R. 7051.

Mr. CLEMENTS. Mr. President, I move that the Senate consider H. R. 7051, for the relief of Mary George Solomon, in lieu of the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and the bill (H. R. 7051) for the relief of Mary George Solomon, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2667 is indefinitely postponed.

MOXON J. VAN DEN ABEELE

The bill (S. 2674) for the relief of Moxon J. van den Abeele was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Moxon J. van den Abeele may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground of exclusion of which the Secretary of State or the Attorney General had knowledge prior to the enactment of this act.

CHRISTOS PAUL ZOLOTAS

The bill (S. 2830) for the relief of Christos Paul Zolotas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Christos Paul Zolotas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JONAS DERCAUTAN

The bill (S. 2840) for the relief of Jonas Dercautan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purposes of the Immigration and Nationality Act, Jonas Dercautan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

URSULA ELSE BOYSEN

The bill (S. 2843) for the relief of Ursula Else Boysen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Ursula Else Boysen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ELISA-POMPEA ROPPO (ELISA POMPEA CARDONE)

The bill (S. 2849) for relief of Elisa-Pompea Roppo (Elisa-Pompea Cardone) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Elisa-Pompea Roppo (Elisa-Pompea Cardone), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Michael Roppo, citizens of the United States.

SISTER ANNA SCRINZI AND OTHERS

The bill (S. 2884) for the relief of Sister Anna Scrinzi, Sister Giuliana Paladini, Sister Iolanda Mazzocchi, and Sister Giuseppina Zanchetta was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Sister Anna Scrinzi, Sister Giuliana Paladini, Sister Iolanda Mazzocchi, and Sister Giuseppina Zanchetta shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

HON CHEUN KWAN

The bill (S. 2887) for the relief of Hon Cheun Kwan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Hon Cheun Kwan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JAN HAJDUKIEWICZ

The bill (S. 2904) for the relief of Jan Hajdukiewicz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Jan Hajdukiewicz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-

control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ERVIN FUCHS

The bill (S. 2921) for the relief of Ervin Fuchs was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigation and Nationality Act, Ervin Fuchs may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground of exclusion of which the Secretary of State or the Attorney General had knowledge prior to the enactment of this act.

ROBERT A. BORROMEO

The bill (S. 2922) for the relief of Robert A. Borromeo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Robert A. Borromeo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

DOMENICO SCARAMUZZINO

The bill (S. 2950) for the relief of Domenico Scaramuzzino was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Domenico Scaramuzzino shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CHRISTINE THUM

The bill (S. 2954) for the relief of Christine Thum was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Christine Thum, the fiance of William Ritchie Smith, a citizen of the United States, shall be eligible for visa as a nonimmigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Christine Thum is coming to the United States with a bona fide intention of being married to the said William Ritchie Smith, and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Christine Thum, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Christine Thum, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Christine Thum as of the date of the payment by her of the required visa fee.

FRANCISZEK JANICKI AND STEFANIA JANICKI

The bill (S. 2968) for the relief of Franciszek Janicki and Stefania Janicki was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Franciszek Janicki and Stefania Janicki shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees.

ROGER OUELLETTE

The bill (S. 2984) for the relief of Roger Ouellette was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Roger Ouellette may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

SISTER RAMONA MARIA (RAMONA E. TOMBO)

The bill (S. 2996) for the relief of Sister Ramona Maria (Ramona E. Tombo) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc, That, for the purposes of the Immigration and Nationality Act, Sister Ramona Maria (Ramona E. Tombo) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

MIROSLAV SLOVAK

The bill (S. 3029) for the relief of Miroslav Slovak was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Miroslav Slovak shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That the past membership of Miroslav Slovak in the classes defined in section 212 (a) (28) of the Immigration and Nationality Act shall not hereafter be a cause for his exclusion from the United States.

ANTONIN VOLEJNICEK

The bill (S. 3031) for the relief of Antonin Volejnicek was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Antonin Volejnicek shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

BOHUMIL SURAN

The bill (S. 3032) for the relief of Bohumil Suran was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Bohumil Suran shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JAN R. CWIKLINSKI

The bill (S. 3055) for the relief of Jan R. Cwiklinski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Jan R. Cwiklinski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. SMATHERS. Mr. President, I ask unanimous consent that Calendar Nos. 2104, S. 3058, to and including No. 2218, H. R. 7045, be passed en bloc, with the amendment or amendments thereto, as the case may be.

The PRESIDING OFFICER. The Chair will state that there are two House bills of an identical nature included in the bills referred to by the Senator from Florida.

Mr. SMATHERS. I should like to amend my request by including the consideration of the two House bills and having the two corresponding Senate bills indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, I did not understand the Senator's request.

The PRESIDING OFFICER. The request was that the Senate pass en bloc the bills indicated by the junior Senator from Florida, with two exceptions where there are identical House bills, and that the House bills be passed in place of the Senate bills.

Mr. WATKINS. Mr. President, I did not hear the unanimous-consent request.

The PRESIDING OFFICER. The Chair will state that the request of the junior Senator from Florida was to the effect that, starting with Calendar 2104, S. 3058, down to and including Calendar 2218, H. R. 7045, the bills be considered en bloc, with the committee amendments agreed to, and that two identical House bills be substituted for the companion Senate bills and that the two Senate bills be indefinitely postponed.

Mr. WATKINS. I only wanted to know what was going on.

Mr. McCARRAN. Mr. President, these are all immigration bills, and there can be no serious objection.

Mr. WATKINS. Reserving the right to object, I merely wanted to find out what we were doing. I could not hear all that was being said.

Mr. COOPER. I am sorry I did not hear and understand fully the statements which were made respecting this arrangement. I certainly do not want to hold up the procedure and the progress of the Senate.

I must say, however, that I think it is a bad procedure, in that it does not permit individual Members of the Senate, whether or not they may have objections, to make their objections known to the majority Calendar Committee or to the Calendar Committee of the minority. It does not give them a chance to register their objections upon individual bills. There might not be any objection at all to any of these bills, but I think it is a bad precedent, and I object.

The PRESIDING OFFICER. Objection is heard, and the call of the Calendar will proceed.

Mr. HENDRICKSON obtained the floor.

Mr. CASE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HENDRICKSON. I yield.

The PRESIDING OFFICER The Senator from South Dakota will state his parliamentary inquiry.

Mr. CASE. Is it not correct that any Member of the Senate could object to the request and ask to have any particular bill set apart so he could register individual objection?

The PRESIDING OFFICER. That is correct.

Mr. CASE. Mr. President, I should like to be recognized for 30 seconds.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. HENDRICKSON. I thought I had already yielded for a parliamentary inquiry.

Mr. CASE. Mr. President, I merely hoped that the parliamentary inquiry might call that fact to the attention of the Senator from Kentucky, and wondered if that would not meet the objection that he raised. In his objection he indicated that he thought individual Senators might lose their right to object. It is obvious that any Senator does have a right to object and to have separate bills segregated from this group if he desires to object. In view of that fact, and in view of the absence of any such request, I was hoping the Senator might withdraw his objection.

Mr. HENDRICKSON. Mr. President, I was about to say, when I was recognized, in fairness to the distinguished Senator from Florida, that he came over to the Republican side and asked if we had any objections registered to any of these bills, and I told him we had not. I therefore assumed, when he made his unanimous-consent request, that Senators on the other side of the aisle had no objection, either.

Mr. SMATHERS. In order to save time, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The request is withdrawn, and the Clerk will proceed with the call of the calendar.

CERTAIN NATIONALS OF ITALY

The bill (S. 3058) for the relief of certain nationals of Italy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Teresa Arlorio (Sister M. Augusta), Rosemma Brignolo (Sister M. Davidica), Anna Maria De Toffoli (Sister M. Cornelia), Giovanna Donola (Sister M. Natalia), Maria Libera (Sister M. Alma), Anna Teresa Micca (Sister M. Annunziata), Giovanna Marletta (Sister M. Cunegonda), Maria Muzzi (Sister M. Beniamina), Maria Panero (Sister M. Immacolata), Maria Rosa Pisano (Sister M. Paolina), Maria Saccone (Sister M. Agape), Luigina Torasan (Sister M. Leona), Marcellina Tozzi (Sister M. Adalgisa), and Teresina Zanotto (Sister M. Chiara) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

PETER CHARLES BETHEL

The bill (S. 3087) for the relief of Peter Charles Bethel (Peter Charles Peters) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Peter Charles Bethel (Peter Charles Peters) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CHRISTA HARKRADER

The bill (S. 3094) for the relief of Christa Harkrader was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Christa Harkrader shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

EMIKO WATANABE

The bill (S. 3112) for the relief of Emiko Watanabe was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Emiko Watanabe, the fiancée of T. A. Brice, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Emiko Watanabe is coming to the United States with a bona fide intention of being married to the said T. A. Brice and (2) that she is found otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Emiko Watanabe, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur wihin 3 months after the entry of the said Emiko Watanabe, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Emiko Watanabe as of the date of the payment by her of the required visa fee.

WAKAKO NIIMI AND HER MINOR CHILD, KATHERINE

The bill (S. 3138) for the relief of Wakako Niimi and her minor child, Katherine was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Wakako Niimi, the fiancée of Jerrold Lynn Cunningham, a citizen of the United States, and her minor child, Katherine, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months, if the administrative authorities find (1) that the said Wakako Niimi is coming to the United States with a bona fide intention of being married to the said Jerrold Lynn Cunningham and (2) that they are otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Wakako Niimi and the minor child, Katherine, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Wakako

Niimi and her minor child, Katherine, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kakako Niimi and her minor child, Katherine, as of the date of the payment by them of the required visa fees.

FRANCESCO PUGLIESE

The bill (S. 3148) for the relief of Francesco Pugliese was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Francesco Pugliese, shall be held and considered to be the natural-born alien child of Harold P. Koblens, a citizen of the United States.

XANTHI GEORGES KOMPOROZOU

The Senate proceeded to consider the bill (S. 3150) for the relief of Xanthi Georges Komporozou.

Mr. HOLLAND. Mr. President, this is the bill as to which I had asked to have the Senate committee report printed in the RECORD. I assume that request has already been granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 2085) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to which was referred the bill (S. 3150) for the relief of Xanthi Georges Komporozou, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Xanthi Georges Komporozou. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Greece who last entered the United States as a visitor on July 29, 1950, accompanying her employers, Lt. Col. and Mrs. Joseph McChristian, West Point, N. Y. Mrs. McChristian is the daughter of Gen. and Mrs. James A. Van Fleet. She suffered an attack of pulmonary tuberculosis 3 years ago and the benficiary of the bill has taken charge of the McChristian children.

A letter, with attached memorandum, dated June 25, 1954, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

JUNE 25, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3150) for the relief of Xanthi Georges Komporozou, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

—— ——, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE XANTHI GEORGES KOMPOROZOU, BENEFICIARY OF S. 3150

Xanthi Georges Komporozou is single, a native and citizen of Greece, and was born on October 3, 1909, at Manolas. Her only entry into the United States was on July 29, 1950, at New York, N. Y., when she was admitted as a visitor, accompanying her employers, Lt. Col. and Mrs. Joseph McChristian, West Point, N. Y. She has received four extensions, the last one to expire on May 27, 1954.

Miss Komporozou has been nursemaid to Lieutenant Colonel and Mrs. McChristian's three children since December 1949. She has cared for the children since Mrs. McChristian's attack of pulmonary tuberculosis 3 years ago, and has been practically a mother to the 3 children. Mrs. McChristian is the daughter of Gen. and Mrs. James A. Van Fleet.

Miss Komporozou has no assets, but little formal education, and has educated herself by having tutors and by self-teaching. Miss Komporozou speaks classical Greek fluently and has taught the McChristian children the Greek language.

She has no relatives in the United States. Her two sisters and a half-brother reside in Greece.

Senator SPESSARD L. HOLLAND, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
April 1, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: As you know, on March 17 I introduced S. 3150, a bill to grant permanent residence to Xanthi Georges Komporozou, and this bill is now pending before your committee.

I am enclosing herewith a copy of a letter to me from General Van Fleet, as well as a copy of a letter from the General's daughter to him, both of which are self-explanatory.

This appears to me to be a meritorious case, and I will appreciate anything you may do to secure early consideration of S. 3150.

With kind regards, I remain

Yours faithfully,

SPESSARD L. HOLLAND.

AUBURNDALE, FLA., *March 15, 1954.*

Senator SPESSARD L. HOLLAND,
Senate Office Building, Washington, D. C.

DEAR SPESSARD: I have a great favor to ask of you.

It is to ask you to introduce special legislation which will authorize the retention in this country, and to become an American citizen, of a Greek nurse who has been in my family in this country for nearly 4 years.

The reason for special legislation is the fact that the Greek quota for entry into the United States is small and is oversubscribed for many years to come. I believe her case is outstanding and merits special legislation.

Her name is Miss Xanthi Georges Komporozou, born in Manolada, Greece, October 3, 1910.

Miss Komporozou is presently living with my daughter Dempsie, wife of Col. Joseph A. McChristian, United States Army, at West Point, N. Y.

Miss Komporozou holds passport No. 5900 issued by the Greek Government in Athens, Greece, June 14, 1950. It is valid until May 9, 1955, but the current visa No. 963210 is valid only until May 27, 1954.

Miss Komporozou's parents are dead. She has no living relatives and no home. She desires to become an American citizen.

I am enclosing a statement concerning Miss Komporozou, submitted by my daughter Dempsie.

Colonel McChristian was raised in Miami Beach and is also a friend of Senator GEORGE SMATHERS.

With warm regards to you and Mary,

Cordially,

JAMES A. VAN FLEET,
General, United States Army (Retired).

WEST POINT, N. Y., *March 10, 1954.*

Gen. JAMES A. VAN FLEET,
United States Army (Retired),
Auburndale, Fla.

DEAR DADDY: Here briefly are the facts, most of which you know already, about Xanthi.

She is Miss Xanthi Georges Komporozou, born in Manolada, Greece, October 3, 1910. She is presently in possession of passport No. 5900, issued by the Greek Government in Athens June 14, 1950. It is valid until May 9, 1955, but her visa No. 963210 is valid only until May 27, 1954. Her parents are dead and she has no (relatives) and no home. She wants more than anything in this world to become an American citizen. The Greek quota is small and already oversubscribed for years to come.

Her integrity, loyalty, superior ideals—in fact all the qualities which would make her an ideal American citizen—are, of course, the very reasons we found her in the first place. You recall this was just before Christmas, a little over 3 years ago, in Greece, and the Communists had made public threat to assassinate you, and they did get the man near you. You were under constant police guard and we were all scared to death for fear something would happen to you or to your grandchildren. And with your third grandchild due any day we, or rather mother, appealed to the lady-in-waiting to the Queen—Mary Carolou—to find someone who could be trusted completely. Mary Carolou sent us Xanthi Komporozou, who had been in her own home for many years.

When we returned to the States in July 1950, we were able to bring Xanthi with us on a temporary visitor's visa for 6 months. When she was due to return to Greece she was midway in extensive dental work and we were able to extend her visa for another 6 months.

During this time we were transferred from Norfolk, Va., to West Point, N. Y., and on arriving at West Point it was discovered that I had contracted tuberculosis in Greece. I know you well recall that terrible experience.

The same day that I entered Fitzsimons Hospital in Denver, in April 1951, you were suddenly sent to Korea to command the Eighth Army. It seemed pretty glum—in fact, downright unsolvable, since it meant 2 years minimum hospitalization for me and no small amount of anguish about our 3 children.

Any ordinary person would have left in a hurry, but Xanthi quietly put aside her own life and plans and took up all of our burdens. Our case was presented to the immigration officials in New York and they were very kind and agreed to extend her visit.

Two years later I came back from the hospital and you came back from Korea. Then in October 1953 it was discovered that my tuberculosis was not cured and the doctors recommended surgery, which was performed at great expense at Harkness Pavilion, Presbyterian Hospital in New York City.

This time we were fortunate to get a letter from the National Employment Service

saying that they could not furnish anyone to take Xanthi's place to care for the children and so her visa was extended until May 1954. But during all these past many months, which by now is almost 4 years, Xanthi Komporozou has become not just irreplaceable, but inseparable from us as a loved member of the family. Not only has she cared for the children completely and nursed them when they were ill, but she has loved them as her own and in truth, could not be much more loved by us all had she been born into the family.

She has taught the children the Greek language and Greek philosophy. She has won the admiration of all who know us at West Point. That she would be a credit to our country goes without saying. Her health is excellent. She is known by many people of prominence. Archbishop Michael, of the Greek Orthodox Church of North and South America, stated from his pulpit that she was an example to all Greeks in this country.

And so I am appealing to you, Daddy, because of Xanthi's loyalty to your family at a dangerous time in Greece and because of her 4 selfless years of devotion since—thus freeing your mind when the country needed you both for Greece and for Korea. I believe all of this deserves rewarding, and all who know her feel it justifies special legislation allowing her to remain as a citizen in the United States.

These are the facts concerning Xanthi. You may use this letter as you wish.

With love,

DEMPSIE.

(Dempsie Van Fleet McChristian, wife of Col. Joseph A. McChristian.)

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3150) should be enacted.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Xanthi Georges Komporozou shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the apyropriate quota for the first year that such quota is available.

SLAVOLJUB DJUROVIC AND GORAN DJUROVIC

The bill (S. 3156) for the relief of Slavoljub Djurovic and Goran Djurovic was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Slavoljub Djurovic and Goran Djurovic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

ROSARIO ESTEVEZ DE APONTE

The bill (S. 3164) for the relief of Rosario Estevez de Aponte (nee Frias), otherwise known as Rosario Estevez Aponte, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Rosario Estevez de Aponte (nee Frias), otherwise known as Rosario Estevez Aponte, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

MARIA ELENA VENEGAS AND SARAH LUCIA VENEGAS

The bill (S. 3218) for the relief of Maria Elena Venegas and Sarah Lucia Venegas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Maria Elena Venegas and Sarah Lucia Venegas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

ARON KLEIN AND ZITA KLEIN

The bill (S. 3234) for the relief of Aron Klein and Zita Klein (nee Spielman) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Aron Klein and Zita Klein (nee Spielman) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

ANNI STROEE JACOBSEN

The bill (S. 3404) for the relief of Anni Stroee Jacobsen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (b) and 203 (a) (3) of the Immigration and Nationality Act (8 U. S. C. 1101 (b) and 1152 (a) (3)), Anni Stroee Jacobsen shall be held and considered to be the natural born alien child of her adoptive parents, Hans Peter Jacobsen, and his wife, Else Margrethe Stroee Jacobsen.

JUNE ROSE McHENRY

The bill (S. 3415) for the relief of June Rose McHenry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, June Rose McHenry shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

LISELOTTA KUNZE

The bill (S. 3485) for the relief of Liselotta Kunze was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Liselotta Kunze, the fiance of John D. Beighley, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Liselotta Kunze is coming to the United States with a bona fide intention of being married to the said John D. Beighley and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Liselotta Kunze, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Liselotta Kunze, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Liselotta Kunze as of the date of the payment by her of the required visa fee.

MRS. HILDEGARD SIMON WALLEY

The bill (S. 3586) for the relief of Mrs. Hildegard Simon Walley was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Mrs. Hildegard Simon Walley may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

ELEONORE SCHMUCKER AND HER CHILD

The bill (S. 3598) for the relief of Eleonore Schmucker and her child was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, in the administration of such act, Eleonore Schmucker, the fiance of Corp. Jay E. Woolf, a citizen of the United States, and her child shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months, if the administrative authorities find (1) that the said Eleonore Schmucker is coming to the United States with a bona fide intention of being married to the said Corp. Jay E. Woolf and (2) that she and her child are otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Eleonore Schmucker, she and her child shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provi-

sions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Eleonore Schmucker, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Eleonore Schmucker and her child as of the date of the payment by her of the required visa fees.

GEORGE D. KYMINAS

The bill (H. R. 669) for the relief of George D. Kyminas was considered, ordered to a third reading, read the third time, and passed.

ISRAEL RATSPRECHER AND MARYSE RATSPRECHER

The bill (H. R. 787) for the relief of Israel Ratsprecher and Maryse Ratsprecher was considered, ordered to a third reading, read the third time, and passed.

CHRISTAKIS MODINOS

The bill (H. R. 803) for the relief of Christakis Modinos was considered, ordered to a third reading, read the third time, and passed.

ENRICHETTA F. C. MEDA-NOVARA

The bill (H. R. 804) for the relief of Enrichetta F. C. Meda-Novara was considered, ordered to a third reading, read the third time, and passed.

CIRIACO CATINO

The bill (H. R. 868) for the relief of Ciriaco Catino was considered, ordered to a third reading, read the third time, and passed.

FRANCISZEK WOLCZEK

The bill (H. R. 905) for the relief of Franciszek Wolczek was considered, ordered to a third reading, read the third time, and passed.

PANOULA PANAGOPOULOS

The bill (H. R. 950) for the relief of Panoula Panagopoulos was considered, ordered to a third reading, read the third time, and passed.

MRS. AIMEE DUTOUR ROVZAR

The bill (H. R. 977) for the relief of Mrs. Aimee Dutour Rovzar was considered, ordered to a third reading, read the third time, and passed.

MRS. WAI-JAN LOW FONG

The bill (H. R. 1171) for the relief of Mrs. Wai-Jan Low Fong was considered, ordered to a third reading, read the third time, and passed.

GEORGINA CHINN

The bill (H. R. 1324) for the relief of Georgina Chinn was considered, ordered to a third reading, read the third time, and passed.

ILONA ELIZABETH CARRIER

The bill (H. R. 1463) for the relief of Ilona Elizabeth Carrier was considered, ordered to a third reading, read the third time, and passed.

ARTHUR NEUSTADT AND MRS. EMMA NEUSTADT

The bill (H. R. 1646) for the relief of Arthur Neustadt and Mrs. Emma Neustadt was considered, ordered to a third reading, read the third time, and passed.

MRS. KATHARINA BATKE

The bill (H. R. 1697) for the relief of Mrs. Katharina Batke was considered, ordered to a third reading, read the third time, and passed.

MRS. BETTY E. LaMAY

The bill (H. R. 1897) for the relief of Mrs. Betty E. LaMay was considered, ordered to a third reading, read the third time, and passed.

IVO MARKULIN

The bill (H. R. 2051) for the relief of Ivo Markulin was considered, ordered to a third reading, read the third time, and passed.

JOSEPH VEICH, ALSO KNOWN AS GUISEPPE VEIC

The bill (H. R. 2359) for the relief of Joseph Veich, also known as Guiseppe Veic was considered, ordered to a third reading, read the third time, and passed.

OLGA ABITIA

The bill (H. R. 2635) for the relief of Olga Abitia was considered, ordered to a third reading, read the third time, and passed.

SISTER LINDA SALERNO AND OTHERS

The bill (H. R. 2654) for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Marie Assunta Scaramuzzo, Franceschina Cauterucci, and Filomena Lupinacci was considered, ordered to a third reading, read the third time, and passed.

MIYOKO NAGARE

The bill (H. R. 2793) for the relief of Miyoko Nagare was considered, ordered to a third reading, read the third time, and passed.

JUAN ONATIVIA

The bill (H. R. 2879) to stay deportation proceedings on Juan Onativia was considered, ordered to a third reading, read the third time, and passed.

DIMITRA MAKHAVITZKI

The bill (H. R. 3116) for the relief of Dimitra Makhavitzki was considered, ordered to a third reading, read the third time, and passed.

ALEXANDER HAHN AND SUZANNE HAHN

The bill (H. R. 3125) for the relief of Alexander Hahn and Suzanne Hahn was considered, ordered to a third reading, read the third time, and passed.

CARMEN SALVADOR AND HER DAUGHTER, RUBY SALVADOR

The bill (H. R. 3344) for the relief of Carmen Salvador and her daughter, Ruby Salvador, was considered, ordered to a third reading, read the third time, and passed.

TOKI YAEKO

The bill (H. R. 3444) for the relief of Toki Yaeko was considered, ordered to a third reading, read the third time, and passed.

NICOLETTA DI DONATO

The bill (H. R. 3616) for the relief of Nicoletta Di Donato was considered, ordered to a third reading, read the third time, and passed.

SISTER PAOLINA (ANGELA DI FRANCO)

The bill (H. R. 3677) for the relief of Sister Paolina (Angela Di Franco) was considered, ordered to a third reading, read the third time, and passed.

BABETTE MUELLER ESPOSITO

The bill (H. R. 3759) for the relief of Babette Mueller Esposito was considered, ordered to a third reading, read the third time, and passed.

SISTER AGRIPPINA AND OTHERS

The bill (H. R. 3855) for the relief of Sister Agrippina (Agrippina Palermo), Sister Battistina (Franceschina Serpa), Sister Romana (Angela Iolanda Morelli), Sister Franceschina (Maria Caruso), and Sister Bruna (Giuseppina De Caro) was considered, ordered to a third reading, read the third time, and passed.

MIRA TELLINI NAPOLEONE

The bill (H. R. 4092) for the relief of Mira Tellini Napoleone was considered, ordered to a third reading, read the third time, and passed.

JUNE ANN SAKURAI

The bill (H. R. 4371) for the relief of June Ann Sakurai was considered, ordered to a third reading, read the third time, and passed.

KAORU YOSHIOKA

The bill (H. R. 4740) for the relief of Kaoru Yoshioka was considered, ordered to a third reading, read the third time, and passed.

MUHITTIN SCHUER

The bill (H. R. 4959) for the relief of Muhittin Schuer was considered, ordered to a third reading, read the third time, and passed.

PAUL FRKOVICH

The bill (H. R. 4998) for the relief of Paul Frkovich was considered, ordered to a third reading, read the third time, and passed.

CARMEN D'OTTAVIO

The bill (H. R. 5072) for the relief of Carmen D'Ottavio, also known as Cameron D'Ottavio, was considered, ordered to a third reading, read the third time, and passed.

SOPHIA NASSOPOULOS

The bill (H. R. 5077) for the relief of Sophia Nassopoulos was considered, ordered to a third reading, read the third time, and passed.

EVA LOWINGER

The bill (H. R. 5443) for the relief of Eva Lowinger was considered, ordered to a third reading, read the third time, and passed.

EDELTRAUD KAMBERG DOUGLASS

The bill (H. R. 5639) for the relief of Edeltraud Kamberg Douglass was considered, ordered to a third reading, read the third time, and passed.

EVANTHIA DEMETRIOS MAKROZONARI

The bill (H. R. 5822) for the relief of Evanthia Demetrios Makrozonari was considered, ordered to a third reading, read the third time, and passed.

ALBERTO UGO LANDRY

The bill (H. R. 5944) for the relief of Alberto Ugo Landry was considered, ordered to a third reading, read the third time, and passed.

BARBARA PATOR ALLEN

The bill (H. R. 6414) for the relief of Barbara Pator Allen was considered, ordered to a third reading, read the third time, and passed.

MARGERS NULLE-SIECENIEKS

The bill (H. R. 6955) for the relief of Margers Nulle-Siecenieks was considered, ordered to a third reading, read the third time, and passed.

GENE C. SZUTU AND FLORENCE C. SZUTU

The bill (H. R. 6987) for the relief of Gene C. Szutu and Florence C. Szutu was considered, ordered to a third reading, read the third time, and passed.

ROSA MARIE ADELHEID HEROK

The bill (H. R. 7138) for the relief of Rosa Marie Adelheid Herok was considered, ordered to a third reading, read the third time, and passed.

ERIKA JETTE LAVERY

The bill (H. R. 7451) for the relief of Erika Jette Lavery was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH FORSTER AUSTIN

The bill (H. R. 7494) for the relief of Elizabeth Forster Austin was considered, ordered to a third reading, read the third time, and passed.

ANGELE MARIE BOYER

The bill (H. R. 7584) for the relief of Angele Marie Boyer (nee Pieniazeck) was considered, ordered to a third reading, read the third time, and passed.

THERESIA PROBST UHL

The bill (H. R. 7593) for the relief of Theresia Probst Uhl was considered, ordered to a third reading, read the third time, and passed.

MICHAEL HENRY LAFLEUR

The bill (H. R. 7606) for the relief of Michael Henry LaFleur was considered, ordered to a third reading, read the third time, and passed.

ENRICO INTRAVAIA

The bill (H. R. 7612) for the relief of Enrico Intravaia was considered, ordered to a third reading, read the third time, and passed.

MRS. ADRIANA M. TRUYERS ARETZ

The bill (H. R. 7628) for the relief of Mrs. Adriana M. Truyers Aretz was considered, ordered to a third reading, read the third time, and passed.

MRS. RUTH GRUSCHKA KRUG

The bill (H. R. 7629) for the relief of Mrs. Ruth Gruschka Krug was considered, ordered to a third reading, read the third time, and passed.

MARTTI IIMARI TIMONEN AND OTHERS

The bill (H. R. 7635) for the relief of Martti Iimari Timonen, Maj-Lis Timonen, and Marja Timonen was considered, ordered to a third reading, read the third time, and passed.

HEINZ GERHARD ROLAPPE

The bill (H. R. 7807) for the relief of Heinz Gerhard Rolappe was considered, ordered to a third reading, read the third time, and passed.

GIUSEPPI CLEMENTI

The bill (H. R. 7924) for the relief of Giuseppi Clementi was considered, ordered to a third reading, read the third time, and passed.

MRS. DINA MIANULLI

The bill (H. R. 7925) for the relief of Mrs. Dina Mianulli (nee Kratzer) was considered, ordered to a third reading, read the third time, and passed.

BART BLAAK

The bill (H. R. 7945) for the relief of Bart Blaak (formerly Johannes J. M. Gijbers) was considered, ordered to a third reading, read the third time, and passed.

PALMINA SMARRELLI

The bill (H. R. 8146) for the relief of Palmina Smarrelli (nee Lattanzio) was considered, ordered to a third reading, read the third time, and passed.

HELMUT CERMAK AND HANA CERMAK

The bill (H. R. 8334) for the relief of Helmut Cermak and Hana Cermak was considered, ordered to a third reading, read the third time, and passed.

PIETRO MEDURI

The Senate proceeded to consider the bill (S. 831) for the relief of Pietro Meduri, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee", to strike out "and head tax", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Pietro Meduri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOKUKO KOBAYASHI AND HER MINOR SON

The Senate proceeded to consider the bill (S. 883) for the relief of Tokuko Kobayashi and her minor son, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Tokuko Kobayashi, the fiancée of Ernest Carl Fehlhaber, a citizen of the United States, and her minor son, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Tokuko Kobayashi is coming to the United States with a bona fide intention of being married to the said Ernest Carl Fehlhaber and that she is found otherwise admissible under the provisions of the Immigration and Nationality

Act other than the provision of section 212 (a) (9) of that act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event that the marriage between the above-named persons does not occur within 3 months after the entry of the said Tokuko Kobayashi, she and her minor son shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Tokuko Kobayashi and her minor son, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Tokuko Kobayashi and her minor son as of the date of the payment by her of the required visa fees.

Mr. McCARRAN. Mr. President, on August 2, 1954, Calendar No. 2179, S. 883, was reported to the Senate from the Committee on the Judiciary.

Since that time, the House has passed H. R. 2901, similar bill, which was referred to the Committee on the Judiciary.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H. R. 2901, and that it be considered in lieu of S. 883.

The PRESIDING OFFICER. Without objection, the Committee on the Judiciary is discharged from the further consideration of House bill 2901.

Is there objection to the consideration of the bill (H. R. 2901)?

There being no objection, the bill (H. R. 2901) for the relief of Tokuko Kobayashi and her minor son was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 883 is indefinitely postponed.

MARGOT HERTA MATULEWITZ

The Senate proceeded to consider the bill (S. 1604) for the relief of Margot Herta Matulewitz, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act," to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Margot Herta Matulewitz may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AZZAM ISSAC RAFIDI

The Senate proceeded to consider the bill (S. 1838) for the relief of Azzam Issac Rafidi, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after word "fee," to strike out "and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, the alien Azzam Issac Rafidi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVIA MARY ORCIUCH

The Senate proceeded to consider the bill (S. 1890) for the relief of Olivia Mary Orciuch, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Olivia Mary Orciuch shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VASILIOS DEMETRIOU KRETSOS AND HIS WIFE

The Senate proceeded to consider the bill (S. 2216) for the relief of Vasilios Demetriou Kretsos and his wife Chryssa Thomaidou Kretsos, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Vasilios Demetriou Kretsos and his wife Chryssa Thomaidou Kretsos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STANISLAVAS RACINSKAS

The Senate proceeded to consider the bill (S. 2633) for the relief of Stanislavas Racinskas (Stacys Racinskas), which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality laws, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Stanislavas Racinskas (Stacys Racinskas). From and after the date of enactment of this act, the said Stanislavas Racinskas (Stacys Racinskas) shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTURO RODRIGUEZ DIAZ

The Senate proceeded to consider the bill (S. 2636) for the relief of Arturo Rodriguez Diaz, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act, Arturo Rodriguez Diaz may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LISELOTTE WARMBRAND

The Senate proceeded to consider the bill (S. 2678) for the relief of Liselotte Warmbrand, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Liselotte Warmbrand may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AHTI JOHANNES RUUSKANEN

The Senate proceeded to consider the bill (S. 2679) for the relief of Ahti Johannes Ruuskanen, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee", to strike cut "and head tax", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Ahti Johannes Ruuskanen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCOISE O. McMAHON

The Senate proceeded to consider the bill (S. 2695) for the relief of Francoise O. McMahon, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "act", to insert a colon and "*Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Francoise O. McMahon may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEAN CANTALINI

The Senate proceeded to consider the bill (S. 2731) for the relief of Jean Cantalini, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Jean Cantalini shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA TISCHLER

The Senate proceeded to consider the bill (S. 2768) for the relief of Lydia Tischler, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Lydia Tischler, the fiance of Theodore Schmidt, a legal resident alien of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Lydia Tischler is coming to the United States with a bona fide intention of being married to the said Theodore Schmidt and that she is found otherwise admissible under the provisions of the Immigration and Nationality Act other than the provision of section 212 (a) (9) of that act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event that the marriage between the above-named persons does not occur within 3 months after the entry of the said Lydia Tischler, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Lydia Tischler, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Lydia Tischler as of the date of the payment by her of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILOPIMIN MICHALACOPOULOS

The Senate proceeded to consider the bill (S. 2877) for the relief of Philopimin Michalacopoulos (Mihalakopoulos), which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Philopimin Michalacopoulos (Mihalakopoulos) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELISA PALUMBO CASTALDO

The Senate proceeded to consider the bill (S. 2936) for the relief of Elisa Palumbo Castaldo, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Elisa Palumbo Castaldo may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KIM KWANG SUK AND KIM WOO SHIK

The Senate proceeded to consider the bill (S. 2941) for the relief of Kim Kwang Suk and Kim Woo Shik, which had been reported from the Committee on the Judiciary with an amendment, at the beginning of line 7, to strike out "Mr. and Mrs. Kenneth N. Roberts, citizens of the United States" and insert "Mr. Kenneth N. Roberts, a citizen of the United States, and his wife", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Kim Kwang Suk and Kim Woo Shik, shall be held and considered to be the natural-born alien children of Mr. Kenneth N. Roberts, a citizen of the United States, and his wife.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EULALIO RODRIGUEZ VARGAS

The bill (S. 2945) for the relief of Eulalio Rodriguez Vargas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Eulalio Rodriguez Vargas may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisons of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

RUTH WEHRHAN

The Senate proceeded to consider the bill (S. 2993) for the relief of Ruth Wehrhan, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 8, after the word "act", to insert a colon and "*Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act: *And provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, upon application hereafter filed, an immigration visa may be issued, and admission for permanent residence granted, to Ruth Wehrhan if she is otherwise admissible under the Immigration and Nationality Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

prior to the enactment of this act: *And provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET ISABEL BYERS

The Senate proceeded to consider the bill (S. 3045) for the relief of Margaret Isabel Byers, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee", to strike out "and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Margaret Isabel Byers, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEJIBE EL-SOUSSE SLYMAN

The Senate proceeded to consider the bill (S. 3046) for the relief of Nejibe El-Sousse Slyman, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee," to strike out "and head tax," so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Nejibe El-Sousse Slyman shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUZIA COX

The Senate proceeded to consider the bill (S. 3047) for the relief of Luzia Cox, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Luzia Cox may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

S. SGT. SILVESTRE E. CASTILLO

The Senate proceeded to consider the bill (S. 3056) for the relief of S. Sgt. Silvestre E. Castillo, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, S. Sgt. Silvestre E. Castillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELSA LEDERER

The Senate proceeded to consider the bill (S. 3084) for the relief of Elsa Lederer, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Elsa Lederer may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIRINO LANZAFAME

The Senate proceeded to consider the bill (S. 3273) for the relief of Cirino Lanzafame, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act" to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Cirino Lanzafame may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA C. GIESE

The Senate proceeded to consider the bill (S. 3392) for the relief of Anna C. Giese which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and *"Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Anna C. Giese shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LISA LEAR

The Senate proceeded to consider the bill (S. 3569) for the relief of Mrs. Lisa Lear, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act", to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Mrs. Lisa Lear may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILOS KNEZEVICH

The Senate proceeded to consider the bill (S. 3577) for the relief of Milos

Knezevich was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Milos Knezevich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

FRANCIS TIMOTHY MARY HODGSON

The Senate proceeded to consider the bill (S. 3652) for the relief of Francis Timothy Mary Hodgson (formerly Victor Charles Joyce), which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Francis Timothy Mary Hodgson (formerly Victor Charles Joyce), shall be held and considered to be the natural-born alien child of Mr. and Mrs. John G. Hodgson, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELGA SCHART COULSON

The Senate proceeded to consider the bill (S. 3688) for the relief of Helga Schart Coulson, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "Act", to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Helga Schart Coulson may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GISELA NAGEL

The Senate proceeded to consider the bill (S. 3689) for the relief of Gisela Nagel (nee Maireder), which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "act" to insert a colon and *"Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Gisela Nagel (nee Maireder) may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 227) favoring the granting of the status of permanent residence to certain aliens (for text of above concurrent resolution see pp. 8313 to 8315 of the CONGRESSIONAL RECORD of June 16, 1954), which had been reported from the Committee on the Judiciary with amendments, on page 29, after line 4, to insert:

A–6682832, Abraham, Joseph Heskel.

After line 5, to insert:

A–7187216, Rosenberger, Menasche.

After line 6, to insert:

A–7182351, Fulop, Bertha.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

RELIEF OF CERTAIN PALESTINIAN ARAB REFUGEES

The Senate proceeded to consider the bill (S. 1338) for the relief of certain Palestinian Arab refugees, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Nabiha Elias Audi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nabiha Elias Audi."

JAMES ARTHUR CIMINO

The Senate proceeded to consider the bill (S. 1605) for the relief of James Arthur Cimino, which had been reported from the Committee on the Judiciary with amendments, at the beginning of line 5, to strike out "child" and insert "children"; in the same line, after the name "Arthur", to strike out "Cimino," and insert "Cimino and Joan Cimino"; and at the beginning of line 7, to strike out "child" and insert "children", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, James Arthur Cimino and Joan Cimino shall be held and considered to be the natural-born alien children of James N. Cimino and Barbara Scribner Cimino, citizens of the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Arthur Cimino and Joan Cimino."

EUGENIA GAFOS AND ADAMANTIOS GEORGE GAFOS

The Senate proceeded to consider the bill (S. 1720) for the relief of Eugenia Gafos and Adamantios George Gafos, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "act", to insert "Capt. George Gafos", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Capt. George Gafos, Eugenia Gafos, and Adamantios George Gafos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Capt. George Gafos, Eugenia Gafos, and Adamantios George Gafos."

HELEN HILDA CORAL NEWBERY AND OTHERS

The Senate proceeded to consider the bill (S. 2879) for the relief of Helen Hilda Coral Newbery, Peter Julian Newbery, and Prudence Ellen Newbery, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of section 203 (a) (1) (B) of the Immigration and Nationality Act, Peter Julian Newbery and Prudence Ellen Newbery shall be held and considered to be the natural-born children of Charles Bruce Newbery and regarded as having accompanied him at the time of his admission for permanent residence under section 203 (a) (1) of the said act: *Provided,* That they obtain appropriate immigrant visas and apply for admission into the United States

within 6 months following the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Peter Julian Newbery and Prudence Ellen Newbery."

EDWARD H. HON

The Senate proceeded to consider the bill (S. 2994) for the relief of Edward H. Hon, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Mr. and Mrs. Edward H. Hon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. Edward H. Hon.

MALVINA DAVID (NEE GABRIEL)

The Senate proceeded to consider the bill (S. 3024) for the relief of Malvina David (nee Gabriel), which had been reported from the Committee on the Judiciary with an amendment, in line 4, after the word "act", to strike out "Malvina David (nee Gabriel)" and insert "Malbina Rouphael David, nee Gebrael", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Malbina Rouphael David, nee Gebrael, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Malbina Rouphael David, nee Gebrael."

ROSITA A. JOCSAN

The Senate proceeded to consider the bill (S. 3054) for the relief of Rosita A. Jocsan, which had been reported from the Committee on the Judiciary with an amendment, in line 4, after the name "Rosita A.", to strike out "Jocsan" and insert "Jocson", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Rosita A. Jocson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Rosita A. Jocson."

CLEOPHAT ROBERT JOSEPH CARON

The Senate proceeded to consider the bill (S. 3276) for the relief of Cleophat Robert Joseph Caron, which had been reported from the Committee on the Judiciary with amendments, at the beginning of line 4, to strike out "(9) and 212 (a) (17)" and insert "(9) (17), and (19)"; and in line 8, after the word "act", to insert a colon and *"Provided,* That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of sections 212 (a) (9), (17), and (19) of the Immigration and Nationality Act, Cleophat Robert Joseph Caron may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act: *Provided,* That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROGER FEGHALI

The Senate proceeded to consider the bill (S. 3352) for the relief of Joseph Feghali and Roger Feghali, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Roger Feghali, shall be held and considered to be the natural-born alien child of Max J. McSoud, a citizen of the United States. The said Roger Feghali, for the purposes of this act, shall be deemed to be a child under 10 years of age.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, on August 2, 1954, Calendar No. 2217, S. 3352, was reported to the Senate from the Committee on the Judiciary.

Since that time, the House has passed H. R. 7987, similar bill, which was referred to the Committee on the Judiciary.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H. R. 7987, and that it be considered in lieu of S. 3352, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the Committee on the Judiciary is discharged from the further consideration of House bill 7987.

Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 7987) for the relief of Roger Feghali was considered, ordered to a third reading, read the third time, and passed.

DR. MARCIANO GUTIERREZ AND OTHERS

The Senate proceeded to consider the bill (H. R. 7045) for the relief of Dr. Marciano Gutierrez, Dr. Amparo G. Joaquin Gutierrez, and their children, Rosenda, Rebecca, Raymundo, and Marciano, and Mrs. Brigida de Gutierrez, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the name "Rebecca", to insert "and"; in the same line, after the name "Raymundo", to strike out "and Marciano,"; and on page 2, line 3, after the word "deduct", to strike out "seven" and insert "six."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Dr. Marciano Gutierrez, Dr. Amparo G. Joaquin Gutierrez, and their children, Rosenda, Rebecca, and Raymundo, and Mrs. Brigida de Gutierrez."

AMENDMENT OF STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT

The bill (S. 3585) to amend the Strategic and Critical Materials Stockpiling Act (60 Stat. 596), relating to the acquisition of stocks of strategic and critical materials for national defense purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARRAN. Mr. President, this bill as introduced was very broad in its possible application. The committee has proposed amending the bill so as to narrow it down to a particular purpose, namely, to authorize the disposition of certain gem diamonds now in the stockpile and acquisition by the stockpile, in turn, of a like value of industrial diamonds which do constitute a strategic material. If the committee amendment is adopted, this bill is unobjectionable.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after "(60 Stat. 597)", to strike out "be amended to read as follows:"

and insert "is hereby amended by inserting immediately preceding the semicolon at the end thereof a colon and the following proviso: "*Provided*, That any gem diamonds constituting a part of the stockpile may be exchanged for industrial diamonds of a like value".", and after line 8, to strike out:

(c) provide through normal commercial channels for the refining, processing, or other beneficiation of any materials acquired or transferred under this act when the Director of the Office of Defense Mobilization deems such action necessary to convert such materials into a form best suitable for stockpiling: *Provided*, That such conversion may also be accomplished by the exchange or sale of any such materials and the application of the exchange allowance or proceeds of sale in such cases in whole or in part payment for the acquisition of similar material in the form desired: *Provided further*, That no such exchange shall result in the reduction of the quantity of any such material in the stockpiles, except to the extent of any excess above the authorized stockpile objective for such material.

So as to make the bill read:

Be it enacted, etc., That subsection (c) of section 3 of the act of July 23, 1946 (60 Stat. 597), is hereby amended by inserting immediately preceding the semicolon at the end thereof a colon and the following proviso: "*Provided*, That any gem diamonds constituting a part of the stockpile may be exchanged for industrial diamonds of a like value."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Strategic and Critical Materials Stockpiling Act (60 Stat. 596)."

BILLS PASSED OVER

The bill (S. 521) to amend title 18, United States Code, regarding published articles and broadcasts by foreign agents was announced as next in order.

Mr. SMATHERS. Mr. President, by request, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1708) to amend section 11 of the Administrative Procedure Act, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

SUSPENSION OF STATUTES OF LIMITATIONS APPLICABLE TO OFFENSES BY GOVERNMENT OFFICIALS AND EMPLOYEES

The bill (S. 19) to suspend the running of the statutes of limitations applicable to offenses involving performance of official duties by Government officers and employees during periods of Government service of the officer or employee concerned was announced as next in order.

Mr. SMATHERS. Mr. President, by request, I ask that the bill be passed over.

Mr. MORSE. Mr. President, will the Senator from Florida withhold his request?

Mr. SMATHERS. I withhold my request.

Mr. MORSE. I wish to make it very clear that I have withdrawn my objection to the bill. Heretofore the bill has been passed over on the basis of my objection. I think the committee report filed with the bill answers in a very satisfactory manner every objection I raised to the bill itself. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, in the absence of the able Senator from Oregon, we had been filing some objections for him, and I had not been notified that he had withdrawn his objection. Therefore, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 19) which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, to change the section number from "3291" to "3292"; and on page 2, line 14, after the word "there", to strike out "3291" and insert "3292", so as to make the bill read:

Be it enacted, etc., That chapter 213 of title 18 of the United States Code is amended by adding at the end thereof a new section as follows:

"SEC. 3292. Suspension of limitations in offenses involving performance of official duties by Government employees.

"The running of any statute of limitations applicable to any offense committed by any person (other than an offense involving an assault or inflicting of bodily injury), an essential element of which is (1) an act, or failure to act by a Member of the Congress or by an officer or employee of the United States or any agency thereof in the performance of his official duties or (2) an attempt or offer to procure an act, or failure to act by a Member of the Congress or by an officer or employee of the United States or any agency thereof in the performance of his official duties, shall be suspended during any period during which the Member of the Congress or the officer or employee concerned is in the service of the United States or any agency thereof."

SEC. 2. The analysis of chapter 213 of such title is amended by adding at the end thereof "3292. Suspension of limitations in offenses involving performance of official duties by Government employees."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7130) to amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO FOOT OF CALENDAR

The bill (S. 3726) granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States and establishing the New England Board of Higher Education was announced as next in order.

The PRESIDING OFFICER. The Chair will state that there is a companion bill on the calendar, Calendar No. 2232, House bill 9712, with the same title.

Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, I ask that the bill go over.

Mr. SALTONSTALL. Mr. President, will the Senator from Florida withhold his request?

Mr. SMATHERS. Mr. President, I ask that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

ASSISTANCE FOR SCHOOL CONSTRUCTION

The Senate proceeded to consider the bill (S. 3628) to amend Public Law 815, 81st Congress, in order to provide a permanent program of assistance for school construction under the provisions of such law, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That the last sentence of section 301 of the act of September 23, 1950 (Public Law 815, 81st Cong.), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the fiscal year ending June 30, 1954, and for the 4 succeeding fiscal years, such sums as the Congress may determine to be necessary for such purpose."

SEC. 2. The first sentence of section 303 of such act is amended by striking out "1954" and inserting in lieu thereof "1957."

SEC. 3. The first sentence of section 304 of such act is amended by striking out "the regular school year 1953–54" and inserting in lieu thereof "the current school year."

SEC. 4. Section 305 (a) of such act is amended by striking out "the regular school year 1953–54" and inserting in lieu thereof "the current school year."

SEC. 5. Section 305 (d) of such act is amended (1) by striking out "the regular school year 1953–54" and inserting in lieu thereof "the current school year" and (2) by striking out "the school years 1951–52 and 1953–54" and inserting in lieu thereof "the school year 1951–52 and the current school year."

SEC. 6. Section 305 of such act is further amended by inserting at the end thereof the following new subsection:

"(f) The determination of any increase in children for the purpose of any application under the provisions of this act shall be made without regard to any increase in chil-

dren for which payment has been or will be made on the basis of a previous application under the provisions of this act."

SEC. 7. The first sentence of section 310 of such act is amended by inserting after "June 30, 1954" the following: ", June 30, 1955, June 30, 1956, or June 30, 1957."

SEC. 8. Title III of such act is amended by adding at the end thereof the following new section:

"SEC. 312. For the purposes of this title, the term 'current school year' means (1) with respect to an application filed before July 1, 1954, the regular school year 1953–54; (2) with respect to an application filed after June 30, 1954, and before July 1, 1955, the regular school year 1954–55; (3) with respect to an application filed after June 30, 1955, and before July 1, 1956, the regular school year 1955–56; and (4) with respect to an application filed after June 30, 1956, the regular school year 1956–57."

SEC. 9. Section 209 (e) of such act is amended by striking out "June 30, 1955" and inserting in lieu thereof "June 30, 1958."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend Public Law 815, 81st Congress, in order to extend for 3 additional years the program of assistance for school construction under title III of that act."

ELIMINATION OF 3 PERCENT "ABSORPTION" REQUIREMENT

The bill (S. 3629) to amend Public Law 874, 81st Congress, so as to eliminate the 3 percent "absorption" requirement was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KENNEDY. Mr. President, reserving the right to object, I should like to ask the Senator from New Hampshire if this is the last year in which it is expected that the 3 percent absorption requirement will be waived.

Mr. UPTON. Mr. President, I did not hear the Senator.

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to inquire as to whether this is the last year the 3 percent requirement wil be waived.

Mr. UPTON. The present statute has 2 years to run. It is proposed to suspend the 3 percent absorption requirement for 1 year only.

Mr. KENNEDY. Is it the Senator's understanding that this is the last year the 3 percent absorption requirement will be eliminated?

Mr. UPTON. I had understood that, under a bill previously passed by the Senate, the entire field of education would be reviewed. Pending a national conference, I cannot tell what recommendation would come from the conference.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. COOPER. Mr. President, I may say to the distinguished Senator from Massachusetts, in conjunction with the remarks of the Senator from New Hampshire, that the Commissioner of Education said next year views would be presented to the Congress respecting the continuance of this type of legislation. The bill would suspend the 3 percent absorption clause only during the next year.

Mr. KENNEDY. I have no objection to the absorption requirement being suspended for the next year, but I think we should put the communities on notice that the requirement will not be suspended in the future.

Mr. COOPER. The bill does no more than suspend it for 1 year.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3629) to amend Public Law 874, 81st Congress, so as to eliminate the 3 percent absorption requirement, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That notwithstanding the provisions of section 3 (c) (1) of Public Law 874, 81st Congress, as amended, the amounts payable to a local educational agency for the fiscal year ending June 30, 1955, with respect to the number of children determined under subsection (a) or (b) of section 3 thereof shall be computed on the same basis as was used during the fiscal year ending June 30, 1954, under subsections (a), (b), (c), and (d) of section 3 of said law.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to postpone the effective date of the 3 percent 'absorption' requirement in Public Law 874, 81st Congress, for 1 year."

EXTENSION OF CERTAIN TIMBER RIGHTS—BILL PASSED TO FOOT OF CALENDAR

The bill (S. 3601) to provide that the Secretary of Agriculture is authorized to extend until not later than October 18, 1962, certain timber rights and the necessary ingress and egress, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSTON of South Carolina. Mr. President, I should like to have an explanation of the bill.

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. JOHNSTON of South Carolina. I ask that the bill go to the foot of the calendar. I understand the Senator from New Mexico [Mr. ANDERSON] is not present.

The PRESIDING OFFICER. The bill will be passed to the foot of the calendar.

PREPARATION OF PLANS FOR A MUSEUM BUILDING FOR THE SMITHSONIAN INSTITUTION

The bill (S. 3622) to provide for the preparation of plans and specifications for a museum building for the Smithsonian Institution was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, I know the bill is directed to a very worthy cause, but it would authorize an appropriation of more than $1 million for plans alone. I think the Senate should have an explanation of the bill.

The PRESIDING OFFICER. An explanation is requested.

Mr. MARTIN. Mr. President, the Senator from South Dakota [Mr. CASE] does not seem to be in the Chamber at this time.

Let me say that the purpose of the bill is to authorize and direct the Regents of the Smithsonian Institution to have drawings and specifications prepared, under the supervision of the Administrator of the General Services Administration, of a building and all necessary appurtenances, for use by the Smithsonian Institution as a museum.

The location of the building would be aproved by the National Capital Planning Commission, and the design approved by the Commission of Fine Arts. The bill further authorizes an appropriation of $990,000 to the Smithsonian Institution for carrying out the work, the Regents to make an estimate of the cost of the building and report its findings to the Congress.

The bill has been amended to eliminate a specific location for the proposed building in order to permit a wider scope in planning to take advantage of various engineering, technical, and esthetic features, and to properly blend such building with present and proposed developments in the area.

The buildings will probably cost in the neighborhood of $30 million. The committee did not think that $990,000 was an exorbitant sum to spend for the making of a complete study. There has been no expansion of the Smithsonian Institution buildings for many years, and the number of fine exhibits has been increasing each year. One of the first things that children who visit the Capital wish to do is to see the Smithsonian Institution.

So the committee unanimously believed the study should be made, and felt that $990,000 is not exorbitant when we consider the amount the buildings eventually will cost.

Mr. HENDRICKSON. Mr. President, in view of the explanation given by the Senator from Pennsylvania and in view of the fact that the committee was unanimous in reporting the bill, I would not wish to pit my judgment against the good judgment of our eminent committee, on a subject matter of this character.

Therefore, I shall not object; but I wish the RECORD to show that whereas I have stated that the cost of the plans would be $1 million, the actual cost is to be $990,000.

Mr. MARTIN. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bills (S. 3622) which had been reported from the Committee on Public Works with amendments on page 1, line 9, after the word "Institution", to strike out the comma and "to be located on that part of reservation 3 which is bounded by 12th Street NW. on the east, 14th Street NW. on the west, Constitution Avenue on the north, and Madison Drive on the south, title to which is in the United States"; on page 2, line 5, after the word "The" where it first occurs to strike out "exact", and in the same line, after the word "building" to strike out "on the site", so as to make the bill read:

Be it enacted, etc., That the Regents of the Smithsonian Institution are hereby authorized and directed to have prepared drawings and specifications, and to have done all work incidental thereto, for a building (including equipment, approaches, architectural landscape treatment of the grounds and connections with public utilities, and the Federal heating system) for the use of the Smithsonian Institution.

SEC. 2. The said Regents shall estimate the cost of said building and report its findings to the Congress.

SEC. 3. The location of the building shall be approved by the National Capital Planning Commission, and the design shall be approved by the Commission of Fine Arts.

SEC. 4. The preparation of said drawings and specifications and all work incidental thereto shall be under the supervision of the Administrator of the General Services Administration in accordance with provisions of the Public Buildings Act of May 25, 1926, as amended.

SEC. 5. There is hereby authorized to be appropriated to the Regents of the Smithsonian Institution out of any money in the Treasury not otherwise appropriated a sum not in excess of $990,000 to carry out the provisions of this act: *Provided*, That appropriations for this purpose, except such part as may be necessary for the incidental expenses of the Regents of the Smithsonian Institution in connection with this project, shall be transferred to the General Services Administration for the performance of the work.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 9804) to authorize the appointment in a civilian position in the Department of Justice of Maj. Gen. Frank H. Partridge, United States Army, retired, and for other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3040) to provide financial assistance to the Oakdale and South Joaquin Irrigation Districts, California, in the construction of the Tri-Dam project, was announced as next in order.

Mr. MORSE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PER CAPITA PAYMENT TO MEMBERS OF THE RED LAKE BAND OF CHIPPEWA INDIANS

The bill (H. R. 3419) to authorize a $50 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation was considered, ordered to a third reading, read the third time, and passed.

COMPACT RELATING TO HIGHER EDUCATION IN THE NEW ENGLAND STATES—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 9712) granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States, and establishing the New England Board of Higher Education, was announced as next in order.

The PRESIDING OFFICER. Let the Chair state that this bill is a companion measure to Senate bill 3726, Calendar 2224.

Mr. SMATHERS. Mr. President, when the companion bill was reached a few minutes ago, I requested that it be placed at the foot of the calendar. I now ask that this bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

CHARTER OF PASSENGER SHIPS IN DOMESTIC TRADE—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 9868) to amend the Merchant Ship Sales Act of 1946 to provide for the charter of passenger ships in the domestic trade was announced as next in order.

Mr. COOPER. Mr. President, by request I ask that this bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

BILL PASSED OVER

The bill (H. R. 6616) to amend title 17, United States Code, entitled "Copyrights," was announced as next in order.

Mr. McCARRAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KERR. Mr. President, has Calendar 2234, House bill 1254, been passed?

The PRESIDING OFFICER. It went over at a previous point in the calendar, in connection with a companion bill. The companion bill was objected to, and went over.

IRRIGATION DEVELOPMENTS IN THE MISSOURI RIVER BASIN PROJECT

The bill (H. R. 8520) to provide for the inclusion of the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill irrigation developments in the Missouri River Basin project was considered, ordered to a third reading, read the third time, and passed.

RECIPROCAL FIRE PROTECTION AGREEMENTS

The Senate proceeded to consider the bill (S. 3773) to authorize reciprocal fire-protection agreements between departments and agencies of the United States and public or private organizations engaged in fire-fighting activities, and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, on page 3, after line 17, to insert:

SEC. 5. Mutual aid agreements of the type authorized in section 1 hereof, which are in effect on the effective date of this act, are hereby ratified and confirmed.

So as to make the bill read:

Be it enacted, etc., That the head of each executive department, independent establishment, or agency of the Government, including the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force (hereinafter referred to as the "head") is authorized to enter into and perform, with domestic governmental units or subdivisions, with other public or private organizations, and, consistent with international agreements, with foreign governmental units or subdivisions, engaged in fire-fighting activities near installations or activities under the jurisdiction or control of the respective heads, reciprocal agreements providing for mutual aid in protecting against fires, in extinguishing fires, and in preserving life and property threatened by fire, through the furnishing of fire-fighting personnel and equipment by and for such installations or activities and such organizations or governmental units or subdivisions. Each such agreement shall provide that each party thereto waives all claims for loss, damage, injury, or death against all other parties thereto that may arise in the performance of the agreement, but any such agreement may, in the discretion of the head concerned, provide for reimbursement for the cost of furnishing personnel and equipment pursuant to its provisions. In the absence of such an agreement, said heads are respectively authorized to make available in emergencies fire-fighting personnel and equipment to assist in extinguishing fires and preserving life and property threatened by fire in local governmental units, or subdivisions thereof, in or near which Government installations are located, under such circumstances involving the best interests of the United States and under such regulations as the appropriate head may prescribe.

SEC. 2. Funds available for Federal fire-fighting activities and facilities on installations or in connection with activities under the jurisdiction of the respective heads may be used for carrying out the purposes of this act. Any reimbursements made to the respective heads for services performed pursuant to the provisions of this act shall be covered into the Treasury as miscellaneous receipts.

SEC. 3. Personnel of domestic governmental units or subdivisions, public or private organizations, or foreign governmental units or subdivisions, engaged in fire-fighting activities pursuant to reciprocal fire protection agreements entered into pursuant to this act shall not be considered as employees of the United States for the purposes of the Federal Employees' Compensation Act, as amended.

SEC. 4. Services performed pursuant to the provisions of this act by any fire-fighting personnel under the jurisdiction of the respective heads shall be held and considered to be services performed in line of duty.

SEC. 5. Mutual aid agreements of the type authorized in section 1 hereof, which are in effect on the effective date of this act, are hereby ratified and confirmed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE IN RETIRED PAY OF CERTAIN MEMBERS OF THE FORMER LIGHTHOUSE SERVICE

The bill (H. R. 1843) to increase the retired pay of certain members of the former Lighthouse Service was considered, ordered to a third reading, read the third time, and passed.

RIGHTS OF UNITED STATES VESSELS ON THE HIGH SEAS

The bill (H. R. 9584) to protect the rights of vessels of the United States on the high seas and in territorial waters of foreign countries was considered, ordered to a third reading, read the third time, and passed.

DEVELOPMENT OF PRIVATE AVIATION

The resolution (S. Res. 292) to express the sense of the Senate for development of private aviation was considered and agreed to, as follows:

Whereas the aviation industry in the United States since its inception 50 years ago has grown to be the second largest industry in point of number of people employed in manufacturing; and

Whereas air transportation has shrunk distance between countries so that every nation is now our next door neighbor; and

Whereas world markets and tourist travel have expanded enormously and new products formerly inaccessible are now readily available to all; and

Whereas the airplane has become the prime factor in defense strategy and in addition to being a deterrent to war, aviation, as a tool to national policy is the leading participant in our effort to maintain peace; and

Whereas consequently it is essential that the aviation industry be maintained so as to assure continuous healthy growth; and

Whereas the continued growth of aviation is dependent upon the establishment and maintenance of a large resource pool of personnel who can be utilized to fill the needs of the various segments of the aviation industry; and

Whereas since the termination of World War II, there has been no concerted or organized training of most types of aviation personnel needed to fulfill the manpower demands of our aviation policy and as a result there has been a gradual decrease in the supply of aviation manpower as indicated by statistics compiled by the Civil Aeronautics Administration and other sources which have disclosed:

1. Continuous and alarming reduction in number of pilot approvals of all classes (student, private, commercial, airline transport, and flight instructor) since 1948.

2. Continuous and alarming reduction in number of mechanics or technicians approvals since 1949.

3. Continuous reduction in original and additional ground instructor ratings since 1949.

4. Continuous and alarming reduction in hours of instructional flying since 1947.

5. Continuous reduction in number of fixed base operators since 1948.

6. Continuing lack of adequate number of trained aeronautical engineers, aerodynamicists, physicists, and other technical personnel: Now, therefore, be it

Resolved, That in view of the critical manpower needs of the aviation industry and the need to reverse the downward trend of persons becoming interested in aviation and because of its day-to-day contact with the civilian training facilities and its experience in supervising the training activities of various schools and other aviation industry organizations, the Civil Aeronautics Administration is hereby requested and directed to assume the responsibilities of leadership and direction in the formulation and implementation of a national plan designed to capture and hold the interest of American youth in aviation careers, and to assist others in the preparation of school curricula to provide theoretical training and practical aviation experience and to develop incentives to achieve that end; to cooperate with and coordinate the activities of both national and local sponsor groups in the promotion of all aspects of aviation training, and to develop ways and means to promote general interest in aviation in the various communities throughout the country.

CONVEYANCE OF CERTAIN LAND TO THE STATE OF OKLAHOMA

The bill (H. R. 1797) to provide for the conveyance of certain land to the State of Oklahoma for the use and benefit of the Eastern Oklahoma Agricultural and Mechanical College at Wilburton, Okla., and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. MORSE. Mr. President, I send to the desk an amendment. Before the amendment is read, I wish to make a statement by way of explanation.

In this case there is a sale to the State of Oklahoma, for the use and benefit of the Oklahoma Agriculture and Mechanical College, of lands for which the United States paid the Indians $8,500,000. The mineral rights are reserved to the United States.

Under this conveyance, the State may not use the lands for any purpose other than stated, except with the consent of the Secretary of the Interior, for another public purpose. This provision ceases to be in effect after 25 years. Payment is to be made within 3 years.

However, the payment provision set forth in the bill is what I object to. It reads as follows:

The Secretary shall sell the lands at a price to be fixed by him through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used.

I have objected to the above language, as suggested by the Secretary of the Interior in the case of other sales of Government land. My objection is made on the ground that the language sets no real standard for fixing the value. The Secretary of the Interior could establish about any price he wished to under that language.

In the case of the sale of lands in Nevada recently, the same provision was inserted in the bill; and the Senator from Nevada [Mr. MCCARRAN] accepted—without even personal objection, I think—a modification in accordance with the amendment which I now have sent to the desk, and which I ask to have considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, beginning with line 1, it is proposed to strike out all to the colon in line 5, and to insert in lieu thereof the following:

SEC. 2. The conveyance authorized by this act shall be conditional upon the State of Oklahoma agreeing to pay to the Secretary of the Interior, in return for the lands conveyed, an amount equal to the appraised fair market value of such lands.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

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 and passed.

BILL PASSED OVER

The bill (S. 3708) to authorize the Secretary of the Interior to sell and convey certain Parker-Davis transmission facilities and related property in the States of Arizona and California, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF BENEFITS OF WATERSHED AND FLOOD PREVENTION ACT TO ALASKA, HAWAII, AND PUERTO RICO

The Senate proceeded to consider the bill (S. 3774) to extend the benefits of the Watershed and Flood Prevention Act to Alaska, Hawaii, and Puerto Rico, which had been reported from the Committee on Agriculture and Forestry with amendments, in line 3, after the word "Watershed", to insert "Protection", and in line 6, after the name "Hawaii", to strike out "and Puerto Rico" and insert "Puerto Rico, and the Virgin Islands", so as to make the bill read:

Be it enacted, etc., That, section 2 of the Watershed Protection and Flood Prevention Act is amended by adding at the end thereof the following additional paragraph:

"'State' includes Alaska, Hawaii, Puerto Rico, and the Virgin Islands."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the benefits of the Watershed Protection and Flood Prevention Act to Alaska, Hawaii, Puerto Rico, and the Virgin Islands."

TRANSFER OF CERTAIN LAND IN THE NORTHERN CHEYENNE INDIAN RESERVATION, MONT.

The bill (H. R. 8897) to authorize and direct the Secretary of the Interior to transfer 40 acres of land in the Northern Cheyenne Indian Reservation, Mont., to school district No. 6, Rosebud County, Mont., was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. Mr. President, the bill was introduced at the request of the Northern Cheyenne Indian Tribe, who wish to transfer some of their land for school purposes. This is purely a matter within the reservation, and within the discretion, we hope, of the tribal council itself.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8897) was considered, ordered to a third reading, read the third time, and passed.

PREPARATION OF ROLLS OF CERTAIN PERSONS OF INDIAN BLOOD

The bill (H. R. 4118) to authorize the preparation of rolls of persons of Indian blood whose ancestors were members of certain tribes or bands in the State of Oregon, and to provide for per capita distribution of funds arising from certain judgments in favor of such tribes or bands, was announced as next in order.

Mr. MORSE. Mr. President, on February 18, 1953, I introduced two bills, Senate bill 1024 and Senate bill 1025, to accomplish the objectives of this bill. This year the Committee on the Interior and Insular Affairs introduced a bill, Senate bill 2869, combining the two previous bills and making certain additions. Senate bill 2869 is the Senate version of House bill 4118.

In a letter to the committee, I stated I had no objection to handling the matter by way of a combined bill. However, I objected to the following provision of section 4 of this bill, as follows:

> All costs incurred by the Secretary in the preparation of such rolls and the payment of such per capita shares shall be paid by appropriate withdrawals out of the fund or funds on deposit in the Treasury of the United States arising out of such judgments.

The effect of such a provision is to reduce the amount of the award made to the Indian people by the Court of Claims. Of course, the decision went against the Federal Government. So under section 4, to which I have referred, the situation would be very much like that when one has a lawsuit against the Government and wins a judgment against the Government, but then the costs are levied against him, although he was found to be in the right. I believe that as the bill is presently worded we are, in effect, taking advantage of the Indians. I think the Federal Government ought to pay the cost, and not the Indians, because the Court of Claims found they were in the right. Funds were appropriated for payment of judgments by Public Law 253, of the 82d Congress, November 1, 1951. The Indians have therefore been waiting for years for the per capita distribution to which they are entitled.

I wish to be perfectly fair. There are no communications from the Indians protesting section 4 of the bill. We are dealing with a situation in which they feel that there is nothing they can do, and that they will have to pay the costs, even though the decision went against the Government.

I am in this situation: To object to the bill would mean that my Indians would not get anything. However, I do think that the equities are all in their favor. I shall therefore offer an amendment which, in effect, would assess the cost where it really belongs, that is, against the Government.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 5, after the words "of the", where they occur the third time, to strike out "Confederated Bands of Umpqua and Calapooins of the Umpqua Valley, and of the Tillamook, Coquille, Tootootoney, Chetco, and Mollallas or Molel Tribes of Oregon" and insert "Molel or Molallalas Tribe of Oregon and of the Confederated Bands of the Umpqua Tribe of Indians and the Calappoias residing the Umpqua Valley, and of the Tillamook, Coquille, Tootootoney and Chetco Tribes of Oregon"; and on page 2, line 16, after the word "States" to strike out "115, Ct. Cl. 463" and insert "119, C. Cls. 835."

The amendments were agreed to.

Mr. MORSE. I now offer my amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon will be stated.

The LEGISLATIVE CLERK. On page 4, beginning in line 1, it is proposed to strike out all to the colon in line 5 and insert in lieu thereof the following:

> SEC. 2. The conveyance authorized by this act shall be conditional upon the State of Oklahoma agreeing to pay to the Secretary of the Interior, in return for the lands conveyed, an amount equal to the appraised fair market value of such lands.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE subsequently said. Mr. President, earlier today we passed Calendar Order No. 2248, H. R. 4118, to which I offered an amendment, and the amendment was adopted. The amendment in effect would require the Federal Government to pay the costs of making the rolls for distribution and distributing the funds to the Indians involved in the bill. The Indians won their case before the Court of Claims. I said and still say that I think it is unfair of the Federal Government to charge the Indians really with the cost of the action. That is what it in effect amounts to.

I have talked to an official in the Department of the Interior, and he puts to me this very realistic situation: That, irrespective of what one thinks about the principle involved, the fact is if the bill stands with this amendment in it, the Indians will not get their funds distributed until some delayed time in the future, because they must come before the Congress in January for a supplemental appropriation.

I do not intend to dispute with the Department of the Interior a surmise of mine, namely, that they probably could find the funds in the administrative budgets to pay for this sort of thing if there was a will to do it. They tell me they cannot, and I take them at their word.

I certainly do not want to have these Indians suffer further delay in getting the distribution of funds for which they have been fighting for many, many years, Mr. President. In view of the fact that the charge probably will not be too great, and because they raise no objection to paying the charge—although I am satisfied they would share my feeling that it is rather an unfair cost to impose upon them—I ask unanimous consent to reconsider the votes by which the amendments to H. R. 4188 were ordered to be engrossed, and the bill to be read a third time and passed, in order that my amendment may be deleted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. McCARRAN. Mr. President, I do not quite understand the request.

Mr. MORSE. I will explain it. This particular bill refers to a case in which the Court of Claims awarded to the Tillamook Indians in my State certain funds that they had been in litigation about for many years; but the bill provides in section 4 thereof that the Indians will have to pay for the costs of making up the distribution rolls and carrying out, in effect, the court order.

I said I thought that was unfair. So I offered an amendment to strike section 4 from the bill, which would place the cost of distributing the funds on the Federal Government, where I think it belongs.

However, the Department of the Interior informs me that that would require their coming before Congress at the next session and asking for a supplementary appropriation to get the money to pay this cost, and the Indians would have payment of their claims postponed that much longer.

Although I still think my proposition is the equitable one, nevertheless I do not want to cause further delay to these Indians, so I ask that action on the bill be reconsidered so that my amendment may be deleted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

The Chair hears none, and it is so ordered.

The bill is before the Senate.

Mr. MORSE. I ask that my amendment be deleted from the bill.

The PRESIDING OFFICER. Without objection, it so ordered.

The question now is on engrossment of the amendments of the Committee on Interior and Insular Affairs, and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

AMENDMENT OF RAILROAD RETIREMENT ACT, THE RAILROAD RETIREMENT TAX ACT, AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT—BILL PASSED OVER

The bill (H. R. 7840) to amend the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Over, by request.

Mr. MANSFIELD. Mr. President, will the Senator withhold his objection for a moment?

Mr. HENDRICKSON. Gladly.

Mr. MANSFIELD. I understand that this bill passed the House by a vote of 360 to nothing. It was reported from the Senate committee by a vote of 11 to 1. I am afraid that if action is not taken on the bill at this time, no action will be taken during the remainder of the session.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3570) to authorize the sale of certain lands situated in Utah was announced as next in order.

Mr. McCARRAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENDING TO MENOMINEE RESERVATION CIVIL AND CRIMINAL LAWS OF THE STATE OF WISCONSIN

The bill (H. R. 9821) to amend titles 18 and 28 of the United States Code was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF NON-FEDERAL LAND

The Senate proceeded to consider the bill (H. R. 6814) to facilitate the acquisition of non-Federal land within areas of the National Park System, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 4, after the word "the" where it occurs the first time, to strike out "Areas" and insert "existing boundaries"; in the same line, after the word "of", to strike out "the" and insert "any"; and at the beginning of line 5, to strike out "System."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to facilitate the acquisition of non-Federal land within the existing boundaries of any national park, and for other purposes."

INCREASE OF PUBLIC DEBT LIMIT—BILL PASSED OVER

The bill (H. R. 6672) to increase the public debt limit was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Over.

Mr. GORE. Over.

Mr. GOLDWATER. Mr. President, reserving the right to object—and I shall object—I do not think this is a bill which should be passed upon a call of the calendar. I should like very briefly to state my reasons.

Last year the Republican Party ran on a pledge to balance the budget and practice economy in government. I read from an encyclopedia concerning the Republican Party:

> The Republican Party historically has balanced the budget. Under its leadership the United States has established a record for payment of national debt unequaled by any country in the world's history, and for rigorous economy in government management.

Last year about this same time the Congress was asked to increase the debt limit. As a Republican, I do not understand why the request did not come to us in February, March, or April.

I think it is uncalled for to ask a body as busy as we are, in the closing hours of the session, to consider such legislation hastily.

I am not sold for 1 minute on the proposition that the $6 billion increase which has been agreed to will be "temporary" and will terminate next year. It will continue, and the $6 billion will be added to another $6 billion, and so on.

The further we go away from balancing the Federal budget and practicing economy in government, the closer we come to economic disaster. I suggest that that is exactly what Stalin intended to do to this country. He never intended to kill us by bullets and bombs. He said that he would destroy the Western Powers by means of the demoralization and debauchery of their currencies. I suggest that that purpose is well on road to accomplishment.

The Republican administration has done a good job in cutting down expenditures. It has made a good gesture toward balancing the budget. I do not think we have gone far enough. I think we have done a good job, but I think we can do a better job. Therefore, I object.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

ISSUANCE OF PATENTS IN FEE TO LANDS OF MISSION INDIANS, CALIFORNIA

The bill (H. R. 8365) to confirm the authority of the Secretary of the Interior to issue patents in fee to allottments of lands of the Mission Indians in the State of California prior to the expiration of the trust period specified in the act of January 12, 1891, as amended, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF WESTERN LAND BOUNDARY FENCE PROJECT—BILL PASSED OVER.

The bill (S. 114) authorizing appropriations for the construction, operation, and maintenance of the western land boundary fence project, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, I wonder if the distinguished Senator from New Mexico [Mr. ANDERSON] can tell the Senate just what the total cost involved is.

Mr. ANDERSON. $3,500,000 is authorized under the bill. The bill originally was discussed as a customs measure, and was rejected on that basis by the departments. With the advent of foot-and-mouth disease, and certain recent pests which have come across the border, the Department of Agriculture has asked that the bill be revived and passed. $3,500,000 would be made available.

Mr. HENDRICKSON. Has the junior Senator from New Jersey been incorrectly informed? I have been informed that the ultimate cost will be about $4,700,000.

Mr. ANDERSON. The Senator may be correct, and I may be mistaken. The authorization is for $3,500,000.

Mr. HENDRICKSON. That is not the authorization. Those figures are estimates of the agencies involved.

Mr. ANDERSON. The cost might run as high as $4 million. I cannot be sure. If so, that would be because the Department of Agriculture might slightly change the type of fence.

Mr. HENDRICKSON. Does the distinguished Senator from New Mexico feel that this expenditure would be justified?

Mr. ANDERSON. I certainly do; and so does the Department of Agriculture.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSTON of South Carolina. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JOHNSTON of South Carolina subsequently said: Mr. President, with reference to Calendar No. 2257, S. 114, authorizing appropriations for the construction, operation, and maintenance of the western boundary fence projection, and for other purposes, I objected to its consideration a few minutes ago when it was reached on the call of the calendar. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to having the Senate return to

the consideration of Calendar No. 2257, S. 114?

Mr. HENDRICKSON. I dislike very much to object, but I feel constrained to do so, because I have objected in the past under similar circumstances, and I do not want to discriminate as between Senators. Therefore, I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

LEASING OF RESTRICTED INDIAN LANDS IN ARIZONA OR NEW MEXICO

The Senate proceeded to consider the bill (S. 3043) to authorize the leasing of restricted Indian lands in the State of Arizona or on the Navaho Indian Reservation, in the State of New Mexico, for religious, educational, residential, business, and other purposes requiring the grant of long-term leases which had been reported from the Committee on Interior and Insular Affairs with amendments, at the beginning of line 4, to strike out "and any such lands on the Navaho Reservation within the State of New Mexico" and insert "(other than lands of the Navaho or Hopi Indians)"; in line 8, after the word "for", to insert "public"; in the same line, after the word "educational", to insert "recreational"; on page 2, line 8, after the word "for", to insert "public"; at the beginning of line 9, to insert "recreational"; and on page 3, line 1, after the word "to", to insert "section 5 of the act of April 19, 1950 (64 Stat. 44, 46), or", so as to make the bill read:

Be it enacted, etc., That any restricted Indian lands within the State of Arizona (other than lands of the Navaho or Hopi Indians) whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, and for those farming purposes (not to include grazing) which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed 25 years, but leases for public, religious, educational, recreational, residential, or business purposes, with the consent of both parties, may include provisions authorizing their renewal for 1 additional term of not to exceed 25 years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior.

SEC. 2. Restricted lands of deceased Indians may be leased under this act, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U. S. C., 1946 edition, sec. 380).

SEC. 3. No rent or other consideration for the use of land leased under this act shall be paid or collected more than 1 year in advance, unless so provided in the lease.

SEC. 4. Nothing contained in this act shall be construed to repeal any authority to lease restricted Indian lands conferred by or pursuant to section 5 of the act of April 19, 1950 (64 Stat. 44, 46), or any other provision of law.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the leasing of restricted Indian lands in the State of Arizona, other than those of the Navaho or Hopi Indians, for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases."

BLACK CANYON IRRIGATION DISTRICT, IDAHO

The bill (H. R. 9630) to authorize the Secretary of the Interior to execute an amendatory contract with the Black Canyon Irrigation District, Idaho, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. DWORSHAK. Mr. President, the bill would authorize the Secretary of the Interior to execute an amendatory repayment contract which has been negotiated with the Black Canyon Irrigation District, Payette Division, Boise project, Idaho. The contract has been negotiated as required by the provisions of section 7 of the Reclamation Project Act of 1939 in order to provide a reasonable and equitable solution to the repayment problems involved. The bill also would approve the principles set forth in the Boise project revised allocation and repayment report of September 21, 1953, which is an integral part of the amendatory repayment arrangement.

This proposed legislation was requested by the Department of the Interior primarily to implement the new agreement reached and signed on September 21, 1953.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (S. 3627) to amend the Civil Service Retirement Act, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. CARLSON. Mr. President, the purpose of the bill is to amend the Civil Service Retirement Act, so as to plug certain loopholes which have been discovered during the past few years. Congress has approved a study of the entire Retirement Act. We have received reports and recommendations from the Civil Service Commission looking toward the plugging of loopholes.

I will mention one of the cases cited in the report which we received from the Civil Service Commission. An employee worked for several years for the Tennessee Valley Authority. He resigned his position in that agency and collected over $9,000 in retirement pay which had accumulated there. He later secured another job in a Government agency, paid $63, and collected an annuity benefit in a sum over $2,000.

It is situations like that which we are trying to plug up at the present time.

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

Mr. CARLSON. I am happy to yield.

Mr. GORE. No additional benefits are conferred upon annuitants by the bill?

Mr. CARLSON. There are none and the purpose of this bill is to make these people—for example, the man I just mentioned—keep those amounts accumulated in the fund, no matter when they may go to other Government jobs, and get their benefits on that basis.

Mr. GORE. The example the Senator cited was only an isolated instance, but similar ones can happen.

Mr. CARLSON. That is correct. I mention this case because it was cited to us by the Commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following:

"Notwithstanding any provision of law to the contrary, title to annuity payable from the civil service retirement and disability fund shall not arise from any separation unless the officer or employee so separated has, within the 2-year period immediately preceding such separation, completed at least 1 year of creditable civilian service during which he was subject to this act. Any annuity rights based on a separation which (a) terminated service meeting this requirement, or (b) occurred prior to this amendment, shall be restored upon separation from subsequent service which fails to meet said requirement.

"No credit shall be allowed for any service subsequent to the date of the separation on which title to annuity is based. Any amounts deducted from salary for retirement purposes during such service shall upon separation be refunded to such officer or employee without interest, and shall be subject to redeposit as provided in section 12 (b) (2) of this act. Any such amount not so refunded to the officer or employee before his death shall be paid in the order of precedence prescribed in section 12 (e)."

BILL PASSED OVER

The bill (S. 2631) to prohibit the payment of Government retirement benefits to persons convicted of certain offenses was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMATHERS. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GRANTING STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

The concurrent resolution (H. Con. Res. 254) favoring the granting of the status of permanent residence to certain aliens was considered and agreed to.

For text of above concurrent resolution, see CONGRESSIONAL RECORD of July 21, 1954, pages 11206–11208.

ALICK BHARK

The Senate proceeded to consider the bill (S. 346) for the relief of Alick Bhark, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "visa" to strike out "fees and head taxes" and insert "fee", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Alick Bhark shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN PALESTINIAN ARAB REFUGEES

The Senate proceeded to consider the bill (S. 1336) for the relief of certain Palestinian Arab refugees, which had been reported from the Commitee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Euline Saliba Sihwel (Eveline Saliba Suhweil) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Euline Saliba Sihwel (Eveline Saliba Suhweil)."

PALESTINIAN ARAB REFUGEES

The Senate proceeded to consider the bill (S. 1341) for the relief of certain Palestinian Arab refugees, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Salamy Khouri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Salamy Khouri."

MILAN K. JOVANOVIC

The Senate proceeded to consider the bill (S. 1625) for the relief of Milan K. Jovanovic, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "fee", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Milan K. Jovanovic shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREAS GEORGES VLASTOS

The bill (S. 1893) for the relief of Andreas Georges Vlastos (Andreas Georges Vlasto) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Andreas Georges Vlastos (Andreas Georges Vlasto) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CLAIRE HEISZLER

The Senate proceeded to consider the bill (S. 2109) for the relief of Claire Heiszler, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Claire Heiszler shall be held and considered to be the natural-born alien child of Mr. and Mrs. Alex Krauss, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GIUSEPPINA LATINA MOZZICATO AND GIOVANNI MOZZICATO

The bill (S. 2532) for the relief of Giuseppina Latina Mozzicato and Giovanni Mozzicato (John Mozzicato) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Giuseppina Latina Mozzicato and Giovanni Mozzicato (John Mozzicato) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

ANDREE M. DOYLE

The Senate proceeded to consider the bill (S. 2669) for the relief of Andree M. Doyle, which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "act", to insert a colon and *"Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Andree M. Doyle may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA BERTAGNOLLI PANCHERI

The Senate proceeded to consider the bill (S. 2682) for the relief of Maria Bertagnolli Pancheri, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Maria Bertagnolli Pancheri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY DUNCAN

The bill (S. 2973) for the relief of Henry Duncan was considered, ordered

to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Henry Duncan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

MYUNG SIK HONG

The bill (S. 3163) for the relief of Myung Sik Hong was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Myung Sik Hong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

REV. LORENZO RODRIGUEZ BLANCO AND REV. ALEJANDRO NEGREDO LAZARO

The bill (S. 3327) for the relief of Rev. Lorenzo Rodriguez Blanco and Rev. Alejandro Negredo Lazaro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Rev. Lorenzo Rodriguez Blanco and Rev. Alejandro Negredo Lazaro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

SHIGEKO NAKAMURA BULMER

The Senate proceeed to consider the bill (S. 3413) for the relief of Shigeko Nakamura Bulmer, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee," to insert a colon and *"Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That for the purposes of the Immigration and Nationality Act, Shigeko Nakamura Bulmer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JUANA PADILLA DE CABALLERO

The Senate proceeded to consider the bill (S. 3625) for the relief of Mrs. Juana Padilla de Caballero, which had been reported from the Committee on the Judiciary with an amendment, in line 8, after the word "act," to insert a colon and *"Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of sections 212 (a) (9) and 212 (a) (19) of the Immigration and Nationality Act, Mrs. Juana Padilla de Caballero (Mrs. Juana Padilla de Ontiveros) may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. GERTRUD ECKERL STRICKLAND

The bill (S. 3728) for the relief of Mrs. Gertrud Eckerl Strickland was announced as next in order.

Mr. McCARRAN. On August 5, 1954, S. 3728 was reported to the Senate from the Committee on the Judiciary. Since that time the House has passed H. R. 8066, which is a similar bill. It was referred to the Committee on the Judiciary.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H. R. 8066, that it be considered by the Senate, and that the Senate bill 3728, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the Committee on the Judiciary is discharged from the further consideration of H. R. 8066, for the relief of Mrs. Gertrud Eckerl Strickland.

Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 8066) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, S. 3728 is indefinitely postponed.

HOWARD CARL KAISER

The bill (S. 3756) for the relief of Howard Carl Kaiser was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Howard Carl Kaiser shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

MRS. EMMA MARTHA STAACK

The bill (H. R. 818) for the relief of Mrs. Emma Martha Staack was considered, ordered to a third reading, read the third time, and passed.

GEORGE ECONOMOS

The bill (H. R. 970) for the relief of George Economos was considered, ordered to a third reading, read the third time, and passed.

HAYIK VARTIYAN AND OTHERS

The Senate proceeded to consider the bill (H. R. 1912) for the relief of Hayik (Jirair) Vartiyan, Annemarie Vartiyan, and Susanig Armenuhi Vartiyan; which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "deduct" to strike out "two" and insert "three."

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, and passed.

NATALE JOSEPH JOHN RATTI

The bill (H. R. 4620) for the relief of Natale Joseph John Ratti was considered, ordered to a third reading, read the third time, and passed.

ANTONIO CAZZATO

The bill (H. R. 7088) for the relief of Antonio Cazzato was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF CERTAIN PATENTS DURING CERTAIN EMERGENCY PERIODS—BILL PLACED AT FOOT OF THE CALENDAR

The bill (H. R. 3534) to authorize the extension of patents covering inventions whose practice was prevented or curtailed during certain emergency periods by service of the patent owner in the Armed Forces or by production controls was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Reserving the right to object, I should like to say that a few days ago the distinguished senior Senator from Wisconsin [Mr. WILEY] consulted with me with respect to this bill and asked me whether any objections had been filed against it with the calendar committee. I told him there had not been any objections filed.

Since then, the junior Senator from New Jersey is in receipt of a telegram from a distinguished and prominent patent attorney, Mr. P. L. Young, who has been practicing in his special field for more than 25 years. In his telegram he outlines several reasons for his

opposition to this bill. I ask unanimous consent that this telegram be placed in the RECORD at this point in my remarks.

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

AUGUST 6, 1954.

Senator ROBERT C. HENDRICKSON,
Senate Office Building:

I understand that a bill, H. R. 3534, to extend the terms of certain United States patents has been passed by the House and is now before the Senate. As an attorney specializing in patent law for over 25 years, I am deeply concerned and urge you to oppose this mischievous bill for the following reasons:

1. Proposals for the extension of the term of patents have been traditionally opposed by our Government. It has been done only in an insignificant number of cases.

2. This bill is extremely complex and under it extensions of different lengths would be granted to different patentees depending on extremely complicated findings and conditions. It would introduce much confusion as to the actual term of the patents in question. With only trifling exceptions at present, one can tell whether a patent has expired or whether it is pending, merely by looking at the face of the patent. If this bill passes, this clear assurance would be converted into a troublesome puzzle.

3. The passage of this bill will throw a heavy burden of expense on all the members of the general public who are concerned with patents, forcing them to expensive opposition proceedings to protect themselves against unjust grants, and an additional burden will be placed on the Patent Office which does not have the money, time or manpower available for the examination of the many claims for extension and for the oppositions, hearings, and appeals that would normally result.

4. It seems to me that the advantages to the patentees are heavily outweighed by these various burdens which are placed upon the whole country with questionable justice.

5. I concur with the opinions of Secretary of Commerce Weeks and Mr. William Rogers of the Department of Justice in letters which they have written in opposition of this bill.

P. L. YOUNG.

WESTFIELD, N. J.

Mr. HENDRICKSON. Mr. President, in addition to Mr. Young's telegram another patent attorney, Maj. K. M. Lefever, a most able lawyer from New Jersey, consulted with my counsel, Col. Joseph W. Levy. He, too, expressed opposition to this bill.

I am very much impressed by the opinions of these men and feel that this is a measure that should be debated on the floor and not passed on a call of the calendar.

Moreover, Mr. President, the Departments of Justice and Commerce are both opposed to the bill.

In view of the communications, and in view of the fact that the agencies involved seemed to be opposed to the bill, I ask that the bill go over.

Mr. CAPEHART. Is the Senator from New Jersey asking that the bill go over?

Mr. HENDRICKSON. I am.

The PRESIDING OFFICER. Objection has been made.

Mr. HENDRICKSON. I feel that in view of these strong expressions of opinion on the bill this is a measure which should be called up in the regular order and carefully debated.

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

Mr. HENDRICKSON. I yield.

Mr. WILEY. Of course, we realize that among lawyers, as among preachers and every other class, there are differences of opinion. Even on this floor as to the meaning of certain language we have differences of opinion.

However, this proposed legislation is to authorize the extension of the terms of certain patents for such periods as may be required in order to secure to the owners of such patents the reasonably unrestricted exercise of the exclusive rights granted thereby for a total period equivalent to the 17-year term for which they were issued, where, during World War II or the Korean conflict, the normal use or development of such patents was prevented or substantially curtailed for the following reasons:

First. That the owner or owners were in the military, naval, or air forces; or

Second. That an order of an agency of the Government prohibited or limited the production or use of the articles or processes; or

Third. That such owners, having been granted licenses, either royalty-free or for a nominal royalty, to the United States or to the manufacturers furnishing goods to the United States, in order to promote any program for national defense since September 1, 1939.

This legislation is based on a number of bills introduced in the House as well as similar bills introduced in the Senate. The House had hearings on this matter and the House Judiciary Committee, it is understood, unanimously approved the substitute bill which was reported in H. R. 3534. The House also unanimously passed this bill.

When the bill reached the Committee on the Judiciary, a study of the report of the House was made, and for the reasons I have mentioned previously, the committee was convinced that this legislation was meritorious and warranted. All that it does is to restore to the person additional time for the exploitation of the patent, when such time was prohibited or curtailed for the reasons hereinbefore mentioned. It is therefore recommended that the bill be considered favorably.

I wish to restate that because these people were in the service or because the Government itself interfered with their having the right to proceed under patent law, their rights were restricted. I realize that some lawyer might feel that he would like to get in on the gravy.

Mr. CAPEHART. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. In one moment I shall be glad to yield.

Mr. President, I have in my hand the Senate committee report, submitted by the Senator from Wisconsin from the Committee on the Judiciary, on House bill 3534, the bill we are now considering.

As I look over that document I see among the agency reports one from the Secretary of Commerce, in which he says, among other things:

So far as the first class of persons is concerned, the act would be an extension of Public Law 598, 81st Congress, in that it would extend the periods of service involved and would also apparently permit an extension whether or not the veteran had suffered any loss whatever by reason of service in the Armed Forces.

I proceed to the other objections, where the Secretary finally says:

For these reasons we recommend against enactment of H. R. 3534.

Then in the report of the Department of Justice, after stating their analysis of the bill, they conclude:

Accordingly, the Department of Justice is unable to recommend the enactment of this bill.

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

Mr. HENDRICKSON. Yes, I shall be glad to yield.

Mr. CAPEHART. Those are letters which were addressed to Representative REED. After those letters were addressed to him the bill was amended, and no department of the Government is opposing the bill at the moment.

Mr. HENDRICKSON. But the letters are in the committee report.

Mr. CAPEHART. I do not know how the letters got into the report. They should not have been there.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CAPEHART. Is the time limit up?

Mr. HENDRICKSON. I ask unanimous consent that the bill go to the foot of the calendar, so that I may consult with the two distinguished Senators.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

REGISTRATION OF TRADE-MARKS

The bill (S. 2540) to amend the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of this bill?

Mr. WILEY. Mr. President, the proposed legislation is to make certain amendments to the Lanham Trade-Mark Act, which went into effect on July 5, 1947. That act has been in operation now for almost 7 years and during this period of time the desirability and need for a number of revisions has become evident. Hearings were held on this matter and the interested agencies were requested to report thereon. As a result of the hearings, conferences were held between representatives of the agencies; individual trade-mark lawyers, and the coordinating committee of the trade-mark association, which for years past has been working on this matter. With few exceptions, the conferences resulted in agreement and a substitute bill, which is the bill now before the Senate, was ordered reported. It is the opinion of the committee that, with the exception of 1 or 2 individual objections, this bill is noncontroversial and does improve the Lanham Trade-Mark Act. It is

therefore recommended that this legislation be considered favorably.

Mr. SMATHERS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. SMATHERS. Has the Patent Office approved this measure?

Mr. WILEY. I am so informed.

Mr. SMATHERS. Has the Department of Justice approved it?

Mr. WILEY. I understand there is one exception.

Mr. SMATHERS. Is that exception considered a major exception?

Mr. WILEY. I am informed that it is not.

Mr. SMATHERS. The bill has been unanimously reported by the committee; has it not?

Mr. WILEY. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2540) to amend the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That paragraph (1) of subsection (a) of section I of the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946 (60 Stat. 427), as amended, is amended by striking the words "as might be calculated to deceive" and inserting in lieu thereof "as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive"; and by striking the words "or services" from the proviso thereof.

SEC. 2. Subsection (d) of section 2 is amended by striking the language beginning with the word "confusion", first appearance, and ending with the word "herewith" at the end of said subsection and inserting in lieu thereof the following: "confusion, or to cause mistake, or to deceive: *Provided*, That when the Commissioner determines that confusion, mistake or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, concurrent registrations may be granted to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in commerce prior to (i) the earliest of the filing dates of the applications pending under this act; or (ii) the application filing date of a registration granted under this act; or (iii) July 5, 1947, in the case of registrations previously granted under the act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (iv) July 5, 1947, in the case of applications under the act of February 20, 1905, pending on July 5, 1947. Concurrent registrations may also be granted by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In the grant of concurrent registrations, the Commissioner shall prescribe conditions and limitations of the grant as to the mode or place of use of the mark or the goods in connection with which such mark is registered to the respective persons."

SEC. 3. Section 6 is amended by striking the entire section and inserting in lieu thereof the following:

"SEC. 6. (a) The Commissioner may require the applicant to disclaim an unregistrable component of a mark otherwise registrable. The applicant may voluntarily disclaim a component of a mark sought to be registered.

"(b) No disclaimer heretofore or hereafter made, or made under paragraph (d) of section 7 of this act, shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or his rights of registration on another application if the disclaimed matter be or shall have become distinctive of his goods or services."

SEC. 4. Subsection (a) of section 7 is amended by striking therefrom the word "either"; by striking the words "name printed" and inserting in lieu thereof the words "signature placed"; by striking the words "assistant commissioner or by one of the law examiners duly" and inserting in lieu thereof the words "officer of the Patent Office"; and by striking the words "and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose" and inserting in lieu thereof the words "and a record thereof shall be kept in the Patent Office."

Subsection (d) of section 7 is amended by striking the entire subsection and inserting in lieu thereof the following: "Upon application of the registrant the Commissioner may permit any registration to be surrendered for cancellation, and upon cancellation the Commissioner shall make appropriate entry upon the records of the Patent Office. Upon application of the registrant and payment of the prescribed fee, the Commissioner for good cause may permit any registration to be amended or to be disclaimed in part: *Provided*, That the amendment or disclaimer does not alter materially the character of the mark. The Commissioner shall make appropriate entry upon the records of the Patent Office and upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof."

SEC. 5. Subsection (a) of section 8 is amended by striking the word "showing", first appearance, and inserting in lieu thereof the word "stating"; and after the word "use" inserting the words "in commerce on goods recited in the registration"; and striking the word "its", second appearance, and inserting in lieu thereof the word "any."

Subsection (b) of section 8 is amended by striking the word "showing", first appearance, and inserting in lieu thereof the word "stating"; and after the word "use" inserting the words "in commerce on goods recited in the registration"; and by striking the word "its" and inserting in lieu thereof the word "any."

SEC. 6. Section 9 is amended by striking the entire section and inserting in lieu thereof the following:

"SEC. 9. (a) Each registration may be renewed for periods of 20 years from the end of the expiring period upon payment of the prescribed fee and the filing of an application therefor accompanied by an affidavit by the registrant setting forth those goods recited in the registration on which the mark is still in use in commerce or showing that any nonuse in commerce is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and such application may be made at any time within 6 months before the expiration of the period for which the certificate of registration was issued or renewed, or it may be made within 3 months after such expiration on payment of the additional fee herein provided.

"(b) If the Commissioner refuses to renew the registration, he shall notify the registrant of his refusal and the reasons therefor.

"(c) An applicant for renewal not domiciled in the United States shall be subject to and comply with the provisions of section 1 (d) hereof."

SEC. 7. Section 10 is amended by changing the colon following the word "conducted" to a period and striking the words "*Provided*, That any assigned registration may be canceled at any time if the registered mark is being used by, or with the permission of, the assignee so as to misrepresent the source of the goods or services in connection with which the mark is used."

SEC. 8. Subsection (a) of section 12 is amended by changing the period at the end thereof to a colon and inserting after the colon the following: "*Provided*, That in the case of an applicant claiming concurrent use, or in the case of an application to be placed in an interference, as provided for in section 16 of this act, the mark, if otherwise registrable, may be published subject to the determination of the rights of the parties to such proceedings."

Subsection (b) of section 12 is amended by inserting after the word "months", second appearance, the following: ", or such shorter time not less than 30 days as may be prescribed by or under regulations of the Commissioner,".

Subsection (c) of section 12 is amended by striking therefrom the word "stated", and inserting in lieu thereof the word "recited"; and by striking therefrom the first word of the last sentence and inserting in lieu thereof the words "Marks published under this."

Section 12 is further amended by adding a new subsection (d) as follows:

"(d) The Commissioner is authorized to maintain a public search file containing reproductions or descriptions of all marks for which applications for registration are pending, together with the name and address of the applicant, the date of filing of the application, the goods or services and class for which registration is sought, the claimed dates of first use of the mark, and the name and address of the applicant's attorney."

SEC. 9. Section 13 is amended by adding at the end thereof the following sentence: "A notice of opposition may be amended under such conditions as may be prescribed by the Commissioner."

SEC. 10. Section 14 is amended by striking said section in its entirety and inserting in lieu thereof the following:

"SEC. 14. A verified petition to cancel a registration of a mark, stating the grounds relied upon, may, upon payment of the prescribed fee, be filed by any person who believes that he is or will be damaged by the registration of a mark on the principal register established by this act, or under the act of March 3, 1881, or the act of February 20, 1905—

"(a) within 5 years from the date of the registration of the mark under this act; or

"(b) within 5 years from the date of the publication under section 12 (c) hereof of a mark registered under the act of March 3, 1881, or the act of February 20, 1905; or

"(c) at any time if the registered mark becomes the common descriptive name of an article or substance, or has been abandoned or its registration was obtained fraudulently or contrary to the provisions of section 4 or of subsections (a), (b), or (c) of section 2 of this act for a registration hereunder, or contrary to similar prohibitory provisions of said prior acts for a registration thereunder, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services in connection with which the mark is used; or

"(d) at any time if the mark was registered under the act of March 3, 1881, or the act of February 20, 1905, and has not been published under the provisions of subsection (c) of section 12 of this act; or

"(e) at any time in the case of a certification mark on the ground that the registrant (1) does not control, or is not able legitimately to exercise control over, the use of such mark, or (2) engages in the production or marketing of any goods or services to which the certification mark is applied, or (3) permits the use of the certification mark for purposes other than to certify, or (4) discriminately refuses to certify or to continue to certify the goods or services of any person who maintains the standards or conditions which such mark certifies."

SEC. 11. Section 15 is amended by striking "or trade name" and ", patented or otherwise" from paragraph No. (4).

SEC. 12. Section 16 is amended by striking therefrom the word "purchasers."

SEC. 13. Section 18 is amended by striking therefrom in the first sentence the words "In such proceedings the" and inserting in lieu thereof the word "The"; and by inserting in the first sentence after the word "may", first appearance, a comma and the following: "in the appropriate proceedings,"; and by striking the word "may", second, third, and fourth appearances.

SEC. 14. Section 21 is amended by striking the entire section, and inserting in lieu thereof the following:

"SEC. 21. (a) (1) An applicant for registration of a mark, party to an interference proceeding, party to an opposition proceeding, party to an application to register as a lawful concurrent user, party to a cancellation proceeding, a registrant who has filed an affidavit as provided in section 8, or an applicant for renewal, who is dissatisfied with the decision of the Commissioner, may appeal to the United States Court of Customs and Patent Appeals thereby waiving his right to proceed under section 21 (b) hereof: *Provided,* That such appeal shall be dismissed if any adverse party to the proceeding, other than the Commissioner, shall, within 20 days after the appellant has filed notice of appeal according to section 21 (a) (2) hereof, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 21 (b) hereof. Thereupon the appellant shall have 30 days thereafter within which to file a civil action under said section 21 (b), in default of which the decision appealed from shall govern the further proceedings in the case.

"(2) When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and shall file in the Patent Office, his reasons of appeal, specifically set forth in writing, within such time after the date of the decision appealed from, not less than 60 days, as the Commissioner appoints.

"(3) The court shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit to the court certified copies of all the necessary original papers and evidence in the case specified by the appellant and any additional papers and evidence specified by the appellee, and in an ex parte case the Commissioner shall furnish the court with the grounds of the decision of the Patent Office, in writing, touching all the points involved by the reasons of appeal.

"(4) The court, on petition, shall hear and determine such appeal on the evidence produced before the Patent Office, and the decision shall be confined to the points set forth in the reasons of appeal. Upon its determination, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and govern the further proceedings in the case.

"(b) (1) Whenever a person authorized by section 21 (a) hereof to appeal to the United States Court of Customs and Patent Appeals is dissatisfied with the decision of the Commissioner, said person may, unless appeal has been taken to said Court of Customs and Patent Appeals, have remedy by a civil action if commenced within such time after such decision, not less than 60 days, as the Commissioner appoints or as provided in section 21 (a). The court may adjudge that an applicant is entitled to a registration upon the application involved, that a registration involved should be canceled, or such other matter as the issues in the proceeding require, as the facts in the case may appear. Such adjudication shall authorize the Commissioner to take any necessary action, upon compliance with the requirements of law.

"(2) The Commissioner shall not be made a party to an inter partes proceeding under this subsection, but he shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall have the right to intervene in the action.

"(3) In all cases where there is no adverse party, a copy of the complaint shall be served on the Commissioner; and all the expenses of the proceedings shall be paid by the party bringing them, whether the final decision is in his favor or not. In suits brought hereunder, the record in the Patent Office shall be admitted on motion of any party, upon such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court imposes, without prejudice to the right of any party to take further testimony. The testimony and exhibits of the record in the Patent Office, when admitted, shall have the same effect as if originally taken and produced in the suit.

"(4) Where there is an adverse party, such suit may be instituted against the party in interest as shown by the records of the Patent Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs."

SEC. 15. Section 22 is amended by changing the period at the end thereof to a colon and adding the words "*Provided,* That registration of marks under the act of March 3, 1881, or the act of February 20, 1905, shall not constitute constructive notice for any time prior to July 5, 1947."

SEC. 16. Section 23 is amended by striking from the last paragraph thereof the words "has begun the lawful use of his mark in foreign commerce and that he."

SEC. 17. Section 24 is amended by inserting in the second sentence thereof, following the word "time", the following: ", upon payment of the prescribed fee and the filing of a verified petition stating the grounds therefor,".

SEC. 18. Section 26 is amended by inserting the words "the proviso of section 2 (d)," after the words "advantages of."

SEC. 19. Section 28 is amended by inserting after the numerals "1920," the words "shall not constitute constructive notice and."

SEC. 20. Section 29 is amended by inserting the words "on or in connection with the goods or services" following the word "used"; by striking the words "mark goods bearing the registered mark" and inserting in lieu thereof the words "give such notice of registration."

SEC. 21. Section 30 is amended by striking therefrom all of said section except the first sentence thereof and inserting in lieu of the matter stricken the following: "The applicant may file an application to register a mark for any or all of the goods and services upon or in connection with which he is actually using the mark: *Provided,* That when such goods or services fall within a plurality of classes, a fee equaling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate for such mark."

SEC. 22. Section 31 is amended by inserting after the ninth semicolon the words "for filing petition to revive an abandoned application, $10;" ; by striking the comma following the word "disclaimer" in the final clause of the same paragraph and inserting in lieu thereof the word "or"; and by striking from said final clause the following: ", surrender, or cancellation."

SEC. 23. Subsection (1) of section 32 is amended by striking the entire subsection and inserting in lieu thereof the following:

"Any person who shall, without the consent of the registrant—

"(a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or

"(b) reproduce, counterfeit, copy, or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive,

shall be liable in a civil action by the registrant for the remedies hereinafter provided. Under subsection (b) hereof, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to deceive, or to cause confusion, or to cause mistake.

Paragraph (b) of subsection (2) of section 32 is amended by striking the word "published" and inserting in lieu thereof the word "publisher."

SEC. 24. Subsection (b) of section 33 is amended by striking therefrom the word "certificate", second appearance, and inserting in lieu thereof "affidavit filed under the provisions of said section 15."

Paragraph (3) of subsection (b) of section 33 is amended by striking therefrom the words "has been assigned and"; and by striking therefrom the word "assignee" and inserting in lieu thereof the words "registrant or a person in privity with the registrant."

Paragraph (5) of subsection (b) of section 33 is amended by striking therefrom the word "the" following the words "date prior to" and inserting in lieu thereof the words "registration of the mark under this act or"; and by striking therefrom "(a) or" following the word "subsection."

Paragraph (6) of subsection (b) of section 33 is amended by inserting the words "registration under this act or" after the word "the", second appearance; by striking therefrom "(a) or" following the word "subsection", first appearance; by striking from the proviso the words "only where the said mark has been published pursuant to subsection (c) of section 12 and shall apply"; by striking the words "the date of" following the words "prior to" in the said proviso and inserting in lieu thereof "such registration or such"; and by striking therefrom the words

"subsection (a) or (c) of" following the word "under" in said proviso.

Paragraph (7) of subsection (b) of section 33 is amended by striking said paragraph in its entirety.

SEC. 25. Section 35 is amended by striking therefrom "31 (1) (b)" and inserting in lieu thereof "32"; and by adding at the end thereof a new paragraph as follows: "The court in exceptional cases may award reasonable attorney fees to the prevailing party"

SEC. 26. (a) Section 42 is amended by striking therefrom the initial word "That" and by capitalizing the then initial word "No"; by striking the word "the" following the words "simulate the name of"; by striking the words "manufacture, or" following the word "domestic", first appearance; by striking the word "trade-", each appearance; by striking the words "in accordance with the provisions of this act" following the word "registered", first appearance, and inserting in lieu thereof the words "on the principal register, or under the act of March 3, 1881, or under the act of February 20, 1905,"; and by striking therefrom the words ", issued in accordance with the provisions of this act," and inserting in lieu therof the words "on the principal register, or under the act of March 3, 1881, or under the act of February 20, 1905."

(b) Section 42 is further amended by designating the matter now therein as subsection (a) and by adding new subsections (b) and (c) to read as follows:

"(b) For the purpose of this section a foreign mark which is identical with a mark recorded under subsection (a) hereof shall not be deemed to copy or simulate the said recorded mark when used by a person having a branch-factory, parent-subsidiary, agency, licensee, partnership, or similar relationship with the owner of the registration.

"(c) Articles entered free of duty under any of the exemptions provided for in section 321 and paragraphs 1632, 1747, and 1798 of the Tariff Act of 1930, as amended, and articles entitled to temporary entry under bond as provided for in section 308 of the Tariff Act of 1930 shall not be excluded from importation under subsection (a) hereof."

(c) Section 526 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1526) is repealed.

SEC. 27. Subsection (b) of section 44 is amended by striking said subsection in its entirety and inserting in lieu thereof the following:

"(b) Any person whose country of origin is a party to any convention or treaty relating to trade-marks, trade or commercial names, or the repression of unfair competition, to which the United States is also a party, or extends reciprocal rights to nationals of the United States by law, shall be entitled to the benefits of this section under the conditions expressed herein to the extent necessary to give effect to any provision of such convention, treaty or reciprocal law, in addition to the rights to which any owner of a mark is otherwise entitled by this act."

Subsection (e) of section 44 is amended by inserting after the article "a" in the second sentence the words "certification or a"; and by striking from said second sentence the words "application for or."

SEC. 28. Section 45 is amended by striking the definition in the sixth paragraph in its entirety and inserting in lieu thereof the following:

"The terms 'applicant' and 'registrant' embrace the legal representatives, predecessors, successors, and assigns of such applicant or registrant."

The ninth paragraph of said section, relating to the meaning of the terms "trade name" and "commercial name", is amended by inserting a comma between the words "commercial" and "agricultural."

The 11th paragraph of said section, being the definition of "service mark", is amended by striking the definition in its entirety and inserting in lieu thereof:

"The term 'service mark' means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others. Titles of radio and television programs, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor."

The 13th paragraph of said section, being the definition of "collective mark", is amended by striking the paragraph in its entirety and inserting in lieu thereof:

"The term 'collective mark' means a mark used by the members of a cooperative, an association, a union, or other collective group or organization, to identify the goods or services of such members and distinguish them from the goods or services of another."

The 15th paragraph of said section, relating to use in commerce, is amended by changing the period at the end of said paragraph, to a comma and adding the words "or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith."

The 17th paragraph of said section, relating to the meaning of the term "colorable imitation", is amended by deleting the word "purchasers" at the end thereof.

The final paragraph of said section is amended by striking therefrom the word "commence" and inserting in lieu thereof the word "commerce."

SEC. 29. This act shall take effect 6 months after its enactment.

The amendment was agreed to.

Mr. WILEY. Mr. President, certain suggestions with regard to the proposed legislation were made by the Department of the Treasury insofar as the original Senate bill 2540 was concerned. Those amendments were made in the bill, as suggested. It is now my information that the Treasury Department desires that its suggestions be deleted from the bill as reported. I therefore offer an amendment to the committee amendment, as follows:

On page 36, commencing with line 13, strike out all down to and including line 4 on page 37.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin to the committee amendment.

The amendment to the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF BOUNDARY BETWEEN MARYLAND AND DELAWARE

The bill (S. 3033) to authorize the Secretary of Commerce, acting through the Coast and Geodetic Survey, to assist the States of Maryland and Delaware to establish their common boundary was announced as next in order.

Mr. GORE. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, the proposed legislation authorizes and directs the Coast and Geodetic Survey, upon request of the board of natural resources of the State of Maryland and the State archivist and chief engineer of the highway department of the State of Delaware, to resurvey the common boundary between the States of Maryland and Delaware, with a view to assisting such States in re-marking and otherwise delineating such boundary.

It would appear that the markers installed by Mason and Dixon on the Maryland-Pennsylvania boundary were repaired and reset in 1902, and this boundary is still in good condition. The Maryland-Delaware boundaries are equally historic, but the markers on this boundary have been neglected for 2 centuries. Many of the markers are in bad condition; several have been removed from their correct positions, and a few have been lost. The Coast and Geodetic Survey is well equipped to carry on this work, and while it is indicated in the report received from the interested department that this could be done provided the States paid the costs, it is felt that in this case there is enough national and historic importance in relation to this boundary and to the markers which will be replaced to warrant that the survey be made without expense to those States. It is therefore recommended that this legislation be considered favorably.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 3033?

Mr. GORE. I have no objection.

There being no objection, the bill (S. 3033) to authorize the Secretary of Commerce, acting through the Coast and Geodetic Survey, to assist the States of Maryland and Delaware to establish their common boundary, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce, acting through the Coast and Geodetic Survey, is authorized and directed, upon the joint request of (1) the Board of Natural Resources of the State of Maryland, and (2) the State Archivist and the Chief Engineer of the Highway Department of the State of Delaware, to resurvey the common boundary between the States of Maryland and Delaware with a view to assisting such States to re-mark or otherwise delineate such boundary.

PUNISHMENT FOR CERTAIN CONFIDENCE GAME SWINDLES

The bill (S. 3341) to provide punishment for certain confidence game swindles was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2314 of title 18, United States Code, be and it is hereby amended by inserting therein immediately after the first paragraph thereof, a new paragraph to read as follows:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person to travel in, or to be transported in interstate commerce in the execution or concealment of a scheme to defraud that person of money or property having a value of $5,000 or more; or."

NATIONAL NURSE WEEK

The joint resolution (H. J. Res. 359) designating the period from October 11 to 16, inclusive, 1954, as National Nurse Week was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE CANAL ZONE CODE

The bill (H. R. 4881) to amend the Canal Zone Code in reference to the survival of things in action was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, some years ago it was discovered that the Canal Zone Code did not have a provision relating to the survival of tort actions. The purpose of this bill is to amend the Canal Zone Code so that, in that jurisdiction, henceforth all things in action sounding in tort will survive the death, either of the tort feasor or other persons liable, or of the person injured, or of both. It has the approval of the Department of Justice.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4881) to amend the Canal Zone Code in reference to the survival of things in action, was considered, ordered to a third reading, read the third time, and passed.

INCREASING PENALTIES FOR SMUGGLING GOODS

The bill (H. R. 6113) to amend title 18 of the United States Code, so as to increase the penalties applicable to the smuggling of goods into the United States was considered, ordered to a third reading, read the third time, and passed.

INCORPORATION OF THE SONS OF UNION VETERANS OF THE CIVIL WAR

The bill (H. R. 8034) for the incorporation of the Sons of Union Veterans of the Civil War was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF BENEFITS UNDER THE WAR CLAIMS ACT

The bill (H. R. 9390) to extend certain civilian-internee and prisoner-of-war benefits under the War Claims Act of 1948, as amended, to civilian internees and American prisoners of war captured and held during the hostilities in Korea was considered, ordered to a third reading, read the third time, and passed.

FOUNDATION OF THE FEDERAL BAR ASSOCIATION

The bill (H. R. 9882) to incorporate the Foundation of the Federal Bar Association was considered, ordered to a third reading, read the third time, and passed.

PUNISHMENT FOR TRAVELING IN INTERSTATE OR FOREIGN COMMERCE TO AVOID CERTAIN PROSECUTION OR PUNISHMENT

The Senate proceeded to consider the bill (S. 3116) to amend section 1073 of title 18 of the United States Code to provide for the punishment of any individual who travels in interstate or foreign commerce to avoid prosecution or punishment for indecent molestation of a minor, which had been reported from the Committee on the Judiciary with an amendment in line 9, after the word "minor", to insert "punishable as a felony", so as to make the bill read:

Be it enacted, etc., That the first paragraph of section 1073 of title 18 of the United States Code is amended by—

(a) striking out the word "or" where it appears immediately preceding the phrase "extortion accompanied by threats of violence,"; and

(b) inserting, immediately after such phrase, the phrases "indecent molestation of a minor punishable as a felony, or sexual offenses against minors punishable as felonies."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLEMENT OF CLAIMS BY COAST GUARD

The Senate proceeded to consider the bill (S. 3101) to amend section 490 of title 14, United States Code, entitled "Coast Guard," and for other purposes, was announced as next in order.

Mr. KNOWLAND. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, at the time title 14 of the United States Code was enacted into positive law, it contained a provision permitting the Secretary of the Treasury to settle certain personnel claims of the Coast Guard, as was then permitted by the Secretaries of the Army and Navy. Since that time, the Military Personnel Claims Act was amended in 1952, and the purpose of this legislation is to bring the authority of the Secretary of the Treasury, with regard to Coast Guard personnel, in line with that exercised by the Secretaries of the various other branches of the armed services.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3101) to amend section 490 of title XIV, United States Code, entitled "Coast Guard," and for other purposes, which had been reported from the Committee on the Judiciary with amendments on page 1, after line 4, to insert:

(1) Subsection (a) is amended by striking out the words "pay any claim" and inserting in lieu thereof "pay any claim not in excess of $2,500."

In line 8, to change the subsection number from "(1)" to "(2)"; and on page 2, line 15, to change the subsection number from "(2)" to "(3)", so as to make the bill read:

Be it enacted, etc., That section 490 of title 14 of the United States Code is amended as follows:

(1) Subsection (a) is amended by striking out the words "pay any claim" and inserting in lieu thereof "pay any claim not in excess of $2,500."

(2) By redesignating subsections (b), (c), and (d) thereof as (c), (d), and (e), respectively, and by inserting after subsection (a) thereof the following new subsection:

"(b) In the event of the death of any person among the military personnel or civilian employees enumerated in subsection (a), the Secretary is hereby authorized to consider, ascertain, adjust, determine, settle, and pay any claim, otherwise cognizable under this section, presented by the survivor of such person for damage to or loss, destruction, capture, or abandonment of the personal property of such person, regardless of whether such damage, loss, destruction, capture, or abandonment occurred concurrently with or subsequent to such death. For the purposes of this section, the term 'survivor' means surviving spouse, child, or children, parent or parents, or brothers or sisters or both, of the decedent, and claims by survivors shall be settled and paid in that order of precedence."

(3) By amending redesignated subsection (c) thereof to read as follows:

"(c) No claim shall be settled under this section unless presented in writing within 2 years after the accident or incident out of which such claim arises shall have occurred; if such accident or incident occurs in time of war or in time of armed conflict in which the Armed Forces of the United States are engaged, or if war or such armed conflict intervenes within 2 years after its occurrence, any claim may, on good cause shown, be presented within 2 years after such good cause ceases to exist, but not later than 2 years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict for the purpose of this subsection shall be as established by concurrent resolution of the Congress or by determination of the President."

SEC. 2. Notwithstanding the provisions of section 490 of title 14, United States Code, as amended by this act, any claim cognizable under that section which has not heretofore been presented for consideration, or has been presented for consideration and disapproved for the reason that the claimant did not file such claim within the time authorized by law, or any claim cognizable thereunder of any survivor which has not heretofore been presented for consideration, or has been presented for consideration, and disapproved for the reason that heretofore such survivor acquired no right of recovery under that section may, at the written request of the claimant made within 1 year from the date of the enactment of this act, be considered or reconsidered and settled in accordance with the provisions thereof.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL SALVATION ARMY WEEK — JOINT RESOLUTION PASSED TO NEXT CALL OF CALENDAR

The joint resolution (S. J. Res. 173) to authorize the President to proclaim the week of November 28, 1954, through

December 4, 1954, as "National Salvation Army Week" was announced as next in order.

Mr. GORE. Over.

Mr. IVES. Mr. President, will the Senator from Tennessee withhold his objection?

Mr. GORE. I withhold my objection.

Mr. IVES. May I ask why the bill is being objected to?

Mr. GORE. I shall be glad to state my reason for objecting. As I understand, the Salvation Army is a religious organization. If Congress begins to designate national weeks for religious organizations, then, since the United States is blessed with so many religious organizations, just where shall we stop in the designation of religious weeks?

Mr. IVES. May I dwell upon that subject for a moment? In one sense the Salvation Army may be construed to be a religious organization. In a broader sense, it is much more than that. Some of us who served in World War I perhaps owe our lives to the Salvation Army, because at times when no one else would take care of us, the Salvation Army, as it was constituted at that time, was of great assistance.

It is not because the Salvation Army is a religious organization that an effort is being made to have the week set aside; it is because of the overall work of the Salvation Army, and the broad field of humanitarianism in which it has been engaged, that many of us are interested in this effort.

I wish the distinguished Senator from Tennessee would withhold his objection, so that the resolution might be passed.

Mr. GORE. The joint resolution might very properly be amended to provide for Baptist Brotherhood Week or Red Cross Week.

Mr. IVES. Those organizations are not comparable in any sense of the word. The Salvation Army is a worldwide organization.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. I ask that the bill go over until the next call of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF CIVIL AERONAUTICS ACT—BILL PASSED TO FOOT OF CALENDAR

The bill (H. R. 8898) to amend section 401 (e) (2) of the Civil Aeronautics Act, as amended, was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

Mr. STENNIS. Will the Senator withhold his objection?

Mr. HENDRICKSON. I am glad to do so.

Mr. STENNIS. The junior Senator from Mississippi wishes to express a very strong interest in the bill. He believes he expresses the interest of a great many other Senators and people from other areas of the country.

This bill has passed the House and has been unanimously reported from the Senate committee, as the Senator understands. If it is passed over on this call of the calendar, perhaps it will not have a chance to be considered. Will the Senator agree to let it go to the foot of the calendar?

Mr. HENDRICKSON. I shall be glad to let it go to the foot of the calendar but, I must say, Mr. President, that two objections have been lodged with me. If I can reach the two Senators who objected——

Mr. STENNIS. I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARRAN. Mr. President, will the Senator from Mississippi yield for a moment?

Would some amendments which I hold in my hand, proposed to be offered by me, relieve the situation at all?

Mr. SMATHERS. Mr. President——

Mr. CARLSON. Mr. President——

The PRESIDING OFFICER. Unless objection is withdrawn to the unanimous-consent request so that the bill may go to the foot of the calendar, it will be necessary, under the procedure, to continue with the call of the calendar.

Mr. SMATHERS. Mr. President, will the Senator yield, that I might ask the chairman of the majority calendar committee whether or not he would reveal to us the names of Senators who are objecting to the bill, or whether he feels that that would violate a confidence. May I have an answer to the question?

The PRESIDING OFFICER. A question has been directed to the Senator from New Jersey.

Mr. HENDRICKSON. I regret I was in conversation with the Senator from Mississippi and did not hear the question.

Mr. SMATHERS. I saw that the Senator was engaged. I ask the able Senator if he would feel he was violating a confidence if he advised those of us who are in favor of the bill who the objectors are?

Mr. HENDRICKSON. The staff of the calendar committee on this side informs me that the Senator from Connecticut [Mr. BUSH], and the Senator from Ohio [Mr. BRICKER] asked that the bill go over. I am perfectly willing——

Mr. SMATHERS. I thank the Senator. That will give us an opportunity to confer with them while the bill goes to the foot of the calendar.

Mr. STENNIS. Mr. President, am I to understand the bill goes to the foot of the calendar?

The PRESIDING OFFICER. That was the unanimous-consent request.

Mr. BUSH. Mr. President——

Mr. HENDRICKSON. I yield.

The PRESIDING OFFICER. The Senator from New Jersey now yields to the Senator from Kansas [Mr. CARLSON], who has been endeavoring to obtain recognition.

Mr. CARLSON. Mr. President, I would object to the bill unless the Senator from Nevada [Mr. McCARRAN] were to offer a couple of amendments which I would be willing to accept. If they were adopted, I would not object. Otherwise, I shall be constrained to object.

The PRESIDING OFFICER. In view of the fact that the unanimous consent agreement has been entered into, whereby this bill goes to the foot of the calendar——

Mr. BUSH. No, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BUSH. I did not understand the unanimous consent agreement to be that the bill would go to the foot of the calendar.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. STENNIS] made the unanimous consent request, and it was agreed to.

Mr. BUSH. I objected, and I still object. Mr. President, if it is desired to have the bill go to the foot of the calendar, and if it is the understanding that it was so agreed, I will withdraw my objection.

The PRESIDING OFFICER. The agreement was that it should go to the foot of the calendar.

Mr. BUSH. I will not withdraw my objection to the bill when it comes up.

The PRESIDING OFFICER. The bill goes to the foot of the calendar, and the clerk will report the next calendar item.

JURISDICTION OF CLAIMS OF G. W. TODD AND LLOYD PARKS

The resolution (S. Res. 309) conferring jurisdiction in the Court of Claims to hear, determine, and render judgment on the claims of G. W. Todd and Lloyd Parks was considered and agreed to, as follows:

Resolved, That the bill (S. 750) entitled, "A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment on the claims of G. W. Todd and Lloyd Parks, copartners," now pending in the Senate, together with all accompanying papers, is hereby referred to the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and said court shall proceed expeditiously with the same, in accordance with the provisions of said sections, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, as a claim legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claimants.

JURISDICTION OF CLAIMS OF IRA T. TODD AND MAJOR C. TODD

The resolutions (S. Res. 308) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment on the claims of Ira T. Todd and Major C. Todd, copartners, trading as Todd Bros., was considered and agreed to, as follows:

Resolved, That the bill (S. 749) entitled "A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment on the claims of Ira T. Todd and Major C. Todd, copartners, trading as Todd Bros.", now pending in the Senate, together with all accompanying papers, is hereby referred to the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and said court shall proceed expeditiously with the same, in accordance with the provisions of said sections, and report to the Senate, at

the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, as a claim legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claimants.

EVELYN HARDY WATERS

The bill (S. 1445) for the relief of Evelyn Hardy Waters was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding any statute of limitation or lapse of time or any provision of law to the contrary, suit may be instituted within one year after the date of enactment of this act by Evelyn Hardy Waters of Pensacola, Florida, upon her claim against the United States for personal injuries sustained by her as a result of the alleged improper administering of an anesthetic in the course of an operation performed on her August 12, 1948, by the personnel of the Naval Hospital at Pensacola, Florida. In any such suit brought pursuant to this act proceedings shall be had and the liability, if any, of the United States shall be determined in accordance with the provisions of law applicable in the case of tort claims against the United States: *Provided*, That nothing in this act shall be construed as an inference of liability on the part of the United States.

THOMAS BARRON

The bill (S. 3017) for the relief of Thomas Barron was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Barron, of East Greenwich, R. I., the sum of $3,000, such sum being the amount determined by the United States Court of Claims, acting pursuant to Senate Resolution 216, 82d Congress, to be equitably due to the said Thomas Barron. The payment of such sum shall be in full satisfaction of his claim against the United States for compensation for typewriter parts, tools, and equipment which were destroyed by fire at the naval air station, Quonset Point, R. I., on October 15, 1948, when the said Thomas Barron was engaged in contract work for the United States Navy: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COL. DAVID W. STONECLIFFE

The bill (S. 3582) for the relief of Col. David W. Stonecliffe was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Col. David W. Stonecliffe, United States Marine Corps (O5430), Camp Lejeune, North Carolina, the sum of $1,653.29, in full settlement of all claims against the United States for the damages sustained by him on account of damage to and destruction of his household goods and personal effects as the result of improper handling of a shipment of his household goods from Bangkok, Thailand, to Camp Lejeune, North Carolina, between November 5, 1952, and February 17, 1953, such shipment having been made in pursuance of orders of a permanent change of duty station, and for which damages he has not heretofore been compensated: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MARY PALANUK

The bill (S. 3666) for the relief of Mary Palanuk was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any statute of limitations, lapse of time or any prior adjudication of this claim by any court of the United States, jurisdiction is hereby confered upon the United States District Court for the District of North Dakota to hear, determine, and render judgment in the claim of Mary Palanuk, arising out of the death of James Palanuk, on December 25, 1947, under a policy of national service life insurance issued on the life of the said James Palanuk by the Veterans' Administration. In the adjudication of such claim the said James Palanuk shall be held and considered to have filed timely application for waiver of premiums under said policy of national service life insurance on the ground of total disability for the period August 25, 1945, to December 25, 1947, date of death. Such suit may be instituted at any time within 1 year after the date of enactment of this act: *Provided, however*, That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

JURISDICTION TO HEAR CLAIM OF MARY K. REYNOLDS

The bill (H. R. 2874) 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., was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6808) for the relief of Col. Samuel J. Adams, and others, was announced as next in order.

Mr. SMATHERS. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF TITLE IN CERTAIN INVENTION TO VERNON F. PARRY

The bill (H. R. 7251) to authorize the Secretary of the Interior to transfer to Vernon F. Parry the right, title, and interest of the United States, in foreign countries, in and to a certain invention was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, this bill is to provide for the correction of an error which inadvertently was made in an assignment to the United States of a patent issued on an application filed in 1949 by Vernon F. Parry when he was an employee of the Bureau of Mines, Department of the Interior.

This legislation is endorsed by the Department of the Interior. The bill will permit the Secretary of the Interior to convey to the claimant the foreign patent rights which were erroneously assigned to the Government, and for which the Government has determined not to secure foreign patents. The Government will retain ownership of any patents that might be grated in the United States, and, in addition, the Government will have a nonexclusive, royalty-free license under any patents that might be granted in foreign countries, and the right to grant sublicenses for certain defense purposes. As stated by the Secretary of the Interior, the assignment which was signed by Mr. Parry when he executed the oath to this application, included not only the domestic patent rights but also the foreign patent rights, and this should not have been done.

The committee, therefore, believes the proposed legislation to be meritorious, and recommends that it be favorably considered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MRS. WILLIAM A. CURRAN

The Senate proceeded to consider the bill (S. 2634) for the relief of Mrs. William A. Curran, which had been reported from the Committee on Post Office and Civil Service with amendments, and subsequently reported from the Committee on the Judiciary without additional amendments.

The amendments of the Committee on Post Office and Civil Service were, on page 2, line 5, after the word "to," to insert "one-half," and in line 15, after the word "to," to strike out "10" and insert "5," so as to make the bill read:

Be it enacted, etc., That the Civil Service Commission is authorized and directed to pay, out of any money in the civil service retirement and disability fund, to Mrs. William A. Curran, of Bangor, Maine, the widow of William A. Curran, formerly an employee of the Internal Revenue Service, an annuity equal to the annuity which she would have been entitled to receive had the said William A. Curran elected, at the time of his retirement, under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, to receive a reduced annuity payable to him during his life, and an annuity equal to one-half of such reduced annuity payable after his death to the said Mrs. William A. Curran, as surviving beneficiary, the said William A. Curran having been unable because of physical and mental condition resulting from serious illness to exercise his best judgment in the selection of the most beneficial type of annuity.

SEC. 2. There shall be deducted and withheld from the annuity authorized under the first section of this act an amount equal to the amount of any refund of contributions which shall have been made on account of the death of the said William A. Curran, plus an amount equal to 5 percent of the amount received by the said William A. Curran in annuity payments under the Civil Service Retirement Act of May 29, 1930, as amended, prior to his death.

The amendments were agreed to.

Mr. HENDRICKSON. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. 3. No part of the annuity authorized under the first section of this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with obtaining such annuity, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HENDRICKSON. Mr. President, the amendment is self-explanatory and is satisfactory to the sponsor of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Civil Service Commission is authorized and directed to pay, out of any money in the civil service retirement and disability fund, to Mrs. William A. Curran, of Bangor, Maine, the widow of William A. Curran, formerly an employee of the Internal Revenue Service, an annuity equal to the annuity which she would have been entitled to receive had the said William A. Curran elected, at the time of his retirement, under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, to receive a reduced annuity payable to him during his life, and an annuity equal to one-half of such reduced annuity payable after his death to the said Mrs. William A. Curran, as surviving beneficiary, the said William A. Curran having been unable because of physical and mental condition resulting from serious illness to exercise his best judgment in the selection of the most beneficial type of annuity.

SEC. 2. There shall be deducted and withheld from the annuity authorized under the first section of this act an amount equal to the amount of any refund of contributions which shall have been made on account of the death of the said William A. Curran, plus an amount equal to 5 percent of the amount received by the said William A. Curran in annuity payments under the Civil Service Retirement Act of May 29, 1930, as amended, prior to his death.

SEC. 3. No part of the annuity authorized under the first section of this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with obtaining such annuity, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BILL PASSED OVER

The bill (S. 345) for the relief of Samuel Chalut was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

T. C. ELLIOTT

The bill (S. 1687) for the relief of T. C. Elliott was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object—and I shall not object—I wonder if we can have an explanation of the bill.

Mr. HOLLAND. Mr. President, this is a bill which I introduced on behalf of Mr. T. C. Elliott, who is a retired civil-service auditor who, during his 34 years of service for the Government, served with the Treasury Department, the Department of the Navy, and the General Accounting Office. Mr. Elliott became a traffic expert, a rate expert in transportation matters, and he was called into service by the late Senator Sheppard of Texas and by others, as will be shown from the report, to serve both Senate and House committees. Mr. Elliott was likewise called in to brief the matter in which the Federal Government was the defendant in a suit by the railroads, under which a $10 million judgment was obtained against the Government, which judgment was later vacated, at least partly because of the research conducted by Mr. Elliott.

Senators will note the letter dated September 18, 1951, from Mr. Robert Ramspeck, who was at that time Chairman of the United States Civil Service Commission, to Mr. T. C. Elliott, printed on page 12 of the report. I read just one sentence from that letter:

I realize that your case presents unusual circumstances because of your efforts in bringing about the return of 8½ million acres of land to the public domain and the cancellation of the judgment of $10 million which had been secured against the Federal Government.

The situation is that Mr. Elliott's retirement came before the law was enacted under which financial reward could be given for that kind of service, rendered during vacation time and on weekends and at night, for agencies by which he was not directly employed, such as the committees of Congress.

The Judiciary Committee made a careful investigation of this case. My understanding is that it is unanimous in reporting the amount of the award included in the bill. I think it is a highly meritorious award to a very faithful employee, who did not follow the clock or the hours of employment, but instead rendered very exceptional and meritorious service in his vacation periods and at other times, for which he received no compensation.

The PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Mr. President, I thank the distinguished Senator. This is a very meritorious bill. I will not object.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1687) for the relief of T. C. Elliott, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 6, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. C. Elliott, of Daytona Beach, Fla., the sum of $15,000, in full satisfaction of his claim against the United States for compensation for services rendered to the United States prior to 1944, in addition to his official duties as a Federal employee, in preparing and furnishing rate and transportation information for the use of Members of the Senate and the House of Representatives, the Committees on Interstate and Foreign Commerce of the Senate and House of Representatives, and various other officials and agencies of the Government, as a result of which the said T. C. Elliott helped to save to the United States approximately $15,000,000: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The sum paid pursuant to the first section of this act shall be exempt from all Federal income taxes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER H. BERRY

The Senate proceeded to consider the bill (S. 1898) for the relief of Walter H. Berry, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 11 after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter H. Berry, of Washington, Ind., the sum of $1,097.30, in full satisfaction of his claim against the United States for salary for the period May 10, 1947, to September 2, 1947, during which he was erroneously separated from his CAF–7 civil-service position at the United States Naval Ammunition Depot, Crane, Ind.: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2083) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Lawrence F. Kramer was announced as next in order.

Mr. GORE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

BIRMINGHAM IRON WORKS, INC.

The Senate proceeded to consider the bill (S. 2316) for the relief of the Birmingham Iron Works, Inc., which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 5, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Birmingham Iron Works, Inc., of Birmingham, Ala., the sum of $9,600, in full satisfaction of such company's claim against the United States for reimbursement for losses incurred in 1951, without fault on the part of such company, when, in reliance on the bona fide belief of the president of the company that a contract had been entered into between the company and the United States, the company manufactured 49 forges which the United States failed and refused to accept inasmuch as the Government procurement agent had no authority to bind the United States: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2564) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Gubbins & Co., of Lima, Peru, and Reynaldo Gubbins was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

EPES TRANSPORTATION CORP.

The Senate proceeded to consider the bill (S. 2632) for the relief of the Epes Transportation Corp., which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 6, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Epes Transportation Corp. of Virginia, the sum of $6,537.95, in full satisfaction of all claims of such corporation against the United States, such sum representing taxes (with interest and penalty) paid to the United States by such corporation on account of certain cigarettes and tobacco products which were withdrawn from bonded warehouse in Winston-Salem, N. C., by such corporation for export to foreign consignees, but which were not exported due to the fact that such cigarettes and tobacco products were stolen from the trucks of such corporation en route to the intended exportation point: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAPHIC ARTS CORP. OF OHIO

The Senate proceeded to consider the bill (S. 2801) for the relief of the Graphic Arts Corp. of Ohio, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 10, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Graphic Arts Corp. of Ohio, Toledo, Ohio, the sum of $84,359.19. The payment of such sum shall be in full settlement of all claims of the said Graphic Arts Corp. of Ohio against the United States: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3057) for the relief of the Lacchi Construction Co. was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PORTSMOUTH SAND & GRAVEL CO.

The Senate proceeded to consider the bill (S. 3110) for the relief of the Portsmouth Sand & Gravel Co., which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Portsmouth Sand & Gravel Co., of Portsmouth, Ohio, the sum of $75,000. The payment of such sum shall be in full settlement of all claims of the said Portsmouth Sand & Gravel Co. against the United States for compensation for any and all damage occasioned by the relocation of the Scioto River by the United States Army (Corps of Engineers) in 1940 and 1941: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CENTRAL RAILROAD CO. OF NEW JERSEY

The Senate proceeded to consider the bill (S. 3494) for the relief of the Central Railroad Co. of New Jersey, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the figures "$62,056.23" to strike out "plus interest on such sum at the rate of 4 percent per annum from January 6, 1943, to the date of payment" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Central Railroad Co. of New Jersey the sum of $62,056.23, representing the amount of damages found by the United States Court of Claims (Congressional No. 17863, decided July 13, 1953, in response to S. Res. 317, 81st Cong.) to have resulted from accidents in which trains of the Central Railroad Co. of New Jersey were involved at a crossing voluntarily established for the convenience of the Government, which accidents were caused in part by the negligence of the Government: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

McMAHON CO., INC.

The Senate proceeded to consider the bill (S. 3562) for the relief of the McMahon Co., Inc., which had been reported from the Committee on the Judiciary with an amendment, on page 1, in line 11, after the word "act", to strike out "in excess of 10 percent therof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the McMahon Co., Inc., of Rapid City, S. Dak., $518.44, in full satisfaction of the company's claim against the Farmers Home Administration, Department of Agriculture, for livestock feed

furnished farmers during the emergency of the snow blockade created by the blizzards in January 1949: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER E. ELLICOTT

The Senate proceeded to consider the bill (H. R. 2791) for the relief of Esther E. Ellicott, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 4, after the word "act", to strike out "in excess of 10 percent 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 and passed.

MRS. ROSALINE SPAGNOLA

The Senate proceeded to consider the bill (H. R. 2881) for the relief of Mrs. Rosaline Spagnola, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "act", to strike out "in excess of 10 percent 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 and passed.

E. C. MILLS

The Senate proceeded to consider the bill (H. R. 3216) for the relief of E. C. Mills which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 11, after the word "act", to strike out "in excess of 10 percent 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 and passed.

MRS. FLORENCE D. GRIMSHAW

The Senate proceeded to consider the bill (H. R. 3217) for the relief of Mrs. Florence D. Grimshaw, which had been reported from the Committee on the Judiciary with an amendment, in line 11, after the word "insurance:" to insert a colon and "*Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

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 and passed.

EDGAR A. BELLEAU, SR.

The Senate proceeded to consider the bill (H. R. 3273) for the relief of Edgar A. Belleau, Sr. which had been reported from the Committee on the Judiciary with an amendment, in line 6, to strike out "$1,209" and insert "$1,101.75."

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 and passed.

CATHERINE D. PILGARD

The Senate proceeded to consider the bill (H. R. 3732) for the relief of Catherine (Cathrina) D. Pilgard, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, after the words "prior to", to insert "the date of application filed following date of."

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 and passed.

LYMAN CHALKLEY

The Senate proceeded to consider the bill (H. R. 4531) for the relief of Lyman Chalkley, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, after the word "act", to strike out "in excess of 10 percent 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 and passed.

FLORIDA STATE HOSPITAL

The Senate proceeded to consider the bill (H. R. 4580) for the relief of the Florida State Hospital which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, after the word "act", to strike out "in excess of 10 percent 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 and passed.

GEORGE ELDRED MORGAN

The Senate proceeded to consider the bill (H. R. 5086) for the relief of George Eldred Morgan, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "act", to strike out "in excess of 10 percent 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 and passed.

ROBERT LEON ROHR

The Senate proceeded to consider the bill (H. R. 5092) for the relief of Robert Leon Rohr, which had been reported from the Committee on the Judiciary with an amendment, on page 2, at the beginning of line 1, to strike out "in excess of 10 percent 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 and passed.

ROCCO FORGIONE

The Senate proceeded to consider the bill (H. R. 5489) for the relief of Rocco Forgione, which had been reported from the Committee on the Judiciary with an amendment, on page 2, at the beginning of line 7, to strike out "in excess of 10 percent 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 and passed.

JAMES PHILIP COYLE

The Senate proceeded to consider the bill (H. R. 6332) for the relief of James Philip Coyle, which had been reported from the Committee on the Judiciary with an amendment, in line 9, after "1938", to insert a colon and "Current applicable appropriations shall be available for the payment of any claims resulting from the enactment of this act."

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 and passed.

CAPT. C. R. MacLEAN

The Senate proceeded to consider the bill (H. R. 6562) for the relief of Captain C. R. MacLean, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "act", to strike out "in excess of 10 percent 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 and passed.

DANIEL D. POLAN.

The Senate proceeded to consider the bill (H. R. 6566) for the relief of Daniel D. Poland, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, after the

word "act", to strike out the colon and "*Provided*, That no benefits except medical expenses shall accrue prior to the enactment of this act."

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 and passed.

M. M. HESS—BILL PLACED AT FOOT OF CALENDAR

The Senate proceeded to consider the bill (H. R. 7762) for the relief of M. M. Hess, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 8, to strike out the proviso, as follows:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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 and passed.

Mr. McCARRAN. Mr. President——

The PRESIDING OFFICER. Does the Senator wish to have the vote by which the bill was passed reconsidered?

Mr. GORE. Mr. President, I wish to reserve the right to object.

The PRESIDING OFFICER. The bill has been passed. Is it desired that the vote by which the bill was passed be reconsidered?

Mr. GORE. Yes.

The PRESIDING OFFICER. Without objection, the vote will be reconsidered.

Mr. McCARRAN. Mr. President, I wish first, if I may——

Mr. GORE. Mr. President, does the Senator wish to offer an amendment eliminating the entrance features?

Mr. McCARRAN. I shall offer an amendment on the first page, line 5, after "Internal Revenue Code," to insert "of 1939."

Mr. President, this proposed legislation, as amended, would provide that the claim of M. M. Hess, Litchfield, Ill., shall be held and considered to have been received by the Internal Revenue Service within the time allowed by law and regulations for the filing of such claims, notwithstanding the provisions of section 322 (b) (1) of the Internal Revenue Code.

The evidence discloses that the claimant filed a claim for refund of income tax paid for the taxable year 1945 in the amount of $3,113.94. The claim was received in the office of the collector of internal revenue on March 16, 1949. The Treasury Department rejected his claim for refund because it was not received in the office of the collector on March 15, 1949.

Section 322 (b) (1) requires that his claim for refund must be filed by the taxpayer within 3 years from the time the claim was filed. Mr. Hess' claim was disallowed because it was received 1 day late. The claimant believed that he was complying with the law by posting the return on the last day of the filing date rather than physically depositing the claim for refund in the collector's office on the last day.

The Congress has, in the past, recognized the equities of the situation such as this—Private Law 15, 83d Congress, Detroit Automotive Co.—and this committee recently favorably reported S. 1795, Senate Report 1542, to take care of a situation such as presently exists in the instant claim.

The committee believes that this legislation is meritorious and, therefore, recommends favorable consideration of this bill, H. R. 7762, as amended.

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

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. McCARRAN. I yield.

Mr. GORE. As presently written, the bill would permit the payment of interest, would it not?

Mr. McCARRAN. That is correct.

Mr. GORE. For that reason a similar bill was vetoed last year. So I believe it would be the better part of wisdom and good procedure to ask that this bill go to the foot of the calendar, in order that an amendment making that correction may be prepared.

Mr. McCARRAN. I thought of preparing an amendment to eliminate the payment of interest. Perhaps it would save time and do some good.

Mr. GORE. Then, Mr. President, I ask that the bill go to the foot of the calendar.

Mr. McCARRAN. Very well.

Mr. HENDRICKSON. Mr. President, will the Senator from Tennessee withhold his request, so that I may submit an amendment to the bill and have it considered?

Mr. GORE. Yes, indeed.

Mr. HENDRICKSON. The amendment makes the standard provision against the payment of attorneys' fees.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7762) for the relief of M. M. Hess, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 8, after the word "claim", to strike out the colon and "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

Mr. HENDRICKSON. Mr. President, I offer the amendment, which I now send to the desk.

The PRESIDING OFFICER. The amendment submitted by the Senator from New Jersey will be stated.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to add the following new section:

SEC. 2. No part of any credit or refund that may be allowed by reason of the enactment of this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with obtaining such credit or refund, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. GORE. Mr. President, I now ask that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

S. SGT. FRANK C. MAXWELL

The Senate proceeded to consider the bill (H. R. 7835) for the relief of S. Sgt. Frank C. Maxwell which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "act", to strike out "in excess of 10 percent 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, and passed.

CITY OF FORT SMITH, ARK.

The Senate proceeded to consider the bill (H. R. 8252) for the relief of the city of Fort Smith, Ark., which had been reported from the Committee on the Judiciary with an amendment, on page 2, after the word "act", to strike out "in excess of 10 percent 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 and passed.

IRENE C. KARL

The Senate proceeded to consider the bill (S. 209) for the relief of Irene C. Karl, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "of", to strike out "$3,633.36" and insert "$3,194.39"; and on page 2, line 1, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to

pay, out of any money in the Treasury not otherwise appropriated, to Irene C. Karl, the sum of $3,194.39, in full satisfaction of her claim against the United States for compensation for loss of certain personal property resulting from her forced evacuation, on or about June 26, 1950, from Seoul, Korea, where she was serving as a service club director with the Special Services Section, United States Army Forces: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3375) for the relief of the Elkay Manufacturing Co. of Chicago, Ill., was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be pased over.

JULIO MERCADO TOLEDO

The Senate proceeded to consider the bill (H. R. 2615) for the relief of Julio Mercado Toledo, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "to", to insert "the estate of"; and in line 11, after the word "act", to strike out "in excess of 10 percent thereof."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DONALD JAMES DARMODY

The Senate proceeded to consider the bill (H. R. 2645) for the relief of Donald James Darmody, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 9, after the word "act", to strike out "in excess of 10 percent 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, and passed.

PETRA RUIZ MARTINEZ AND OTHERS

The Senate proceeded to consider the bill (H. R. 5028) for the relief of Petra Ruiz Martinez and Marcelo Maysonet Mirell and Maria Benitez Maysonet Mirell, which had been reported from the Committee on the Judiciary with amendments, on page 1, in line 6, to strike out "Marcelo Maysonet Mirell, and Maria Benitez de Maysonet Mirell", and insert "Mr. and Mrs. Marcelo Maysonet Mirell"; in line 11, after the word "and", to strike out "Juan Gilbert Maysonet Benitez", and insert "Juan Gilberto Maysonet Benitez"; on page 2, line 2, after the word "date", to strike out "when they were struck by a United States Army truck", and insert "in an acident involving a United States Army truck, which occurred"; and in line 6, after the word "act", to strike out "in excess of 10 percent 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, and passed.

The title was amended so as to read: "An act for the relief of Petra Ruiz Martinez and Mr. and Mrs. Marcelo Maysonet Mirell."

INCREASE OF PENSIONS TO VETERANS AND DEPENDENTS—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 9962) to increase by 5 percent the rates of pension payable to veterans and their dependents was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

Mr. MALONE. Mr. President, will the Senator from New Jersey withhold his request for a moment?

Mr. HENDRICKSON. I am glad to do so.

Mr. MALONE. Does the distinguished Senator from New Jersey understand what the bill is?

Mr. HENDRICKSON. I think I do.

Mr. MALONE. Then there is no use in making an explanation. The bill merely provides for a 5 percent increase in the pensions, to make up for the decrease in the purchasing power of money. It has been some time since such an increase has been granted, and in this case the increase will apply only to totally disabled non-service-connected veterans, except those of the Spanish-American War, and their average age is about 78 years.

Mr. HENDRICKSON. Yes; those with non-service-connected disabilities.

Mr. MALONE. Yes; and $55 is the approximate maximum. I thought the distinguished Senator from New Jersey might wish to withdraw the objection, under those circumstances.

Mr. HENDRICKSON. I understand the purpose of the bill, and the purpose is very worthy. But I have been requested to ask unanimous consent that the bill be placed at the foot of the calendar, and so I make that request.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar, as requested.

BILLS PASSED OVER

The bill (H. R. 10051) making appropriations for Mutual Security for the fiscal year ending June 30, 1955, and for other purposes, was announced as next in order.

Mr. GORE. Over.

Mr. HENDRICKSON. Mr. President, I ask that the bill go to the foot of the calendar.

Mr. GORE. Mr. President, this is an appropriation bill, and certainly is not proper calendar business. So I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO FOOT OF CALENDAR

The bill (S. 3772) to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the payment of appraisers', auctioneers', and brokers' fees from the proceeds of disposal of Government surplus real property, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HENDRICKSON subsequently said: Mr. President, when Calendar No. 2344 was called, there was objection. That objection has been withdrawn. I therefore ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

JOINT COMMITTEE ON TIN—CONCURRENT RESOLUTION REFERRED TO COMMITTEE

The concurrent resolution (H. Con. Res. 259) to provide for the Joint Committee on Tin was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that it is in order for a motion to be made to refer the concurrent resolution to the Committee on Rules and Administration.

Mr. KNOWLAND. Mr. President, I move that the concurrent resolution be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION PASSED OVER

The resolution (S. Res. 310) to investigate the marketing of new cars (auto bootlegging) was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The resolution will be passed over.

REPEAL OF SECTION 3921 OF THE REVISED STATUTES

The bill (H. R. 7398) to repeal the requirement of section 3921 of the Revised Statutes that postmasters report to the Postmaster General failure to cancel postage stamps was considered, ordered to a third reading, read the third time, and passed.

SALE OF POSTAGE-DUE STAMPS

The bill (H. R. 7399) to authorize the sale of postage-due stamps for philatelic

purposes was considered, ordered to a third reading, read the third time, and passed.

COMPENSATION FOR GENERAL COUNSEL OF DEPARTMENT OF COMMERCE

The bill (H. R. 8921) to establish the rate of compensation for the position of the General Counsel of the Department of Commerce was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5499) to provide for the construction, maintenance, and operation of the Michaud Flats project for irrigation in the State of Idaho was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3716) to amend the Act of June 30, 1948, so as to extend for five additional years the authority of the Secretary of the Interior to issue patents for certain public lands in Monroe County, Mich., held under color of title, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2821) granting the consent of Congress to the States of Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, to enter into a compact for the allocation of waters of the Missouri River was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

DISPOSITION OF SURPLUS PERSONAL PROPERTY TO TERRITORIAL GOVERNMENT OF ALASKA

The bill (H. R. 9582) to provide for the disposition of surplus personal property to the Territorial Government of Alaska was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6451) to provide for the conveyance of certain public lands in Utah to the occupants of the land was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS ARISING FROM ACTS OF MILITARY PERSONNEL — BILL PASSED OVER

The bill (S. 3844) to provide for a reciprocal and more effective remedy for certain claims arising out of the acts of military personnel and to authorize the pro rata sharing of the cost of such claims with foreign nations, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. McCARRAN. Mr. President——

Mr. HENDRICKSON. May we have an explanation of the purpose of the bill?

Mr. WILEY. Mr. President, this bill will implement a number of treaties and other international agreements which provide a reciprocal and pro rata method of settling claims arising out of the line-of-duty acts of military personnel or civilian employees of the Armed Forces in a foreign country. The treaties and agreements in question provide that these claims are to be settled by the host government in the same way that it settles claims arising from line-of-duty acts of its own military personnel. The government of the state sending the forces abroad will then reimburse the host government for an agreed percentage of the settlement. In most cases the host government will pay 25 percent of the cost and the sending government 75 percent.

For example, if an American soldier driving a jeep on duty in France injures a Frenchman the claim is settled by the French Government as though the injury had been inflicted by a French soldier. The United States reimburses the French Government for 75 percent of the settlement.

Conversely, if a French soldier driving a jeep on duty in the United States injures an American the claim is settled by the Defense Department as though the injury had been inflicted by an American soldier. France reimburses the United States for 75 percent of the settlement.

This bill simply authorizes the Secretary of Defense to participate in this method of settling such claims. The bill authorizes the Secretary to make payments in reimbursements to foreign governments and to settle claims arising from line-of-duty acts of foreign military personnel in the United States.

The bill should result in substantial savings to the United States, because previously we have been paying the full amount of this type of foreign claims and under the bill we will pay only 75 to 85 percent. The bill should also provide a more effective remedy for American citizens who are damaged by line-of-duty acts of foreign military personnel in the United States.

The bill has the approval of the Defense Department and the Foreign Relations Committee, and I urge favorable action by the Senate.

Mr. HENDRICKSON. Mr. President, will the Senator explain the basic difference between this bill and the amendment offered by the junior Senator from New Jersey to House bill 1914 when it was before us for consideration?

Mr. WILEY. I have not the particular bill in mind, but I have been informed by a member of the staff that that bill did not contemplate settlement of claims arising from line-of-duty accidents.

Mr. HENDRICKSON. That case involved a French aviator.

Mr. WILEY. In the Senator's particular case I am informed that the soldier stole an airplane, which was unauthorized, and therefore he was not acting in line of duty.

Mr. HENDRICKSON. It is not my particular case. It was an amendment which I sought to have adopted to do justice to our own people.

Mr. SCHOEPPEL. Mr. President, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McCARRAN. Mr. President, this is an original bill reported from the Committee on Foreign Relations. There is some basis for a claim of jurisdiction in that committee, over the subject matter of the bill. There is also substantial claim for jurisdiction in the Committee on the Judiciary, since the bill basically concerns claims. There is also some basis for a contention that the Armed Services Committee has jurisdiction since the claims in question are those arising out of the acts of military personnel.

This may be a good bill, Mr. President, but I believe it should have the attention of the Committees on the Judiciary and on Armed Services. I, therefore, move that the bill be referred to the Committee on the Judiciary and that after the Committee on the Judiciary has reported, the bill be then referred to the Committee on Armed Services.

Mr. KNOWLAND. Mr. President, what is the bill?

Mr. McCARRAN. It is Calendar No. 2355, Senate bill 3844.

The PRESIDING OFFICER. That bill was passed over.

Mr. McCARRAN. I am now moving that it be referred to the Committee on the Judiciary, and later to the Committee on Armed Services.

The PRESIDING OFFICER. Unanimous consent is required.

Mr. KNOWLAND. I hope the Senator will withhold his motion until I have an opportunity to discuss the bill further with him.

Mr. McCARRAN. I will withhold the motion, but I intend to renew it later.

GREETINGS TO THE GOLD COAST AND NIGERIA

The joint resolution (S. J. Res. 183) to extend greetings to the Gold Coast and Nigeria was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. SMITH of New Jersey. Mr. President, in recent months there has been great progress in many parts of the world in regard to the independence and self-government of former colonial lands. The French have made clear their intention of cooperating fully with the people of Tunisia in their bid for self-rule. An agreeable arrangement over the French coastal settlements in India is apparently in the offing. This progress is gratifying to us. Our great struggle for independence is not so far in the past that we cannot still appreciate recent developments toward self-government in other countries.

It is with these thoughts in mind that I rise today to express my wholehearted support for the resolution now before us, which extends on behalf of the Senate most cordial greetings to the representative bodies of the Gold Coast and Nigeria on the occasion of the first meeting of their respective legislatures under revised constitutions.

Under its new constitution, an all-African Government with almost complete responsibility for domestic affairs has been established in the Gold Coast. In Nigeria a new constitution granting increased autonomy is soon to be approved. It appears that these two countries are on the threshold of independence. It is my hope that nationalist movements in other countries will take note of the peaceful and agreeable methods that these countries have used in their dealings with the United Kingdom.

I think it is especially gratifying to us that the two leaders of the nationalist movements in the Gold Coast and Nigeria were educated at Lincoln University in Pennsylvania.

It is entirely fitting, I think, for us to take official notice of these recent developments. America has always sympathized with the efforts of other countries to obtain independence and self-government when those countries show not only the desire but also the ability to govern themselves. Official recognition of these recent developments will reemphasize to all the world our devotion to the principles of freedom and independence and our friendship with those people of Africa who are peacefully striving to realize these principles.

I sincerely hope the joint resolution will be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas it is the policy of the United States to encourage efforts toward independence and self-government truly expressive of the desires of the people and as they show their capability to establish and protect free institutions; and

Whereas the continent of Africa is a vital part of the free world area; and

Whereas a revised constitution of the Gold Coast was approved on April 29, 1954, and the first formal meeting of the legislature of that territory under this constitution will take place on July 29, 1954; and

Whereas a revised constitution of Nigeria is expected to be approved during August 1954, and the first meeting of the federal legislature of that territory under this constitution is expected to take place shortly thereafter; and

Whereas these occasions mark important milestones in their progress toward self-government and independence: Now, therefore, be it

Resolved, etc., That the Congress of the United States extend its most cordial greetings to the representative bodies of the Gold Coast and Nigeria on the occasion of the first meeting of their legislatures under the revised constitutions, in recognition of the democratic ideals shared by the United States and those territories, and in reaffirmation of the friendship of the United States for the peoples of Africa; and be it further

Resolved, That the Secretary of State is hereby requested to appoint a United States delegation at the appropriate time to represent the United States at ceremonies marking the achievement of complete self-government for these territories.

MEMBERSHIP OF THE UNITED STATES IN PAN-AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

The joint resolution (H. J. Res. 565) to amend the joint resolution providing for the membership of the United States in the Pan-American Institute of Geography and History and authorizing appropriations therefor was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ELLENDER. Mr. President, may we have an explanation of the joint resolution?

Mr. WILEY. Mr. President, I rise in support of House Joint Resolution 565 which passed the House of Representatives on August 3. The Foreign Relations Committee considered the resolution on August 6, and ordered it reported favorably. This resolution amends the joint resolution providing for the membership of the United States in the Pan American Institute of Geography and History and authorizes appropriations therefor.

The purposes of House Joint Resolution 565 are twofold. First, it authorizes an appropriation of $98,775 which will enable the United States to pay its assessed annual contributions for the period beginning July 1, 1951, and extending through the fiscal year expiring June 30, 1954; and second, it increases from $10,000 to $50,000 the authorized annual contribution of the United States to the Pan American Institute of Geography and History.

The institute was organized in 1929, and the United States became a member in 1935 with an authorized annual contribution of $10,000. During the 1940's three commissions of the Institute were established: First, the Commission on Cartography, established and wholly supported by the United States; second, the Commission on History, established and wholly supported by Mexico; and third, the Commission on Geography, established and wholly supported by Brazil. During this period, the United States contributed a total of $70,000 to the Commission on Cartography, in addition to its annual contribution to the Institute.

At the Fifth General Assembly of the Institute in Santiago in 1950, the budgets of these commissions were merged with that of the Institute and the formula for making financial assessments was changed. Both the old and the new formulas are based on population. Under the old formula, the United States contribution of $10,000 in 1951 amounted to 29.85 percent of the total. Under the new formula, the United States assessment of $42,928 in 1952 amounted to 39.01 percent of the total.

Mr. President, the Foreign Relations Committee was informed by the Department of State that it, as well as other Government agencies, is very much interested in this legislation. They derive substantial benefits from the work of the Institute. The committee believes that our membership in the Institute is not only very beneficial to us in a practical way; it also demonstrates our willingness to work with our friends in Latin America in solving our mutual problems.

I hope very much that the Senate will take favorable action on this resolution.

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

Mr. WILEY. I yield.

Mr. ELLENDER. I notice in reading the statement just now the Senator from Wisconsin said he is asking for an authorization of $98,000 plus per annum from 1951. What is the justification for that?

Mr. WILEY. That is the total from 1951 to 1954, as I recall.

Mr. ELLENDER. Why did we not start in 1951? Why have we accumulated it to this point?

Mr. WILEY. As a matter of fact, it did not accumulate, because the Congress did not pass it.

Mr. ELLENDER. I ask that the joint resolution go over, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

REVIEW OF CUSTOMS TARIFF SCHEDULES—BILL PASSED OVER

The bill (H. R. 10009) to provide for the review of customs tariff schedules, to improve procedures for the tariff classification of unenumerated articles, to repeal or amend obsolete provisions of the customs laws, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

Mr. MILLIKIN. May I inquire the reason for the objection?

Mr. GORE. This does not appear to be calendar business. It is a bill of such importance that it deserves to be considered in a manner which will permit some debate and deliberation.

The PRESIDING OFFICER. Objection is heard. The bill goes over.

CONVEYANCE BY FEDERAL GOVERNMENT OF CERTAIN LAND NEAR VICKSBURG, MISS.

The bill (H. R. 9194) to provide for the conveyance of certain land owned by the Federal Government near Vicksburg, Miss., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. I wish to make a very brief comment on this bill. I have discussed it with the Senator from Mississippi [Mr. STENNIS], who had to leave the floor, but I am authorized by him to say, Mr. President, that when there was put in this bill, lines 4 and 5, "in consideration of an amount equal to the reasonable appraised value thereof as determined by the Secretary" the Senator from Mississippi and the authors in-

tended it to be the appraised fair market value of the property. He said that because he was a party to this bill he wished to make very clear that it was his intention that the market value should be paid for this property. The Senator from Mississippi pointed out to me that this is a House bill, that the chances of clarification within the bill itself were slim, and an amendment to it would probably mean that the bill would not pass at this session.

I advised the Senator I wished to be reasonable in these matters. He felt that if I made this legislative history now that the Secretary of the Interior would unquestionably consider it binding upon him when he came to fix the value of this property.

With the understanding, Mr. President, that the authors mean the "reasonable appraised value" to be the "fair market value" I do not raise an objection to this bill, but I make very clear that my action in this particular instance is not to be deemed a precedent, because if this were earlier in the session I would require that the bill go back to the House with the "fair market value" amendment in it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 9194) to provide for the conveyance of certain land owned by the Federal Government near Vicksburg, Miss., to Vicksburg, Miss., was considered, ordered to a third reading, read the third time, and passed.

REPLACEMENT OF GOVERNMENT-OWNED UTILITY FACILITIES AT GLACIER NATIONAL PARK, MONT., AND GRAND CANYON NATIONAL PARK, ARIZ.

The bill (S. 3816) to authorize the replacement of certain Government-owned utility facilities at Glacier National Park, Mont., and Grand Canyon National Park, Ariz., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

Mr. GOLDWATER. Mr. President, will the Senator withhold his objection?

Mr. GORE. I will withhold the objection.

Mr. GOLDWATER. Mr. President, this bill is a rather urgent one, in that both the Grand Canyon and the Glacier National Park are in the process of revamping their power and communication facilities. Inadvertently in Public Law 230 of the first session of this Congress the words in paragraph 6 of that act which would have allowed the exchange proposed by this bill to be made were eliminated. I was wondering if the Senator from Tennessee [Mr. GORE], in view of these circumstances and the fact that this bill was requested by the Department of the Interior because of this rather urgent situation, would reconsider his objection.

Mr. GORE. I accede to the suggestion and request of the able Senator. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3816) to authorize the replacement of certain Government-owned utility facilities at Glacier National Park, Mont., and Grand Canyon National Park, Ariz., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purpose of facilitating the installation of adequate electric and communication facilities at Glacier National Park and Grand Canyon National Park, the Secretary of the Interior is authorized to exchange, on an equal value basis, the existing inadequate facilities at these parks for more modern and efficient facilities.

ISSUANCE OF PATENTS FOR CERTAIN LANDS IN WISCONSIN

The bill (H. R. 8006) to authorize the Secretary of the Interior to issue patents for certain lands in Wisconsin was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is requested.

Mr. CORDON. The situation which House bill 8006 seeks to remedy was caused as a result of errors in the original surveys in the area. In the days when the basic surveys were made the Government made contracts with private surveyors and very frequently the surveys were turned in and accepted by the Government without the surveyor ever having been even on the land. The result was that in this particular area in many instances they turned in surveys based on meander lines of lakes. Later on when accurate surveys were made and it was found that the original surveys were far off. Many of the lines meandered along lakes which were nonexistent. Others had a meander line inside the lake. Others had a meander line outside the lake, and so on.

The purpose of this bill is to authorize the Secretary of the Interior to issue patents for the areas which were supposed to have been patented but were not actually patented because of those errors in the original patents describing the area with respect to a meander line, which was supposed to bound a lake when the lake, in fact, was some distance away. These patents would simply correct an error due entirely to the erroneous surveys in the original instance.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8006) to authorize the Secretary of the Interior to issue patents for certain lands in Wisconsin was considered, ordered to a third reading, read the third time, and passed.

TALENT DIVISION, ROUGE RIVER BASIN PROJECT—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 8384) to authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin project, Oregon, was announced as next in order.

Mr. GORE. Mr. President, I ask that the bill go over.

Mr. MORSE. Mr. President, I wonder whether the Senator from Tennessee will withhold his objection for a moment.

Mr. GORE. I withhold it.

Mr. MORSE. I wonder whether it would be possible to have this bill go to the foot of the calendar, because it is a bill of great importance to the farmers who are to be served by this project.

I would be very much interested in learning the reasons for any objection to this particular project, because the Government in no way is a loser under the bill. I think the farmers in that area are entitled to its passage.

Mr. CORDON. Mr. President, I should like to join my colleague in requesting that we have an opportunity to explain the bill to whomever objects to it.

Mr. GORE. The bill is a 23-page bill, and the report is a technical report of 15 pages. It is doubtful in the mind of the junior Senator from Tennessee if a bill so complicated as this should be passed on the call of the calendar, on which there are 600 other bills. I am perfectly willing to have it go to the foot of the calendar, and perhaps my doubts can be resolved before the next call of the calendar.

Mr. CORDON. The bill consists of only four pages.

Mr. GORE. Mr. President, I suggest that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection the bill will be placed at the foot of the calendar.

CONVEYANCE BY SECRETARY OF THE ARMY OF CERTAIN PROPERTY TO STATE OF TEXAS

The bill (S. 3595) to direct the Secretary of the Army to convey certain property located in El Paso, Tex., and described as part of Fort Bliss, to the State of Texas, was announced as next in order.

Mr. MORSE. Mr. President, this is another one of the bills which fall into the National Guard category, and I think it is highly desirable.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (S. 3595) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That the Secretary of the Army is authorized and directed to convey by quitclaim deed, without consideration, to the State of Texas all right, title, and interest of the United States, except as retained in this act, in and to a parcel of land within Fort Bliss Military Reservation, such parcel consisting of a portion of North El Paso Addition and a portion of Morningside Heights Addition, El Paso, Tex., and

being more particularly described by metes and bounds as follows:

Beginning at a point which is the intersection of the east right-of-way line of Pollard Street and the south right-of-way line of Hayes Avenue. thence south no degrees fourteen and ninety one-hundredths minutes west along the east right-of-way line of Pollard Street a distance of nine hundred two and six-tenths feet; thence south eighty-nine degrees forty-five and ten one-hundredths minutes east a distance of one thousand forty-two and thirty-nine one-hundredths feet to the west right-of-way line of the Southern Pacific Railroad (formerly the E. P. & S. W. R. R.); thence north thirteen degrees forty-five and two one-hundredths minutes east a distance of eight hundred forty-five and seventy-three one-hundredths feet along the Southern Pacific Railroad right-of-way line, to a point; thence north one degree fifteen and sixty-two one-hundredths minutes west a distance of one hundred twelve and five one-hundredths feet, to a point in the south right-of-way line of Hayes Avenue; thence south eighty-eight degrees forty-six minutes west a distance of one thousand two hundred thirty-seven and three-tenths feet along the south right-of-way line of Hayes Avenue, to the point of beginning, containing in all twenty-four and twenty-five one-hundredths acres of land, more or less.

SEC. 2. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this act shall be reserved to the United States.

SEC. 3. There shall be further reserved to the United States in the conveyance of the above-described lands, rights of ingress and egress over roads in the above-described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

SEC. 4. The conveyance of the property authorized by this act shall be upon condition that such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

SEC. 5. The conveyance of the property authorized by this act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state or war or of such emergency plus 6 months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

SEC. 6. In executing the deed of conveyance authorized by this act, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in sections 2, 3, 4, and 5 of this act.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement prepared by the Senator from Massachusetts [Mr. SALTONSTALL] relative to Senate bill 3595.

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

STATEMENT BY SENATOR SALTONSTALL

The purpose of this bill is to authorize the Secretary of the Army to convey without consideration approximately 24 acres to the State of Texas to be used for military purposes only. The transfer of this property, which is located in El Paso, Tex., is fully supported by the Department of the Army since the State of Texas has a long-range military requirement for this acreage.

The bill contains the usual safeguards which protect the interest of the United States in transfers of this type—by reserving to the United States all mineral rights, authority to use the property without compensation in the event of a national emergency, all rights-of-way, and the reversion of title to the United States in the event the property is used for other than military purposes. There is ample legislative precedent for this bill.

CONVEYANCE BY SECRETARY OF AIR FORCE OF CERTAIN PROPERTY TO STATE OF TEXAS

The Senate proceeded to consider the bill (S. 3750) to direct the Secretary of the Air Force to convey certain property located in proximity to San Antonio, Bexar County, Tex., to the State of Texas, which had been reported from the Committee on Armed Services with amendments, on page 1, line 3, after the word "Force", to insert "or his designee"; and on page 6, after the word "Force", to insert "or his designee", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Air Force or his designee is authorized and directed to convey by quitclaim deed, without consideration, to the State of Texas all right, title, and interest of the United States, except as retained in this act, in and to the following described land in proximity to San Antonio, Bexar County, Tex., together with all buildings, improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, such land including approximately two hundred eighteen and fifty-six one-hundredths acres and formerly designated as Martindale Auxiliary Field, as shown on maps on file with the Office of the Chief of Engineers:

Beginning at a point on the south right-of-way line of United States Highway Numbered 90, at the northwest corner of the Emil F. Gambler tract, said corner being also the northeast corner of the Virginia M. Johnson tract:

Station 1–2, bearing north sixty-nine degrees forty-five minutes twenty seconds east, a distance of forty-two and six-tenths feet;

Station 2–3, bearing south no degrees twelve minutes forty seconds east, a distance of eight hundred one and seven-tenths feet;

Station 3–4, bearing north eighty-nine degrees thirty-six minutes twenty seconds east, a distance of two thousand two hundred thirty-three and one one-hundredth feet;

Station 4–5, bearing north three degrees twenty-three minutes forty seconds west, a distance of five hundred forty and five-tenths feet;

Station 5–6, bearing north eighty-six degrees thirty-six minutes twenty seconds east, a distance of twenty feet;

Station 6–7, bearing south three degrees twenty-three minutes forty seconds east, a distance of five hundred forty-one and five-tenths feet;

Station 7–8, bearing north eighty-nine degrees thirty-six minutes twenty seconds east, a distance of two hundred seventy-eight and fifty-four one-hundredths feet;

Station 8–9, bearing south no degrees twenty-two minutes no seconds east, a distance of two thousand eight hundred fourteen and twenty-three one-hundredths feet;

Station 9–10, bearing south eighty-nine degrees thirty-eight minutes thirty seconds west, a distance of four hundred feet;

Station 10–11, bearing south no degrees twenty-one minutes forty-five seconds east, a distance of three hundred eighty and twenty-three one-hundredths feet;

Station 11–12, bearing north eighty-nine degrees thirty-eight minutes fifteen seconds east, a distance of four hundred and eighty-five feet;

Station 12–13, bearing south no degrees twenty-one minutes forty-five seconds east, a distance of two hundred and twenty-five feet;

Station 13–14, bearing south eighty-nine degrees thirty-eight minutes fifteen seconds west, a distance of three hundred eighteen and ninety-six one-hundredths feet;

Station 14–15, bearing south forty-six degrees thirty-eight minutes forty-five seconds west, a distance of one hundred one and sixty-seven one-hundredths feet;

Station 15–16, bearing south eighty-nine degrees thirty-eight minutes forty-five seconds west, a distance of six hundred thirty-eight and two-tenths feet;

Station 16–17, bearing south forty-four degrees forty-three minutes twenty seconds west, a distance of twenty-three and fifteen one-hundredths feet;

Station 17–18, bearing north no degrees six minutes twenty seconds west, a distance of forty-six and thirty-five one-hundredths feet;

Station 18–19, bearing south eighty-nine degrees thirty-eight minutes forty-five seconds west, a distance of eight hundred thirty-seven and seventy-seven one-hundredths feet;

Station 19–20, bearing north no degrees twenty-one minutes thirty seconds west, a distance of six hundred and forty-five feet;

Station 20–21, bearing south eighty-nine degrees thirty-nine minutes no seconds west, a distance of one thousand one hundred ninety-nine and ninety-eight one-hundredths feet;

Station 21–22, bearing north no degrees twenty-one minutes thirty seconds west, a distance of two thousand eight hundred and twelve feet;

Station 22–23, bearing north eighty-nine degrees twenty-six minutes twenty seconds east, a distance of five hundred thirty-one and two-tenths feet;

Station 23–1, bearing north no degrees twelve minutes forty seconds west, a distance of seven hundred eighty-seven and two-tenths feet.

SEC. 2. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this act shall be reserved to the United States.

SEC. 3. There shall be further reserved to the United States in the conveyance of the above-described lands, rights in ingress and egress over roads in the above-described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Martindale Auxiliary Field, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Martindale Auxiliary Field.

SEC. 4. The conveyance of the property authorized by this act shall be upon condition

that such property shall be used primarily for training of the National Guard and the Air National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

SEC. 5. The conveyance of the property authorized by this act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus 6 months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

SEC. 6. In executing the deed of conveyance authorized by this act, the Secretary of the Air Force or his designee shall include specific provisions covering the reservations and conditions contained in sections 2, 3, 4, and 5 of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to direct the Secretary of the Air Force or his designee to convey certain property located in proximity to San Antonio, Bexar County, Tex., to the State of Texas."

Mr. HENDRICKSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement prepared by the Senator from Massachusetts [Mr. SALTONSTALL] relative to Senate bill 3750.

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

STATEMENT BY SENATOR SALTONSTALL

This bill would authorize the Secretary of the Air Force to convey without consideration to the State of Texas to be used for Air National Guard purposes approximately 218 acres, known as the Martindale Auxiliary Field. This airfield has not been used by the Air Force for some time and is surplus to its needs. The State of Texas has a military requirement for the acreage. The Air Force supports the transfer.

The bill contains the usual safeguards which protect the interest of the United States in transfers of this type—by reserving to the United States all mineral rights, authority to use the property without compensation in the event of a national emergency, all rights-of-way, and the reversion of title to the United States in the event the property is used for other than military purposes. There is ample legislative precedent for this bill.

BILLS PASSED OVER

The bill (S. 3067) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within 30 days after the execution thereof, was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request, I ask that this bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2017) to revise the procedure in the district courts relating to the disposition of the wages and effects of deceased and deserting seamen was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF UNITED STATES CODE RELATING TO CUSTOMS COURT—BILL PASSED OVER

The Senate proceeded to consider the bill (S. 2975) to amend title 28, United States Code, relating to the Customs Court, which had been reported from the Committee on the Judiciary with an amendment, on page 1, after line 9, to strike out:

"(e) The Chief Justice of the United States may, upon presentation to him by the chief judge of the United States Customs Court of a certificate of necessity, designate and assign temporarily any district judge to perform such duties as judge of the Customs Court as he is willing to undertake."

SEC. 3. Section 292 of title 28, United States Code, is amended by adding the following as section (f):

"(f) The Chief Justice of the United States may, upon presentation to him by the chief judge of a district court of a certificate of necessity, designate and assign temporarily any judge of the Customs Court to perform such duties as judge of the district court as he is willing to undertake."

And in lieu thereof to insert:

SEC. 2. Section 292 of title 28, United States Code, is amended by inserting at the end of such section a new subsection reading as follows:

"(f) The Chief Justice of the United States may upon presentation to him by the chief judge of the Customs Court of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Customs Court."

SEC. 3. (a) Section 293 of title 28, United States Code, is amended by inserting at the end of such section a new paragraph reading as follows:

"The Chief Justice of the United States may designate and assign temporarily a judge of the Customs Court to perform judicial duties in a district court in any circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises."

(b) The first paragraph of section 295 of title 28, United States Code, is amended by inserting at the end thereof an additional sentence to read as follows: "No designation and assignment of a judge of the Customs Court in active service shall be made without the consent of the chief judge of such court."

So as to make the bill read:

Be it enacted, etc., That the first sentence of section 251 of title 28, United States Code, is amended to read as follows:

"The President shall appoint, by and with the advice and consent of the Senate, nine judges who shall constitute a court of record known as the United States Customs Court which is hereby declared to be a court established under article III of the Constitution of the United States."

SEC. 2. Section 292 of title 28, United States Code, is amended by inserting at the end of such section a new subsection reading as follows:

"(f) The Chief Justice of the United States may upon presentation to him by the chief judge of the Customs Court of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Customs Court."

SEC. 3. (a) Section 293 of title 28, United States Code, is amended by inserting at the end of such section a new paragraph reading as follows:

"The Chief Justice of the United States may designate and assign temporarily a judge of the Customs Court to perform judicial duties in a district court in any circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises."

(b) The first paragraph of section 295 of title 28, United States Code, is amended by inserting at the end thereof an additional sentence to read as follows: "No designation and assignment of a judge of the Customs Court in active service shall be made without the consent of the chief judge of such court."

SEC. 4. Nothing contained in this act shall be construed in any way to limit or alter the jurisdiction heretofore conferred upon the United States Customs Court by any provision of law.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, with reference to Senate bill 2975, to amend title 28, United States Code, relating to the Customs Court, I had listed a request that it go over. I now ask that it go over.

The PRESIDING OFFICER. Is there objection to reconsidering the action of the Senate on Senate bill 2975, to amend title 28, United States Code, relative to the Customs Court? The Chair hears none. Without objection, the action of the Senate on the bill will be reconsidered, and the bill will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 1813) to amend title 28, United States Code, so as to extend the privilege of trial by jury to certain cases arising within the special maritime and territorial jurisdiction of the United States, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3131) to amend title 28, United States Code, with respect to the United States Court of Customs and Patent Appeals was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 158) to amend section 84 (a) (2) of title XXVIII of the United States Code was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 960) to amend sections 1505 and 3486 of title XVIII of the United

States Code relating to congressional investigations was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

IRRIGATION AND OTHER RESOURCES OF CERTAIN PROJECTS IN TERRITORY OF HAWAII

The bill (H. R. 2843) to authorize the Secretary of the Interior to investigate and report on the development of the irrigation resources of certain projects in the Territory of Hawaii was considered, ordered to a third reading, read the third time, and passed.

REMOVAL OF RESTRICTIVE COVENANT ON LAND PATENT NO. 9628

The bill (H. R. 7569) to authorize the removal of a restrictive covenant on land patent No. 9628 issued to the board of the Hawaiian Evangelical Association was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF LAND PATENT TO PUBLIC LANDS IN THE TERRITORY OF HAWAII

The bill (H. R. 8736) to authorize the issuance of a land patent to certain public lands in the Territory of Hawaii was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of this bill?

Mr. KUCHEL. Mr. President, the purpose of H. R. 8736 is to authorize the commissioner of public lands of the Territory of Hawaii, with the consent of the Governor, to issue a land patent on certain public land in the county of Kauai to the Roman Catholic bishop of Honolulu, a corporation sole, to be used for school purposes.

The public land concerned, lot 40, Kapaa house lots, Kapaa, district of Puna, county of Kauai, was sold at public auction to Julia R. Lizama for housing purposes. The sale agreement included a condition that a dwelling would be erected on the lot within 3 years after the sale was negotiated. The purchaser failed to meet the conditions stipulated in the sales agreement and subsequently the lot was sold to the Roman Catholic bishop of Honolulu who also owns adjacent land which is used for residence purposes by church officials and for Catholic school purposes.

Your committee was informed that there is no statutory authority for classification of these lands for school purposes. Since the subject lot was sold as a "house lot" it now appears that the result desired by the bishop can best be accomplished by an act of Congress authorizing the commissioner of public lands to issue a patent to said land to the interested church authorities.

No expenditure of Federal funds will be involved in this legislation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 8736) was considered, ordered to a third reading, read the third time, and passed.

SALE OF LAND IN ALASKA TO LLOYD H. TURNER

The Senate proceeded to consider the bill (H. R. 2015) to authorize the sale of certain land in Alaska to Lloyd H. Turner, of Wards Cove, Alaska, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 2, line 15, after the word "laws" to strike out "and shall be subject to the rights of owners of existing improvements located on the lands described in section 1 hereof under special use permits of the Forest Service to maintain such improvements thereon in accordance with the terms of such use permits" and insert "*Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior."

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 and passed.

DANICA MARIA VAVROVA

The bill (H. R. 3238) for the relief of Danica Maria Vavrova was considered, ordered to a third reading, read the third time, and passed.

DR. VAHRAM ULUHOGIAN

The bill (H. R. 2358) for the relief of Dr. Vahram Uluhogian was considered, ordered to a third reading, read the third time, and passed.

NOBU NOGAWA NITTA

The bill (H. R. 6367) for the relief of Nobu Nogawa Nitta was considered, ordered to a third reading, read the third time, and passed.

ELIAS Y. RICHA

The bill (H. R. 3144) for the relief of Elias Y. Richa was considered, ordered to a third reading, read the third time, and passed.

Mr. McCARRAN. Mr. President, if I may have the attention of the leadership, I ask unanimous consent that calendar No. 2366, S. 2017; calendar No. 2367, S. 2975; calendar No. 2368, S. 1813; calendar No. 2369, S. 3131; calendar No. 2370, Senate Joint Resolution 158; and calendar No. 2371, S. 960; be passed to the foot of the calendar.

The PRESIDING OFFICER. Those bills were ordered to be passed over.

Mr. McCARRAN. I ask unanimous consent that they may go to the foot of the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. CORDON. Mr. President, reserving the right to object and I shall not object, I seek only information. Where is the foot of the calendar? Is the foot of the calendar the end of the calendar as it is now being called, or is it at the end of the calendar after the calendar is called from the beginning?

The PRESIDING OFFICER. The Chair would suggest that it is getting farther and farther away.

Mr. McCARRAN. This calendar is a centipede: It has many feet.

Mr. KNOWLAND. Mr. President, the plan is that once the call of the calendar has been completed to and including calendar No. 2394, we will then go to the beginning of the calendar, and then when the call has been completed up to where we started today, at the request of both the calendar committees, we wish temporarily to depart from the calendar and give them a chance to recognize their forces, so to speak, and we will take up some other proposed legislation for the time being until the calendar committees are again ready. They tell me that it will take perhaps a half an hour or possibly as much as an hour to get into shape.

Mr. McCARRAN. Mr. President, I hope that in the meantime certain bills which are on the clerk's desk may be taken up. They are not controversial.

Mr. CASE. Mr. President, will the majority leader yield for a question?

Mr. KNOWLAND. I yield.

Mr. CASE. During the call of the calendar today requests have been made that certain bills go to the foot of the calendar. Will they not be called today?

Mr. KNOWLAND. Yes; they will be called today. However, because there are about 40 or 50 of those bills, the 2 calendar committees wish an opportunity to reorganize themselves. We will pick up those bills and handle them before we adjourn tonight.

Mr. McCARRAN. May I say to the Senator from California, that the calendar committees seem to be well organized now.

Mr. CASE. Mr. President, some time ago there was a bill called for the District of Columbia, and the suggestion was made that it go over. Then there was a modification that it go to the foot of the calendar. I did not ask for permission to explain the bill at that time, because I assumed it would be called upon the completion of the calendar.

I do not want to disrupt the proceedings, but such procedure makes one sit around here for a long time under a misapprehension. I have other work to do. I thought once we got through with the regular call of the calendar, the bill would come up.

Mr. HENDRICKSON. The calendar committee has been sitting here through the whole call of the calendar and will sit here until it is finished.

Mr. CASE. At the time, the Senator from South Dakota might have asked for an explanation, but he was under a misapprehension.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nevada [Mr. McCARRAN] is agreed

to, and the bills mentioned by him will go to the foot of the calendar.

Mr. HENDRICKSON. Am I correct in my understanding that Calendar 2366, Senate bill 2017; Calendar 2367, Senate bill 2975; Calendar 2368, Senate bill 1813; Calendar 2369, Senate bill 3131; Calendar 2370, Senate Joint Resolution 158; and Calendar 2371, Senate bill 960, are to be passed to the foot of the calendar?

The PRESIDING OFFICER. Those measures will be passed to the foot of the calendar.

Mr. HENDRICKSON. I thank the Chair.

TANNOUS ESTEPHAN

The bill (H. R. 8115) for the relief of Tannous Estephan was considered, ordered to a third reading, read the third time, and passed.

MARIANNE GEYMEIER

The bill (H. R. 9336) for the relief of Marianne Geymeier was considered, ordered to a third reading, read the third time, and passed.

DR. LIANG NUN WANG

The bill (H. R. 9671) for the relief of Dr. Liang Nun Wang and his wife and child, Fa-chi Ling Wang and Eileen Wang was considered, ordered to a third reading, read the third time, and passed.

ALFIO CAPIZZI

The bill (H. R. 9814) for the relief of Alfio Capizzi was considered, ordered to a third reading, read the third time, and passed.

SUSAN ELLEN HEINEY

The bill (H. R. 9996) for the relief of Susan Ellen Heiney was considered, ordered to a third reading, read the third time, and passed.

CONTRACT WITH AMERICAN FALLS RESERVOIR, DISTRICT NO. 2, IDAHO

The bill (H. R. 9889) to authorize the Secretary of the Interior to execute an amendatory contract with American Falls Reservoir District No. 2, Idaho, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

USE OF INFORMATION FOR MAKING DEMANDS FOR FUGITIVES FROM JUSTICE

The Senate proceeded to consider the bill (S. 1887) to amend sections 3182 and 3183 of title 18 of the United States Code so as to authorize the use of an information filed by a public prosecuting officer for making demands for fugitives from justice, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 9, after the word "has", to strike out "filed" and insert "filed", so as to make the bill read:

Be it enacted, etc., That section 3182 of title 18 of the United States Code is amended to read as follows:

"§ 3182. Fugitives from State or Territory to State, District, or Territory

"Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found, an information filed by a public prosecuting officer, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District, or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within 30 days from the time of the arrest, the prisoner may be discharged."

SEC. 2. Section 3183 of title 18 of the United States Code is amended to read as follows:

"§ 3183. Fugitives from State, Territory, or possession into extraterritorial jurisdiction of United States

"Whenever the executive authority of any State, Territory, District, or possession of the United States or the Panama Canal Zone demands any American citizen or national as a fugitive from justice who has fled to a country in which the United States exercises extraterritorial jurisdiction, and produces a copy of an indictment found, an information filed by a public prosecuting officer, or an affidavit made before a magistrate of the demanding jurisdiction, charging the fugitive so demanded with having committed treason, felony, or other offense, certified as authentic by the governor or chief magistrate of such demanding jurisdiction, or other person authorized to act, the officer or representative of the United States vested with judicial authority to whom the demand has been made shall cause such fugitive to be arrested and secured, and notify the executive authorities making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear.

"If no such agent shall appear within 3 months from the time of the arrest, the prisoner may be discharged.

"The agent who receives the fugitive into his custody shall be empowered to transport him to the jurisdiction from which he has fled."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT FOR TRANSPORTATION OF STOLEN MOTOR VEHICLES

The Senate proceeded to consider the bill (S. 675) to amend section 2312 of title 18 of the United States Code so as to extend the punishment of the transportation of stolen motor vehicles in interstate or foreign commerce to trailers or semitrailers, and for other purposes, which had been reported from the Committee on the Judiciary with amendment, on page 1, begining in line 3, to strike out:

That section 2312 of title 18 of the United States Code is amended to read as follows:

"§ 2312. Transportation of stolen vehicles

"Whoever transports in interstate or foreign commerce a motor vehicle, trailer, semitrailer, or aircraft, knowing the same to have been stolen, embezzled, feloniously converted, or taken feloniously by fraud, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both."

SEC. 2. Section 2313 of title 18 of the United States Code is amended to read as follows:

"§ 2313. Sale or receipt of stolen vehicles

"Whoever receives, conceals, stores, barters, sells, or disposes of any motor vehicle, trailer, semitrailer, or aircraft, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, embezzled, feloniously converted, or taken feloniously by fraud, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both."

And insert:

That section 2311 of title 18, United States Code, is amended by inserting in the definition of "Motor vehicle", after "automobile wagon", the following: "tractor, commercial truck trailer or truck semitrailer having a chassis weight of over 2,000 pounds."

SEC. 2. Section 2312 of such title is amended by inserting after "stolen", the following: "embezzled, feloniously converted, or taken feloniously by fraud."

SEC. 3. Section 2313 of such title is amended by inserting after "stolen", the following: "embezzled, feloniously converted, or taken feloniously by fraud."

So as to make the bill read:

Be it enacted, etc., That section 2311 of title 18, United States Code, is amended by inserting in the definition of "Motor vehicle", after "automobile wagon", the following: "tractor, commercial truck trailer or truck semitrailer having a chassis weight of over 2,000 pounds."

SEC. 2. Section 2312 of such title is amended by inserting after "stolen", the following: "embezzled, feloniously converted, or taken feloniously by fraud."

SEC. 3. Section 2313 of such title is amended by inserting after "stolen", the following: "embezzled, feloniously converted, or taken feloniously by fraud."

The amendment was agreed to.

Mr. MORSE. Mr. President, I particularly desire to have the attention of the Senator from Nevada [Mr. MCCARRAN], because I shall be very much surprised if he does not join me in the amendment I am about to explain.

My bill was originally designed to make it a Federal offense to transport in interstate commerce a stolen rental trailer. The Senate Judiciary Committee amended it so as to cover only heavy, but not rental, trailers.

I am about to offer an amendment which would extend the coverage to rental trailers with a weight of 750 pounds minimum limit. This would include so-called light metal trailers.

I may say to the Senator from Nevada it is a matter the manufacturers and rental agencies of trailers have taken up with the Senator from Oregon, and I do not think any objections will be found to the amendment. I offer the amendment.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Oregon.

The LEGISLATIVE CLERK. On page 2, line 17, it is proposed to strike out "2,000" and insert in lieu thereof "750."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 2311, 2312, and 2313 of title 18, United States Code, so as to extend the punishment for the transportation of stolen motor vehicles in interstate or foreign commerce to tractors, commercial truck trailers and truck semitrailers, and for other purposes."

BILL PASSED OVER

The bill (H. R. 9910) to amend section 413 (A) of the Foreign Service Act of 1946 was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES DORE, JR.

The bill (H. R. 7508) for the relief of James Dore, Jr. was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9785) to provide a method for compensating claims for damages sustained as the result of the explosions at Texas City, Tex., was announced as next in order.

Mr. HENDRICKSON. Mr. President, clearly this is not calendar business, because of the amount of the claim involved. I think there is great merit to the bill, and I shall support it if I am called upon to vote upon it. However, I hardly think the Senate should be asked to pass upon the bill on the call of the calendar. Therefore, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ASSESSMENT OF COSTS AND ATTORNEYS' FEES IN CERTAIN APPELLATE PROCEEDINGS

The bill (S. 3429) to authorize the assessment of costs and reasonable attorneys' fees against the United States in certain appellate proceedings was announced as next in order.

Mr. COOPER. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, the purpose of this bill is to provide that in a civil case, where the United States is the losing party, and the United States files an appeal, and the appeal is finally terminated against the United States, the United States shall be required to pay costs and reasonable attorney fees incurred by the other party in connection with the appeal.

At the present time, the Government can take an appeal without any cost or risk except the engagement of the time of a Government lawyer who is on salary. On the other hand, the adverse party has to stand the cost of the appeal, which is often a very considerable expense; and this cost must be borne, even though the Government loses the appeal.

If this bill is passed, the Government will have to make a more careful study before taking an appeal from an unfavorable judgment. There is nothing in the bill to stop the Government from taking an appeal in any case in which it appears there is a chance for a reversal, favorable to the Government, in the higher court. But the bill should operate to stop the taking of appeals in cases where attorneys for the Government feel there is no chance to get a reversal. In other words, this bill will stop the practice of using appeals as a club to force a settlement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That section 2412 of title 28 of the United States Code is amended by adding at the end thereof a new subsection as follows:

"(d) If the decision in any proceeding before a court of appeals or the Supreme Court to which the United States is a party (1) affirms the judgment of a court of first instance against the United States, or (2), in the case of a proceeding before the Supreme Court, reverses the decision of a court of appeals by an order requiring in effect the reinstatement of a judgment of a court of first instance against the United States, the United States shall be liable for costs and reasonable attorneys' fees incurred as a result of any such proceeding. The Supreme Court shall prescribe rules for determining reasonable attorneys' fees in any proceeding with respect to which the provisions of this subsection are applicable."

PAYMENT OF LUMP-SUM DEATH BENEFITS—BILL PASSED OVER

The bill (S. 29) to provide for the payment of lump-sum death benefits to the survivors of certain employees of contractors with the United States during World War II was announced as next in order.

Mr. GORE. Mr. President, I should like to have an explanation of the bill.

Mr. McCARRAN. This bill deals with benefits under the War Claims Act. That act now provides for certain death benefit payments, to be made to the surviving widow or widower or the employee, the surviving children under 18 years of age, and, in certain circumstances, to dependent grandchildren, brothers, and sisters.

The bill S. 29 would expand the present scheme of benefits by providing that (1) if there is no beneficiary entitled to receive monthly death benefits, or (2) if the amount of such benefits previously paid is less than $7,500 and there is no beneficiary entitled to further benefits, then payment shall be made, up to the maximum of $7,500, to certain designated persons. The designated persons are, in the order named, the employee's parents, children, and brothers and sisters. Payments would be made from the war claims fund.

The Department of Justice has reported that enactment of the bill involves a question of policy on which the department prefers to make no recommendation.

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

Mr. McCARRAN. I yield.

Mr. GORE. Does not the report show that the Bureau of the Budget is opposed to the enactment of the bill?

Mr. McCARRAN. I think the Bureau desires to have action on the bill withheld until they can complete a study. That is my recollection.

Mr. GORE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED TO FOOT OF CALENDAR

Mr. KNOWLAND. Mr. President, I ask unanimous consent that Calendar No. 2365, Senate bill 3067, and Calendar No. 2355, Senate bill 3844, to which objections have been made, may go to the foot of the calendar, so that there may be further explanation of the bills.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that Calendar No. 2355, Senate bill 3844, and Calendar No. 2365, Senate bill 3067, go to the foot of the calendar? The Chair hears none, and the bills will go to the foot of the calendar.

CLAIMS OF CERTAIN AMERICAN CITIZENS

The Senate proceeded to consider the bill (S. 221) to amend the War Claims Act to include claims of certain American citizens who served in the armed forces of any government allied with the United States during World War II and who were taken prisoners of war, which had been reported from the Committee on the Judiciary with an amendment, on page 2, after line 7, to insert:

SEC. 2. Any claimant brought within the definition of "prisoner of war" by reason of the amendment made by enactment of this act may file his claim at any time within 90 days after the date of approval here, any other law to the contrary notwithstanding.

So as to make the bill read:

Be it enacted, etc., That subsection (a) of section 6 of the War Claims Act of 1948, Public Law 896, 80th Congress, approved July 3, 1948, be amended to read as follows:

"SEC. 6. (a) As used in this section, the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States; or any person who served in the active military or naval service of any government allied with the United States in World War II and who at time of entrance into such active service was a citizen of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date."

SEC. 2. Any claimant brought within the definition of "prisoner of war" by reason of

the amendment made by enactment of this act may file his claim at any time within 90 days after the date of approval hereof, any other law to the contrary notwithstanding.

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 and passed.

CONVEYANCE OF CERTAIN LAND TO THE STATE OF TEXAS

The Senate proceeded to consider the bill (S. 3822) to authorize the conveyance to the State of Texas of approximately 9 acres of land in Houston, Tex., to be used for National Guard purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, after line 2, to strike out:

That the Secretary of the Army is authorized and directed to convey, subject to the provisions of section 2 of this act, to the State of Texas the following-described portion, comprising nine and three hundred six one-thousandths acres of land, more or less, of the Hughes Strut Plant, Houston, Harris County, Tex., together with all improvements thereon:

Beginning at the intersection of the south property line of the Hughes Strut Plant with the northwesterly right-of-way line of McCarty Avenue, also known as State Highway Numbered 3 and United States Highway Numbered 90, said intersection also being the southernmost southeast corner of a twenty-six and seven hundred twenty-two one-thousandths acre tract described in deed to Hughes Tool Co. recorded in volume 1179, page 683, deed records of Harris County, Tex., a two and one-half-inch pipe and a fence corner post;

Thence south eighty-nine degrees fifty-six minutes west two hundred ninety and twenty-one one-hundredths feet to a point, a two and one-half-inch pipe and fence corner post;

Thence north no degrees fifteen minutes twenty-five seconds east five hundred seventy-five and seventy-three one-hundredths feet, to a point, a two-and-one-half-inch pipe and fence corner post;

Thence south eighty-nine degrees fifty-nine minutes twenty seconds east one hundred fifty-six and thirty-five one-hundredths feet, to a point, a one-half-inch pipe;

Thence north no degrees six minutes west three hundred sixty and twenty-five one-hundredths feet to a point, three-quarter-inch rod;

Thence south eighty-nine degrees fifty-five minutes east two hundred fifty-four and ninety-two one-hundredths feet to a point, a three-quarter-inch rod;

Thence south no degrees nine minutes west two hundred thirty-one and eighty one-hundredths feet to a point, a three-quarter-inch rod;

Thence north eighty-nine degrees fifty-seven minutes east one hundred eighty-three and fifty-six one-hundredths feet to a point, three-quarter-inch rod;

Thence south two degrees eight minutes forty seconds west forty-nine and seventy one-hundredths feet to a point, a two-and-one-half-inch pipe and fence corner post;

Thence north eighty-seven degrees nine minutes east one hundred eighty-one and thirty-one one-hundredths feet to a point, a two-and-one-half-inch pipe and fence corner post;

Thence south thirty-eight degrees nine minutes fifty seconds west five hundred thirteen and sixty-nine one-hundredths feet to a point, a three-quarter-inch rod;

Thence along an arc curving to the left whose radius is one thousand four hundred eighty-two and sixty-nine one-hundredths feet and whose center angle is eleven degrees fifty-four minutes forty-eight seconds, a distance of three hundred eight and twenty-nine one-hundredths feet to the place of beginning.

And insert:

That the Secretary of the Army is authorized and directed to convey to the State of Texas, without compensation therefor, all the right, title, and interest of the United States in and to approximately 9.3 acres of land in Houston, Harris County, Tex., and all improvements thereon, said property comprising that portion of the former Hughes Strut plant now being occupied by the Texas National Guard under a license issued by the Secretary of the Army.

On page 4, line 23, after the word "property", to strike out "(including improvements by the United States)", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Army is authorized and directed to convey to the State of Texas, without compensation therefor, all the right, title, and interest of the United States in and to approximately 9.3 acres of land in Houston, Harris County, Tex., and all improvements thereon, said property comprising that portion of the former Hughes Strut plant now being occupied by the Texas National Guard under a license issued by the Secretary of the Army.

SEC. 2. The deed of conveyance authorized under the provisions of this act shall—

(1) provide that the property conveyed shall not be alienated in whole or in part by the State of Texas and shall be used primarily for training National Guard and Air National Guard personnel and for other military purposes, and if such provision is violated title to such property (including all improvements by the State of Texas) shall revert to the United States;

(2) reserve to the United States all minerals (including oil and gas) in the lands conveyed;

(3) provide that during any state of war or national emergency and for 6 months thereafter, if the Secretary of Defense determines that the property conveyed is useful or necessary for national defense purposes, the United States may, without payment therefor, reenter such property and use all or any part of it (including improvements by the State of Texas) but upon the termination of such use such property shall revert to the State of Texas; and

(4) contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of the Army to be necessary to protect the interests of the United States.

The amendments were agreed to.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent to have a statement prepared by the Senator from Massachusetts [Mr. SALTONSTALL] relative to Senate bill 3822 printed at this point in the RECORD.

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

STATEMENT BY SENATOR SALTONSTALL

The purpose of this bill is to authorize the Secretary of the Army to convey, without consideration, to the State of Texas approximately 9.3 acres of land, together with improvements, in Houston, Tex., to be used for National Guard purposes.

The transfer of the property is supported by the Army since the State of Texas has a long-range military requirement for the acreage. Since January 1952 the property has been used by the State of Texas for military purposes, under license from the Army.

The bill contains the usual safeguards which protect the interests of the United States in transfers of this type, by reserving to the United States all mineral rights, the authority to use the property without payment in the event of national emergency, and the reversion of title to the United States in the event the property is used for other than military purposes. The bill also contains a provision which provides that the Secretary of the Army may add to the deed of conveyance such additional terms as necessary to protect the interests of the United States. There is ample legislative precedent for this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senate will now return to the beginning of the calendar, on page 5. The clerk will state the first bill on the calendar.

BILLS PASSED OVER

The bill (S. 242) to provide for the establishment of a Veterans' Administration domiciliary facility at Fort Logan, Colo., was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 59) for the relief of Felix Kortschok was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

PHED VOSNIACOS

The Senate proceeded to consider the bill (S. 101) for the relief of Phed Vosniacos which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "fee", to strike out "and head tax", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Phed Vosniacos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 57) to amend rule XIII of the standing rules relative to motions to reconsider was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

BILL PASSED OVER

The bill (S. 1663) to increase the salaries of Members of Congress, judges of the United States courts, and United States attorneys, and for other purposes, was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 20) amending the cloture rule with respect to the number required for adoption of a cloture motion was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The resolution will be passed over.

BILLS PASSED OVER

The bill (S. 1857) to amend certain statutes providing expeditious judicial proceedings for the condemnation of lands for public purposes was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1396) to authorize the adoption of certain rules with respect to the broadcasting or telecasting of professional baseball exhibitions in interstate commerce, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1806) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 848) to prescribe policy and procedure in connection with construction contracts made by executive agencies, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 281) to amend section 1 (17) (a), section 13 (3), and section 13 (4) of the Interstate Commerce Act in order to extend to the Interstate Commerce Commission power to prescribe the discontinuance of certain railroad services in intrastate commerce when found to be unreasonably discriminatory against or to constitute an undue burden on interstate commerce was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2413) to provide an elected mayor, city council, school board, and nonvoting delegate to the House of Representatives for the District of Columbia, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1243) to amend the War Contractors Relief Act with respect to the definition of a request for relief, to authorize consideration and settlement of certain claims of subcontractors, to provide reasonable compensation for services of partners and proprietors, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6287) to extend and amend the Renegotiation Act of 1951 was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6648) to amend section 205 of the Small Business Act of 1953 was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2404) to authorize the Secretary of Agriculture to require reasonable bonds from packers was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 49) to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 50) to provide for the admission of Alaska into the Union was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2244) to provide for promotion by merit of employees in the postal services and to establish uniform procedures for examination and appointment of candidates for promotion to supervisory positions was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 509) to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon claims of customs officers and employees to extra compensation for Sunday, holiday, and overtime services performed after August 31, 1931, and not heretofore paid in accordance with existing law was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 207) requiring a yea-and-nay vote on the question of advising and consenting to the ratification of treaties was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The resolution will be passed over.

BILL PASSED OVER

The bill (S. 42) to provide for attorneys' liens in proceedings before the courts or other departments and agencies of the United States was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE IN PER DIEM ALLOWANCE FOR SUBSISTENCE AND TRAVEL EXPENSES

The Senate proceeded to consider 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 expense.

Mr. COOPER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 3, after the word "That", it is proposed to insert "(a)."

On page 1, after line 5, it is proposed to insert the following:

(b) The proviso in the paragraph designated "Inquiries and investigations" under the heading "Contingent Expenses of the Senate" in the Legislative Appropriation Act, 1955, is amended by striking out "$9" and inserting in lieu thereof "$12."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) section 3 of the Travel Expense Act of 1949 (63 Stat. 166, as amended; 5 U. S. C. 836) is amended by striking out "$9" and inserting in lieu thereof "$12."

(b) The proviso in the paragraph designated "Inquiries and investigations" under the heading "Contingent expenses of the Senate" in the Legislative Appropriation Act, 1955, is amended by striking out "$9" and inserting in lieu thereof "$12."

BILL PASSED OVER

The bill (S. 692) to prohibit discrimination in employment because of race, color, religion, national origin, or ancestry was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

WARREN P. HOOVER

The bill (H. R. 7460) to pay Warren P. Hoover for services rendered the Army of the United States was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2910) providing for the creation of certain United States judgeships, and for other purposes, was announced as next in order.

Mr. SMATHERS. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 44) to provide for the appointment of deputy United States marshals without regard to the provisions of the civil-service laws and regulations was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2373) to limit in certain cases the power of a single justice or judge of the United States to grant a stay of execution or sentence in connection with a habeas corpus proceeding or other proceeding collaterally attacking the conviction of any person was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2020) to amend section 433 of title 18, United States Code, relating to exemptions with respect to certain contracts was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4017) to provide for the conveyance of certain land and improvements to the England Special School District of the State of Arkansas was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 23) to make it unlawful for a member of a Communist organization to hold an office or employment with any labor organization and to permit the discharge by employers of persons who are members of organizations designated as subversive by the Attorney General of the United States was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3915) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 144) requiring a yea-and-nay vote on the passage of joint resolutions proposing amendments to the Constitution was announced as next in order.

Mr. McCARRAN. Over.

The PRESIDING OFFICER. The resolution will be passed over.

BILLS PASSED OVER

The bill (S. 3199) to authorize additional use of Government motor vehicles at isolated Government installations, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2980) conferring jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon a claim of the Bunker Hill Development Corp. was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

FLOYD C. BARBER

The Senate resumed consideration of the bill (H. R. 2815) for the relief of Floyd C. Barber, which had been reported from the Committee on the Judiciary with an amendment, which, together with an amendment submitted by Mr. HENDRICKSON, had been agreed to on June 15, 1954.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 2876) for the relief of Leo F. Pinder was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4104) for the relief of Frank St. Charles was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

HUNTINGTON, McLAREN & CO.

The Senate proceeded to consider the bill (H. R. 4329) for the relief of Huntington, McLaren & Co., which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 11, after the word "act", to strike out "in excess of 10 percent 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 and passed.

BILLS PASSED OVER

The bill (H. R. 6033) for the relief of Albert Vincent, Sr., was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5572) for the relief of Lt. Comdr. Cook Cleland was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3158) to eliminate cumulative voting of shares of stock in the election of directors of national banking associations was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3190) to amend section 3 of the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3542) to prohibit transmission of certain gambling information in interstate and foreign commerce by communications facilities was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3435) to amend the act relating to the administration of the Washington National Airport, to incorporate the Washington National Airport Corp., and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3706) to amend the Subversives Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will go over.

AMENDMENT OF REVISED STATUTES 4426

The Senate proceeded to consider the bill (H. R. 8647) to amend Revised Statutes 4426.

Mr. SMATHERS. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 8, after the word "the", it is proposed to insert "inspection."

Mr. SMATHERS. Mr. President, the amendment has been cleared with the staff of the Interstate and Foreign Commerce Committee. They agree it is desirable, as apparently does the Coast Guard.

Its purpose is to insure that the temporary exemption granted such vessels, is only with respect to boiler and hull inspections and not the safety regulations or other provisions of Revised Statutes 4426. The report indicates that this is all that was intended by the amendment. The language, however, was broader than the intention.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

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 and passed.

BILL PASSED OVER

The bill (H. R. 7395) to amend the definition of "airman" in the Civil Aeronautics Act of 1938, and for other purposes, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

ROGUE RIVER BASIN RECLAMATION PROJECT, OREGON

The bill (S. 3134) to authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin reclamation project, Oregon, was announced as next in order.

Mr. CORDON. Mr. President, objection was originally heard to the Senate bill. I ask that the House bill (H. R. 8384), Calendar No. 2362, be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 8384) to authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin project, Oregon, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3134 will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 7815) to provide for the construction, operation, and maintenance of the Cougar Dam and Reservoir on the South Fork McKenzie River, Oreg., with participation for power by the city of Eugene, Oreg., was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 880) to amend the license law of the District of Columbia was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2601) to provide for Federal financial assistance to States and Territories in the construction of public elementary and secondary school facilities was announced as next in order.

Mr. SMATHERS. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONSTRUCTION OF THE SANTA MARIA PROJECT, SOUTHERN PACIFIC BASIN, CALIF.—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 2235) to authorize the Secretary of the Interior to construct the Santa Maria project, Southern Pacific Basin, Calif., was announced as next in order.

Mr. JOHNSTON of South Carolina. Over.

Mr. MORSE. Mr. President, will the Senator withhold his objection for just a moment?

Mr. JOHNSTON of South Carolina. I will withhold the objection.

Mr. MORSE. Mr. President, I objected to this bill on the previous call of the calendar. Since then I have looked into the bill, and in my judgment the objections which I raised on the last call of the calendar should be withdrawn.

I wish to read into the RECORD a letter which I have received from the director of the Oregon State Game Commission. My objection on the last previous call of the calendar was based on the fact that the consideration I had given the bill up to that time did not lead me to believe there was a sufficient Federal interest to justify the provisions of the bill. However, this letter states as follows:

> DEAR SENATOR MORSE: Reference is made to the so-called grasslands water bill sponsored by Congressman OAKLEY HUNTER, now before Congress.
>
> It is my understanding that you have requested holding this bill in order that you might have an opportunity to examine the proposal.
>
> My purpose in writing you at this time is to emphasize the importance of this legislation to the future management of the waterfowl resources of the Pacific Flyway. Because of the wide distribution and use of the waterfowl resources throughout the seven Western States and to western Canada and Alaska and the tremendous importance of providing adequate wintering areas, much of which is in California, this bill is of concern then not only to California but to the entire flyway from a waterfowl standpoint. Locally, it is important in providing essential waterfowl habitat in the San Joaquin Valley of California.
>
> We will appreciate your favorable consideration of this legislation, bearing in mind the significance it has to the future handling of the important international waterfowl resource in this flyway.

I also understand that our Federal Wildlife Bureau is very much interested in the objectives of the bill. In view of the fact that the bill is really a conservation measure in respect to wildlife, I wonder whether the Senator from South Carolina [Mr. JOHNSTON] will, on the basis of these representations, withdraw his objection?

Mr. JOHNSTON of South Carolina. Mr. President, I ask that a decision be withheld at this time, and that the bill be placed at the foot of the calendar.

Mr. MORSE. That will be quite satisfactory to me.

The PRESIDING OFFICER. Is there objection to having the bill placed at the foot of the calendar?

Mr. KUCHEL. Mr. President, there is no objection; but I wish to ask the calendar number of the measure we are now discussing.

The PRESIDING OFFICER. It is Calendar No. 1801, House bill 2235.

Mr. KUCHEL. I wish to point out to my friend, the Senator from Oregon, that his comments would apply to Calendar No. 1802, House bill 4213.

Mr. MORSE. Let me say to my friend, the Senator from California, that that is the bill I thought we were discussing.

Mr. KUCHEL. Yes.

Mr. MORSE. It is Calendar No. 1802, House bill 4213, that I thought was being discussed; and that is the bill which I thought the Senator from South Carolina had objected to.

Let me say that I am not very often ahead of the calendar.

The PRESIDING OFFICER. The Chair will say that the Senator from Oregon is always farsighted.

Objection was heard to the consideration of Calendar No. 1801, House bill 2235. Objection having been heard, the bill will be passed over.

Mr. KUCHEL. Mr. President, I wish to be perfectly sure I understand. Does the Senator from South Carolina [Mr. JOHNSTON] object to the present consideration of Calendar No. 1801, House bill 2235?

Mr. JOHNSTON of South Carolina. Yes, Calendar No. 1801.

The PRESIDING OFFICER. The Senator from Oregon did not request that Calendar No. 1801 be placed at the foot of the calendar, did he?

Mr. MORSE. No, I was speaking of Calendar No. 1802, House bill 4213.

The PRESIDING OFFICER. So the objection made to Calendar No. 1801 stands.

Mr. JOHNSTON of South Carolina. Except, Mr. President, that I should like to have the bill go to the foot of the calendar, so we can study it further.

The PRESIDING OFFICER. Without objection, Calendar No. 1801, House bill 2235, will be placed at the foot of the calendar.

Mr. KUCHEL. I thank the Chair.

WATER SUPPLIES FOR WATERFOWL MANAGEMENT, CENTRAL VALLEY PROJECT, CALIFORNIA

The bill (H. R. 4213) to authorize works for development and furnishing of water supplies for waterfowl management, Central Valley project, California, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR CERTAIN USES OF PUBLIC LANDS

The bill (S. 620) to provide authorization for certain uses of public lands, was announced as next in order.

The PRESIDING OFFICER. This bill is a companion measure to House bill 1254, Calendar No. 2234, which was placed at the foot of the calendar.

The question arises as to whether the Senate wishes to dispose of that bill at this time, since the companion Senate bill is before the Senate.

The Senator from Florida previously requested that the House bill be placed at the foot of the calendar. The Senate bill is identical, except for some differences in language.

Is there objection to the present consideration of the bill?

Mr. SMATHERS. Mr. President, I have no objection to having the bill considered now, if the Senator from Oregon has no objection.

Mr. MORSE. Mr. President, I wish to make a brief statement on the bill, and then to have the sponsors of the bill comment on that statement, before I reach a decision as to what my final position on the bill will be.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill, instead of Senate bill 620, in view of the fact that they are companion bills?

There being no objection, the Senate proceeded to consider the bill (H. R. 1254) to provide authorization for certain uses of public lands.

Mr. MORSE. Mr. President, this bill would authorize any department or

agency of the Government of the United States having jurisdiction over public lands, national forests, and reservations in the United States to grant permits, leases, or easements for a period not to exceed 50 years to States, counties, cities, towns, townships, municipal corporations, or other public agencies for purpose of constructing and maintaining on such lands public buildings or other public works.

The bill does not contain any particular payment provisions. The bill simply states "under such reasonable terms and conditions as such head may determine."

In a letter dated April 16, 1954, the Bureau of the Budget stated:

> It is noted that the bill requires no monetary consideration for the privileges to be granted. While many existing statutes require no consideration, it would seem appropriate for the recipient of the grant to pay to the United States an amount commensurate with the value received. Such payment should be based on periodic appraisal of values during the term of the lease, permit, or easement.

That is the position of the Bureau of the Budget.

The Bureau of the Budget also stated, in the same letter, that there may be some question as to the meaning of the term "reservation."

Apparently the purpose of the bill is to assure a tenure of use of sufficient duration to warrant expenditure of funds by States or other non-Federal agencies for substantial improvements of a permanent nature on lands.

Mr. President, grants of permits, leases, or easements on Federal lands are grants of estates in land. Even if used for public purposes, States or subdivisions should pay a reasonable value for such estates.

The language "reasonable terms and conditions," as determined by the head of an agency, does not seem to amount to very much of a standard for payment, in my judgment. Unless I can be satisfied regarding the point I am raising, I shall either ask to have the bill placed at the foot of the calendar, or that it go over.

The PRESIDING OFFICER. Does the Senator from Oregon request that the bill be placed at the foot of the calendar?

Mr. MORSE. I wish to provide an opportunity for the Senator from California or any other Senator to comment on the observation on the part of the Bureau of the Budget, because it is the heart of what will be my objection.

Mr. KUCHEL. Mr. President, I prefer that the bill go over. But I wish to ask the Chair the calendar number of the corresponding House bill to which the Chair has referred.

The PRESIDING OFFICER. It is Calendar 2234, House bill 1254.

Mr. KUCHEL. Mr. President, do I correctly understand that the request of the junior Senator from Oregon is that the bill go to the foot of the calendar?

Mr. MORSE. I am perfectly willing to have that done.

Mr. KUCHEL. Very well.

The PRESIDING OFFICER. Without objection, House bill 1254, Calendar 2234, will be placed at the foot of the calendar.

LANDS IN THE OWL CREEK UNIT OF THE MISSOURI BASIN PROJECT

The bill (H. R. 4721) to provide that the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I do not object now, although I may object.

I should like to have the Senator from Wyoming [Mr. BARRETT] give an explanation of the bill, with particular reference to the comment he made to me in private, with regard to the bill's involving, not public lands, but private lands.

Mr. BARRETT. Mr. President, this bill involves the Owl Creek project in Wyoming. It is one of the units of the Missouri Basin project.

Part of the project is an old irrigation district, and the land has been irrigated for a good many years, using the water from Owl Creek.

When the Lucerne Dam was constructed, about 4 years ago, it was provided that the project could be expanded to include approximately 18,000 acres of the lands in the upper reaches of Owl Creek, which were to use the water that is dedicated to the old project along the Big Horn River. The lower end of the project was to obtain water by pumping it out of the river, from the water storage at Lucerne Dam.

All these lands are privately owned. The growing season in that area is approximately 88 days a year. The land is suitable, almost exclusively, for the purpose of raising supplementary feed for livestock, for the winter.

The owners of the lands could not afford to dispose of all but 160 acres, because it would be uneconomical and unprofitable to operate their holdings on that basis. For that reason they have objected to the construction of the project, because of the limitation of 160 acres of land. It is provided in the bill that the limitation shall be increased to 300 acres.

Mr. MORSE. Am I correct in my understanding that what we are dealing with here is a body of land which is now under private title, but upon which the owners want to get some water from another reservoir, really in exchange for water which they now have the right to take, but they have no land available to that water?

Mr. BARRETT. The Senator is correct. There are two parts to the project. The lower end of the project intends to trade the water it is entitled to from Owl Creek, provided it can obtain adequate water from the Big Horn River by pumping it out.

Mr. MORSE. Am I correct in my understanding that this bill does not involve a case in which the Federal Government is in any way making available to them public lands in excess of the 160-acre limitation?

Mr. BARRETT. That is correct.

Mr. MORSE. Am I correct further in my understanding that this bill could in no way be considered a precedent for the modification of the 160-acre limitation with respect to public lands?

Mr. BARRETT. I am quite sure that the Senator is entirely correct.

Mr. MORSE. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4721) to provide that the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9709) to extend and improve the unemployment-compensation program was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF TIME FOR ENTERING INTO AMENDATORY REPAYMENT CONTRACTS—BILL PASSED TO FOOT OF CALENDAR

The bill (H. R. 8027) to amend the act of March 6, 1952 (66 Stat. 16) to extend the time during which the Secretary of the Interior may enter into amendatory-repayment contracts under the Federal reclamation laws, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. By request, over.

Mr. ANDERSON. Mr. President, was objection made?

The PRESIDING OFFICER. Objection is heard.

Mr. ANDERSON. The Senator from New Jersey must realize that a great many of the small irrigation districts now have problems. Because of the drought in the Western States many small irrigation projects need this power more than they have ever needed it in the history of the country. I believe this bill is a perfectly fine bill.

The able chairman of the subcommittee [Mr. BURKE] is not in the Chamber now, but I think I can assure the Senator from New Jersey that these projects are in more trouble now because of the drought than they have even been in before.

The bill would merely give the Secretary of the Interior an extension of several years of the right to negotiate amendatory contracts. I am sure the Senator from Wyoming [Mr. BARRETT] or the Senator from Texas [Mr. DANIEL] can give substantiating information.

Mr. HENDRICKSON. Mr. President, I am sure that what the distinguished Senator has said is all true. I am not

objecting on my own account. I am in favor of the bill. I am objecting on behalf of a Senator who is absent. I am unable to reach him.

I ask unanimous consent that the bill be included in the next call of the calendar.

Mr. BARRETT. Mr. President, can the Senator assure us that there will be another call of the calendar?

Mr. HENDRICKSON. I can only say that I heard the distinguished majority leader say that there would be another call of the calendar.

Mr. MORSE. Let me say facetiously to my friend from Wyoming that I think I can give him reasonable assurance.

Mr. ANDERSON. I remind the Senator from New Jersey that every time one of these contracts is renegotiated it has to be submitted to the floor of the Congress.

Mr. HENDRICKSON. I ask the distinguished Senator what choice I have in the matter.

Mr. ANDERSON. I am sorry.

Mr. BARRETT. Mr. President, reserving the right to object, I should like to have the RECORD show that all the bill does is to extend for 3 years a law which has been in force for a long time, a law which has worked in admirable fashion, a law to which no objection whatsoever has been raised by anyone, so far as I know.

The bill was reported unanimously from the committee. The law granting authority to the Secretary to make these amendatory contracts expires on December 31 next. Under that law 22 such amendatory contracts have been made, and Congress has approved every one of them. The Department is currently attempting to conclude nine other contracts. If the bill is not passed, there certainly will be no authority to proceed with the conclusion of the contracts.

Mr. HENDRICKSON. Mr. President, the Senator who is absent, and on whose behalf I have lodged an objection, is in attendance upon a very sick relative. I think I would be absent myself if I had a son-in-law who had been stricken with polio. I will not state the name of the Senator unless I am requested to do so. However, in view of the situation, in order that Senators may try to communicate with the absent Senator, I ask unanimous consent that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DANIEL. Mr. President, reserving the right to object—which I shall not do—we are trying to get in touch with the absent Senator, and I appreciate the request which has been made.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

BILLS PASSED OVER

The bill (S. 3114) to improve the public health by encouraging more extensive use of the voluntary prepayment method in the provision of personal health services was announced as next in order.

Mr. HENDRICKSON. Mr. President, this is not calendar business. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 904) to standardize rates on household goods shipped by the United States Government for its employees was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO FOOT OF CALENDAR

The bill (S. 3219) to amend certain provisions of title XI of the Merchant Marine Act of 1936, as amended, to facilitate private financing of new ship construction, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

CHANGE OF NAME OF GAVINS POINT RESERVOIR

The bill (S. 3744) to change the name of Gavins Point Reservoir back of Gavins Point Dam to Lewis and Clark Lake was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gavins Point Reservoir back of Gavins Point Dam, which is located on the Missouri River near Yankton, S. Dak., shall hereafter be known as Lewis and Clark Lake and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to under the name of Gavins Point Reservoir shall be held to refer to such body of water under and by the name of Lewis and Clark Lake.

CITING ALBERT SHADOWITZ FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 280) to cite Albert Shadowitz for contempt of the Senate was announced as next in order.

Mr. HENDRICKSON. By request, Mr. President, I ask that this resolution go over.

Mr. McCARTHY. Mr. President, will the Senator withhold his objection until I can explain the resolution?

Mr. HENDRICKSON. I gladly withhold my objection.

Mr. McCARTHY. It should be made very clear that the Senator from New Jersey is not personally objecting; may I ask the name of the Senator who is objecting?

Mr. HENDRICKSON. The distinguished senior Senator from North Dakota [Mr. LANGER].

Mr. McCARTHY. I so understood.

Mr. HENDRICKSON. As the Senator knows, he is absent today due to serious illness in the family.

Mr. McCARTHY. I understand the Senator from North Dakota desires some time to discuss this resolution on the floor of the Senate.

Mr. President, I thank the able Senator from New Jersey for withholding his objection until I can very briefly explain the resolution.

On December 16, 1953, at New York City, Albert Shadowitz testified before the Senate Permanent Subcommittee on Investigations. He refused to answer questions pertaining to communism or espionage on the grounds of the privilege of the first amendment and on the grounds that the subcommittee lacked jurisdiction. He did not invoke the fifth amendment.

We wrote the Attorney General on this matter and got a preliminary unofficial opinion from him to the effect that this case might well be submitted to the grand jury.

Mr. Shadowitz readily answered questions which did not pertain to communism or espionage. He talked freely of his employment background. He refused to answer certain questions which I shall state on the grounds of the first amendment. This man had worked for the Government in classified work and was in close contact with people doing classified work.

He refused to answer:

First. Whether he was a member of the Communist conspiracy at the time of his deferment from the draft.

Second. Whether he discussed classified defense work with members of the Communist Party while he was working at the Federal Telecommunications Laboratories, 1943 to 1951.

Third. Whether he took orders from the Communist Party concerning what line his union newspaper should follow.

Fourth. Whether certain named individuals were members of the Communist Party.

Fifth. Whether the Communist Party instructed him to apply for a secret clearance concerning his employment with the Federal Telecommunications Laboratories.

Sixth. Whether at the time he went to work for the Federal Telecommunications Laboratory, he was asked for a statement as to whether he was a member of the Communist Party.

I think it is interesting to note, Mr. President, that this man was accompanied by counsel. He did not invoke the fifth amendment. He said he was refusing to give us information about Communists in Government because of the advice of Albert Einstein.

The subcommittee and the full committee voted to cite him for contempt.

I thank the Senator for withholding his objection.

The PRESIDING OFFICER. The resolution will be passed over.

CITING ABRAHAM UNGER FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 282) to cite Abraham Unger for contempt of the Senate was announced as next in order.

Mr. MORSE. Mr. President, for the RECORD, may we have an explanation of the resolution?

Mr. McCARTHY. Calendar No. 1828, Senate Resolution 282, deals with the case of Abraham Unger. I understand that if the Senator from North Dakota [Mr. LANGER] were present he would also object to its being considered today. I shall ask the majority leader to bring these matters up on motion at the earliest opportunity.

On September 15 and 17, 1953, Abraham Unger, an attorney, testified before our investigations subcommittee in New York. Unger is a member of the law firm of Unger and Freedman, which firm was active in the legal defense of the 11 top Communists who were tried and convicted in New York City.

When he first testified before the investigations subcommittee on September 15, he said he had no knowledge that one Julius Reiss, alias Joel L. Remes—Remes is his name in the Communist Party; Reiss is his official name—ever worked in his law firm. Remes had been identified before the subcommittee as a top functionary of the Communist Party, who was an American citizen employed by the Polish delegation to the United Nations.

However, when Unger was confronted with information that Remes had been employed by his law firm, he changed his testimony on his following appearance.

On September 17, 1953, Unger said that Remes had been employed by his law firm for 9 months doing research in connection with the legal defense of the 11 top Communists who were convicted. Unger, who is apparently practicing law before Government agencies, refused to answer whether he was a member of the professional group of the Communist Party in New York, whether he was an organizer, and whether he was a member of the Communist Party.

For a period of some 72 minutes, Unger was repeatedly asked questions as to his membership on at least 19 occasions. During this period he continued to filibuster—to give evasive answers. He was told he would have to answer or we would ask to have him cited for contempt. He continued to refuse to answer.

Unger did not invoke the fifth amendment or any other provision of the Constitution, but consistently filibustered and stalled and refused to answer any questions. In an informal opinion from the office of the Attorney General, it is indicated that the facts developed at the hearings would be sufficient for presentation of his case to a grand jury for indictment for contempt.

In all these cases we have asked the Attorney General for an unofficial opinion. In all the cases which were presented we received the opinion that the facts were such that the cases should be presented to the grand jury.

I sincerely hope that the majority leader will arrange our work so that we can arrange to bring these contempt matters up on motion, in view of the opposition of the Senator from North Dakota [Mr. LANGER].

Mr. MORSE. Am I correct in my understanding that this resolution recommending citation for contempt, as well as the preceding resolution, was adopted by unanimous vote of the subcommittee?

Mr. McCARTHY. As I recall, both of them were adopted by unanimous vote. There may have been some Senators not present. There were no votes against the citations.

Mr. MORSE. All those who voted did vote for it?

Mr. McCARTHY. Yes, both in the subcommittee and then in the full committee.

Mr. MORSE. I should like to add, if the Senator will yield to me, Mr. President——

Mr. McCARTHY. I gladly yield.

Mr. MORSE. I, too, hope that the Senate will take official action by way of motion, if necessary, on these resolutions before we adjourn, because I think it would be a very bad thing for the Senate to adjourn without acting upon resolutions asking for citations for contempt, because, irrespective of what committee may be involved, it is my view that whenever a committee of the Senate, by either unanimous vote or a substantial majority vote, brings to us a resolution calling for a citation for contempt, that is, in my judgment, a prima facie basis for the Senate to support its committees on this kind of issue. I think we would soon lose our effectiveness in the field of investigation if the idea got abroad in this land that a resolution asking for citation for contempt does not mean very much when it comes to the Senate. On the contrary, I do not think we ought ever to have an exception to the adoption of such a resolution unless, in debate on the floor of the Senate, it can be shown that our committee was mistaken.

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

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. HENDRICKSON. Mr. President, I share the views of the distinguished Senator from Oregon with respect to all three of these resolutions. I want the record to be quite clear that I am objecting only as a member of the calendar committee on behalf of another Senator. In the event these resolutions are not taken up in due course by the majority leader, I shall——

Mr. KNOWLAND. Will the Senator yield?

Mr. HENDRICKSON. I gladly yield to the majority leader.

Mr. KNOWLAND. I say to the Senator, there is no question that these three resolutions will be called up. They obviously cannot pass on the calendar call because of the objection that has been lodged by an absent Senator, who had requested that he have at least 48 hours' notice in advance of calling them up.

I serve notice now that a motion will be made by the majority leader to call up each of these, so as to give the Senate an opportunity to vote upon them. I quite agree with the Senator from Oregon [Mr. MORSE] that the question of citation for contempt of the Senate is such that we will not leave these resolutions on the calendar when we adjourn.

Mr. HENDRICKSON. Would the majority leader object if I were to ask unanimous consent that, if there is another calendar call before these resolutions are taken up, all 3 of the resolutions be included in that calendar call?

Mr. KNOWLAND. I do not think that would solve the problem of unanimous consent, because the Senator from North Dakota has made it very clear that he intends to oppose them. At least he particularly directed my attention to one resolution he expected to oppose.

Under those circumstances, I think it unlikely that the resolutions would pass by unanimous consent. I give my assurance that we shall move to their consideration.

Mr. HENDRICKSON. I recognize that possibility, but I thought it might be another safeguard.

The PRESIDING OFFICER. The resolution will be passed over.

CITING CORLISS LAMONT FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 281) to cite Corliss Lamont for contempt of the Senate was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of the resolution?

Mr. SMATHERS. Mr. President, by request I ask that the resolution go over.

Mr. MORSE. Mr. President, will the Senator withhold his objection?

Mr. LEHMAN. I object.

Mr. SMATHERS. I will be happy to withhold my objection.

Mr. MORSE. Mr. President, I should like to have the Senator withhold his objection until the Senator from Wisconsin [Mr. McCARTHY] can give an explanation of the resolution. I think an explanation ought to go into the RECORD, so that Senators may have the benefit of such an explanation. In that way Senators will be able to study the question between now and the time the Senate debates the resolution.

Mr. McCARTHY. Mr. President, I appreciate the request of the Senator from Oregon. I think that an explanation should be placed in the RECORD so that it will be available to Senators before they are called upon to vote on the resolution.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMATHERS. What is the time limit?

The PRESIDING OFFICER. Five minutes.

Mr. McCARTHY. I am sure I can complete my explanation in 5 minutes.

On September 23, 1953, at New York City, Corliss Lamont testified before the Senate Permanent Subcommittee on Investigations. He at no time invoked the privilege of the fifth amendment as to questions that were asked. Lamont objected to the power and jurisdiction of the subcommittee. He also objected that under the first amendment the power of investigation by congressional committees into matters involving freedom of speech and freedom of the press could

not be used in the absence of legislative intent or power.

Also, he denied that he was a member of the Communist Party, but admitted writing a chapter entitled, "National and Racial Minorities," which appeared in the book entitled, "U. S. S. R.—A Concise Handbook." He also admitted writing, People of the Soviet Union.

On the basis of Mr. Lamont's statement that the subcommittee lacked jurisdiction, he refused to answer the following questions:

Whether he knew Louis Budenz who had been editor of the Daily Worker for a number of years; whether he admitted to said Budenz in a telephone conversation that he was a member of the Communist Party; whether he knew Clarence Hathaway, a well-known Communist; whether he worked with Clarence Hathaway in connection with the penetration of various organizations by the Communist Party; whether he was ever under instructions from the Communist Party or from a known Communist to work toward the penetration of any organizations; whether he ever engaged in activities on behalf of the Communist Party or under the instruction of any individual known to be a member of the Communist Party.

On the basis of his statement that the subcommittee lacked jurisdiction and under his privilege of the first amendment and on his objection to the form of questions proposed, he refused to answer questions concerning the following:

Whether Ernest J. Simmons, who edited U. S. S. R.—A Concise Handbook, which is published by the military, was a member of the Communist Party at the time Lamont contributed the chapter to the book; whether he had ever been solicited to join the Communist Party; whether he had ever attended Communist Party meetings; whether at the time he wrote the chapter in Ernest Simmons' book and at the time he wrote the book entitled "Peoples of the Soviet Union," both of which were purchased by the U. S. Government, that he consulted with or was instructed by individuals known to be members of the Communist Party; whether he considered the Daily Compass a Communist publication; at the time he was writing for the Daily Compass, whether he was writing articles or documents which were being purchased or used by the U. S. Government; the length of his trip which he made to Russia; whether he knew Harriet L. Moore; whether he knew that Harriet Moore was a Communist—I may say that Miss Harriet L. Moore is the one who willed her property to Chou En-Lai and requested that her ashes be distributed over Communist China—whether he knew if Vladimir Kazekavich, who wrote a chapter in a book used by the U. S. Government, was a Communist; whether Frederick L. Schuman, whose works have been used by the U. S. Government, was a Communist; whether John N. Hazard, who wrote material which was purchased and used by the U. S. Government, was a member of the Communist conspiracy——

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

Mr. McCARTHY. I yield.

Mr. MORSE. Did the Senator mention someone working for U. S. News?

Mr. McCARTHY. No; definitely not.

Mr. MORSE. U. S. what?

Mr. McCARTHY. A man who wrote works for the U. S. Government.

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. MORSE. I believe the Senator misspoke himself.

Mr. McCARTHY. I certainly did not mention the U. S. News.

Mr. MORSE. I am certain he did not intend to.

Mr. McCARTHY. He refused to tell whether he felt the Communist Party was dedicated to the overthrow of this Government by force and violence; whether Sergei Kournakoff, who produced works used by our military, was a member of the Communist Party; that Henry Sigerist, who had written material used by the U. S. Army, was a member of the Communist Party; whether he had ever attended a meeting where the espionage activities of members of the Communist Party were discussed; whether he ever attended a Communist Party meeting at which time a Communist Party member advocated the overthrow of this Government by force and violence.

The Attorney General received a copy of the transcript, and in an unofficial opinion said he thought this case could well be submitted to the grand jury for indictment.

Mr. LEHMAN. Mr. President, reserving the right to object—and I shall object—I wish to say that I believe this is not a matter which should be considered on a call of the calendar. It may very well be that there is full justification for citing this man, but I think the reasons should be given in detail and in a reasonably considerate manner toward the Senate, so that Members of the Senate may be able to form their own judgment as to the seriousness of the situation.

From the report which was made in connection with the request for a citation I read the following——

Mr. McCARTHY. Mr. President, will the Senator from New York yield for a brief announcement?

Mr. LEHMAN. I yield.

Mr. McCARTHY. This is not being disrespectful to the Senator, but we have a number of witnesses waiting in the committee room, and I am presiding at the hearing. I must leave the Chamber. I understand the objections will be brought up later, and I shall read the Senator's remarks in the printed RECORD.

Mr. LEHMAN. Of course, I have no objection to the Senator leaving the Chamber.

I read from the report, Mr. President:

Mr. LAMONT. Mr. Chairman, I have a statement I would like to read into the record objecting to the jurisdiction of the committee.

The CHAIRMAN. Not until we have sworn you.

Mr. LAMONT. I would prefer to affirm, please.

The CHAIRMAN. Pardon me?

Mr. LAMONT. I would prefer to affirm.

The CHAIRMAN. In other words, you don't want to be sworn; you want to affirm.

In the first place, Mr. President, there was no inclusion in this report of the statement which I assume was later read by Mr. Lamont justifying his position.

In regard to affirmation the chairman said:

In other words, you don't want to be sworn; you want to affirm.

Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth in this matter now in hearing before this committee?

Mr. LAMONT. I do.

Then the chairman went on to say:

Your reason for not being sworn, not wanting to be sworn, is what?

So far as I know, Mr. President, an affirmation has exactly the same weight as does an oath before a committee. And yet the chairman took it upon himself to question the validity of an affirmation by the witness who appeared before him.

In the next place, Mr. President, Mr. Lamont did not claim immunity under the fifth amendment; he claimed the protection of the first amendment.

Mr. Lamont, in appearing before the committee under oath, said:

As I said in the statement, I am not and never have been a member of the Communist Party.

That is a direct rebuttal of any claim that he has been or is a member of the Communist Party.

For that reason, and for many others, I feel impelled to object to this procedure, because I believe the citations should not be lightly treated by the Senate. I believe all the facts of the case should be considered and given weight, and not taken up on a calendar call when debate is limited to 5 minutes and the facts cannot possibly be developed. It may very well be that this man should be cited. I do not know. I am not forming any opinion. I want to make sure that this case and the others as to which objection has been made are brought before the Senate for the consideration of all the Members of the Senate, who will then vote in accordance with their conscience and their convictions. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the next item on the calendar.

BILLS PASSED OVER

The bill (H. R. 3300) to authorize the State of Illinois and the Sanitary District of Chicago under the direction of the Secretary of the Army to help control the lake level of Lake Michigan by diverting water from Lake Michigan into the Illinois waterway, was announced as next in order.

Mr. GORE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2317) authorizing the modification of the existing project for navigation on the Delaware River, Pennsylvania, New Jersey, and Delaware, was announced as next in order.

Mr. GORE. I ask that the bill go over.

Mr. MORSE. Mr. President, will the Senator withhold his request for a moment?

Mr. GORE. I withhold my request.

Mr. MORSE. The bill comes to the Senate with the unanimous vote of the Committee on Public Works. It deals with a subject which the committee has gone into very carefully. I think there is great merit to the argument that greater consideration should be given to the bill than can be given to it on the Unanimous Consent Calendar, since the bill involves a considerable sum of money. Nevertheless, the objectives of the bill and the plans for construction of the project were considered by the Committee on Public Works to be so meritorious that we found no basis, really, for any great debate on the question.

It is my hope that between now and the time of final adjournment the bill may be taken up on motion, or that the objectors will reconsider their objections between now and the time of the next call of the calendar.

Therefore, I ask unanimous consent that, if there is to be another call of the calendar, the bill be called on the next calendar call, in case the majority leader does not have the bill taken up by motion in the meantime.

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

Mr. MORSE. I yield.

Mr. HENDRICKSON. Will the Senator from Oregon state whether there were any objections made by abutting property owners, who were concerned about erosion which might result from the proposed construction?

Mr. MORSE. During consideration of the bill in the committee, some objections were raised and were duly considered, but the committee felt that there was adequate protection afforded to justify the passage of the bill.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PLACED AT FOOT OF CALENDAR

Mr. HENDRICKSON. Mr. President, for the benefit of the Senate, may we have a complete list of the bills which were ordered to be placed at the foot of the calendar, in the order in which they will take precedence?

Mr. MORSE. Mr. President, will the Senator yield for a point of information?

Mr. HENDRICKSON. I gladly yield.

Mr. MORSE. What happened to Calendar No. 1833, H. R. 9580; Calendar No. 1834, Senate bill 3428; and Calendar No. 1882, H. R. 4813?

The PRESIDING OFFICER. Those bills were called last evening, and were objected to.

Mr. GORE. Mr. President, I ask that Calendar No. 2030, H. R. 6573, to which I previously objected, may go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

Mr. STENNIS. Mr. President, when Calendar No. 1315, Senate bill 2910, at the bottom of page 7 of the calendar, was called, objection was raised by the Senator from Tennessee [Mr. GORE], who was speaking for the Senator from Rhode Island [Mr. GREEN]. I understand that the Senator from Rhode Island has agreed to withdraw his objection. However, there may be other objections to the bill.

I ask unanimous consent that this bill be included in the bills which will go to the foot of the calendar, so that there will be an opportunity to discuss it later.

Mr. SMATHERS. Mr. President, it was I who objected. I have no further objection, and I understand the Senator from Tennessee [Mr. GORE] has withdrawn his objection.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

Mr. MILLIKIN. Mr. President, I ask unanimous consent that Calendar No. 2358, H. R. 10009, go to the foot of the calendar. I understand there was objection to the bill, and that the Senator from Tennessee [Mr. GORE] desired to consult with the Senator from Georgia [Mr. GEORGE]. I suggest that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

Mr. MILLIKIN subsequently said: Mr. President, during the call of the calendar, the Senator from Tennessee [Mr. GORE] objected to the consideration of Calendar No. 2358, H. R. 10009, on the ground that he thought the bill was too complicated to be handled on the call of the calendar. He stated that he intended to speak with the distinguished Senator from Georgia [Mr. GEORGE] about the matter.

The Senator from Georgia has spoken with the Senator from Tennessee, and I now desire to have the Senator from Georgia make a statement with reference to the bill.

Mr. GEORGE. Mr. President, I have had a conference with the Senator from Tennessee [Mr. GORE], who was acting as a member of the calendar committee on the minority side.

The title of the bill in question was somewhat misleading. As originally drawn, the bill was much broader than it is now. When I explained to the Senator from Tennessee that the bill primarily called for a study by the Tariff Commission and the customs officers of the Treasury, and for a report to be made subsequently to the Senate Committee on Finance, the Senator from Tennessee then said that he would authorize me to withdraw his objection, so that the measure could be taken up and disposed of.

Mr. MILLIKIN. May I ask the distinguished majority leader if it would be desirable to have the bill taken up in the regular order?

Mr. KNOWLAND. I think that would be preferable.

Mr. MILLIKIN. I thank the distinguished Senator.

Mr. SMATHERS. Mr. President, earlier in the day I asked that Calendar 1797, Senate bill 2601, go over, by request of other Senators. I now ask unanimous consent that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

Request has been made that the list of bills placed at the foot of the calendar be read, and the Chair will now do so.

Mr. SCHOEPPEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHOEPPEL. Will the order in which the bills are announced as being at the foot of the calendar be the order in which the bills will be called up for consideration?

The PRESIDING OFFICER. The bills will be announced in the order in which they will be considered. The first one is Calendar No. 1939, Senate bill 417.

Mr. MAYBANK. Mr. President, may I ask what the order number is?

The PRESIDING OFFICER. The order number of the first bill at the foot of the calendar is 1939. The second is 1941, Senate bill 3166.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Am I to understand that there are no bills which have been placed at the foot of the calendar that have a number lower than 1939?

The PRESIDING OFFICER. The understanding of the Senator from California is not correct. That bill appears in the middle of the calendar. We shall eventually come to bills having a lower order number.

Mr. MAYBANK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAYBANK. I understood the Chair to say that he would call in order the bills which were placed at the foot of the calendar, and that they would be called in the order in which they are to be considered. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The Chair will now continue reading them in order:

Calendar No. 1950, H. R. 1665; Calendar No. 1957, H. R. 8753; Calendar No. 1963, Senate bill 3778; Calendar No. 1966, Senate bill 3326; Calendar No. 1967, H. R. 3516; Calendar No. 1978, Senate bill 1022; Calendar No. 1983, Senate bill 3316; Calendar No. 2009, H. R. 5407; Calendar No. 2010, House bill 7774; Calendar No. 2013, House bill 1980; Calendar No. 2030, House bill 6573; Calendar No. 2031, Senate bill 3189; Calendar No. 2032, House bill 9002; Calendar No. 2224, Senate bill 3726; Calendar No. 2227, Senate bill 3601; Calendar No. 2232, House bill 9712; Calendar No. 2233, House bill 9868.

Then the following calendar numbers will be called: Calendar No. 2234, House bill 1254; Calendar No. 2257, Senate bill 114; Calendar No. 2284, House bill 3534;

Calendar No. 2297, House bill 8898; Calendar No. 2334, House bill 7762; Calendar No. 2342, House bill 9962; Calendar No. 2344, Senate bill 3772; Calendar No. 2355, Senate bill 3844; Calendar No. 2358, House bill 10009.

Then beginning with Calendar No. 2365, Senate bill 3067; Calendar No. 2366, Senate bill 2017; Calendar No. 2367, Senate bill 2975; Calendar No. 2368; Senate bill 1813; Calendar No. 2369, Senate bill 3131; Calendar No. 2370, Senate Joint Resolution 158; and Calendar No. 2371, Senate bill 960.

Going now to the front of the calendar, the first number is 1315.

Mr. HENDRICKSON. Mr. President, may I ask what happened to Calendar Nos. 2248, House bill 4118; and No. 2277, Senate bill 3728? Were they read?

The PRESIDING OFFICER. Calendar No. 2248, House bill 4118, and No. 2277, Senate bill 3728 passed.

The next calendar number is 1797, Senate bill 2601. There then follow Nos. 1801, House bill 2235; and Calendar No. 1803, Senate bill 620.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Did I understand the Chair to say that Calendar No. 1315, Senate bill 2910 followed the other bills at the end of the calendar?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. What were the numbers after Calendar 1315, Senate bill 2910 that the Chair announced?

The PRESIDING OFFICER. No. 1315, Senate bill 2910, Calendar No. 1797, Senate bill 2601; Calendar No. 1801, House bill 2235; Calendar No. 1803, Senate bill 620; Calendar No. 1810, House bill 8027; and Calendar No. 1817, Senate bill 3219.

Mr. MORSE. Mr. President, Calendar No. 1983, Senate bill 3316 went to the foot of the calendar. The Chair may have read it and I may not have heard it.

The PRESIDING OFFICER. Calendar No. 1983, Senate bill 3316 was read. It was passed to the foot of the calendar.

Mr. HENDRICKSON. Mr. President, in order that the respective calendar committees may properly mark up these bills, and restudy them briefly, I ask unanimous consent that the Senate stand in recess for an hour.

Mr. KNOWLAND. Mr. President, I had not intended to have the Senate recess. We were going to move to the consideration of unfinished business before the Senate, and I intended to make the announcement that, pursuant to the understanding I had had with both calendar committees, they needed time—I understood they needed at least an hour, and perhaps a little more than that——

Mr. HENDRICKSON. We shall need more than an hour, I am sure.

Mr. KNOWLAND. I can assure the Senator that we shall not return to consideration of the calendar before 5:10 or 5:15, so the Senator may at least have the assurance that he will have at least an hour. If the Senator finds he needs a little more time, there are other bills the Senate can consider.

Mr. HENDRICKSON. I thank the Senator very much. I misunderstood him.

Mr. McCARRAN. Mr. President, would it be satisfactory to the Senator from California, the majority leader, to bring up Calendar No. 1936, which is H. R. 7140, for the relief of Robert A. Duval? There was some controversy back and forth which I think is now reconciled.

Mr. KNOWLAND. That is one of the bills which went to the foot of the calendar. I prefer that we take all those bills up in order, so that the Senators may have notice.

Mr. McCARRAN. Then, Mr. President, will it be satisfactory to take up 2 or 3 bills that are on the clerk's desk?

Mr. KNOWLAND. Yes. As soon as we set the unfinished business, we intend to take up some of the bills at the desk.

Mr. JOHNSTON of South Carolina. Mr. President——

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

Mr. JOHNSTON of South Carolina. One of the bills is better known as the pay increase bill. I notice that the majority leader asked that the bill be placed at the foot of the calendar.

Mr. KNOWLAND. That is correct.

Mr. JOHNSTON of South Carolina. May I ask the reason why the majority leader did so?

Mr. KNOWLAND. I do not believe the bill is calendar business.

Mr. MAGNUSON. Mr. President, I have just heard—it has been carried on the ticker or in the press—that the majority leader has asked that the bill be placed at the foot of the calendar.

Mr. KNOWLAND. That is correct.

Mr. MAGNUSON. I understand that the Senator from California now states that the reason he made the request is that the bill is of such importance that it should not be taken up during the call of the calendar.

Mr. KNOWLAND. That is correct.

Mr. MAGNUSON. Does the Senator from California intend to have the bill taken up later?

Mr. KNOWLAND. As I have announced, there is a long list of bills, including bills relating to the unemployment insurance reserves, which we shall have to take up with the policy committee, to determine how many of them can be acted on prior to adjournment.

Mr. MAGNUSON. Many of those bills relate to the same general subject.

Mr. KNOWLAND. That is correct.

Mr. JOHNSTON of South Carolina. Mr. President, do I correctly understand that the Senator from California will object to consideration of the bill today?

Mr. KNOWLAND. I understand that objection will be made to consideration of the bill during the call of the calendar, inasmuch as the bill is not calendar business.

COMMISSION ON CELEBRATION OF ANNIVERSARY OF BIRTH OF ALEXANDER HAMILTON

The PRESIDING OFFICER (Mr. BENNETT in the chair) laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 140) to establish a commission for the celebration of the 200th anniversary of the birth of Alexander Hamilton, which was, to strike out all after the resolving clause and insert:

That there is hereby established a commission to be known as the "Alexander Hamilton Bicentennial Commission" (hereinafter referred to as the "Commission") which shall be composed of 19 Commissioners as follows: The President of the United States, the President of the Senate, and the Speaker of the House of Representatives, all ex officio; and 8 persons to be appointed by the President of the United States, 4 Senators to be appointed by the President of the Senate, and 4 Representatives to be appointed by the Speaker of the House of Representatives.

SEC. 2. It shall be the duty of the Commission to prepare plans and a program for signalizing the 200th anniversary of the birth of Alexander Hamilton. In preparing such plans and program the Commission shall give due consideration to any plan or plans which may be submitted to it, and to take such steps as may be necessary to coordinate and correlate its plans with those prepared by State or civic bodies. If the participation of other nations in the commemoration is deemed advisable, the Commission may communicate to that end with the governments of such nations through the State Department.

SEC. 3. The Commission shall select a Chairman and a Vice Chairman from among its members, and may employ, without regard to the civil-service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions.

SEC. 4. The Commissioners shall serve without compensation, but may be reimbursed for expenses incurred by them in carrying out the duties of the Commission.

SEC. 5. When the Commission has approved a plan of celebration, it shall submit it, insofar as it relates to the fine arts, to the Commission of Fine Arts for its approval.

SEC. 6. The Commission shall, on or before March 1, 1955, make a report to the Congress in order that further enabling legislation may be enacted.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of $10,000.

SEC. 8. The Commission shall expire upon the completion of its duties, but in no event later than January 11, 1958.

Mr. KNOWLAND. Mr. President, the Senator from South Dakota [Mr. MUNDT] is not in the Chamber at this time, but I have cleared this matter with the minority.

Senate Joint Resolution 140 creates the Alexander Hamilton Bicentennial Commission. That joint resolution was passed by the Senate; and the House has amended the joint resolution, in which amendment it requests the concurrence of the Senate.

The amendment of the House would set a limitation of $10,000 on the expenses of the Commission. Thus, the amendment would make the joint resolution more restrictive than it was when it was passed by the Senate.

The amendment of the House of Representatives is agreeable to the author of the joint resolution, and I have cleared this matter with the minority.

Mr. President, I now move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MODERNIZATION AND IMPROVEMENT OF MERCHANT-TYPE VESSELS—CONFERENCE REPORT

Mr. BUTLER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of the bill (S. 3546) to provide an immediate program for the modernization and improvement of such merchant-type vessels in the reserve fleet as are necessary for national defense. 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 legislative clerk read the report.)

(For conference report, see House proceedings of August 10, 1954, p. 13950, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. McCARRAN. Mr. President, may we have an explanation of the conference report?

Mr. BUTLER. Mr. President, this is the conference report on the ship repair bill. The report has been submitted to the minority, and has been approved by the minority, as well as by the majority.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

Mr. KNOWLAND. Mr. President, the unfinished business is Calendar No. 1720, Senate bill 3706, relating to the identity of certain Communist-infiltrated organizations.

I now move that the Senate resume the consideration of the unfinished business.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950, to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. BUTLER. Mr. President, in opening the debate on the bill (S. 3706) to amend the Subversive Activities Control Act of 1950, to provide for the determination of the identity of certain Communist-infiltrated organizations, there is brought to a culmination a project of many minds and a project involving literally thousands of hours of investigation, study, and deliberation.

Let me comment, Mr. President, upon the background and genesis of this measure, so that the Senate may fully realize that the bill has not been hastily conceived, nor does it represent a whimsied notion of one or two individuals. Rather, as I shall shortly develop, this measure has evolved as a result of dire necessity to protect the internal security of our Nation, and has been compelled by the cold, hard facts which have, over many months, been developed by the committees of the Congress. Furthermore, the bill has been shaped and pounded on the anvil in careful deliberation by the best minds we could enlist for the task.

Mr. President, after that word of introduction, let me trace the actual chronology of events leading to the instant measure.

On September 22, 1950, the Congress of the United States enacted, over a presidential veto, the Internal Security Act of 1950, which, among other things, provides devices for disclosing the identity of two types of Communist organizations, namely, Communist-action organizations and Communist-front organizations. This act, with the provisions which I have just recounted, and others, is one of the principal weapons of this Government in its death struggle with international communism.

Shortly after the enactment of the Internal Security Act, moreover, the Senate directed the establishment of an Internal Security Subcommittee, in order to maintain a continuing surveillance over the administration of the Internal Security Act and to conduct continuous investigations for the exposure of Communist activities in this Nation. One of the principal objectives of the Internal Security Subcommittee has been to detect any areas in the Internal Security Act or any other internal security legislation which need strengthening, and to recommend to the Congress remedial legislation.

I shall not undertake, Mr. President, to recite to the Senate all the accomplishments of the Internal Security Subcommittee, but I do wish to point out that since its establishment various task forces of the Internal Security Subcommittee have, from time to time, dealt with the very serious problem of Communist control of various segments of organized labor, particularly in defense establishments or in industries which are vital to the military strength of this Nation. As the published reports and hearings of the Internal Security Subcommittee reveal, there are powerful Communist-controlled organizations masquerading as labor organizations, which today have bargaining rights for large segments of organized labor. Although the great nationwide labor organizations have done a creditable job in expelling from their midst these Communist-controlled segments, the Communist leadership and Communist influence and Communist threat remain, even as these Communist-controlled organizations continue to function, and function in most instances, under the present practice, with the sanction of the National Labor Relations Board. Permit me, Mr. President, to mention just a few illustrations of the situation to which I allude.

Here is the conclusion of a task force of the Internal Security Subcommittee which investigated a Communist-controlled labor organization, the United Electrical, Radio, and Machine Workers of America, which functions in the vital industrial area of Pittsburgh and Erie, Pa.:

> The testimony establishes that there exists in the area of Pittsburgh, Pa., a serious potential danger to the security of this Nation. It is unthinkable that a large segment of the heavy industrial area of Pittsburgh, Pa., should be manned by a Communist-controlled organization masquerading as a labor union. All the forces of the Government of the United States must be brought to bear promptly to meet this critical situation.

Here is an excerpt, Mr. President, from the conclusions of still another task force of the Internal Security Subcommittee which investigated another Communist-controlled labor organization, the United Public Workers of America:

> It should be a matter of deep concern to every patriotic American that the United Public Workers of America, which is sustained by contributions from 30,000 to 35,000 members who are employed by various units of Government in this country, is under the control of the Communist Party which is dedicated to the destruction of our Government. The subcommittee doubts, however, that the majority of the rank and file of the membership is cognizant of, or would knowingly support, the Communist leadership of the organization.

In a report of still another task force of the Internal Security Subcommittee we find revealed the shocking fact that the American Communications Association, another Communist-controlled labor organization, has access to communications which are directed over lines which are used exclusively by defense organizations of the United States Government.

Mr. President, to point up that statement let me read an excerpt from the hearings, beginning on page 189. Mr. Ellery W. Stone, president of the American Cable & Radio Corp., appeared before our task force and testified under oath. Mr. Stone's testimony is in part as follows:

> Despite the action by the CIO expelling ACA because of its, and here I quote the CIO language, "subservience to the interests of the Communist Party and through that party to the Soviet Union," and despite the fact that key officers of ACA were, thereafter, identified as Communists by labor witnesses including former ACA members before congressional committees, and despite the fifth amendment refuge taken by officers of ACA, ACA as of today continues to represent a large segment of employees in this sensitive and vital industry.

At this point Mr. Arens of our subcommittee staff asked a question which I will quote, and then I shall continue to read the remainder of page 189 of the hearings and down to about the middle on page 190:

> Mr. ARENS. Could you pause there just a moment, Admiral, to relate for the purpose of the record some of the contracts which the American Communications Association, this Communist-dominated labor organization, has at the present time?
>
> Mr. STONE. Yes; at the present time they represent the employees of the Western Union Telegraph Co., both in the metropolitan division of that company, which means New York City and the surrounding area, and they represent the cable employees of Western Union Telegraph; namely, the employees engaged in the international business of Western Union, similar to the activities of my own company.
>
> Mr. ARENS. They service the cables of messages going overseas to Europe from the United States?
>
> Mr. STONE. They handle all of the international messages of Western Union going to

and from Europe and going part way to South America, where they are turned over to a foreign company.

Mr. ARENS. May I explore that just a little further for a moment?

It is a fact, Admiral, is it not, that the employees in the American Communications Association have access to the messages which go overseas—all messages going over the North Atlantic?

Mr. STONE. Not all, but all of Western Union's.

Mr. ARENS. All of Western Union's messages?

Mr. STONE. Yes, and all of the messages of the RCA Communications, which is a subsidiary of the Radio Corporation of America.

Senator BUTLER. Does that comprehend, Admiral, the leased cables out of the Pentagon, and other agencies of the Government?

Mr. STONE. Any leases which Government agencies have with Western Union and RCA and with my company involve necessarily that our employees monitor and be familiar with what is passing over those cables, in the normal discharge of their duties.

Senator BUTLER. In other words, then, the most confidential message out of the State Department or the Pentagon or any other agency or department of the Government going over those cables is monitored by these people who are members of a Communist-dominated union?

Mr. STONE. That is correct. But I should like to emphasize that not all members of these Communist-dominated unions are, by any means, Communists.

Senator BUTLER. I was very careful in saying that. They are not Communists or may not be Communists themselves, but they are members of a union that has been proved to be Communist dominated?

Mr. STONE. That is correct.

Senator BUTLER. And they handle the secret messages going from the State Department and the Pentagon and other departments and agencies of the United States Government?

Mr. STONE. That is quite true, sir.

Mr. ARENS. As a man who said you had considerable experience in Communist techniques, and who obviously appreciates the significance of the defense of this Nation, what is your appraisal of a situation in which the tie lines and lease lines coming out of the Pentagon are serviced by personnel of a Communist-dominated labor organization?

Mr. STONE. Well, I think it is inimical to the security of this country. It is well known that one of the tenets of the Communist Party is to have their members astride vital lines of communications, both shipping and electrical communications, and I referred to some of these dangers, gentlemen, later in my prepared statement.

Mr. President, I refer to another excerpt from the testimony of Mr. Stone. I read from the testimony, beginning with the last paragraph on page 191 and continuing to the middle of page 192, as follows:

Mr. ARENS. Before you do that, may we ask you a question or two here, please, Admiral?

It has been suggested, or was suggested in the past that after all we need not be too concerned about this because defense secrets are transmitted by code or by messenger. Admiral, are there not certain messages which are not transmitted by code which we would not want the Communists to know about?

Mr. STONE. That is true, and even as to coded messages, it is customary, all military services, to intercept ciphered or coded messages of the enemy, with the expectation and hope of breaking them.

Mr. ARENS. Do the codes go over these wires.

Mr. STONE. Certainly.

Mr. ARENS. Then, the code is available for interception by the Communists, is that correct?

Mr. STONE. The coded message is.

Mr. ARENS. That is what I meant.

Senator BUTLER. And it is constantly available to give them fresh opportunities owing to the situations in the world as it goes day by day, and they can take the cipher and relate it to the event and in that way it aids them in breaking the code?

Mr. STONE. That is one of the means that all intelligence people use in breaking coded messages.

Senator BUTLER. You can take the ciphered message and try to relate it to the events of the day, and if you have many hundreds of such examples, you are very greatly aided in breaking the code, are you not?

Mr. STONE. That is quite correct, sir.

Here is another excerpt from an extensive report from a task force of the Internal Security Subcommittee which investigated the International Union of Mine, Mill, and Smelter Workers:

It should be a matter of deep and continuing concern to all patriotic citizens that the International Union of Mine, Mill, and Smelter Workers, which operates in an industry so vital to the security of this Nation, is controlled by officers who have been identified under oath as Communists, and will not deny their membership in the Communist Party.

Mr. President, it would take literally days for me to detail to the Senate all of the facts which have been carefully documented by the Internal Security Subcommittee, by the House Un-American Activities Committee, and other committees of the Congress, with respect to the serious danger to the security of this Nation by Communist-controlled labor organizations that are at this hour functioning in this Nation.

Let me say here and now, without equivocation, however, Mr. President, that numerically most of the rank and file members of such Communist-controlled organizations are loyal, patriotic Americans. They do not, however, have either the security information available or the facilities for ousting the Communist leadership or for neutralizing the Communist influences. Curiously enough, although international communism holds in its grip literally millions of slave laborers, although free labor organizations could not exist for a moment within the shadow of the Kremlin, the trained agents of Moscow have been successful in seizing control of nerve centers in certain labor organizations in this Nation and in exercising arbitrary power over the lives even of those who would not for a moment think of betraying our Government or its institutions.

On the basis of the findings and recommendations of the various committees of the Congress, a special task force of the Internal Security Subcommittee began last December an intensive study of the various proposals to cope with this problem of subversive influence in labor organizations. We heard witness after witness on every phase of each bill before us and on every facet of any suggestion, pro or con, on the issues involved.

I have the honor of serving as chairman of the task force, which is composed of the distinguished Senator from Idaho [Mr. WELKER], the able Senator from Nevada [Mr. MCCARRAN], and myself. After the conclusion of our hearings, we spent many hours in working out from the bills which were before us, and from the proposals of numerous witnesses and experts, in and out of Government, the legislation which is presented today.

In passing, I pay particular tribute to the splendid assistance which was rendered to our task force by my friend, the Senator from Arizona [Mr. GOLDWATER] and also by the distinguished Senator from Michigan [Mr. FERGUSON], each of whom introduced into this body legislation to cope with this situation. We knew from the start, Mr. President, that we would be confronted with cries of union busting, Red baiting, and the like. But it did not dissuade us from our task. Our objective was simply this, to prepare and submit to the Senate the best legislation we could devise which would be effective, sound, and, at the same time, fair and practicable. This we feel we have done by the provisions of the instant bill, which, in its present form, represents a measure which has been drafted, redrafted, refined, and polished as the handiwork of the task force, its staff, the Internal Security Subcommittee, and the Committee on the Judiciary.

Now, Mr. President, may I outline for the Senate the provisions of the bill?

The Subversive Activities Control Act of 1950, which constitutes title I of the Internal Security Act, is applicable to two categories of Communist organizations: Communist-action organizations and Communist-front organizations.

A Communist-action organization is defined as "any organization in the United States (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement, and (ii) operates primarily to advance the objectives of such world Communist movement."

A Communist-front organization is defined as "any organization in the United States (other than a Communist-action organization) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement."

Neither of these definition, Mr. President, adequately embraces an organization such as most of these Communist-controlled labor organizations, because the Communist-controlled labor organizations, to which I have alluded, cannot be said to be directly controlled by a foreign government or by a Communist-action organization as such, but we know, as revealed by the various congressional committees, that many of these organizations are, in fact, controlled by individuals identified beyond question as hard-core Communists.

The instant bill, accordingly, adds to the Subversive Activities Control Act a third category of Communist organiza-

tions, designated Communist-infiltrated organizations, defined in the bill as "any organization in the United States—other than a Communist-action organization or a Communist-front organization—which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement, and (B) is serving, or within 5 years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces."

As the bill, S. 3706, and the report thereon clearly show, the procedure for determination that an organization is a Communist-infiltrated organization follows very closely the procedure which is currently prescribed in the Internal Security Act with regard to Communist-action and Communist-front organizations. The determination would be made by the Subversive Activities Control Board on a petition filed by the Attorney General. The bill, S. 3706, like the Internal Security Act, specifies certain carefully devised standards to guide the Subversive Activities Control Board in its determinations as to the identity of Communist-infiltrated organizations. Judicial review of the determinations of the Subversive Activities Control Board pertaining to Communist-infiltrated organizations is provided in the same manner as the present law provides with respect to Communist-action or Communist-front organizations.

The bill, S. 3706, further provides, Mr. President, that any labor organization which has been finally determined to be a Communist-infiltrated organization shall lose its labor standing under the National Labor Relations Act for the purpose of representing employees in any bargaining unit. The bill also provides that upon petition of not less than 20 percent of the employees of any bargaining unit, the National Labor Relations Board shall direct elections to be held for the purpose of, first, determining whether it desires to rescind the representative authority previously granted by it to such labor organization, and, second, selecting any new representative desired by such bargaining unit for collective-bargaining purposes.

May I point out further, Mr. President, that under the provisions of the bill, any organization which has been determined to be a Communist infiltrated organization may, within 1 year thereafter, file with the Board a petition for a determination that it is no longer a Communist-infiltrated organization, and the Board is empowered to make an appropriate finding in accordance with such petition.

Mr. President, we have kept this bill, S. 3706, simple in terms, in phraseology, and in objective. This is not an anti-labor bill. If it were, Mr. President, I should be the first to oppose it. This bill is, in truth and in fact, a bill to sustain and strengthen legitimate trade unions by developing a means pursuant to which Communists may be driven out of organized labor. This is an anti-Communist bill and nothing else. I know, Mr. President, it is contended by some that Government should step aside and let the Communists and the anti-Communists in organized labor fight it out among themselves, but there are two fallacies to this contention.

In the first place, Mr. President, the loyal, patriotic rank and file of organized labor has, under the present system, neither the facilities nor the security information to detect or oust Communists from the key posts in which they lodge themselves and, secondly, Mr. President, there is an overriding public interest prompted by the urgency to protect this Nation's internal security which compels the strong arm of Government to intercede. The issue here is greater than merely which of two competing factions shall control any designated labor organization.

No patriotic laboring man and no labor organization, other than a Communist-controlled organization, need entertain the slightest fear of arbitrary or capricious actions under this bill. Every procedural safeguard which was incorporated in the Internal Security Act is likewise applicable to the provisions of this bill, including the right of judicial review in the courts of this land.

And now, Mr. President, in all earnestness and humility, I present this bill (S. 3706) to the Senate as a carefully fashioned weapon designed to meet a serious problem which commands the attention of all who seek to preserve America, of all who recognize the impending danger to the American way of life and our institutions, of all who are determined to eradicate from our land the creeping paralysis of insidious communism.

Mr. President, at the request and on behalf of the Senator from Michigan [Mr. FERGUSON], I call up his amendments to the instant bill, designated as "WW" and "XX," and ask for their immediate consideration. I ask unanimous consent that they may be considered en bloc.

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

Mr. BUTLER. May I say that these are corrective amendments and have no substantive force.

The PRESIDING OFFICER. The clerk will state the amendments offered by the Senator from Michigan [Mr. FERGUSON], and without objection, they will be considered en bloc.

The LEGISLATIVE CLERK. On page 5, lines 8 and 9, it is proposed to strike out the phrase "(c), (d), (e), and (f)" and insert in lieu thereof the phrase "(c) and (d)."

On page 10, lines 7 and 8, strike out the phrase "or paragraph (1) of subsection (j)."

Mr. BUTLER. Mr. President, these two amendments are purely technical and corrective. Their purpose is to delete certain cross-references in the instant bill to the Internal Security Act which are not applicable to Communist-infiltrated organizations. Accordingly, I move the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk 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 call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consideration of executive business.

POSTMASTER AT LINCROFT, N. J.

Mr. KNOWLAND. Mr. President, the nomination of Harry H. Seylaz to be postmaster at Lincroft, N. J., had been held over. I understand it has now been cleared by the minority.

I ask that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk read sundry nominations of postmasters under the heading "New Reports."

Mr. KNOWLAND. I ask that the nominations of postmasters under the heading "New Reports" be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters under the heading "New Reports" are confirmed en bloc.

Mr. KNOWLAND. I ask that the President be immediately notified.

The PRESIDING OFFICER. The President will be immediately notified of the confirmation of the nominations.

TENNESSEE VALLEY AUTHORITY—NOMINATION OF HERBERT D. VOGEL

Mr. MORSE. Mr. President, I have just learned for the first time that while I was at the hospital this morning for a little jaw treatment, the Executive Calendar was considered, and that the nomination of Mr. Vogel was confirmed. I am surprised about that. I do not blame anyone for it, but I am surprised that the action has been taken. As I understood, the hearings which were held before the committee were to be printed so that they could be used as a basis for the debate in the Senate on the nomination. The committee took action on the nomination only yesterday.

I do not know what parliamentary rights, if any, I have in the premises. I

make a parliamentary inquiry, if I have the right to have the action on the nomination reconsidered.

I returned to the Senate a little after 11 o'clock this morning. I thought that the call of the calender was to have taken place this morning. I have an argument I desire to make in opposition to the nomination. I am not presumptuous, but I think it is an argument which might carry some persuasive effects on some, at least, of my colleagues in the Senate.

I make a parliamentary inquiry as to whether I have a right to move to reconsider the action by which the nomination was confirmed, in order that there may be a further discussion of the nomination.

The PRESIDING OFFICER. The Chair will advise the Senator from Oregon that in this case the President has been notified that the nomination has been confirmed.

Mr. MORSE. I do not wish to be interpreted as being in the least bit concerned about the matter, but I think it is pretty well known in the Senate that I was in opposition to the nomination. I do not think it should have been called up until I could have been here to make my representation against the nomination. I think the nomination is an exceedingly unwise one.

I do not like to be in the position of arguing after the fact. If I have no other course but to make my argument after the fact, I shall do so at the appropriate time.

I say, most respectfully, that in view of the fact that the committee on yesterday, by unanimous consent, voted to have the hearings printed, I thought it was understood by all that the hearings would be used as a basis for floor debate on the nomination.

I think it is most regrettable that the nomination reached the calendar today and was acted upon today. So I raise another parliamentary inquiry: Is there any requirement that a nomination placed on the Executive Calendar must remain on the calendar for a day before it is acted upon?

The PRESIDING OFFICER. The Chair will advise the Senator that once a nomination has been placed on the calendar it may be called up and be considered.

Mr. MORSE. As I say, I recognize the fact that I have no parliamentary defense, in that the nomination apparently was called up when I was off the floor for about an hour and 15 minutes, for a jaw treatment. I think I returned to the Senate about 11:20 this morning.

I regret very much what has happened. I am sorry I was not protected by the chairman of my committee in this matter, but I know that any failure on his part to protect me was not by intent or design, but rather by oversight.

I am sorry the majority leader did not wait until I returned. All I can do is to make my argument at a later time against what I think was a most unfortunate appointment by the President of the United States.

LEGISLATIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9680) to provide for the continued price support for agricultural products; to augment the marketing and disposal of such products; to provide for greater stability in agriculture; and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HOPE, Mr. AUGUST H. ANDRESEN, Mr. HILL, Mr. COOLEY, and Mr. POAGE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8041) to provide benefits under the laws administered by the Veterans' Administration based upon service in the Women's Army Auxiliary Corps under certain conditions.

ENROLLED BILLS SIGNED

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

H. R. 686. An act for the relief of Mrs. Erna Gronowski;

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

H. R. 795. An act for the relief of Jean Hollis Vock;

H. R. 1337. An act for the relief of Mrs. Franca Gatti Ohta;

H. R. 1462. An act for the relief of Fotini X. Parisis;

H. R. 1768. An act for the relief of Claire Louise Carey and Vincent F. Carey;

H. R. 1788. An act for the relief of Wanda Luceri, also known as Sister Cecilia, and others;

H. R. 2028. An act for the relief of Mrs. Antonietta Palmieri;

H. R. 2188. An act for the relief of Karoline Dickmeyer;

H. R. 2371. An act for the relief of Mrs. Maria M. Broix;

H. R. 2403. An act for the relief of Laszlo Varga and Mike Varga;

H. R. 2440. An act for the relief of Lidija Cimze;

H. R. 2499. An act for the relief of Adolfo L. Kalb and his wife;

H. R. 2619. An act for the relief of Sister Aurelia Yanguas Teres and Sister Matilda Cuevas San Martin;

H. R. 2627. An act for the relief of Cecilia Lucy Boyack;

H. R. 2650. An act for the relief of Sister Anna Ettl;

H. R. 3017. An act for the relief of Felix Petrover;

H. R. 3675. An act for the relief of Herre van der Veen, Mrs. Marie van der Veen, Helen Winifred van der Veen, and Jan Herre van der Veen;

H. R. 3743. An act for the relief of Chaim Szemaja Segal and Icek Hersz Segal;

H. R. 4248. An act for the relief of Albertas Bauras;

H. R. 8152. An act to extend to June 30, 1955, the direct home and farmhouse loan authority of the Administrator of Veterans' Affairs under title III of the Servicemen's Readjustment Act of 1944, as amended, to make additional funds available therefor, and for other purposes;

H. R. 8300. An act to revise the internal revenue laws of the United States; and

H. R. 8694. An act for the relief of Suzanne L'Heureux.

THE NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS

Mr. FLANDERS. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum on the National Committee for an Effective Congress. A question was raised, during the debate on the resolution to censure the junior Senator from Wisconsin [Mr. MCCARTHY] about the character and purposes of the National Committee for an Effective Congress. The memorandum is a factual report. I ask unanimous consent to have it printed in the RECORD.

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

MEMORANDUM ON THE NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS

The National Committee for an Effective Congress is an outgrowth of the League for Franchise Education. The League for Franchise Education was established in 1944 for the purpose of encouraging maximum electoral participation, through, among other things, distribution of information about voting rights, procedures, etc. Among its leaders were Henry J. Kaiser, Henry Luce, Winthrop Aldrich, John Cowles, and others. The activity of the League during the 1944 Presidential campaign was commended by both President Truman and Governor Dewey.

The idea for the National Committee for an Effective Congress was originated by some of the members of the League for Franchise Education and other citizens, who wanted to engage in direct political activity on a nonpartisan basis, but had to set up a separate entity, contributions to which would not be tax deductible for that purpose. The organization agreement of the National Committee for an Effective Congress was drawn up in 1948 by Marshall K. Skadden, attorney for the League for Franchise Education and now a member of the National Committee for an Effective Congress.

The National Committee for an Effective Congress has as its purpose the provision of a channel through which public-spirited citizens can give direct, practical support to responsible candidates of both parties in a manner that frees the candidates from the necessity of making unwarranted commitments, or otherwise entangling their independence. The National Committee for an Effective Congress also provides a nonpartisan, practical service of arranging face-to-face get-togethers between community leaders and Members of Congress for exchange of information and viewpoints on important issues. It renders technical research assistance to Members of Congress upon request.

The National Committee for an Effective Congress supported in their campaigns the following people who became Members of the United States Senate:

1948

PAUL H. DOUGLAS, Democrat, of Illinois.

GUY M. GILLETTE, Democrat, of Iowa.

HUBERT H. HUMPHREY, Democrat, of Minnesota.

ESTES KEFAUVER, Democrat, of Tennessee.
JAMES E. MURRAY, Democrat of Montana.
MATTHEW M. NEELY, Democrat of West Virginia.

1950

THOMAS C. HENNINGS, Democrat, of Missouri.
HERBERT H. LEHMAN, Democrat, of New York.
WARREN G. MAGNUSON, Democrat, of Washington.
WAYNE MORSE, Independent, of Oregon.
Charles W. Tobey, Republican, of New Hampshire.
Brien McMahon, Democrat, of Connecticut.

1952

DENNIS CHAVEZ, Democrat, of New Mexico.
JOHN S. COOPER, Republican, of Kentucky.
RALPH E. FLANDERS, Republican, of Vermont.
Dwight P. Griswold, Republican, of Nebraska.
IRVING M. IVES, Republican, of New York.
HENRY M. JACKSON, Democrat, of Washington.
HARLEY M. KILGORE, Democrat, of West Virginia.
MIKE MANSFIELD, Democrat, of Montana.
FREDERICK G. PAYNE, Republican, of Maine.
STUART SYMINGTON, Democrat, of Missouri.

It supported the following people who became Members of the House of Representatives:

1952

GRACIE PFOST, Democrat, of Idaho.

1953

LESTER JOHNSON, Democrat, of Wisconsin.

In almost all of these cases the committee made financial contributions to their campaigns in addition to giving its endorsement.

When the National Committee for an Effective Congress makes its transfer of contributions to campaigns, it does so because of its estimate of the qualities of the men it supports rather than of negative feelings for their opponents. It informs the candidates that this support is tendered: (1) In recognition of the candidates' belief in a creative and enlightened anti-Communist foreign policy and in recognition of the candidates' devotion to fundamental American principles of liberty and the rule of law; (2) in the hope that they will work together with others of both parties on matters of broad public interests; and (3) in the hope that they will feel free to call upon the committee from time to time for research and assistance.

The members of the National Committee for an Effective Congress are:

Paul H. Appleby, dean of the Maxwell School of Citizenship at Syracuse University; executive assistant to the Secretary of Agriculture from 1933 to 1940; Under Secretary of Agriculture, 1940–44; Assistant Director, United States Bureau of the Budget, 1944–47.

George Backer, former publisher of the New York Post; author of the Deadly Parallel, a comparison of Stalin and Ivan the Terrible.

Stringfellow Barr, former professor of modern history, University of Virginia; member of the board of visitors of St. John's College; presently professor of political science, University of Virginia.

Laird Bell, lawyer; chairman of the board of directors of the Weyerhauser Timber Co.; director of various corporations, former chairman of the board of trustees, University of Chicago; chairman of the board of trustees, Charleston College; member of the board of overseers, Harvard College.

George Biddle, painter, sculptor, author.

Henry Seidel Canby, chairman of the board of editors, Saturday Review; chairman of the board of judges, the Book of the Month Club.

Evans Clark, vice chairman and director of the Advertising Council, former executive director of the Twentieth Century Fund, Inc.

George Hamilton Combs, lawyer, radio commentator and news analyst, former Member of Congress, from Missouri.

Morris L. Cooke, consulting engineer in management, former director water resources section, National Resources Board, former Administrator, Rural Electrification Administration.

Thomas H. Elliott, chairman of department of political science, Washington University; lawyer; former Member of Congress, from Massachusetts.

Tom Fizdale, public relations counselor.

Alan Green, member Green-Brodie Advertising Agency.

Oscar Hammerstein II, librettist.

Alvin H. Hansen, professor of economics, Harvard University; former chairman of the economic advisory council of the National Industrial Conferences Board and former chairman of the United States-Canada Joint Economic Commission.

Mark DeWolf Howe, lawyer; professor of law at Harvard University Law School.

Gardner Jackson, labor consultant.

Donald Jenks, businessman; member of various State commissions and boards.

Mrs. Albert D. Lasker, member of the board of the National Committee on Mental Hygiene; member of the National Heart Advertising Council; the National Heart Institute.

Susan Mary Lee, vice president of the National Recreation Association; member of the board of United Community Defense Services.

Isidore Lipschutz, importer; former president of the International Committee for Diamond Trade and Industry; by special decree of the King of the Belgians, Officier de l'Ordre de Leopold II; by special decree of the French Government, Chevalier de la Legion d'Honneur.

Marshall MacDuffie, lawyer, writer.

Robert R. Nathan, economist.

George Outland, professor of government, San Francisco State College; former Member of Congress from California.

Charles Rose, investment broker.

Maurice Rosenblatt, management consultant and publicist.

Robert W. Ruhl, publisher of Medford Mail Tribune, Medford, Oreg.

Thiabault de St. Phaille, lawyer.

Sidney H. Scheuer, partner of Scheur & Co., textile consultants, sales agents and brokers; former president of the Society for Ethical Culture; former executive director of the Foreign Economics Administration.

Arthur M. Schlesinger, retired professor of history at Harvard.

Harry Louis Selden, writer, editor.

Robert E. Sherwood, playwright.

Marshall K. Skadden, lawyer.

Edward S. Skillin, editor, Commonweal magazine, a liberal Catholic weekly.

Michael Straight, editor of the New Republic.

Nathan Straus, president, Radio Station WMCA; former Administrator, United States Housing Authority.

General Telford Taylor, lawyer; former United States representative for prosecution of war criminals.

Gerhard Van Arkel, lawyer.

Walter Walker, publisher, Grand Junction (Colo.) Daily Sentinel.

Sumner Welles, former Under Secretary of State.

PERSONAL STATEMENT BY SENATOR FLANDERS

Mr. FLANDERS. Mr. President, I was subjected to a number of questions by Mr. William Loeb, the publisher of the Manchester (N. H.) Union Leader, the Burlington (Vt.) Daily News, and the St. Albans (Vt.) Messenger, with regard to two points in particular. One was the export of machinery to Russia from the firm of which I was formerly president, and the other the peace terms which I proposed for Korea before the Commonwealth Parliamentary Association at Ottawa, Canada, in September 1952.

I ask unanimous consent that the list of exports of machine tools of my former company to Russia be published in the body of the RECORD at the conclusion of these remarks.

I may say that we were very active in business with Russia during two periods; one in which Russia was building agricultural machinery and tractors for their collective farms, the other during the Lend-Lease period. The table gives the total of the machine tools so exported to Russia. I ask unanimous consent that it be printed at this point in my remarks.

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

Exports of machine tools to the U. S. S. R., 1925–53

[Value $1,000]

Year	Total United States sales to Russia	Jones & Lamson sales to Russia
1925		2
1926		1
1927		13
1928		6
1929		8
1930	7,273	257
1931	11,688	388
1932	1,953	284
1933	343	19
1934	2,554	93
1935	4,553	235
1936	7,250	189
1937	4,701	43
1938	24,216	801
1939	11,646	117
1940	11,346	124
1941	3,257	(1)
1942 [2]	35,577	(1)
1943 [2]	123,636	(1)
1944 [2]	130,373	(1)
1945 [2]	60,296	(1)
1946 [2]	34,901	(1)
1947	16,277	11
1948	1,970	7
1949		(3)
1950		
1951		
1952		
1953		

[1] Shipments through lend-lease program not identifiable.
[2] During the period 1942–46 data largely represent shipments under the lend-lease program.
[3] No shipments permitted after Feb. 28, 1949.

Export licenses required in years 1948 to 1953, inclusive.

Mr. FLANDERS. Finally, Mr. Loeb accused me of suggesting peace terms for Korea favorable to Communist China. In order that the peace terms suggested by me may be known, I ask unanimous consent that they be printed in the RECORD at this point in my remarks. I may say that I do this now rather than earlier, because I served notice on Mr. Loeb, and in general, that I would reply to no charges until the question of the motion of censure was disposed of.

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

PEACE TERMS FOR KOREA

(By RALPH E. FLANDERS, United States Senator, Vermont)

Your Excellency, members of the Parliaments of the Commonwealth, and guests, not by right as a member, but by grace as

a guest, I am permitted to address you on the subject of peace for Korea. I am doing this in very concise terms, without oratorical adornment, basing the appeal on cool judgment rather than on the emotions. That cool judgment may more easily be arrived at, copies of this address are available for further study.

A number of the nations of your Commonwealth are engaged with us in the United Nations war brought upon us by the Communist invasion of South Korea, in May 1950. Remembering how the League of Nations temporized with invasions of its member countries in the period between World Wars I and II and, in consequence, ceased to exist as a means for preserving peace in the world, it became the clear duty of the United Nations to intervene militarily in Korea to stop the aggression. After disheartening vicissitudes, this has been done, but still there is no peace. The war still continues while protracted truce negotiations drag on, for more than a year now. Should a truce be negotiated, that will be no guaranty of peace. Two hostile armed forces will continue to face each other for an indefinite period.

A new approach is needed. Such an approach is ready at hand. Instead of government maneuvering for military power, we have but to propose the well-being of people as the end objective of the Korean struggle. This gives a new turn to the problem.

The peoples concerned are three: the Chinese Communist soldiers, the North Koreans, and the South Koreans. Any terms offered must be of advantage to all three.

The so-called volunteer Chinese soldiers are armed and munitioned by the government of Communist China. That government, so far as I am aware, has expressed no interest or purpose in its intervention other than the protection of Manchuria from invasion by or through Korea. That interest can be safeguarded by peaceful means.

That means is the establishment of a neutral zone in northwestern Korea substantially coinciding with the watershed of the Yalu River. This zone is sparsely populated and is principally important as the source of water for Yalu River power stations, in which Manchuria has a vital concern. Neutrality in this area would be inspected and administered solely by Asiatic nationals. None of the white race, none of the so-called capitalistic nations, none of the colonizing empires would be permitted any place or authority. It would be "Asia for the Asiatics."

The soldiers of Communist China would then have nothing left to fight for. In the minds of scores of thousands of them has been a growing doubt and dissatisfaction, as is evidenced by the unwillingness to be repatriated of the great majority of those who have been captured. It is inhuman to keep them forced into conditions of hardship, disease, wounds, and death which do not result in the welfare of themselves or any other people.

Acceptable terms can be offered the north Koreans, civil and military. These people must be hungry for peace. Even while destruction rains on them from above, peace must be set before them. To attack them as we are doing without offering them the means of escape is unintelligent. To destroy them endlessly without giving them acceptable peace terms is to plumb the depths of human iniquity. To those depths have we, as members of the United Nations, descended.

The next requirement of those peace terms is that North and South Korea be reunited. This is in the interest of the people of both areas. The industrial north and the agricultural south fit into each other like a hand into a glove. Separate, they are dependent on foreign nations for their well-being. Rejoined together, they make a practically self-contained economy, capable of a standard of living higher perhaps than that available to the people of any other Asiatic country.

If these peace terms are met, then the United Nations would offer to rebuild into usable condition the industries, the transportation, and the housing of the combined north and south. This would be expensive, but it would be a cheap price to for us to pay for peace. The United States alone is paying around $6 billion per year for the Korean war. This enormous sum is easily wasted in destruction. It would go far in reconstruction. In any event, peace is not to be measured in dollars. It is without price.

Finally, after the period of reconstruction, the United Nations would offer to the people of Korea a free election, as was the original purpose. They can have the kind of government they want, without duress or interference.

To all these peoples then we offer (1) safety from invasion; (2) the self-contained and high-level economy of a united country; (3) rebuilding of destroyed factories, highways, railroads and homes; and (4) a government of their own choosing.

These terms may not be acceptable to professional military men. They may be refused by self-seeking politicians. They will be hungrily sought after by all the people concerned. More and more it is the people which determine the conditions of our world, whether by submission, revolt, or active participation in government. Peace in Korea depends therefore in getting these terms before the people. If we can do that with sufficient coverage and sufficient force, military and political forces will be put on the moral defensive, and can the more easily be overcome by active resistance or by nonresistance.

The problem is, then, to reach the people, both civil and military. This can be done by radio, repeating the terms over and over. Since receiving sets are not in general use in North Korea, the main reliance must be on messages dropped from planes. The inhabited areas must be blanketed by this gospel from the skies.

If this conflict is to end in peace, the terms of that peace must be acceptable and just. Above all, they must be made known. To continue to spread misery and death in Korea without offering peace is brutal. Worse than that, it is stupid.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. LEHMAN. Mr. President, I hope the Senate will take a long and sober look at the pending bill, the so-called Butler bill, and turn it down or turn it back to the Judiciary Committee for further study.

This measure should have, by right, the benefit of study and consideration by the Labor Committee, in whose jurisdiction a matter like this properly belongs, in my judgment.

Or, the Senate may wish to follow the excellent lead of the House Judiciary Committee and vote for the establishment of a bipartisan study commission to investigate this serious matter, and to report back to the Congress next year.

Mr. BUTLER. Mr. President, does the Senator from New York desire to yield at this point, or would he prefer to conclude his statement before yielding?

Mr. LEHMAN. I should prefer to finish my statement; then I shall be glad, indeed, to yield.

Mr. President, the support for this bill springs, in large part, from a desire to "do something"—anything—about Communist influence in the United States. The administration wants to have a record of having approved a legislative program aimed at subversive influences.

I will not deny that there is a problem—the Communist influence—and even domination of a few labor unions organized in important industries and areas.

The sponsors of the Butler bill were not the first to discover this problem. Those of us who are concerned with labor legislation have been devoting study to this matter for a number of years. A subcommittee of the Labor Committee, headed by my friend and colleague the distinguished senior Senator from Minnesota [Mr. HUMPHREY], made an exhaustive study of the matter, held public hearings, and hashed and rehashed this subject over a period of many months. That was during the last administration, the Truman administration.

But we in the Senate are not the only ones who have shown concern. The labor movement itself has shown concern. They were the first to do something about the situation.

In the CIO, nine international unions were expelled 5 years ago because of Communist influence. The CIO leadership launched a concerted offensive to capture the loyal portion of the membership of those unions, and to give the workers organized by these Communist-influenced unions some place to go.

In fact, Mr. President, these efforts have had a brilliant success. The nine unions I have referred to had a total membership of approximately 1 million members in 1949–50 when they were expelled from the CIO.

Today only six of these unions are left in existence. They have a total of about 250,000 members. Approximately 750,000 of their members have left them and have joined non-Communist unions of the CIO or, in some cases, of the American Federation of Labor.

This has happened by the democratic process, on the initiative of the responsible anti-Communist leadership of the unions concerned. As non-Communist unions appear on the scene, ready and able to fight for the legitimate rights of the workers, the workers leave the Communist-dominated unions and join the non-Communist unions. This has been the pattern of the past 4 years.

What else would you expect, Mr. President? The overwhelming majority of the membership of the nine Communist-dominated unions expelled from the CIO in 1949–50 were loyal and patriotic citizens. And even today most of the members of the weakened and strongly beset Communist-influenced unions still remaining are loyal and patriotic American citizens who are, however, concerned to protect their jobs, their working standards, and their dignity as union members. So they keep their member-

ship in these unions which have contracts with firms like General Electric, Western Union, and others.

Parenthetically, Mr. President, as the Senator from Minnesota [Mr. HUMPHREY] can tell you better than I, as a result of the study his subcommittee made several years ago, there was strong evidence that management "played footsie" with these Communist-dominated unions and showed favoritism to them, in preference to the non-Communist unions, believing that these Communist-dominated unions were and would be more tractable and less inclined to militant demands on the wage and working conditions front. Management, in some cases, conspired with these Communist-dominated unions to defeat the membership drives of the non-Communist unions. Evidence to that effect is in the record of the hearings of the Humphrey subcommittee.

So, Mr. President, I do not undertake to say there is no problem here, and that we should not be concerned over it. There is a problem, and many—including the responsible leaders of the labor movement—have been long concerned over it and have been doing something effective about it.

I understand that in Hawaii, for instance, where the Longshoremen's Union, headed by Harry Bridges, has long been the dominant labor force, great inroads have been made and are being made by competing non-Communist unions. If let alone, that process will continue.

Perhaps it is possible to contrive legislation that will accelerate this process. I, myself, have never been able to figure out just what form that legislation should take, nor have the responsible leaders of the CIO and the AFL. That leadership, Mr. President, is, in my judgment, a more effective anti-Communist force and influence in America, and has been for many years, than any of the hysterical groups, in and out of the present administration, who recently have been inciting such a panic about subversive elements in our Nation's midst.

Now let me address myself to the pending measure, to the ill-chosen, hastily contrived, blunderbuss bill before us.

The pending bill, while seeming to be ingenious, is actually, in my judgment, completely naive in its approach—naive, at first glance; and incredibly dangerous, at second.

The pending bill would take the initiative away from the responsible leadership of the labor movement—away from the Walter Reuthers and George Meanys, away from the host of anti-Communist officers and members of the CIO and AFL—and would repose it in the hands of Government. We would give to the Subversive Activities Control Board and to the Attorney General the responsibility for eliminating the Communist influence in the labor movement.

It strikes me as exceedingly strange that the very Members of this body who express the greatest distrust of Government and of bureaucracy, in regard to measures designed to advance the welfare of working people, are the first to demand the intervention of Government by means of measures designed to restrict and control the activities of working people.

The pending bill would give to the Government, to the Attorney General, and to the Subversive Activities Control Board, the power and authority to decide which unions are sound and patriotic and which are Communist-infiltrated and hence should be liquidated. What an awful power to vest in Government. Does this not smack of totalitarianism, of the very thing we fear and fight, struggle against, and hate?

Where else does government have the right to tolerate or to crush labor unions out of existence? In Russia and elsewhere behind the Iron Curtain, Mr. President.

What authority and responsibility to give to Government. The authority to initiate action against one or another labor union, on the ground that it is alleged to be Communist-infiltrated. What could an antilabor administration with this power do to the labor movement?

The fact is, Mr. President, that this power will backfire with regard to strong labor unions which really might be dangerous, and will far overreach itself with regard to weak unions which represent no danger at all.

With strongly entrenched labor unions which reflect a Communist influence, prosecution by Government will only serve to close ranks in the labor union, and thus to forestall efforts by competing non-Communist unions to enlist membership from the ranks of the Communist-dominated unions. The workers in those unions will react to Government intervention by supporting their union more strongly than ever. The Government's motives will be suspected, and the purpose of this law will be lost in the resulting conflict.

But with regard to new unions, in the process of organization, the initiation of proceedings before the Subversive Activities Control Board can serve to destroy them. Mr. President, what assurance do we have that these proceedings will not be initiated as a means of impeding and paralyzing union organization efforts in parts of the country now unorganized, where local management will readily swear and affirm that any union is, per se, communistic?

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

I did not want to interrupt the Senator, but I think at that point I should advise him that there is ample review of all these proceedings by the courts of the United States, and I cannot conceive that the courts would permit an injustice to any labor organization.

Mr. LEHMAN. I want to develop my argument, and then I shall be only too glad to yield to the distinguished Senator from Maryland.

Mr. President, I would not place this deadly antiunion weapon in the hands of any administration, even one of my own political persuasion. I do not think it belongs in the hands of Government. It certainly does not belong in the hands of the Attorney General and the Subversive Activities Control Board, who have neither experience nor sophistication in labor matters, nor any sense of responsibility for the preservation of the labor movement in this country.

Here, Mr. President, is the real crux of the matter. The pending bill, as I have indicated, and as I shall further demonstrate in a moment, will be completely ineffective in its avowed purposes, while it holds, under its terms, promise of grave and almost incalculable danger to the proper, legitimate, and responsible labor movement in America.

This is why the two leading labor organizations in this country, the CIO and A. F. of L., are strongly opposed to this measure. Were the bill otherwise, Mr. President, they would be among its prime supporters. The CIO has been devoting a major share of its efforts—undertaking with sweat, blood, and tears—to destroying the Communist influence in the labor movement. It expelled nine unions believed to be under Communist influence. It has been engaged in an all-out effort to win the loyal members away from those unions, and, as I have already indicated, it has succeeded in a remarkable degree. The IUE, headed by Mr. James Carey, has been devoting all its efforts and energies to winning the membership away from the UE, which is said to show a Communist influence. This is just one example.

The A. F. of L., as far as I know, has had no great Communist problem. There is no international union in the A. F. of L. which, as far as I know, reflects a Communist influence. But the A. F. of L., too, has been participating with all its might and main in the fight against communism in the labor-union movement, in the country as a whole, and, indeed, in the world labor movement.

Would it not be logical, Mr. President, if this measure gave any promise of being successful in its avowed objective, for these unions to support this bill?

But they are opposing it. They are opposing it strongly. They see in it a threat, not to Communist-dominated unions, but to the entire American labor movement.

It is worth noting, Mr. President, that the views of these two labor unions, which have most of the knowledge and experience that there is about Communist-dominated unions, were not even heard in the public hearings on this measure. Their views were subsequently filed with the committee, in the form of written statements.

It seems incredible to me, Mr. President, that this measure should be reported and brought to the floor of the Senate without an all-out effort by the Judiciary Committee to solicit and examine in the greatest detail the views and observations of the CIO and the A. F. of L. on this matter. But the fundamental approach of this measure is not to help the labor movement to clean house, but to impose an alleged solution of this problem on the labor movement—a solution which holds a threat to the labor movement itself.

As far as the way which this bill would operate is concerned, it would penalize, not the Communists who have—to use

the term established in this bill—infiltrated the labor movement, but, rather, the labor unions themselves.

There is no measure before us to outlaw or liquidate the Communist Party. No, Mr. President, the administration does not recommend that. Instead, the administration recommends a measure to liquidate labor unions. This bill is a reflection of the administration's philosophy in this regard.

Further, in regard to the effectiveness of the actual terms of this measure, I do not see how any fair-minded Member of this body can, after careful examination, approve it.

Mr. President, I was one of a few Members of this body who voted against the original Subversive Activities Control Act, to which the pending bill is an amendment. During the course of that debate, in the summer of 1950, I said that it would take 2 years before even the Communist Party could be forced to register under the terms of that law. Well, it is now 1954, and the final ruling on the registration of the Communist Party has not come down yet.

The procedures provided in the Subversive Activities Control Act which would apply to the designation of unions as "Communist infiltrated" will inevitably require 3, 4, or even 5 years to complete. A union that is actually Communist dominated will be able to survive that process and keep up with it. The Communist Party certainly has done just that. The danger involved in this bill is not to them. This bill will help them. The danger is to the non-Communist unions which might be accused of being Communist infiltrated—during a strike or at the point of a representation election.

Mr. President, the standards and criteria set forth in this bill are so vague and indefinite that no labor union has any assurance that it will not be brought before the Subversive Activities Control Board on the charge of being Communist infiltrated. The definition of a Communist-infiltrated organization is a union which is dominated by an individual or individuals "actively engaged in" a Communist organization. What is meant by "actively engaged in"? Is it confined to membership, or does it include association with Communists, or subscription to the Daily Worker, or contributions to an organization subsequently labeled as a Communist-front organization?

Under the terms of this bill a union can be proscribed if its "effective management" was conducted by one or more individuals who are, or within 5 years have been, members, agents, or representatives of any Communist organizations or any Communist foreign government or the world Communist movement "with knowledge of the nature and purpose thereof." What does "effective management" mean in this context? What dangers to legitimate labor organizations might be involved in this proscription of unions whose "effective management" resided in the hands of an individual or individuals who, as long as 5 years before, were members or representatives of "any Communist organization"?

What does this bill mean, in defining Communist infiltration as a situation in which the policies of a union have been carried out "pursuant to the direction or advice of any member, agent, or representative" of a Communist organization? Is a showing of mere coincidence of policies sufficient?

There is a third standard which refers to the furtherance or promotion of the objectives of Communist organizations. It is not only possible, but inevitable, that labor unions, as well as other organizations, will support some causes which also are hypocritically espoused by the Communist Party. Is this a ground for condemnation of such a labor union as a Communist-infiltrated organization?

Oh, Mr. President, I have just begun to scratch the surface of this bill. I have not had time to examine it line by line and section by section. I have not had time to take counsel with more than a few experts in this field.

As a member of the Labor Committee, I want to know what the potentialities of this bill are in situations involving a strike such as the steel strike, or the railway strike, or a strike of a local public utility. Might not feelings in such a situation run so high as to result in a demand that the Attorney General move in, under the provisions of this bill, and indict the union in question as a Communist-infiltrated organization?

No, Mr. President, I will not vote for this measure. I hope that even the sponsors of this bill will have a second thought in regard to it. I hope the Senate will send this bill to resounding defeat, or will at least refer it for further study.

The House Judiciary Committee, after studying this proposal, was moved to recommend the establishment of a bipartisan commission to examine this matter. That is the most that we in the Senate should do. I hope my colleagues will join with me in opposing this bill, which undoubtedly is inspired by high motives, but is vicious and highly dangerous in its effect.

Mr. President, I have already referred to the action of the House Judiciary Committee in refusing to report this bill, but recommending instead the establishment of a bipartisan commission to examine the matter.

Yesterday there was a report from the Committee on Un-American Activities of the House, attached to which there were dissenting views by the minority members of that committee, consisting of Representative FRANCIS E. WALTER, whose name is well known to us in connection with all matters relating to subversive activities, Representative CLYDE DOYLE, and Representative JAMES B. FRAZIER, JR.

I wish to quote in part from the minority views:

The bill H. R. 9838 was reported by the Committee on Un-American Activities without one word of testimony pro or con being introduced, or a report from the Department of Justice submitted. The bill was called up for consideration when a bare majority of the committee was present and despite the protests of Mr. WALTER that a bill of this importance should not be considered without, at least, having an explanation made of what it does. It was reported by a vote of 4 to 1, without ever going through the formality of reading the bill for amendment.

This bill is similar to the legislation that was considered by the Committee on the Judiciary in hearings which started on March 18, 1954, and terminated on June 30, 1954. The difference between H. R. 9838 from those under consideration during these hearings is that not a single word of testimony in all of the hearings held before the Judiciary Committee concerned H. R. 9838. The effects of this legislation are further reaching than apparently the proponents understand. As was pointed out in an editorial in the Wall Street Journal of June 8, 1954:

"This type of legislation is intended to extend the authority contained in the Subversive Activities Control Act of 1950."

In view of the fact that much progress is being made under that law it seems dangerous to us to report a far-reaching bill which may, as the Wall Street Journal pointed out, "chip away at the very rights we seek to save from that [Communist] menace."

I may say that the Wall Street Journal cannot by the widest stretch of the imagination be considered a subversive or even a radical sheet.

I continue reading from the minority views:

We are firmly of the opinion that a continued vigorous enforcement of the Smith Act obviates the necessity to legislate further when such legislation is hurriedly drawn and only casually considered.

Up until now we have dealt with the procedures followed by the committee majority in approving this bill.

We also have grave reservations with respect to the bill's substantive provisions. This bill is copied word by word from S. 3706, introduced by Senator BUTLER, of Maryland. In general outline it resembles House Joint Resolution 528, introduced at the request of Attorney General Brownell, on which the House Judiciary Committee held hearings.

The essence of this bill is that the Subversive Activities Control Board, created by the Internal Security Act of 1950, is authorized to screen unions to determine whether they are Communist-infiltrated. The bill does not in terms apply only to labor unions, but the penalties provided for "Communist-infiltrated" organizations seem to be applicable only to unions. The principal penalty is that a union found to be "Communist-infiltrated" is to be forbidden to engage in collective bargaining; that is, it is to be put out of business.

It is difficult to avoid the conclusion that this bill is a step toward Government licensing of trade unions. Such a step should be taken only after the most careful consideration and the clearest demonstration of its necessity. Once the power of life and death over unions is vested in a Federal agency, there is always the danger that it may be misused. The danger, too, cannot be overlooked that the bare existence of such a power in the Federal Government will intimidate unions, and tend to make them subservient to the political ends of whatever administration may be in power.

The minority views further say:

A free trade-union movement is an important bulwark of democracy. Where democracy has been destroyed, as in Soviet Russia and Nazi Germany, the subordination of unions to complete government control, through licensing or some similar device, has always been a first step in the march toward totalitarianism.

Mr. President, the standards provided by this bill for determining whether a union is a Communist-infiltrated union are so vague as to threaten the innocent along with the guilty. The bill lists

seven criteria which the Board is to take into consideration in determining whether an organization is Communist-infiltrated, but they are vague and indefinite, and under them the innocent as well as the guilty could be indicted, convicted, and punished.

Mr. President, the minority views from which I have quoted further say:

> Obviously, this bill has not been thought through. Obviously there is danger that it would do more harm than good.
>
> That is what the House Judiciary Committee decided after considering a similar proposal—House Joint Resolution 528. That committee concluded that Communist infiltration of unions does present a substantial problem, and one which merits careful and thoughtful consideration. But it was not convinced that legislation of this type is the answer. The Judiciary Committee therefore proposed the creation of a bipartisan public commission, having industry and labor representation, to study this whole problem and report back to the Congress next January. This proposal has received the support of both the American Federation of Labor and the Congress of Industrial Organizations.
>
> We think that is a rational and constructive proposal.
>
> This problem of Communist infiltration of unions should be dealt with carefully and thoughtfully. It should be dealt with in a way which will not damage traditional American liberties, or bring us closer to the totalitarianism this bill purports to guard against.
>
> This is an issue on which politics should be shelved; those who seek to make political capital out of it will only do the country a grave disservice.

In conclusion, let me say I believe that the bill in its present form is a highly dangerous bill. It threatens the very existence of decent, patriotic, and loyal American labor unions. The bill will not help, in my opinion, in the slightest degree to root out Communists in labor unions, because I know that the decent labor unions, under the leadership of the great men who are at the head of the CIO and the American Federation of Labor are doing everything possible to root communism out of their unions, and they are meeting with amazingly great success. This bill, if enacted, will merely put back the clock, and make it much more difficult for them to succeed in their efforts.

I hope the bill, if it comes to a vote on the floor of the Senate, will be recognized for what it is, as a highly dangerous piece of legislation which, in my opinion, will do much more harm than good. It will not punish the guilty. It will not root out those who are seeking to weaken the unions. Instead, it will weaken the legitimate labor movement, which has done so much to build up the prosperity and strength and welfare of the United States and its people.

If the bill is not voted down, I certainly hope that the substitute amendment, to appoint a commission in exactly the same way and under the same language as was recommended by the Judiciary Committee of the House, will be adopted and enacted, instead of making the great mistake of enacting legislation of a highly dangerous and harmful character.

Mr. BUTLER. Mr. President, it is my desire to address to the Senator from New York several questions. Before doing so, however, I ask unanimous consent that I be permitted to make a brief statement of not more than a minute, with the understanding that the Senator from New York does not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. Mr. President, the difference of opinion between the distinguished Senator from New York and myself is a very definite one, but a very simple one. The Senator from New York feels that the question of infiltration of Communists into labor organizations is a matter that ought to be settled within the labor movement itself.

I, on the other hand, feel that there is an overriding public interest that demands that Government intercede. When witness after witness appears before me and identifies, under oath, Communists in plants where our most secret military material is being manufactured, and when we are told that Communists sit astride our most secret communications from the Pentagon and from the State Department and from other sensitive agencies of Government, I say that is something that the public generally is interested in, and is a proper subject for legislation by Congress.

Mr. LEHMAN. May I reply to the Senator?

Mr. BUTLER. Yes, indeed. I certainly will afford that opportunity.

Mr. LEHMAN. I realize that there is a problem of a Communist threat, just as much as does the distinguished Senator from Maryland. However, it would seem to me that the Senator should address his efforts toward taking care of Communists or controlling Communists, instead of trying to weaken the labor movement.

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

Mr. LEHMAN. I will yield in a moment.

The Senator from Maryland said that when he listened to the witnesses at the hearings he was impressed by the constant stream of those who sought to subvert our Government. I wish to make it very clear to the Senator from Maryland that at the head of our great labor unions are men who I believe are fully as patriotic as is any Member of the Senate. Of course, the Senator from Maryland knows the high regard in which I hold nearly every Member of the Senate.

Can we have anyone more patriotic than Walter Reuther or George Meany or Jim Carey or Jacob Potofsky? Those men have given their lives to build up the labor movement. They have given their lives in the past many years to fighting communism. Where can we find any more patriotic men? Those are the men who are now leading the labor movement in this country.

Mr. BUTLER. Will the Senator yield?

Mr. LEHMAN. I shall be glad to yield.

Mr. BUTLER. Does the Senator not know that in the Turtle Creek Valley of Pennsylvania, outside of Pittsburgh, for instance, there are working in our defense plants a number of persons who are members of a union which has been proved beyond any question to be Communist dominated? Does the Senator not think, with that knowledge, that something should be done to cleanse that union or to get the management of that union out of those defense plants?

What is the Congress to do? Are we to have that knowledge and sit idly by and let those people stay in our defense plants? Are we to sit idly by with knowledge that the ACA, in charge of all of our vital communications, is Communist dominated?

I do not say the members of the union are Communists, but their management is Communist dominated, and that has been proved beyond all doubt.

In the Pittsburgh hearings, if my recollection serves me aright, 13 officers and members of the union, including some shop stewards, appeared before us. Eleven of the 13 refused to answer whether or not they were Communists.

We on the other side had live witnesses who testified under oath that those persons had served in the Communist Party with them. We have testimony, if the Senator will look at the hearings which are on the desk of each Senator, which shows that the leased lines and tie lines over which our secret communications go all over the world, and even our code and cipher messages sent from the Pentagon itself, are serviced to members of a Communist-dominated union. I say we would be most derelict if we did not take notice of that and put legislation on the books to take care of it.

Mr. LEHMAN. May I answer the Senator?

Mr. BUTLER. Certainly.

Mr. LEHMAN. Of course, I am as definitely concerned about the existence of Communists in unions and industries as is the Senator from Maryland, and I think something should be done about it.

Mr. BUTLER. What does the Senator suggest?

Mr. LEHMAN. Wait a minute. Very definitely, not such a bill as this, which would only hurt the unions. I suggest appointing a commission to study the whole situation.

Mr. BUTLER. Does the Senator suggest any of the proposed legislation now pending before the Congress?

Mr. LEHMAN. Whether it would be wise or not, I do not know, but there would be one way of handling this situation, which is a relatively simple way. I am not prepared to say it would necessarily be a wise way, and it has not been recommended by the Attorney General of the United States. That would be to outlaw the Communist Party. I do not know whether it would be wise; neither does the Senator from Maryland. But that would be one way of handling it simply and completely.

Mr. BUTLER. May I address a question to the Senator with reference to the formation of a commission?

Mr. LEHMAN. Certainly.

Mr. BUTLER. Does the Senator believe that the Congress of the United States should go to the President of the United States and ask him to form a

commission to find information which the committees of the Senate are perfectly able to find, which they have already found, and which is lying on the desk of each Senator?

Mr. LEHMAN. My reply to that is, of course, that the Senate of the United States has in many cases done exactly that. I do not have the green volume before me, or I would wave it as some of my colleagues have done. But that does not mean that it is a fact. Even the Judiciary Committee of the House has turned thumbs down on this thing. An important segment of the Un-American Activities Committee of the House has turned thumbs down on it. The mere fact that a Senator says we ought to follow exactly what some man or woman may have suggested in the hearings——

Mr. BUTLER. May I respectfully suggest to the Senator that he is begging the question. My question goes to the separation of powers.

I believe the legislative branch of the Government not only has the facilities, but has the capacity for getting all the information we need for the purpose of proposing legislation; I might say, for the purpose of formulating and proposing legislation. I, for one, do not want to go to the President of the United States and ask him to appoint a committee to take testimony on this question.

Mr. LEHMAN. The Senator is very bold in his statement. I, too, believe in the separation of powers between the executive and the legislative branches of the Government, but I must say—and I say this in all respect—that I think my friend from Maryland is wrong in saying that Congress has not created commissions or directed the creation of commissions on many, many occasions. While I do not have the record before me, I am quite sure on several scores of occasions commissions have been established. I think of one very notable instance—the Hoover Commission, which was established by the President under the direction of the Congress of the United States.

Mr. BUTLER. It was established for what purpose?

Mr. LEHMAN. For the purpose of finding out certain things and reporting back to the Congress—things which we certainly could have found.

Mr. BUTLER. For the sole purpose of investigating the executive branch of the Government and reporting back to the Congress. Which is a somewhat different situation as compared with this.

Mr. LEHMAN. Mr. President, if the Senator from Maryland objects to the Congress of the United States providing for commissions, he has chosen a very, very bad case, because in this instance the President was directed to set up a commission to investigate the executive branch of the Government, which lies completely within his jurisdiction, whereas this matter lies within the legislative branch, the executive branch, and the general public.

Does the Senator have any more questions?

Mr. BUTLER. No.

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

Mr. GOLDWATER obtained the floor.

Mr. BUTLER. Mr. President, I ask for the yeas and nays on the passage of the bill.

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

Mr. GOLDWATER. I do not yield for that purpose, Mr. President.

Mr. LEHMAN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. LEHMAN. I withdraw my suggestion of the absence of a quorum.

Mr. GOLDWATER. Mr. President, I have only a few remarks to make, although I admit that I have a speech I should like to make, which would take about an hour and a half to deliver. But in recognition of the fact that we have heard so many long speeches in recent days, I shall ask later to have printed in the RECORD the speech I had intended to deliver.

At the outset of his speech, the distinguished Senator from New York made the remark that the proposed legislation should be referred to the Committee on Labor and Public Welfare. The bill I introduced on this subject last year, in the opening days of the 83d Congress, was referred to the Committee on Labor and Public Welfare. The committee had a large number of witnesses who appeared during the course of the hearings on the Taft-Hartley amendments, and who testified on the bill. In fact, there were 12 witnesses representing organized labor who testified on that specific bill, relating to the control of communism in labor organizations. A. F. of L. President Meany and CWA–CIO President Beirne concede that the job is a proper function of the Justice Department and other executive agencies.

I merely desired to correct the inference that the bill was not considered by the Committee on Labor and Public Welfare, and that it did not receive hearings. It received hearings, but it did not receive the proper consideration by the entire membership of the committee.

Therefore, this year, at the outset of the session, anxious to have some action on the bill, I asked during the course of one of the early executive sessions of the committee that the subcommittee be discharged from consideration of the bill and that it be referred to the full committee, and it was.

Although I do not have a tabulation of the vote before me, I am quite certain the Senator from New York voted "aye" on that particular proposal.

Whenever an attempt is made to do something about communism in this country, the question is raised, "Is this the proper way to do it?" If communism is a problem in the United States, there is only one way to meet it, and that is head on. We have pussyfooted with Communists too long. I agree that some members of management in this country have pussyfooted with communism, but I suggest that Congress and the United States also have pussyfooted with communism too long. If anyone in the Chamber doubts the need for this type of legislation I should like to read briefly from a newspaper of the International Union of Mine, Mill, and Smelter Workers of America, dated August 15, 1949. The man who made the statement was the international secretary-treasurer of that union. The union has not seen fit to expel him. I quote as follows from the statement by Maurice Travis:

> Since the interest of the international union is uppermost in my mind, I have been confronted with the problem of resigning from the Communist Party, of which I have been a member, in order to make it possible for me to sign the Taft-Hartley affidavit. I have decided, with the utmost reluctance and with a great sense of indignation, to take such a step. My resignation has now taken place.
>
> This has not been an easy step for me to take. Membership in the Communist Party has always meant to me, as a member and officer of the international union, that I could be a better trade unionist; it has meant to me a call to greater effort in behalf of the union as a solemn pledge to my fellow members that I would fight for their interests above all other interests.

I skip through the statement and read the following:

> Therefore, I want to make it crystal clear that my belief in communism is consistent with what I believe to be the best interests of the members of this union and the American people generally, and that I am especially happy to be able constantly to remember that it is consistent with the finest traditions of the international union.

Mr. President, I ask unanimous consent that the text of the entire statement by Maurice Travis be printed in the RECORD at this point, so that all Members may read it and remind themselves that, although most of the unions in the United States have cleansed themselves of Communist leadership, there still remain in a considerable number of vital defense plants and mines Communist-dominated unions whose members seem unable to rid themselves of their Communist bosses.

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

TRAVIS STATEMENT ON SIGNING TAFT-HARTLEY LAW AFFIDAVIT

(By Maurice Travis, international secretary-treasurer)

The executive board of our international union has voted to comply with the Taft-Hartley law. I support this decision.

As most of the membership knows, I have stated, more than once in the last 2 years, that if it became important to the life of our union to comply with Taft-Hartley, I would support such a step. The reasons which have now made it vital to our union to comply are the betrayal of labor's fight for repeal of the Taft-Hartley Act by the controlling leadership of both the CIO and AFL, by the 81st Congress and the Truman administration—a betrayal which now saddles the labor movement with this law for another 2 years—and as part of that betrayal, the adoption of raiding, gangsterism, and strikebreaking as official policy by reactionaries in the leadership of CIO.

Since the executive board meeting at which compliance was voted, I have deliberated very carefully on my course and I have also had the benefit of thorough discussions with my fellow officers, executive board members, and members of the staff. The unanimous opinion of my fellow officers and the others in the international union is that the most effective way in which I can serve the international union is by con-

tinuing in my post as an officer of the international union.

Since the interest of the international union is uppermost in my mind, I have been confronted with the problem of resigning from the Communist Party, of which I have been a member, in order to make it possible for me to sign the Taft-Hartley affidavit. I have decided, with the utmost reluctance and with a great sense of indignation, to take such a step. My resignation has now taken place and as a result, I have signed the affidavit.

This has not been an easy step for me to take. Membership in the Communist Party has always meant to me, as a member and officer of the international union, that I could be a better trade unionist; it has meant to me a call to greater effort in behalf of the union as a solemn pledge to my fellow members that I would fight for their interests above all other interests.

The very premise of the Taft-Hartley affidavits is a big lie, the same sort of lie that misled the peoples of Germany, Italy, and Japan down the road to fascism. It is a big lie to say that a Communist trade unionist owes any higher loyalty than to his union. On the contrary, trade unions are an integral part of a Socialist society, the kind of society in which Communists believe. Therefore, I believe that good Communists are good trade unionists.

The biggest lie of all is to say that the Communist Party teaches or advocates the overthrow of the Government by force and violence. If I had believed this to be so I would not have joined the Communist Party. If I had later found it to be so I would never have remained in it. All the slanders by the corrupt press, all the FBI stool pigeons, and all the persecution of Communist workers will not make me believe it is so. I believe that when the majority of the American people see clearly how rotten the foundation of the capitalist system is, they will insist on their right to change it through democratic processes, and all of the reactionary force and violence in the world will be unable to stop them.

It is because I believe these things that I have fought the affidavit requirement of Taft-Hartley. I believe it is a blot on American life; I believe under our Bill of Rights, for which our forefathers fought, that an American has as much right to be a Communist as he has to be a Republican, a Democrat, a Jew, a Catholic, or an Elk or a Mason. Free voluntary association is the very cornerstone of the democratic way of life. I have been a Communist because I want what all decent Americans want, a higher standard of living for all the people, the ending of discrimination against Negroes, Mexican-Americans, and all other minority groups. I want a peaceful America in a peaceful world. Despite my resignation from the Communist Party, I will continue to fight for these goals with all the energy and sincerity at my command.

I am also taking this step because I believe it is one effective means of bringing home, not only to the membership of the international union but to the people generally, the dastardly and unprecedented requirement that a man yield up his political affiliations in order to make a government service available to the people he represents. This is a dangerously backward step in American political life which threatens all of our democratic institutions. Americans have the right to belong to the political party of their choice and trade union members have the right to choose their own leaders. Denial of these principles undermines democracy and gives comfort to the arrogant reactionaries who seek to put our country on the road to fascism.

At the same time, I want to make it absolutely clear that my opinion continues to be that only a fundamental change in the structure of our society, along the lines implied in the very words of the charter of our international, "Labor produces all wealth—wealth belongs to the producer thereof," can lead to the end of insecurity, discrimination, depressions and the danger of war.

I am convinced that capitalistic greed is responsible for war and its attendant mass destruction and horror. I am convinced it is responsible for depression, unemployment and the mass misery they generate. The present deepening depression, growing unemployment, and threat of war confirm my conviction that the only answer is socialism.

As a matter of fact, this Socialist concept has always been the guiding principle for American workers. The struggle led by the great Eugene V. Debs, the early fight for the 8-hour workday, the steel and packing struggles led by Bill Foster, the stormy history of the I. W. W. were all influenced by Socialist ideals.

As a member of our international union I have always been proud of and have drawn strength from its basic Socialist tradition. No other union in this country matches ours in its glorious working-class history. Our union, and its predecessor, the Western Federation of Miners, has carried on some of the most bitter and courageous struggles in the history of the labor movement. I have always been inspired by the fact that early leaders of this union were socialistic in one form or another, that Bill Haywood also took the road to communism and died not only as a great leader of the working class but as an honored and respected Communist.

Therefore, I want to make it crystal clear that my belief in communism is consistent with what I believe to be the best interests of the members of this union and the American people generally and that I am especially happy to be able constantly to remember that it is consistent with the finest traditions of the international union.

I know that sooner or later we will turn this present shameful page in American life, that the reactionary offensive will be beaten back and that the American workers will again resume their march on the road to peace, progress, and prosperity. Particularly do I know that the day will come when loyalty oaths and affidavits will be a thing of the past, when the true test will again be service to the people and, for trade union leaders, service to their members.

In the meantime, I am sure that every member of the international union joins me in my pledge to fight to keep this international union strong, to bend every effort to make it even stronger, to continue to keep it on a progressive, militant course, and to do everything in my power to make life in our country happy, secure, prosperous, and peaceful.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed at this point in my remarks the text of the statement to which I referred, which I shall not read, thereby saving the Senate the torture of listening to me ad infinitum.

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

STATEMENT BY SENATOR GOLDWATER

International communism is against everything we believe in—America, God, the dignity and rights of individuals, and democracy. Communism is dedicated to world revolution and the dictatorship of the proletariat. Its weapons in America are treachery, deceit, infiltration, espionage, sabotage, corruption, and terrorism. It is using those weapons against up now—inside of our own country.

The House Committee on Un-American Activities, in reporting on the Internal Security Act of 1950 (U. S. Code Congressional Service, vol. 2, 81st Cong., 2d sess., p. 3886) said:

"The need for legislation to control Communist activities in the United States cannot be questioned.

"Over 10 years of investigation by the Committee on Un-American Activities and by its predecessor committee has established: (1) that the Communist movement in the United States is foreign-controlled; (2) that its ultimate objective with respect to the United States is to overthrow our free American institutions in favor of a Communist totalitarian dictatorship to be controlled from abroad; (3) that its activities are carried on by secret and conspiratorial methods; and (4) that its activities, both because of the alarming march of Communist forces abroad and because of the scope and nature of Communist activities here in the United States, constitute an immediate and powerful threat to the security of the United States and the American way of life."

The findings which support these conclusions and the vast quantity of evidence on which they are based are set forth in detail in the numerous reports which committees of Congress have printed and circulated.

There can be no compromise or appeasement between the ideals of our Republic and communism. The Communists still follow the marxism line: "Parliaments are corrupt, and voting and legislating are pleasant forms of rituals for deluding the workers."

Congress has passed several laws aimed at curbing subversive activities.

The Alien Registration Act of 1940 made it a crime to advocate the overthrow of the Government of the United States by force and violence. While force and violence is a basic principle to which the Communist Party members subscribe, the present line of the party, in order to evade existing legislation, is to avoid the open advocacy of force and violence and to resort to secret and conspiratorial methods. Consequently, the act is rendered less effective in dealing with Communist activities because of strategies and tactics of the Communists.

The McCormack Act of 1938 required registration of individuals who are acting as agents of a foreign principal. The Communists are skillful in deceit and in concealing their foreign ties.

The problem of how to enact laws to defend the Nation against the Communist Party is a perplexing one, but one with which we must keep wrestling. If we lose this battle, it will be because of complacency.

In safeguarding our own liberties, we must operate within the framework of the Constitution. In 1950, in analyzing the problem, the House committee said:

"Communism as an economic, social, and political theory is one thing. Communism as a secret conspiracy dedicated to subverting the interests of the United States to that of a foreign dictatorship, is another."

The committee went on to say:

"We hold no brief for the economic, social, and political theories which the Communists advocate, but we contend that, under our constitutional system, ideas must be combated with ideas and not with legislation. If communism in the United States operated in the open, without foreign direction and without attempting to set up a dictatorship subservient to a foreign power, legislation directed against it would neither be justified nor necesary. This, however, is not the case."

The committee said that "a careful analysis of the strategy and tactics of communism in the United States" discloses activities by reason of which the committee has concluded that legislation can and should be directed against those strategies and tactics of the Communist Party involving espionage.

Therefore, Congress passed the Internal Security Act of 1950, which made it unlawful for any officer or employee of the United States to communicate any information classified by the President of the United States as necessary to the security of the United States to any representative of a foreign country, or any member of a Communist organization, and likewise made it illegal for any member of the Communist organization, or foreign representative of a foreign government, to receive such information. The law also made it illegal for a member of a Communist organization to hold any office in the Government, or for a member of a Communist organization to conceal his membership in seeking employment in any defense plant, and made it unlawful for any employee in a defense plant to be a member of a Communist organization. The Secretary of Defense designates defense plants.

The Internal Securities Act requires that Communist organizations register with the Attorney General and that they give the names and addresses of their members. Any organization registered as a Communist organization must show on its publications that it is disseminated by a Communist organization.

The Internal Security Act creates a Subversive Activities Control Board appointed by the President with the advice and consent of the Senate. The Board may, upon application of the Attorney General, determine whether any organization is a Communist organization. Judicial review is provided after a hearing to the Circuit Court of Appeals of the District of Columbia. Communist organizations are divided into two types: Communist-action organizations and Communist-front organizations. The former is defined as substantially directed, controlled, or dominated by a foreign government, or a foreign organization, controlling the world Communist movement and operated primarily to advance the objectives of the world Communist movement. The Communist-front organization is one substantially directed, dominated, or controlled by a Communist-action organization primarily operated for the purpose of giving aid and support to a Communist-action organization.

The act of October 16, 1918 (8 U. S. C. 137), was strengthened by the Internal Security Act of 1950 and provided for the exclusion of aliens seeking to enter the United States to engage in activities prejudicial and dangerous to the United States, and for the exclusion of aliens who are members of the Communist Party, or who advocate the doctrine of world communism, or who are members of any organization which is registered, or required to be registered, under the Internal Security Act, unless the alien can show that he did not know, nor had reason to believe, that such organization was registered, or required to be registered. It was also provided that no person may be naturalized who is a member of a Communist organization.

The Emergency Detention Act of 1950 was also passed as a part of the Internal Security Act of 1950. This act provides that the President may in time of an internal-security emergency cause the apprehension and detention of persons as to whom there is reasonable ground for belief that they probably would engage in espionage or sabotage activity. This law provides for the issuance of a proclamation by the President. The President may issue a warrant for the arrest of such a person, a preliminary hearing must be had before an officer appointed by the President, with a full hearing before a Detention Review Board appointed by the President with a right to appeal to the Federal courts. A proclamation can only be issued by the President in the event of invasion of territory of the United States, a declaration of war by Congress, or an insurrection in the United States in aid of a foreign enemy.

Membership in the Communist Party is not illegal per se under any Federal law. If a Communist organization or a Communist operates in such a way as to come within the definitions and performs acts which are outlawed, then it, or he, violates the law. If an organization changes its characteristics, then the object of the law has been accomplished. The most important thing in the combating of communism is to keep the people informed accurately and fully and continuously about the activities, nature, and strategy of the Communist Party.

A petition of the Attorney General of the United States sought to force the Communist Party to register under the Internal Security Act of 1950. The Attorney General, in a verified petition, after summing up the program of the Communist Party in the United States and in the world, concluded that "in the event of a war between the Soviet and any other nation it is the recognized duty of all American Communists to support and defend the Soviet Union." Another conclusion he made in his petition:

"In the event of a war between the Soviet Union and the United States, the Communists in the United States have obligated themselves to defeat the military efforts of the United States and to aid and support the Soviet Union. The Communist party teaches its members that in such event they must act to foment a civil war in the United States as a means for impairing the Nation's military effort and for establishing a Soviet America, having a dictatorship of the proletariat such as exists in the Soviet Union."

In the final conclusion in the petition, the Attorney General said "To the leaders and members of the Communist Party, patriotism means solidarity with, and support of the Soviet Union."

At the trial of 11 Communist leaders in 1949 in New York, charged with the violation of the Alien Registration Act of 1940, Judge Medina, in his instructions to the jury in October of that year, told them that these defendants were charged with conspiring with each other and others unknown to the grand jury to knowingly and willfully advocate and teach the duty, or necessity, of overthrowing, or destroying, the Government of the United States by force and violence; and in this connection, to organize the Communist Party as a society group, or assembly of persons who teach, or advocate, such overthrow, or destruction.

The act under which they were indicted says:

"It shall be unlawful for any person to knowingly, or willfully, advocate, or teach, the duty, or necessity of overthrowing, or destroying, any government in the United States by force, or violence; to organize any society, group, or assembly of persons who teach, or advocate, the overthrow, or destruction of any government in the United States by force or violence."

Judge Medina told the jury:

"It is perfectly lawful and proper for the defendants, or anyone else, to advocate reforms and changes in the laws, which seem to them to be salutary and necessary. No one has suggested that the defendants transgressed any laws by advocating such reforms and changes. No syllable of the indictment refers to any such matters. Furthermore, should you find from the evidence that the defendants organized, or helped organize, and assumed, or were given leadership in the Communist Party as a legitimate political party solely with the view of electing candidates to political office by lawful and peaceful means advocating reforms and changes in the laws, or the adoption of policies by the Government favorable to their contentions in the matters just referred to, you must render a verdict of not guilty, and even if you do not so find from the evidence, you cannot bring in a verdict of guilty against any defendant unless the prosecution has satisfied you of his guilt beyond a reasonable doubt in accordance with the instructions."

The Government introduced evidence that plans were deeply laid to place energetic and militant members of the Communist Party in key positions in various industries indispensable to the functioning of the American economy, to be ready for action at a given signal, and such action was to consist of strikes, sabotage, and violence of one sort or another appropriate to the consummation of the desired end; that is to say, the smashing of the machine of state, the destruction of the Army, and the police force, and the overthrow of the Government and what Communists call bourgeoisie democracy.

In the course of his instructions to the jury, Judge Medina said:

"The prosecution further claims that the process of indoctrination at these various schools and classes was sought to be accomplished by the defendants by: (1) a persistent and unremitting playing upon the grievances of various minority groups, such as young people, veterans, Negroes, housewives, Jews, and those suffering from economic handicaps of one sort or another—rubbing salt into these wounds and doing their best to arouse and inflame antagonisms between various segments of the population; (2) by insistence that the Communist Party alone is qualified to assume and to retain leadership of the revolutionary movement for the smashing of the capitalist state machine, and the ushering in of the dictatorship of the proletariat, and that accordingly Communists must at all times maintain what they call their vanguard role and the elimination at all times of others who claim to be seeking by various means to attain the same, or similar ends; (3) by constant study and discussion of the steps by which the Communists came to power in the Soviet Union, including the details of the revolution of October 1917, in Russia, the strategy and tactics followed, including the wearing by the workers of uniforms of the Russian soldiers and sailors, the street fighting and so on; (4) by constantly stressing their claim that capitalism during the period of time specified in the indictment was on its last legs, or moribund, that the dictatorship of the proletariat was inevitable, that the workers should hate the capitalist system and their employers, and the Army and the police as mere instruments of Wall Street monopolists and exploiters, who are said to hold the Government of the United States in their clutches; (5) by picturing the Government of the United States as imperialistic and tending toward facism and the Soviet Union as the protector of the rights of minorities, the only true and complete democracy and as dedicated to peace; (6) by indicating the doctrine that a war with Russia would be an imperialistic and an unjust war, in which event it is said to be the duty of those subscribing to defendants' principles to turn the imperialistic war into a civil war and fight against their own government, meaning the Government of the United States."

The judge, in reviewing the defense, said:

"The defendants asserted that they regarded the establishment of socialism in this country as necessary if the people are to live in peace and prosperity, that all their activities are directed toward the ultimate establishment of socialism, and take two forms which interact with and influence each other, the political and the educational."

The defendants asserted that they sought to form a peoples' front government, such as was elected in Poland, Czechoslovakia, Hungary, and Rumania, and that this would only come about if and when a majority of

the people wanted it and were ready to struggle for it.

The judge was very careful to charge the jury:

"Among the most vital and precious liberties which we Americans enjoy by virtue of our Constitution are freedom of speech and freedom of the press. We must be careful to preserve these rights unimpaired in all their vigor. Thus, it is that these defendants had the right to advocate, by peaceful and lawful means, any and all changes in the laws and in the Constitution; they had the right to criticize the President and Congress; they had the right to assert that World War II, prior to the invasion of Russia by Germany, was an unjust war, an imperialist war, and that upon such invasion it became a just war worthy of all material and moral support; and they had the right to publicly express these views orally or in writing. They had the right, thus, to assert that the Government was at all times exploiting the poor and worthy workers, for the benefit of the trusts and monopolies. They had a right, thus, to assert that what they called the democracy of Russia is superior in all respects to American democracy. They had a right to assert that the Marshall plan was a mistake, that billions of dollars should be loaned to Russia and that legislation adversely affecting Communists should not be passed. Whether you, or I, or anyone else, likes or dislikes such or similar and analogous views, or agrees or disagrees with them, is wholly immaterial and not entitled to the slightest consideration in deciding this case. Unless a minority had a right to express and to advocate its views, the democratic process as we understand it here in America would cease to exist and those in power might remain there indefinitely and make impossible any substantial changes in our social and economic system, or in the texture of our fundamental law."

The court told the jury:

"You must be satisfied from the evidence beyond a reasonable doubt that the defendants had an intent to cause the overthrow or destruction of the United States by force and violence, and that it was with this intent and for the purpose of furthering that objective that they conspired both (1) to organize the Communist Party of the United States as a group or society to teach and advocate the overthrow or destruction of the United States by force and violence, and (2) to teach and advocate the duty and necessity of overthrowing or destroying the Government of the United States by force and violence."

Why is such legislation required?

The CIO in 1950 expelled 11 of its 41 international unions because they were Communist-dominated. The resolution on the expulsion read:

"We can no longer tolerate within the family of CIO the Communist Party masquerading as a labor union. The time has come when the CIO must strip the mask from these false leaders whose only purpose is to deceive and betray the workers. So long as the agents of the Communist Party and the labor movement enjoy the benefits of affiliation with the CIO, they will continue to carry out this betrayal under the protection of the good name of the CIO."

The names of those unions and the dates of their expulsion are: the United Electrical, Radio and Machine Workers, November 2, 1949; the United Farm Equipment Workers, November 2, 1949; Mine, Mill, and Smelter Workers, February 15, 1950; United Office and Professional Workers, February 15, 1950; United Public Workers, February 15, 1950; Food, Tobacco, and Agricultural Workers, February 15, 1950; American Communications Association, June 15, 1950; International Fur and Leather Workers Union, June 15, 1950; International Longshoremen's and Warehousemen's Union, August 29, 1950; Marine Cooks and Stewards, August 29, 1950; International Fishermen and Allied Workers, August 29, 1950.

In 1939 the House Committee on Un-American Activities listed the Mine, Mill, and Smelter Workers Union as a Communist-dominated union. Ten years later the CIO acted upon the findings of the House committee and expelled this union from its membership. (P. 6, Oct. 1952 hearings, Senate Subcommittee Judiciary.)

The CIO said as to the Mine, Mill, and Smelter Workers International leadership:

"The testimony at the hearings, both oral and documentary, demonstrates conclusively to this committee, and the committee finds that the policies and activities of the International Union of Mine, Mill, and Smelter Workers are directed toward the achievement of the program and the purposes of the Communist Party, rather than the objectives set forth in the CIO constitution. This conclusion is inescapable, both from an analysis of the policies adopted by Mine, Mill, and as shown by documentary exhibits submitted by the union, and by direct and uncontradicted testimony by former officers of the union that the Communist Party directs the affairs of the union."

At the hearing before the subcommittee of the Senate Judiciary Committee in October 1952, former officers of the union admitted they had been members of the Communist Party and identified a number of the officers of the present Mine, Mill, and Smelter Workers as having been members of the Communist Party.

The following officers and employees were subpenaed by the committee and refused to testify as to whether they were Communists, or not, on the grounds that to testify would incriminate them. Those persons were: Nathan Witt, general counsel; John Clark, president; Clinton Jencks, international representative; Herman Clott, Washington lobbyist for the union; Orville Larson, vice president; Holmgren, assistant editor of the union newspaper; Rudolph Hansen, paid employee; Maurice Travis, secretary-treasurer of the international union; Graham Dolan, who said he had no title but worked on special assignments for President Clark, Vice President Larson, Vice President Wilson, and Secretary-Treasurer Travis; and Albert Skinner, regional director and coordinator of the Kennecott bargaining counsel.

I will not go into all the details of the hearing. They are available in the report of the hearings issued by the United States Government Printing Office.

And, let me say here, that under the Taft-Hartley Act, an employer, or the National Labor Relations Board cannot go beyond the non-Communist affidavit filed by the union officials. If the affidavits are filed, the employer must comply with the law and must bargain with the union whether or not he thinks that the affidavits are false and that the representative is still a Communist.

Let me call attention to what Mr. Travis says regarding Bill Haywood:

"I have always been inspired by the fact that early leaders of this union were socialistic in one form or another, that Bill Haywood also took the road to communism and died not only as a great leader of the working class but as an honored and respected Communist."

Bill Haywood, as you will remember, was head of the International Workers of the World during World War I. In 1918 he was found guilty in a Federal court in Chicago of espionage, sabotage, and interfering with the war effort of World War I. Pending his appeal he jumped bail, fled to Russia, and now lies buried in the Kremlin as one of the heroes of communism. His heroism consisted of treason to his country.

Consider the case of Nathan Witt, general counsel of Mine, Mill, and Smelter Workers, and the brains of the union. Lee Pressman, former general counsel of the CIO, testified before the Un-American Activities Committee in the House in 1950 and said that he and Witt both belonged to the Communist Party at one time and that he, Pressman, John Abt, Charles Kramer, and Witt worked in a cell together. Ware was the liaison with the Communist Party of this cell and he collected their dues. Whittaker Chambers in 1948 testified that Ware, Abt, Witt, Pressman, Alger Hiss, Donald Hiss, Henry H. Collins, Charles Kramer, and Victor Perlo belonged to the Ware-Abt-Witt group.

Witt was former executive secretary of the National Labor Relations Board. In 1940 he wrote the United States Senate when the NLRB was being investigated that he was not and had never been a member of the Communist Party, a Communist sympathizer, or one who used the Communist Party line. At the hearing in 1952, Witt refused to testify as to whether he was a Communist on the grounds that he was exercising his right under the fifth amendment not to give testimony against himself. Nathan Witt was also a member of the board of trustees of the Jefferson School of Social Science, which the Saturday Evening Post of March 12, 1949, said was the biggest school for the teaching of communism in New York, and annually enrolled 3,000 students which was a fraction of the total signed up by the national chain of Communist schools.

How does a union become Communist-dominated, and how did these CIO unions become Communist-dominated? To begin with, when the first attempts were made to organize mass production industry, there was an acute shortage of trained organizers. Unknowingly, many Communists were used and they installed themselves and their sympathizers in key positions in many of the new unions. The newly organized workers, with no experience in unionism, were no match for these skilled technicians. The result was that in union after union the Communists controlled the top level though the membership was overwhelmingly American in its sympathies. In the CIO findings on the expulsion of the Mine, Mill, and Smelter Workers:

"Both Wilson and Eckert made it perfectly clear to the committee that the fact that this union followed the Communist Party line was not accidental. It was the result of the complete domination of the union's leadership by the party. The party group within the union has a systematic working apparatus for making its decision and for translating these decisions into union policy. At the top there was a party steering committee of four members. This committee, of which Eckert and Maurice Travis were members, determined Communist policy within the union. They did this in consultation with the leaders of the Communist Party. Meetings were frequently held with the Communist Party leaders, such as William Z. Foster, chairman of the party; Eugene Dennis, general secretary; John Williamson, its labor secretary; and Gil Green, its Illinois director. In addition, there was a regular envoy of the Communist Party who was designated as liaison man between Mine, Mill and the party.

"In meetings of this steering committee, which was sometimes enlarged to include such persons as the union's research director and the editor of its newspaper, the policies to be adopted by Mine, Mill were determined by these Communist leaders. Their decisions were then brought to the so-called progressive caucus of the union, which contained all of the Communist and pro-Communist leaders of the union; all anti-Communist groups of the union were excluded

from this caucus. The Communist decisions were invariably adopted by the caucus and were then brought before the official bodies of the union and adopted as union policy.

"This was the transmission belt by which the decision of the Communist Party leaders became decisions of the International Union of Mine, Mill, and Smelter Workers.

"The membership, of course, had a theoretical veto power, but the party's control of the union's newspaper, control of its organization, and control of its leadership enabled the Communist Party to conceal its dictation of union policy and thus to maintain its power over the union's affairs. The right of the union membership to control policy given lip service by the leadership was thus frustrated. The membership had no voice, for instance, in the decision of Reid Robinson to resign as president, a decision made by the Communist Party for party reasons. He had no control over the appointment of Maurice Travis, a newcomer to the union, as executive assistant to President Robinson, an appointment dictated by the Communist Party for its own purposes. The membership had no control over the appointment of organizers, and as a result approximately 90 percent of the union's staff are members of the Communist Party."

Eckert, in testifying before the Senate committee in Salt Lake in October 1952, said:

"The Communist Party regarded Mine, Mill, and Smelter Workers as one of the key unions in America, because of its strategic position in the nonferrous metal industry and also because they have locals in Alaska and close proximity to the Soviet Union. That is an interesting note, because the Mine, Mill, and Smelter Workers locals up there, which are completely dominated by the Communist Party, are only 40 miles from Soviet Russia. Because of the importance they attach to Mine, Mill, and Smelter Workers, they made special efforts to reactivate me in the Communist Party. I became active in the party again from that time (1945) until the time I left Mine, Mill, and Smelter Workers, or just prior to leaving Mine, Mill, and Smelter Workers in 1948."

Eckert testified before the subcommittee on this steering committee in Mine, Mill, and Smelter Workers. Eckert said that the steering committee was composed of Maurice Travis, Eckert, Al Skinner, and Charles Powers, and they received their instructions from Gil Green, State organizer of the Communist Party in Illinois. The steering committee, he said, would also meet with William Z. Foster, national chairman of the Communist Party, Eugene Dennis, and other top leaders to discuss matters affecting the Communist Party. He testified that the following was the way the union adopted its 10-point program in 1946: It was first discussed by the steering committee; it was then submitted to the enlarged party meeting held; from this meeting it was taken to what was called the progressive caucus inside the Mine, Mill, and Smelter Workers, which consisted of the party people on the staff of the union and certain nonparty people who were on the staff and other people who were not on the staff, but were in the Mine, Mill, and Smelter Workers union. He said the progressive caucus would then make these proposals where it was necessary to have them approved by the international executive board to the international executive board of the union, which was almost evenly divided between the right and left wings. Those decisions would then usually become the decisions of the union and sometimes, as in the case of the 10-point program, submitted to the convention, as was done in the instance of the Cleveland convention in 1946, and became adopted by the convention as the official program of the union. As he said:

"It originated in the steering committee and passed down to this large party meeting, then to the progressive caucus, the international executive board, and finally adopted by the international convention. Irrespective of the various channels through which it went, it started with the Communist Party and crystallized as doctrine, or program, of the union as a whole" (pp. 51–58).

There were approximately 126,000 in the union then (1946). The end result was the convention adopting a program which originated with a small number of people who were Communist Party members, which was later adopted as a program of over 100,000 members. Eckert said that the party membership of the union never averaged 1 percent at any time and that a small number of Communists, even 4, a steering committee, could commit a union of 100,000 members to a program which they, the 4 Communists, or a few more, originated (p. 59).

Eckert said the Communist personnel did not seep very far down because if it had it would be very much larger; here and there, there might be a shop steward who might be a member of the party, or a local union president, or a local member of the executive committee, or shop committee, but, by and large, the control of the union by the Communist Party was exercised from the top (p. 59).

The Communist Party leadership was able to maintain itself in control by the following procedure: a staff of the people who have contacts with the membership would go out and campaign for their particular candidate. They would get up at the meetings and speak for them and they were not above stuffing the ballot boxes where it was necessary to do so (p. 60).

Eckert said he knew Mr. Nathan Witt was a member of the party and had attended many party meetings with him. He was one of the top party men and liaison man between the Communist Party and various unions that were under the control of the Communist Party, including the Mill, Mine, and Smelter Workers, and frequently was the person who transmitted various things to Mill, Mine, and Smelter Workers, party decisions which were to be put into effect inside the union.

The unfortunate and tragic thing is that most of the members of the union are not aware of this Communist domination and are loyal Americans. There is no law which now protects the rank and file of a labor union from Communist domination of their international union.

I say that those men are entitled to the leadership of loyal Americans. My bill would provide a means to eliminate from a union Communist leadership such as Travis and Witt. This bill would permit local unions to bargain as bona fide labor unions and as a part of a bona fide international union. Employers would no longer be compelled by law to sit down with a Communist representative. The union newspaper would no longer be a vehicle for Communist propaganda to be dropping its indoctrinations drop by drop, issue by issue.

I cannot conceive of a single reason, or justification, for the Government of the United States permitting men who are Communists to head and to run a labor organization. I think loyal members of the Mine, Mill, and Smelter Workers, for example, are entitled to their Mine, Mill, and Smelter Workers Union free and clear of Communist domination. Their strikes, if they strike, should not be under any cloud that it is for political purposes and under a leadership over which they have no control.

My bill would not destroy the Mine, Mill, and Smelter Workers—it would protect them and preserve them.

The ease with which 4 or 5 men can control a large international union makes me think that we should start an investigation into the general subject of international unions to determine how democratic they are in the election of their officers. In many international unions, the same person has been president for many years. The constitutions, conventions, systems, appointments of international representatives, control over locals, have made it possible for one man to perpetuate himself in office. The membership should have control of the selection of the officers.

On Friday, April 24, 1953, Albert J. Fitzgerald, general president of the United Electrical Radio and Machine Workers of America, told the Senate Labor Committee at its hearing, that S. 1254 and its companion House bill, H. R. 3993, was a "thought-control piece of legislation." Because the Senate bill will undoubtedly receive the same charge from this and similar unions, I think it is well to discuss that attack at this time. In the first place, the UE dwells on the alleged fact that orders of the Subversive Activities Control Board will operate to destroy unions. Nowhere does he advert to the fact that the membership of a union, which is the object of such an order, will have the opportunity to purge itself of the few individual leaders whose Communist activities give rise to the order, and that they can, in that manner, preserve their union with all its rights and privileges under the Federal laws.

Secondly, he quarrels with the various legislative standards and definitions which the bill provides as guides to be used by the Board in determining whether or not a union, or an individual union official, is a Communist representative. Here he employs the well-worn shibboleths of "thought control" and "guilt by association." Mr. Fitzgerald's remarks are to be found on pages 1995 to 2010, inclusive, of part 4 of the hearings before the Committee on Labor and Public Welfare of the United States Senate of the 83d Congress.

BASES OF THE THOUGHT-CONTROL CONTENTION

It has been contended by some that legislation of this sort constitutes thought control. This contention must be based on one or the other of the following:

1. An attempt to distort the purpose of the proposed legislation by branding it as "antilabor" and applying to it a catch phrase, or epithet, which will generate public condemnation; or

2. A sincere belief that by enacting such legislation Congress would be unconstitutionally abridging the freedom of speech vouchsafed by the first amendment.

For those who advance the thought-control contention as a red herring and who seek thereby to divert Congress from the conscientious reexamination of a real national problem, no answer to the contention is required. Suffice it to say that every legislative effort to protect this country against internal subversive activities has been faced with the same contention.

But for those who, although they recognize the gravity of the problem, nevertheless advance the thought-control contention in the sincere belief that this type of legislation goes beyond the constitutional powers of Congress, a sincere and forthright answer is required. They must have an answer to their fear that, in seeking by this means to combat a recognized evil, we would be destroying the very thing we are purporting to protect; in other words, their fear that by suppressing freedom of thought and association in this way, we would be approaching the very totalitarianism which the Communists are seeking to establish by such means as the control and domination of trade unions. The purpose of this analysis is to supply that answer.

THE FUNDAMENTAL ISSUE

The term "thought control," even when used by those who are sincerely perturbed by the aspect of this type of legislation, is misleading. Communism is fundamentally an idea or belief, but its significance today lies not so much in the idea itself but in the plan of action designed to implement that idea, the plan of affirmative and violent action to establish and enforce that idea in the form of world dictatorship by the ruling power of one nation. A person may have the intent to rob or to murder, but, absent any action on his part to implement that intent, our concept of liberty would not permit us to restrain him just for having such evil thoughts. The same is true of a person who is only a Communist in the philosophical sense. When, however, the robber, or the murderer, or the Communist, reaches the point of affirmatively implementing his intent to employ force or violence to gain his end, he has reached the action stage where his intentional conduct, not his thoughts, becomes the legitimate object of social scrutiny and possible limitation.

It is with this concept of modern communism in mind that the fundamental issue presented by this legislation must be defined. The determination to be made is whether or not, under present circumstances and with respect to communism, the necessity for preserving law and order and our national sovereignty justifies an abridgement of a fundamental liberty, and whether or not such abridgement is within the constitutional powers of Congress. Specifically, the issue is whether or not communistic infiltration of trade unions constitutes a threat to national security sufficient to justify restraining the liberty to foster communism through union power, and whether or not the exercise of that liberty can be constitutionally restrained in the manner proposed by this legislation. As so defined, it is obvious that the issue cannot be properly characterized as a thought-control issue.

THE ESTABLISHED FACTS

The portion of this issue which requires a determination of the extent of the threat to our national security in relation to an impairment of individual liberty must be resolved on the basis of facts. These facts are well established and cannot be validly disputed. They have been established by hearings conducted by congressional committees, reports of congressional committees, legislative findings by Congress, verdicts of Federal juries and decisions of the Federal courts. These are the established facts:

1. There exists a world Communist movement which is a worldwide revolutionary effort designed to establish a Communist totalitarian dictatorship in the countries throughout the world.

2. One of the traditional and primary means of accomplishing this purpose is Communist infiltration of labor unions.

3. The American Communist Party is dominated and controlled by a foreign government.

4. The goal of the American Communist Party is the overthrow of the Government of the United States by force and violence.

5. The American Communist Party has infiltrated, and dominates, and controls certain labor unions in this country.

6. The goal and the activities of the American Communist Party constitute a clear and present danger to the Nation.

NATIONAL NECESSITY VERSUS INDIVIDUAL LIBERTY

In the face of these established facts Congress must decide whether or not the infringement on individual liberty embodied in the proposed legislation is justified. The specific liberty involved is the liberty to participate in and encourage Communist action in the trade-union movement—by speech, by association, and by intentional conduct. The objective of that Communist action is the overthrow of our Government by force and violence, a clear and present danger to our national security. The mere statement of the liberty involved and of the ultimate result of its unlimited exercise provides the answer for all loyal Americans. Congress, with the support of the people, has answered the question before in analogous situations by imposing more drastic restraints on that liberty. Federal legislation applicable to Communists and organizations is nothing new. In 1938, the Foreign Agents Registration Act, also known as the McCormack Act, was passed, requiring agents of foreign governments to register with the Attorney General and to label their propaganda. In 1939, the Hatch Act forbade membership in Communist, or like organizations, to Federal employees. In 1940, the Voorhis Act, supplementing the McCormack Act, required registration by native groups which participated in civilian-military drill and in specially defined political activities. In 1940, by virtue of the Smith Act, it became a Federal crime to "advocate, abet, advise, or teach" the overthrow of the Government by force or violence. In 1947, the Taft-Hartley Act denied to unions, whose officers failed to file non-Communist affidavits, the procedures and benefits of the National Labor Relations Act. And in 1950, Congress passed the Internal Security Act, which requires the registration of all Communist organizations, prohibits the issuance of passports to members of such organizations, and prohibits the employment of such members by the Federal Government, or by private defense facilities. All of these enactments, except the Taft-Hartley Act, provided for criminal penalties.

If the measures just enumerated were justifiable infringements on individual liberty in the face of the Communist threat, and in each instance Congress found them to be justified, certainly far less justification is needed for legislation such as that under discussion, which does not suppress or outlaw the Communist Party and does not forbid any individual to be, or become, a philosophical Communist, or a full-fledged and active member of the party, but which, in effect, only prohibits such a person from holding a position of influence in a labor union if that union wishes to continue to avail itself of the special rights and protection afforded it by specific Federal laws.

It seems clear from the foregoing that there is ample justification, as a matter of congressional policy, for the proposed legislation.

CONGRESSIONAL POWER

Coming now to the portion of the issue which requires a determination of congressional power to enact such legislation, it is necessary first to state certain fundamental principles with respect to the liberty of free speech vouchsafed by the first amendment to the Constitution. All of those principles can be gleaned from the 1951 decision of the United States Supreme Court in the case which involved the conviction of the top 11 Communists for violation of the Smith Act, (*Dennis* v. *United States* (341 U. S. 494, 95 L. ed. 1137)). They are as follows:

1. The right of free speech "is not an unlimited, unqualified right, but * * * must, on occasion, be subordinated to other values and considerations."

2. "No one could conceive that it is not within the power of Congress to prohibit acts intended to overthrow the Government by force and violence. The question with which we are concerned * * * is not whether Congress has such power, but whether the means which it has employed conflict with the first * * * amendment(s) to the Constitution."

3. Restrictions on freedom of speech are constitutional where there is a "clear and present danger" that "substantive evil" will result from nonrestriction.

4. Since the purposes and activities of the Communist Party constitute such a "clear and present danger" legislation which punishes the advocacy of the doctrines of the Communist Party does not violate the first amendment.

The statute involved in the Dennis case presented a far more difficult question as to the power of Congress than does the proposed legislation under discussion. The Smith Act made it a crime to "advocate, abet, advise, or teach" the overthrow of the Government by force or violence. Actually, the Supreme Court had already, prior to the Dennis case, passed upon the very contention which is advanced against the Goldwater-Rhodes bill.

In *American Communications Association* v. *Douds* (339 U. S. 382, 94 L. ed. 925 (Sup. Ct. 1950)) the Court had before it the non-Communist affidavit requirement (sec. 9 (h)) of the Taft-Hartley Act. The petitioners in that case contended that the requirement was unconstitutional because it deprived "unions, union officers, and members of unions of freedom of thought, speech, and assembly, in violation of the first amendment." The Court rejected that contention. The following quotations from the decision will demonstrate more clearly than attempts to paraphrase them the reasoning of the Court and the basis for its decision:

"One such obstruction (of commerce), which it was the purpose of section 9 (h) of the act to remove, was the so-called political strike. Substantial amounts of evidence were presented to various committees of Congress, including the committees immediately concerned with labor legislation, that Communist leaders of labor unions had in the past, and would continue in the future, to subordinate legitimate trade-union objectives to obstructive strikes when dictated by party leaders, often in support of the policies of a foreign government. And other evidence supports the view that some union leaders, who hold to a belief in violent overthrow of the Government for reasons other than loyalty to the Communist Party, likewise regard strikes and other forms of direct action designed to serve ultimate revolutionary goals, as the primary objectives of labor unions which they control.

* * * * *

"No useful purpose would be served by setting out at length the evidence before Congress relating to the problem of political strikes, nor can we attempt to assess the validity of each item of evidence. It is sufficient to say that Congress had a great mass of material before it which tended to show that Communists and others proscribed by the statute had infiltrated union organizations, not to support and further trade-union objectives, including the advocacy of change by democratic methods, but to make them a device by which commerce and industry might be disrupted when the dictates of political policy required such action.

* * * * *

"The difficult question that emerges is whether, consistently with the first amendment, Congress, by statute, may exert these pressures upon labor unions to deny positions of leadership to certain persons who are identified by particular beliefs and political affiliations.

* * * * *

"Although the first amendment provides that Congress shall make no law abridging the freedom of speech, press, or assembly, it has long been established that those freedoms themselves are dependent upon the power of constitutional government to survive. If it is to survive, it must have power to protect itself against unlawful conduct

and, under some circumstances, against incitements to commit unlawful acts. Freedom of speech thus does not comprehend the right to speak on any subject at any time.

* * * * *

"Government's interest here is not in preventing the dissemination of Communist doctrine, or the holding of particular beliefs, because it is feared that unlawful action will result therefrom if free speech is practiced. Its interest is in protecting the free flow of commerce from what Congress considers to be substantial evils of conduct that are not the products of speech at all. Section 9 (h), in other words, does not interfere with speech, because Congress fears the consequences of speech; it regulates harmful conduct which Congress has determined is carried on by persons who may be identified by their political affiliations and beliefs.

* * * * *

"In essence, the problem is one of weighing the probable effects of the statute upon the free exercise of the right of speech and assembly against the congressional determination that political strikes are evils of conduct which cause substantial harm to interstate commerce and that Communists and others identified by section 9 (h) pose continuing threats to that public interest when in positions of union leadership.

* * * * *

"But, insofar as the problem is one of drawing inferences concerning the need for regulation of particular forms of conduct from conflicting evidence, this Court is in no position to substitute its judgment as to the necessity or desirability of the statute for that of Congress.

* * * * *

"In this legislation, Congress did not restrain the activities of the Communist Party as a political organization; nor did it attempt to stifle beliefs. Compare *West Virginia State Board of Education* v. *Barnette* (319 U. S. 624, 87 L. ed. 1628, 63 S. Ct. 1178, 147 ALR 674 (1943)). Section 9 (h) touches only a relative handful of persons leaving the great majority of persons of the identified affiliations and beliefs completely free from restraint. And it leaves those few who are affected, free to maintain their affiliations and beliefs subject only to possible loss of positions which Congress has concluded are being abused to the injury of the public by members of the described groups.

* * * * *

"It is contended that the principle that statutes touching first-amendment freedoms must be narrowly drawn dictates that a statute aimed at political strikes should make the calling of such strikes unlawful, but should not attempt to bring about the removal of union officers, with its attendant effect upon first-amendment rights. We think, however, that the legislative judgment that interstate commerce must be protected from a continuing threat of such strikes is a permissible one in this case. The fact that the injury to interstate commerce would be an accomplished fact before any sanctions could be applied, the possibility that a large number of such strikes might be called at a time of external or internal crisis, and the practical difficulties which would be encountered in detecting illegal activities of this kind are factors which are persuasive that Congress should not be powerless to remove the threat, not limited to punishing the act.

* * * * *

"Of course, we agree that one may not be imprisoned or executed because he holds particular beliefs. But to attack the straw man of thought control is to ignore the fact that the sole effect of the statute upon one who believes in overthrow of the Government by force and violence—and does not deny his belief—is that he may be forced to relinquish his position as a union leader."

CONCLUSION

The decision of the United States Supreme Court in the *Douds Case* and its reasoning in the light of fundamental concepts of constitutional power and individual liberties, should allay the fears of any sincere person who would otherwise be perturbed over the contention that the proposed legislation constitutes thought control. In principle, the Goldwater-Rhodes bill embodies the same approach to the problem of communism in labor unions as that of the Taft-Hartley Act, namely, to deny instrumentalities, admitted or proven to be Communist-controlled, the opportunity, under the cover of rights and privileges granted by Federal laws, to foster the class warfare and to foment the industrial strife which constitute an integral part of the Communist pattern. Under the Taft-Hartley Act, such Communist control has to be admitted before Communist-directed union conduct is denied the special legislative support and protection afforded by Federal law. It is quite obvious that the Taft-Hartley procedure has not worked with any marked degree of success—mainly because of the Communist's lack of respect for an oath and of the ease with which the oath requirement can be circumvented. The proposed legislation abandons the oath procedure and gives the Government the opportunity to prove, if it can, the existence of Communist control. Once that fact is established, by due process and open proceedings, the consequences which ensue are substantially the same as those in the present law.

The essence of the proposed legislation is to provide a means whereby the members of a labor union, the rank and file, as they are commonly called, can be informed by their Government, on the basis of proven facts, that their leadership is such as to constitute a threat to themselves and to their country. When they have been so advised they are then given reasonable time and opportunity to decide whether they wish to continue as a Communist-controlled union, or to rid themselves of their subversive leadership. If they choose the former course, which they have the right to do, no prohibition is imposed against their choice. The only result will be the withdrawal of special Federal support and protection for union conduct which, because of Communist direction, the Congress believes to be inimical to the best interests of the United States.

It is the Communist-directed union conduct, not the Communist idea or belief, which this legislation would attempt to regulate. The facts requiring legislation to protect this Nation against communism in action are a matter of public record. The power of Congress to provide the means for that protection within the framework of our constitutional government is a matter of judicial decision. This is the answer to those with conscientious fears of the implications of this type of legislation. It is the correct answer to the issue defined at the outset.

Only those who fail or refuse to recognize the proven objectives of communism or those who refuse to accept the established fact that the infiltration of the trade-union movement is a primary means of attaining those Communist objectives will agree with this conclusion. The others, the informed and loyal members of society, will accept the findings of Congress and the decisions of the courts. They will be able to distinguish between thought and action and to recognize the necessity and justification for controlling the latter, not the former.

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UNION CONSTITUTIONAL PROVISIONS BARRING COMMUNISTS FROM UNION OFFICE OR MEMBERSHIP

This study is derived from a general analysis of selected union constitutions undertaken by the Bureau in 1951–52. The constitutions used were the latest available to the Bureau at that time. In some instances, therefore, later union actions may have placed further or more specific restrictions on accepting Communists into membership or allowing them to hold office. Other unions may have adopted similar restrictions for the first time.

For this study, 89 national or international union constitutions covering a combined union membership of approximately 12 million were examined. Forty-seven of these constitutions had provisions either of a specific or a general nature which barred Communists from union office or membership or both. It should be noted that a refusal to accept Communists as members can serve as an effective bar against Communists holding union office since, as a rule, officers rise from membership ranks. The combined membership of these 47 unions was about 8.2 million or roughly two-thirds of the total membership covered by the sample.

In the attached table, Selected List of Unions with Constitutions Barring Communists from Office or Membership, a separate column shows the date of the union constitution consulted in the study. A number of the unions hold conventions at intervals of 2 years or longer and constitutions are generally dated to indicate only the initial year in which provisions became operative.

The information, as found in the union constitutions, was classified according to whether the constitution contained either (1) a specific provision barring Communists, or (2) a more general provision designed to eliminate undesirables from membership or office. Specific provisions all had in common a mention of the word "Communist." Illustrative of such types of clauses is the following:

"No member shall be eligible to hold office in this union or act in any official capacity for this union or subordinate body thereof who shall be subject to orders or discipline of any party or organization (such as the Communist Party, Nazi or Fascist organization) which makes its interests and policies on union matters binding upon its members irrespective of the decisions, interests and policies of the union."

Provisions of a more general character were those which apparently could be construed as barring Communists although the word "Communist" actually did not appear in the Constitution. Virtually all the union constitutions identified as having such clauses had provisions somewhat similar to the following which appeared in one constitution:

"No person shall be eligible either to membership or to retain membership in this international or any local union affiliated with the international who shall be a member of any organization having for its aim or purpose the overthrow, by force of the Constitution and Government of the United States."

Two provisions in the general category differed substantially from this type of clause: One was a requirement that officers be willing to execute affidavits necessary to secure access to Government agencies; another required officers to file statements as required by law indicating acceptability under law as a qualified representative of the union.

Selected list of unions with constitutions barring Communists from office or membership [1]

Name of national or international union	Date of constitution	Specific provision barring Communists from—		General provision which may be construed as barring Communists from—	
		Membership	Office	Membership	Office
American Federation of Labor:					
National Agricultural Workers Union	1950	X			
International Union, United Automobile Workers of America	1947		X	X	
Bakery and Confectionery Workers' International Union of America	1951				X
Journeymen Barbers, Hairdressers, Cosmetologists, and Proprietors International Union of America	1949			X	X
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America	1949	X			
International Brotherhood of Bookbinders	1949	X	X		
International Association of Bridge, Structural, and Ornamental Iron Workers	1948	X			
Building Service Employees' International Union	1950	X			
International Chemical Workers Union	1950	X			
International Association of Cleaning and Dye House Workers	1950			X	
Coopers' International Union of North America	1949	X			
Flight Engineers' International Association	1951			X	
American Federation of Grain Millers	1950				X
United Hatters, Cap, and Millinery Workers International Union	1950		X		
Hotel and Restaurant Employees and Bartenders International Union	1949		X		
International Jewelry Workers' Union	1950		X		
International Longshoremen's Association	1947			X	
International Association of Machinists	1949	X	X		
National Organization Masters, Mates, and Pilots of America	1948		X	X	
American Federation of Musicians	1950	X			
Brotherhood of Painters, Decorators, and Paperhangers of America	1951	X			
International Photo-Engravers' Union of North America	1950				X
Brotherhood of Railway Carmen of America	1950			X	
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees	1947	X			
American Federation of Labor—Con.					
Retail Clerks International Association	1947	X			
United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Association	1949			X	
International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America	1950	X			
Congress of Industrial Organizations:					
International Union, United Automobile, Aircraft and Agricultural Implement Workers of America	1951		X		
International Union of Electrical, Radio and Machine Workers	1950		X		
United Gas, Coke and Chemical Workers of America	1950		X		
Federation of Glass, Ceramic and Silica Sand Workers of America	1950		X		
National Marine Engineers' Beneficial Association	1950				X
Industrial Union of Marine and Shipbuilding Workers of America	1951		X		
United Optical and Instrument Workers of America	1949		X		
American Radio Association	1949			X	
United Rubber, Cork, Linoleum and Plastic Workers of America	1950	X			
United Steelworkers of America	1950		X		
Transport Workers Union of America	1950		X		
Utility Workers Union of America	1950	X	X		
International Woodworkers of America	1950	X			
Independent or unaffiliated unions:					
Engineers, Architects, and Scientists, National Professional Association	1948				X
National Federation of Federal Employees	1950			X	
International Union of Life Insurance Agents	1950			X	
United Mine Workers of America	1948	X	X		
The Society of Tool and Die Craftsmen	1949				X
Brotherhood of Utility Workers of New England, Inc	1950	X			
National Union United Welders of America	1950	X			

[1] The omission of a union from this list does not necessarily mean that its constitution does not include provisions barring Communists.

UNION TRIAL PROCEDURES WHERE COMMUNISM IS AN ISSUE

The constitutions of the following unions covered trial procedures where communism may be an issue. These 10 unions were selected arbitrarily for illustrative purposes.

1. International Union, United Automobile Workers of America (AFL).
2. International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America (CIO).
3. International Association of Bridge, Structural, and Ornamental Iron Workers (AFL).
4. Building Service Employees' International Union (AFL).
5. International Chemical Workers Union (AFL).
6. Hotel and Restaurant Employees and Bartenders International Union (AFL).
7. International Association of Machinists (AFL).
8. United Rubber, Cork, Linoleum, and Plastic Workers of America (CIO).
9. Brotherhood of Utility Workers of New England, Inc. (Independent).
10. International Woodworkers of America (CIO).

Generally, the trial procedures were listed under sections of the Constitution dealing with disciplinary matters. Usually, the procedures were not exclusively designed to handle charges of communism but could be utilized in any one of a number of specified violations of union constitutional provisions.

The procedure followed by the International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America (CIO) may be of particular interest in view of the special attention paid to this problem at the UAW-CIO's March 1953 convention. The 1951 constitution of the union (art. 10, sec. 8) provided that members were ineligible to hold elective or appointive office in any UAW local union or in the international union if they were "a member of or subservient to any political organization, such as the Communist, Fascist, or Nazi organization." A detailed trial procedure (art. 48) by a local union trial committee (for charges involving the Communist issue as well as a number of others) provided in part that local trial committee verdicts of guilty could be reversed by a two-thirds vote of the local union membership. However, verdicts of acquittal were held as final and could not be reversed by the membership.

At the 1953 convention this trial procedure was changed. Amendments were passed to UAW's constitution which provide that local union trial decisions of acquittal involving charges of Communism (or other totalitarian leanings) could be reviewed by the international union executive board upon an appeal by any member of the local union or the UAW regional director. The international board could then order a retrial if it found that the verdict appeared to be contrary to the evidence. The intent of this amendment, as stated by a UAW spokesman, was to provide review of decisions "which may have been arrived at fraudulently or in a manner not consistent with this kind of a democratic organization."

The experiences which UAW had in dealing with Communist influence in its large Ford local 600 were in large part responsible for these amendments. In his 1953 report to the convention, UAW President Walter P. Reuther described how the international union intervened in local 600 to prevent 5 members from holding office who had been accused of subservience to Communist doctrine but who had been acquitted by a local union trial committee. President Reuther pointed out that the international union was able to act under certain "emergency" provisions. However, he recommended more adequate machinery "to deal with the few Communists in our ranks who, while attempting to take advantage of the democratic privileges that they have as members of our union, would use such privileges to weaken and destroy both our union and the free institutions of our country."

The trial procedure followed in one of the largest AFL affiliates, the International Association of Machinists, is outlined in the union's constitution effective April 1, 1949, as amended, and effective April 1, 1950:

"ARTICLE K

"Code—Charges

"SECTION 1. It is the duty of any member who has information of the violation of any

provisions of the constitution of the grand lodge or the constitutions of local lodges, by any member or members, to immediately prefer charges in writing against any such member or members by filing same with the president of the local lodge to which the accused member or members belong, who shall supply a copy of the same to the member against whom the charges are preferred and turn over the original charges to the committee provided for by the following section: (In the event the president, or the president and other officers of the lodge are involved in the charges filed, the next ranking officer shall proceed as herein set forth. In the application of this section the order of rank of officers shall be president, vice president, and past president. In the event the president, vice president, and past president are involved in the charges, or are absent, the recording secretary shall call for nominations of a temporary chairman and the members present shall immediately proceed to select a temporary chairman by majority vote. The temporary chairman selected shall then proceed to carry out the requirements of this section.)

"Appointment of trial committee

"SEC. 2. Whenever charges have been preferred against a member of a local lodge the president of such lodge shall immediately appoint a committee to investigate the charges, take testimony, and decide upon the guilt or innocence of the one accused. The committee so appointed shall within 1 week thereafter notify the member against whom the charges have been preferred as to the time and place, when and where, to appear for trial. (In the event the president, or the president and other officers of the lodge are involved in the charges filed, the next ranking officer shall proceed as herein set forth. In the application of this section the order of rank of officers shal be president, vice president, and past president. In the event the president, vice president, and past president are involved in the charges, or are absent, the recording secretary shall call for nominations of a temporary chairman and the members present shall immediately proceed to select a temporary chairman by majority vote. The temporary chairman selected shall then proceed to carry out the requirements of this section).

"Evidence

"SEC. 3. The accused shall have the privilege, either in person or by attorney (the attorney being a member of the local lodge) to cross-examine all witnesses appearing for the prosecution and present all such evidence as he may deem proper in his own behalf. The committee shall consider all of the evidence in the case and thereafter agree upon its verdict of guilty or not guilty. If the verdict be that of guilty the committee shall then consider and agree upon its recommendation of punishment.

"Appearance

"SEC. 4. If a member of a local lodge fails to appear for trial when notified so to do, the trial shall proceed as though he were in fact present.

"Trial procedure

"SEC. 5. 1. Call trial committee to order.

"2. Examine due books.

"3. Clear the trial chamber of all people except the trial committee, the trial reporter (who need not be a member of the International Association of Machinists), the plaintiff and his attorney, the defendant and his attorney, and a representative of the grand lodge, if in attendance.

"4. Segregate the plaintiff and the defendant.

"5. The plaintiff and the defendant shall remain in the trial chamber until trial is concluded.

"6. The Chairman shall read the charges and ask the defendant if he is 'guilty' or 'not guilty.' If the plea is 'not guilty' the trial shall then proceed.

"7. The plaintiff or his attorney shall present his case first.

"8. Witnesses shall be called into the trial chamber one at a time, and will leave the trial chamber upon completing their testimony, subject to recall by either the trial committee, the plaintiff, the defendant, or the representative of the grand lodge.

"9. Plaintiff's witnesses shall be called first.

"10. Defendant and his attorney shall have the right to cross-examine plaintiff's witnesses.

"11. Defendant's witnesses shall then be called.

"12. Plaintiff and his attorney shall have the right to cross-examine the defendant's witnesses.

"13. Before the trial committee shall begin their deliberations upon the testimony given, all persons except the trial committee, shall leave the trial chamber.

"Report of trial committee

"SEC. 6. The trial committee shall report at the next regular meeting of the local lodge. Such report shall be in two parts as follows:

"First. The report shall contain the findings and verdict of the trial committee together with a synopsis of the evidence and testimony presented by both sides.

"After the trial committee has made necessary explanation of its intent and meaning, the trial committee's verdict with respect to guilt or innocence of the defendant, shall be submitted without debate to a vote by secret ballot of the members of the local lodge.

"Second. If the lodge concurs with a 'guilty' verdict of the trial committee, the recommendation of the committee as to the penalty to be imposed shall be submitted in a separate report to the lodge and voted on by secret ballot of the members then in attendance.

"Voting on report

"SEC. 7. The recommendation of the committee may be amended, rejected, or another punishment substituted therefor, by a majority vote of those voting on the question, excepting that it shall require a two-thirds vote of those voting to expel the defendant from membership.

"If the lodge reverses a 'not guilty' verdict of the trial committee, the punishment to be imposed shall be decided by the lodge by a majority vote of those voting on the question, except that it shall require a two-thirds vote of those voting to expel the defendant from membership.

"Limit of fines

"SEC. 8. No fine shall be imposed upon any member or applicant eligible to membership in this association in excess of $50 unless the same is first approved by the executive council.

"Appeals

"SEC. 9. Appeals may be taken from the decision of any local lodge or grand lodge officer to the international president, provided, however, that such appeals must be taken within 30 days after the decision. Thereafter appeals may be prosecuted in accordance with the provisions of section 6, article XXV of the grand lodge constitution.

"Rights of members and lodges during appeal

"SEC. 10. While any member or local lodge is exercising the right of appeal the financial standing of such member or local lodge shall not be impaired by refusal to accept dues or per capita tax until after the executive council has passed upon the appeal. Should any member or local lodge decide to appeal from the decision of the executive council they must comply with the provisions of section 6, artcile XXV, of the grand lodge constitution. No individual member or local lodge shall appeal to the civil courts for redress until after having exhausted all rights of appeal under the provisions of this constitution and the constitution of the grand lodge."

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

Mr. GOLDWATER. I yield.

Mr. BUTLER. Is it not true that there are other persons who are now officers of large unions who have been identified to be Communists?

Mr. GOLDWATER. I believe that if the membership of the Senate will read this statement very carefully, they will find the answer to the Senator's question, not once, but many times.

At this time I wish to compliment the task force committee which finally held hearings on this bill and on the other bills which were introduced. They did an excellent, thorough job. Representatives of every union in the country were invited to attend. Both sides were well represented, and all the members of the subcommittee deserve the hearty thanks of the Senate.

DISPOSITION OF ALIEN ENEMY PROPERTY

Mr. DIRKSEN. Mr. President, I am reluctant to detain the Senate at this hour on a matter which is somewhat diverse from the bill under consideration at present, but I feel that a record should be made, so I must embrace the opportunity to speak about a matter which has occupied the front pages of the newspapers for some days, namely, the disposition of alien enemy property.

I should like to make the record clear that it was in 1951 when the distinguished senior Senator from Wisconsin [Mr. WILEY] submitted a resolution calling for an investigation of the administration of the Trading With the Enemy Act. It is under that act that all alien property is administered. The resolution was adopted, and a committee was established, under the chairmanship of a very distinguished Member of the Senate, the late lamented Senator Smith, of North Carolina. The Senator organized the subcommittee, which was provided with a staff. In fact, the chief counsel of that subcommittee was a very able lawyer from the Senator's own State.

After the other members of the staff were assembled, the investigation began. As a matter of fact, I had no identity with it at that time, Mr. President; and it was not until 1953 that I became identified with the subcommittee, as its chairman.

That was a rather interesting experience, because I had helped the chairman of the Committee on the Judiciary set up all the subcommittees of that committee. I bent over backward to make sure I had no identity with this investigating committee. I thought everything was in good order at that time, and the subcommittees were about to be announced; so I went upon a journey to my State to address a dinner meeting at Bloomington, Ill. It was about midnight when the telephone rang, and I was called by the distinguished chairman of the Committee on the Judiciary.

He said, in effect, "You will have to take the chairmanship of this Subcommittee to Investigate the Trading With the Enemy Act."

I confess I was rather reluctant to do so, and I presented quite an argument at that rather unseemly hour. But the chairman was so insistent that as a result I found myself saddled with the chairmanship of this investigating subcommittee, along with a good many other duties on a good many other subcommittees.

There is only one thing I wish to say about the staff in that connection. When the late Senator Smith, of North Carolina, organized that subcommittee, I think the second man in command on that staff was a fine young gentleman of fine character by the name of John Nairn. I did not know him. I had never seen him before. But when a question was raised about the size of the various staffs of investigating subcommittees, I promptly dismissed all the subcommittee staff members but Mr. Nairn. I kept him for only one reason; that I needed some kind of an anchor post. I called Mr. Nairn to my office and told him, "You will be in charge until I can reorganize." Frankly, Mr. President, that is the first time I ever saw Mr. Nairn.

After examining the field somewhat and examining the interim report which that subcommittee had filed before I became its chairman, I then recruited some additional personnel, and took back two former FBI agents, young men of very fine character, who occupy positions of responsibility today, retaining them as a part of the investigatory staff of that subcommittee.

While I was going over the interim report and making some exploration of my own, I saw that a rather unhappy situation was developing between the Office of Alien Property and the War Claims Commission, which had been created by Congress and which administered extra benefits to veterans who had been incarcerated in prison camps, and which also provided for some extra benefits to certain religious organizations which had been damaged by the war effort in the Pacific, notably in the Philippines.

As I thought of it and anticipated some difficulty, I thought, "Surely the best man I can pick as chief of staff under those circumstances would be a man who enjoyed the confidence of the veterans of the country." It was only natural, I suppose, that my mind should turn to a very distinguished former commander of the American Legion by the name of Edward A. Hayes. His home then was in Decatur, Ill. His present home is in Chicago. He is identified with a very distinguished law firm in the city of Chicago.

When I called Mr. Hayes out of a clear sky late one afternoon, and told him what I had in mind, requesting that he come to Washington and assume a responsibility with that committee, his answer was a very prompt, emphatic "No." He said he could not afford to come back to Washington, D. C., for the amount of money we pay as salary here. I asked him not to close his mind, and asked him to board a plane and come to Washington, D. C., to discuss it.

At long last I did work out agreeable terms of a contract with him. So it was that Mr. Hayes, a very distinguished national commander of the American Legion, and probably one of the most beloved national commanders that great organization ever had, became identified with the investigatory staff of the Subcommittee To Investigate the Trading With the Enemy Act and the Administration of Alien Property.

I make note of those things, Mr. President, only because something quite diverse from what I say has appeared in the press. I have made it a rule in 22 years of public service, virtually, in this body and in the House of Representatives, not to respond to representations and misrepresentations which appear in the press. They do not concern me one bit, Mr. President, because I simply follow my own conscience and do the job as best I can.

But at least in the interest of two fine people—Ed Hayes, former national commander of the American Legion, and Mr. John Nairn, a fine young lawyer whose home is here in Washington, D. C., and who was first engaged by the very distinguished Member of this Senate on the other side of the aisle, the Honorable Willis Smith to join that staff—I wish to make these comments.

I retained Mr. Nairn. I have the greatest confidence in him.

Something was said in one of the accounts recently to the effect that Mr. Nairn had a law office and that he was sharing the cost of retaining a stenographer and sharing space in an office with another young attorney, who had diverse interests, identified, I think, with some interests that had some identity with another aspect of alien property. It could be, Mr. President. But I know Mr. Nairn. I know he is a man of character, and that is enough for me.

I may say to the Senate, for the purposes of the RECORD, that I was first alerted to that fact by a member of the board of directors of General Aniline and Film Corp., who called me and made it to appear that there might be a little difficulty. I lost no time on that. I called a meeting of the subcommittee. I think only one or two members were present at the time. And there in open hearings, where all the world could hear, I asked the questions of Mr. John Nairn, about where he was officing and whether he had any identity with any conflicting interest? If so, I stated I wanted to know about it immediately. So everything that has been done here, Mr. President, is a matter of open record.

I suppose this interest in alien property and some of the rather diverse attitudes that are being expressed may go back to the fact that we subpenaed some records from the Treasury Department; and after examining literally hundreds of pages of records, Mr. President, we discovered that one Harry Dexter White, whose name is known in rather unsavory fashion to the people of this country now because of disclosures about him, was the sparkplug and prime mover in the Treasury of the United States, and was identified with Mr. Henry Morgenthau and others, in completely reversing the whole concept of our administration of the enemy-alien property.

Some day, God willing, and if time permits, I will tell the whole story from the record of the hearings, and I will put the "bee" on Mr. White, even though he has been gathered up to the dust of his fathers long ago. But it was the distinguished Attorney General of the United States who, in a speech from Chicago over the networks, certainly read the pedigree of Harry Dexter White and his identity with subversive elements in this country, stating how he prostituted and subverted his responsibility in high position in the Treasury of the United States.

When we came across that trail, we began to wonder what we were going to do about the whole question of the disposition of alien property.

I may say to the Senate this evening, Mr. President, that there are still some vestiges of alien property undisposed of which go back in ancestry to the war in which I was a soldier, and that is more than a generation ago.

Now, when we have had former custodians of alien property come before open hearings of this subcommittee and there testify that insofar as they can determine, unless some summary action is taken with respect to this property, we will have it on our hands for the next 50 years, that certainly is a confession of mismanagement, if I ever heard one, from men who have occupied positions of responsibility in this Government.

That, Mr. President, was the job which I inherited as an unwilling legatee when I became chairman of the committee to investigate the administration of the Trading With the Enemy Act.

I may say that during the time I was chairman of that subcommittee, any number of bills were introduced affecting one aspect or another of this whole business of alien property.

The idea of making restitution of that property to alien enemy nationals was certainly not original with the junior Senator from Illinois. The fact of the matter is that shortly after I became chairman of that subcommittee, the distinguished Senator from New Mexico [Mr. CHAVEZ] introduced a short bill which had for its purpose the restitution of private enemy property to alien enemy nationals.

So I considered all the bills that were presented to the subcommittee from time to time, in the hope that at long last we might contrive some kind of agreeable measure, to deal with this question, because it involves hundreds of employees who continue on the payroll, and it involves $3 million of personnel expenditure every year, out of the body of these assets, for the personnel of the Alien Property Office in the Department of Justice. That should be sufficient incentive for anyone to do his very best in the hope of finding a rather practical, historic, traditional, and, shall I say, moral solution of a very difficult and complicated problem.

The distinguished senior Senator from New Jersey [Mr. SMITH], in conjunction with the distinguished junior Senator from New Jersey [Mr. HENDRICKSON],

introduced a bill, in the hope that we could find some refuge, some remedy, for the difficulty that inures today in the Alien Property Act because of the provisions of section 9 (a), because that provision says that when property is seized and when it is vested in this Government, and a claim is filed, the property cannot be disposed of until the claims are first disposed of. There is in the hands of this Government today the General Aniline and Film Corp., which, with its subsidiaries, is estimated as worth perhaps $100 million. That cannot be disposed of until we can find a way in existing law to deal with section 9 (a).

I have had what I thought were the best constitutional lawyers come before the committee and give us advice. Thus far, there has been great doubt as to whether in ex post facto fashion the Senate or the House of Representatives can now remake the law and can divest the original claimants of their rights under the act as it stands today. I myself have great doubt about it. I would have been willing to try it, but I could not sell the idea to the Senate Judiciary Committee, of which I am a member. So it became necessary to look in other directions, in the hope that we could find a solution.

After all that labor, we finally developed an omnibus bill, with a number of sections. One of the sections came from the bill introduced by the Senators from New Jersey [Mr. SMITH and Mr. HENDRICKSON]. Another section came from a bill which was introduced by the Senator from North Dakota [Mr. LANGER]. Two other sections came from original bills introduced by the Senator from Nevada [Mr. MCCARRAN]. One of the sections came from a bill introduced shortly before the last session of Congress adjourned. That bill found its way to consideration on the part of the Senate Judiciary Committee, but the committee took no action thereon.

Of course, I knew that the committee, of which I had been in charge as chairman, was about to run out of time. So I thought we should make a final report, surrender all the money we had, and do the best we could. We labored long and earnestly on the report; and we filed it, as I recall, on January 30 of this year.

But the letters kept coming in and hundreds of people kept coming in. Being charged with enough responsibility as it is, I simply could not take the additional load. So I said to the chairman of the Judiciary Committee, "If this matter is to be effectively administered, this committee will have to be kept alive, but I will not keep it alive, and I will not introduce a resolution to keep it alive."

So, on the last day of the life of that committee, Mr. President, I surrendered $37,000 that I kept over—which was in line with the promise I had made to the Committee on Rules and Administration, that all the money would not be expended—and I walked out of the picture, because it was a headache, as it was.

But the chairman of the Judiciary Committee came back with a resolution; and the life of the committee was extended to January 31, 1955, and the unexpended balance and an additional $10,000 were made available to it. So the business of finding an answer to this tangle and to the difficult problem of disposing of alien enemy property came to my desk all over again.

Then the labors began, early and late. I hesitate to think how many nights I beat on my own portable typewriter, writing out provisions here and there, in relation to a subject that is so abstruse, Mr. President, and requires confined application if one is to understand what this business is all about.

It was in the course of those deliberations, Mr. President, that I went to the White House, and talked to the President about this matter; and I went to the Secretary of State, and talked with him at least 3 times, perhaps 4 times, and indicated what was in my mind, and indicated the conviction that something had to be done in this field because if Germany was so important in the foreign-relations scheme of our country, then certainly we should look with some degree of sympathy upon a proposal to make a restitution of property, not to enemy governments, but to private enemy alien nationals.

Mr. President, we finally put that provision into the bill, and made it the essential concept of Senate bill 3423. It is on the Senate calendar at the present time.

Before I forget it, let me say that bill was reported unanimously by the Senate Judiciary Committee; and even our distinguished friend, the Senator from New Jersey [Mr. HENDRICKSON], voted for the bill, to get it out of committee and get it onto the floor, so it could be discussed here.

Mr. HENDRICKSON. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HENDRICKSON. I wish the RECORD to be quite clear, Mr. President. I did not vote against the bill; but in the Judiciary Committee I said that I reserved the right to oppose the bill on the floor—which I expect to do, if the bill is called up.

Mr. DIRKSEN. That is correct. But there was no objection to the bill. So the bill is on the calendar today, by what we may call a unanimous vote of the Senate Judiciary Committee.

Mr. President, in the bill we undertake to follow a new philosophical approach.

The difficulty—O Mr. President, I should say the madness—that this man, Harry Dexter White, wrote into the law of this country, when he reversed the concept of the administration of alien enemy property, is something that we shall live with for half a century.

Ever since the days of Alexander Hamilton, ever since the first treaty which was proposed by John Jay, when he was our Minister abroad, this country has historically and consistently followed a pattern of trusteeship and custodianship with respect to the administration of alien property. There has never been any deviation, in all the generations since the founding of this Republic. It was not until that condign rascal, Harry Dexter White, whose calumny will be remembered always in the annals of this country, reversed the whole concept, and managed to get Henry Morgenthau to go along with it, that they proceeded upon the theory of confiscation, of the vesting and the seizing of all enemy property, by reducing it to cash and putting it into the Treasury of the United States.

So in Senate bill 3423 we undertook to make restitution of this property. Having gotten the bill ready, we set a hearing in room 318 of the Senate Office Building. Various persons showed up at the hearing. One of the witnesses was John Foster Dulles, himself. Certainly he was not for this specific bill; he did not know what was in it, as a matter of fact.

Mr. HENDRICKSON. Mr. President, will the Senator from Illinois yield to me at this point?

Mr. DIRKSEN. I yield.

Mr. HENDRICKSON. The Senator from Illinois said "we set a hearing." Will the Senator from Illinois state whom he means by "we"?

Mr. DIRKSEN. I think the committee.

Mr. HENDRICKSON. Well, I did not know anything about the meeting until I got a notice on my desk in my office, and I noticed particularly that the notice of the hearing said nothing about the Smith-Hendrickson-Ives bill, which seeks to do the same thing—namely, to restore property by proper compensation.

It was only in the hearing, after the hearing had opened, that I was able to get any opinions whatsoever in respect to the Smith-Hendrickson-Ives bill, which has been pending and on the calendar for almost 2 years, now.

Mr. DIRKSEN. That is correct, Mr. President; all those bills had been before the Judiciary Committee. We could never get any action taken on them. So we started with an entirely fresh bill; and it is the prerogative and the function of the chairman of the committee to call a meeting. Every member was adequately notified in advance.

So we held the hearing, and we had some very distinguished witnesses, including the Secretary of State himself.

Mr. President, I shall be circumspectly fair, and shall say the Secretary of State did not give his endorsement to this bill. But he endorsed the principle of the sanctity of private property, and that is the core around which Senate bill 3423 was built.

The distinguished Administrator of Enemy Alien Property, Col. Dallas Townsend, a very distinguished lawyer, came before the committee and testified at great length, and expressed his opposition to the bill.

Mr. President, it is rather interesting that the Department of Justice, through one of its responsible agents, should be opposed to the bill and should be opposed to the principle of the bill, but that the Department of State, through its most eminent authority, the Secretary of State himself, should appear in person and should endorse the principle embodied in the bill. I wish to make that clear; he could not be expected to know all about the details involved. He made some suggestions at the time.

The Alien Property Custodian made suggestions at the time. And we undertook then to, somehow, work over the bill, in the hope that we could find something that was practical, something that was workable. The best evidence of the kind of job we did is shown by the fact that, in addition to the original bill, we considered at least four different committee prints; and I have every one of them here, in a file. If any Member will examine the majority report, he will discover that we made 65 amendments in the bill, in order to meet every possible objection, where we reasonably could.

So at long last that bill went to the full Judiciary Committee of the Senate, and it was reported, and there was no objection to the bill.

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

Mr. DIRKSEN. There is no objection on the record.

Mr. HENDRICKSON. It is not fair to say there was no objection. I knew perfectly well that every other member of the committee but me was going to vote for the bill. I did not see any use of making a record of a "no" vote, so I voted "present" in order that I might appear on the floor of the Senate, if the bill was called up, and fight for the views expressed in my minority views.

Mr. DIRKSEN. Mr. President, I do not do violence to the position of the distinguished Senator from New Jersey. He did not vote against the bill. He says he voted "present." There was no objection in the committee. I am perfectly within my rights, Mr. President——

Mr. HENDRICKSON. Mr. President——

Mr. DIRKSEN. I am within my rights when I say that bill came from the committee by unanimous vote, because a "present"vote is not a negative vote. It is neither for nor against. The record must show that the bill came from the committee without any objection in the form of a negative vote.

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

Mr. DIRKSEN. I yield.

Mr. HENDRICKSON. All any Member of this body has to do is to read the minority views as expressed by the junior Senator from New Jersey, and he will know perfectly well that the Senator from New Jersey was opposed to the bill in the committee. I am not in the habit of doing futile things in anything in life.

Mr. DIRKSEN. Mr. President, I am delineating for the Senate what the record of the Judiciary Committee is. That must stand. There is the record. If anyone wants to take trouble to check, he can call the clerk of the Judiciary Committee and see what the vote was.

Mr. President, since that time there has been a good deal of newspaper comment, and in the New York Times today there appears an exchange of letters between Chancellor Adenauer, of the West German Republic, and President Eisenhower. I think those letters ought to be included in the RECORD, and I now ask consent to have them printed in the RECORD in connection with my remarks.

I have here also an editorial from the New York Times, which I think might well be included in the RECORD.

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

ADENAUER'S LETTER

Mr. PRESIDENT: The Federal Government follows with special interest efforts of the United States Congress to find a solution to the problem of seized German assets in the United States. Despite the favorable development of relations between our two countries, this problem has remained unresolved. A solution to it is a special wish of my Government.

Thousands of Germans who, through no fault of their own, find themselves in an unfortunate economic situation—old people and pensioners, beneficiaries of insurance policies, and inheritances—hope that now, 9 years after the end of hostilities, their property will be released. Among them are numerous persons who have lost their means of livelihood and homes as a consequence of the war.

For all of them an early release would alleviate their hardships. Many Germans would be able to build their lives anew with these means. Moreover, seizure of these assets has affected precisely these German firms and persons who, through personal and business connections with the United States, have for many years formed the traditional bridge of friendship between our two countries. For them as well, the unresolved problem is an element of uncertainty.

STAND ON RECONSTRUCTION

In the opinion of the Federal Government and of the entire German public, the Federal Republic has expressed its will to contribute to reconstruction, on the basis of common principles of the Western World, through recognition of German foreign obligations in the London debt agreement, through ratification of the Bonn and Paris agreements, and through conclusion of the Israeli agreement.

An early solution to this problem lies specially close to the hearts of myself and my Government. It would not only have a far-reaching favorable psychological effect in that it would give the German people a feeling of security and increase its moral strength, it would also make a considerable contribution to furthering the friendship between our two peoples, so promisingly begun.

As the head of the Government of the Federal Republic, may I voice a request to you, Mr. President, that a contribution will also be made from your side that the hopes, so recently given life, will not be disappointed. Accept, Mr. President, the expression of my highest consideration.

ADENAUER.

EISENHOWER'S REPLY

AUGUST 7, 1954.

DEAR MR. CHANCELLOR: I was very much interested in your views on the question of the disposition of vested German assets in the United States, contained in your letter of July 17, 1954; and I appreciate the spirit in which your comments were offered.

You refer particularly in your letter to the hardships imposed on a large number of persons, many now advanced in years and without other means of support, whose small holdings in this country, in the form of pensions, life-insurance policies, interests in estates and bank deposits, have been vested. You state that early action to provide relief in such cases would be a major contribution to the strengthening of the ties of friendship between our two countries.

Because of the great dislocation in the German economy which took place as a result of the war, the Allied Governments decided to look to German assets in their territories as a principal source for the payment of their claims against Germany. The recovery of the German economy, which has progressed so rapidly and so well under your administration, was thus not hampered by a large reparation burden. In considering the problem of the vested assets, it is necessary therefore to take into account legitimate claims on the part of American citizens arising out of the war for which some provision should be made, if the original approach is reversed.

HIGH-MINDED LEADERSHIP

I am aware of the measures taken by the German Federal Government under your high-minded leadership to contribute to the relief of victims of Nazi persecution, and to reestablish normal economic and commercial relations with the countries of the free world. I also share your sympathy with individuals in straitened circumstances in Germany for whom the operation of the vesting program in this country created particular hardships. I am hopeful that it may be possible to take some remedial action in such cases, and at the same time provide some measure of compensation to those American nationals who incurred losses arising out of the war, with resultant hardship in many cases.

As you know, the solution of this complex problem lies with the Congress. Several bills dealing with the subject are now pending there, and members of my Cabinet and other Government officials have appeared and expressed their views. None of the measures thus far proposed have the approval of my administration, but you may be assured that this problem is receiving earnest consideration and it is my hope that a fair, equitable and satisfactory solution can be arrived at.

Sincerely,

DWIGHT D. EISENHOWER.

[From the New York Times]

THE ALIEN ASSETS PROBLEM

Taking a hand in the controversy over the disposition of German and Japanese properties seized during the war President Eisenhower has turned thumbs down on all bills for a return of these properties now before Congress. At the same time he asks Congress to find a fair, equitable, and satisfactory solution for what he calls the complex of problems involved. The President's statement, made in reply to Chancellor Adenauer's recent appeal for a return of the German properties, but applying to the Japanese properties as well, kills any chance for congressional approval of the restoration bills this year. But according to Press Secretary Hagerty this statement is not intended to reject Chancellor Adenauer's plea completely. In fact, the President shares the Chancellor's concern with individual hardship cases and promises remedial action for them.

At stake in this controversy is property valued at more than $500 million, consisting of industrial plants, ships, estates, trust funds, patents, trade-marks and some 500,000 copyrights to books, music compositions, and other works of creative art. There was never any question of our right to seize this property during the war to keep it from being used against us. But its final disposition has involved the United States in a dilemma between the principle of the sanctity of private property, which is part of our tradition and prompted the return of seized properties after the First World War, and the legal obligations assumed by both Germany and the western allies, including the United States, to utilize German foreign assets in lieu of reparations and in payment of war damages inflicted by the Nazis.

The principle of the sanctity of private property has been upheld by all American Governments prior to the last war and is advanced again in defense of the restoration

proposals by such bodies as the Chamber of Commerce of the United States, the American Legion, the New York Bar Association, and also by Secretary Dulles. It is urged that American confiscation of private property tends to endanger American investments abroad and to give new encouragement to communism, which gained impetus in Guatemala, for instance, by exploiting the Washington-inspired confiscation of German land holdings to urge like action against the "Yanquis."

But in an age of total war, which hits soldiers and civilians alike, that argument is beginning to lose force, and the special depredations of the Nazis make it even more difficult to uphold. In any case, President Eisenhower rightly points out that in solving the problem it is necessary to take into account both the legitimate compensation claims of American citizens and the war damage claims of our allies. France, Belgium, and the Netherlands in particular fear that our return of the seized properties would expose them to German pressure to do likewise, depriving them of any compensation. These are matters which Congress also will have to consider.

Mr. DIRKSEN. There are other editorials which might well be included and, as they come to hand, I may include them in these remarks.

Mr. President, I do not wish to detain the Senate too long, but I should like to say that fundamentally we wrote a bill that got away from the idea of confiscation. The distinguished Senator from New Jersey [Mr. HENDRICKSON] has set forth his views in the minority views which he filed. He disagrees, and I respect his views. I simply do not share them, for one thing, and I wish to make it abundantly clear that when it comes to dealing with the property of alien enemy nationals we are following a policy that is borne out by every element and every part of our tradition from the beginning of the Republic, and that tradition also has the sanction of the American Bar Association. I noticed in the minority views that the Senator from New Jersey made some allusion to that fact, but I rather fancy that he did not see quite all of the report, because the item to which he alludes, insofar as I have been able to check, was never submitted to the house of delegates of the American Bar Association for an expression of opinion. The bar has expressed itself in line with the tradition of this country.

Mr. President, my good friend submitted minority views——

Mr. HENDRICKSON. Mr. President, I do not want to interrupt the Senator too frequently.

Mr. DIRKSEN. That is quite all right.

Mr. HENDRICKSON. But I do not admit that statement at all. The minority views show the contrary. I shall let the minority views speak for themselves.

Mr. DIRKSEN. Mr. President, I cannot let the minority views speak for themselves, because I am going to put in the RECORD now a letter that was written by Mr. Otto C. Sommerich, identified with the American bar, dated February 8, 1954, addressed to Mr. Hayes, who was chief counsel of the subcommittee. He gave the details and the circumstances in connection with what happened in the house of delegates of the American Bar Association, and I shall insert it with my remarks so that they are properly documented.

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

FEBRUARY 8, 1954.

EDWARD A. HAYES, Esq.,
Chief Counsel, Subcommittee on Trading With the Enemy Act, Committee on the Judiciary,
Washington, D. C.

DEAR MR. HAYES: I am very much gratified that in the report made by the Subcommittee To Examine and Review the Administration of the Trading With the Enemy Act of the Committee on the Judiciary the subcommittee gave so much space to the report of the American Bar Association (p. 10, et seq.). This report, as you know, was drawn up by me when I was chairman of the special committee on the custody and management of alien property.

In the letter of Senator KEFAUVER (p. 74 of the subcommittee print), he states that a report by a committee of the American Bar Association, urging a view contrary to the report of the special committee aforesaid, was adopted by the American Bar Association House of Delegates December 20, 1945.

I have before me a copy of the minutes of the proceedings of the house of delegates of that day and all that was adopted (reports of American Bar Association, vol. 70, 1945, p. 136) was the recommendation of the section of international and comparative law to create a judicial commission to consider and adjudicate claims of American nationals against Japan, Germany, Italy, Bulgaria, Hungary, and Rumania.

It does not appear that the report was presented for action by the house of delegates. Attention was called (p. 154) to the supplemental report (p. 288) of the committee on custody and management of alien property, which states that the majority of the members of the committee had notified the Judiciary Committee of the House of Representatives that they were in favor of H. R. 375 providing for the return to persons who were never hostile to the United States of properties and interests vested in the Alien Property Custodian.

With sincere appreciation of the very effective work that you have done, concerning which Colonel Fillman has reported to me on several occasions, I remain,

Very sincerely yours,

OTTO C. SOMMERICH.

Mr. HENDRICKSON. Mr. President, at this point I wonder if the Senator would object if I were to ask unanimous consent that the minority views be inserted at this point in the RECORD.

Mr. DIRKSEN. I have no objection. Perhaps we should insert the majority report, too.

Mr. HENDRICKSON. I have no objection to that.

Mr. DIRKSEN. Mr. President, if there is no objection, I suggest that the majority report and the minority views appear in connection with my remarks.

There being no objection, the majority report (No. 1999), 83d Congress, 2d session, and the minority views (pt. 2 of Rept. 1999) were ordered to be printed in the RECORD, as follows:

REPORT TO ACCOMPANY S. 3423

The Committee on the Judiciary, to which was referred the bill (S. 3423) to amend the Trading With the Enemy Act, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, line 5, following the word "vested", add the following: "or payment made to the United States in lieu of vesting)."

2. On page 1, lines 9 and 10, strike the words "reduced by final adjudications against the property under section 34 of the act" and insert in lieu thereof the following: "reduced by any payments against the property under section 34 of the act and any compensation received by the owner with respect to such property from the government of any nation pursuant to, or as a result of, any treaty or other international agreement between the United States and such nation."

3. On page 2, line 2, before the word "person", insert the word "natural."

4. On page 2, line 13, following the word "That", add the following: ", except for the Government of Italy,".

5. On page 2, line 14, following the word "return", add the following: "involving property other than consular or diplomatic property (or proceeds resulting from the sale thereof)."

6. On page 2, line 19, following the word "section", insert "(1)."

7. On page 2, line 23, following the word "Germany", strike the words "or Austria" and insert the following: "German territory under provisional Polish or Soviet Administration."

8. On page 2, line 23, before the word "China", insert the word "Communist."

9. On page 2, line 24, following the comma appearing after the word "Union", add the words "or other Communist-dominated countries,".

10. On page 2, line 25, following the word "or", insert "(2)."

11. On page 2, line 25, before the word "person", insert the word "natural."

12. Beginning on page 2, line 25, after the word "crimes", strike the words "by Allied Occupation Tribunals or by German denazification courts" and insert in lieu thereof the following: ", as hereinafter defined,".

13. On page 3, line 1, immediately preceding the colon, add the following: "(3) to the owner of such property at the time of vesting, or to the legal representative or successor, as the case may be, of such owner, until the Attorney General, or the officer or agency authorized to make such return has received a certificate from the Department of State that it has obtained satisfactory assurances that such property will not, upon the return thereof, be seized or treated, directly or indirectly, as enemy property by any foreign government having jurisdiction over such property or the owner thereof; or (4) if such property was located in the Philippine Islands at the time of vesting and such property, or the proceeds thereof, is subject to transfer to the Republic of the Philippines under the Philippine Property Act of 1946, as amended."

14. On page 3, line 5, after the word "Custodian," add "his successor or successors,".

15. On page 3, line 9, strike the word "relief" and insert in lieu thereof the word "release."

16. On page 3, line 9, beginning with the word *"Provided"*, strike all down to and including the colon following the word "owners" on page 3, line 23, and insert in lieu thereof: *"Provided further,* That the President may, within 60 days from the date of enactment hereof, find that it is in the national interest to require any owner or owners to dispose of their right, title, and interest in said property to citizens of the United States within 12 months from the date of return thereof to such owner or owners; in which event, the vested property shall be forthwith returned to the owner or owners thereof encumbered with the aforesaid condition, and the United States District Court for the District of Columbia, upon the application of the Attorney General shall enter a judgment or decree of divestiture to such

effect, and said court, recognizing the person to whom the property is returned as the owner thereof, shall order said person, if shares of stock representing the voting control of a corporation be the returned property, to nominate three voting trustees of United States citizenship, subject to the approval of such trustees by said court, which voting trustees shall elect a board of directors entirely of United States citizenship, so that there will be secured and safeguarded, until divestiture is complete, the operational, manufacturing, trading, research, and other secrets of such returned property, or of the business or other activity represented thereby or connected therewith, against disclosure to or use by foreign interests; and such judgment or decree shall also provide that if the owner or owners do not so divest themselves within said 12 months' period, the Attorney General may thereafter sell forthwith such property at public auction and remit the proceeds to the owner or owners: *Provided further,* That if the Attorney General finds that (1) any vested property or interest consists of shares of stock of a corporation organized under the laws of any State, Territory, or possession of the United States or the District of Columbia, (2) at least one-third of the total outstanding shares of common stock of such corporation is registered in the names of citizens of the United States, and (3) return of the vested shares of stock of such corporation to the owner or owners would materially prejudice the interests of such citizen stockholders, he may require, as a condition precedent to return pursuant to this act, that such vested stock be sold at public sale to citizens of the United States submitting the highest bid, after public advertisement of the time and place of sale, and in such event such corporation shall be entitled to receive from such proceeds of sale reimbursement for any payments made or payable to any government because of an alleged enemy interest in such vested stock, and the balance of the proceeds of such sale, except as otherwise provided in this act, shall be remitted to the owner or owners."

17. On page 3, line 25, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

18. On page 4, line 10, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

19. On page 4, line 11, strike the period following the word "therefor", insert a colon in lieu thereof and add the following: "*Provided further,* That in cases where the seized properties consist solely of shares of stock in a corporation whose properties are located in the United States, and a valid option exists in favor of resident stockholders giving rise to the right to purchase the seized stock in the event the owner desires to sell such stock, the return of such stock shall be deemed and treated in law and equity as a prospective sale at the value thereof to be determined by the Attorney General, thereby entitling such option holders to exercise their rights in accordance with the terms, provisions, and conditions of such option."

20. On page 4, line 21, after the word "Custodian", insert the words "his successor or successors."

21. On page 5, line 6, following the period, add the following: "Return of any invention pursuant to this section shall be subject to existing licenses issued by the Alien Property Custodian, his successor or successors, and shall not include any rights of the Alien Property Custodian, his successor or successors, to revoke such licenses."

22. On page 5, line 14, after the word "Custodian", add the following: "his successor or successors."

23. On page 5, line 17, after the word "Custodian", add the words ", his successor or successors."

24. On page 6, line 2, after the word "Custodian", add the following: "his successor or successors."

25. On page 6, line 3, after the word "Custodian", add the following: ", his successor or successors."

26. On page 6, line 9, after the word "Custodian", add the following: "his successor or successors."

27. On page 6, line 11, after the word "Custodian", add the following: ", his successor or successors."

28. On page 6, line 22, after the word "Custodian", add the following: ", his successor or successors."

29. On page 7, line 3, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

30. On page 7, line 7, following the word "located" strike the period, insert a colon and the following: "*Provided,* That if a determination by the Alien Property Custodian, his successor or successors, is under review in a court of the United States, under the provisions of section 34 with respect to such property, publication of such notice of intention to return shall not be made until entry of final judgment by the court or courts of such review. At the same time a similar notice shall be given by registered mail to any person who has theretofore filed with the Alien Property Custodian, his successor or successors, any claim to such property or any claim against the person to whom it is proposed to return such property."

31. On page 7, line 21, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

32. On page 8, line 1, after the word "Custodian", add the following: ", his successor or successors."

33. On page 8, line 4, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

34. On page 8, line 9, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

35. On page 8, line 13, strike the words "Alien Property Custodian" and insert in lieu thereof "Attorney General."

36. On page 8, between lines 16 and 17, insert the following new subsection:

(g) As used in this section—

"(1) 'The Russian Zone Occupation of Germany' shall be deemed to be composed of that part of Germany that is presently called the Soviet Zone of Occupation, and the Russian Sector of Berlin;

"(2) 'Other Communist-dominated countries' means any country or part thereof, except Austria, that was actively governed by Communist civilians or occupied by Communist forces either on January 1, 1954, or at any time thereafter prior to the return of the property, if such country or part thereof is still so governed or occupied at the time of the return of such property; and

"(3) 'Convicted of war crimes' means the entry of judgment against any person who has been convicted personally and by name by a court of competent jurisdiction (as defined by the Vested Property Commission) of murder, ill treatment, or deportation for slave labor, of prisoners of war, political opponents, hostages, or civilian population in occupied territories, or of murder or ill treatment of military or naval persons, or of plunder or wanton destruction without justified military necessity."

37. On page 8, line 20, before the word "with", insert the words "by and" and following the word "the" insert the words "advice and."

38. On page 9, line 13, strike the words "with the Commission and."

38 (a). On page 9, line 14, strike the words "Office of Alien Property" and insert in lieu thereof the words "Attorney General."

39. On page 9, line 16, strike the word "Commission" and insert in lieu thereof the words "Attorney General."

40. On page 9, lines 18 and 19, strike the words "in the Office of Alien Property" and insert in lieu thereof the words "with the Attorney General."

41. On page 9, line 19, beginning with the words "it shall" strike all down to and including the words "Alien Property" on line 21 and substitute in lieu thereof the following: "no additional claim need be filed."

42. On page 9, line 23, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

42 (a). On page 9, line 25, strike the word "it" and insert in lieu thereof the word "he."

43. On page 10, line 1, beginning with the word "of", strike all down to and including the word "Register" on page 10, line 2, and insert in lieu thereof the following: "of notice in the Federal Register as required by section 40 (f) of this act."

44. On page 10, line 3, preceding the word "claims", insert the word "title."

45. On page 10, line 5, following the word "That", insert the following: ", subject to the provisions of section 40 (f) of this act,".

46. On page 10, lines 5 and 6, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

46 (a). Page 10, line 6, strike the word "forthwith."

47. On page 10, line 7, following the word "property", insert the following: ", subject to the provisions of section 46 (c) of this act,".

48. On page 10, line 7, strike the words "where a claim was filed" and insert in lieu thereof the following: "where an owner, legal representative, or successor has filed a claim."

49. On page 10, line 8, before the word "claim" insert the word "title."

50. On page 10, line 12, before the word "claim" insert the word "title."

51. On page 10, line 14, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

52. On page 10, line 14, strike the words "said Office" and insert in lieu thereof "the Attorney General."

53. On page 10, line 18, strike the words "said Office" and insert in lieu thereof "the Attorney General."

54. On page 10, line 19, before the word "claims" insert the word "title."

55. On page 10, line 22, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

56. On page 10, line 23, following the word "days", strike the words "from publication in the Federal Register" and insert in lieu thereof the words "after notification to the claimant by registered mail,".

57. On page 10, lines 24 and 25, strike the words "a claimant's right" and insert in lieu thereof the following: "the right of a claimant, otherwise eligible,".

58. On page 10, line 25, strike the words "prosecute an action" and insert in lieu thereof "pursue his remedies."

59. On page 11, line 1, following "(a)", insert "or section 32."

60. On page 12, line 3, following the word "Commission", add the following: "and the expense of the Alien Property Custodian, his successor or successors,".

61. On page 12, line 6, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

62. On page 12, line 14, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

63. On page 12, line 17, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

64. On page 13, line 10, strike the words "Office of Alien Property" and insert in lieu thereof "Attorney General."

65. On page 13, following line 17, add the following:

"SEC. 2. (a) Section 39 of the Trading With the Enemy Act of 1917, as amended, is hereby repealed."

(b) Subsection (g) of section 32 is hereby amended to read as follows:

"Without limitation by or upon any other existing provision of law with respect to the payment of expenses by the Alien Property Custodian, his successor or successors, the Attorney General may retain or recover from any property or interest or proceeds returned pursuant to this section, section 9 (a), or section 40 of this act an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or interest or proceeds, or other property or interest or proceeds returned to the same person."

STATEMENT

Introduction

The final report of the subcommittee of the Committee on the Judiciary, created to examine and review the administration of the Trading With the Enemy Act, recommended that legislation be drafted which would eliminate the inequities, injustices, and inconsistencies found to exist in the Trading With the Enemy Act and its administration. This group, established by a special resolution approved by the Senate, made this recommendation after an exhaustive study, completed after almost 2 years of intensive examination. The report, which was approved by the full Judiciary Committee, made several suggestions by which the primary recommendation might be implemented. The greater part of these suggestions have been incorporated in this bill as reported. Chief among these are:

1. Provision for the return of private property confiscated under the act to individuals not convicted of war crimes.

2. Provision for retention of the private property of former enemy governments.

3. Provision for a reasonable and appropriate charge against property so returned as a reimbursement for custodial charges.

4. Provision for adequate protection of claims of American citizens pending against the confiscated assets.

5. Provision vesting the President of the United States with the discretionary power, upon a finding of national interest, to dispose of alien holdings in property located in the United States to bona fide American purchasers, the proceeds of sale less custodial charges to be returned to the alien owners.

This bill represents the fruition of long and arduous effort on the part of those Senators comprising the special subcommittee and its staff. It was the product of careful study, and has been examined in detail by the full committee, as befits a bill of this importance.

The policy expressed in this bill is not new. It had its genesis, so far as this Nation is concerned, in the early phase of the Republic and was expressed in the Jay Treaty of 1794. Recently the United States, through a series of executive agreements, and one legislative enactment, has departed from this historic and traditional policy. This bill restores the early American perspective and constitutes a reaffirmation of the fundamental respect which this Nation possesses for the sanctity of private property.

HISTORIC POLICY

The United States, in policy and practice, until 1945 consistently observed a policy of nonconfiscation of private property in war and peace. In time of war, custodianship of the property of enemies has been undertaken to reduce the property as an effective weapon in the war effort of the enemy, but this custodianship did not, until recent years, evolve into a policy of confiscation. This policy of nonconfiscation was set forth by John Marshall in 1814 in *Brown* v. *United States* (8 Cranch 110). Treaties embodying this basic principle were offered during the first century of our national existence to practically all foreign nations (American Policy Relative to Alien Property, S. Doc. No. 181, 69th Cong., 2d sess., pp. 5, 19) (1926). This nonconfiscatory principle is exemplified, not only in the treaties of this period but also throughout Executive policy, as expressed in other international agreements.

The policy of nonconfiscation was practiced during World War I through the establishment of an Office of Alien Property Custodian. The word "Custodian" was well chosen and is reflective of the intention of the draftsmen of the basic act. The Trading With the Enemy Act of 1917 (40 Stat. 411) followed the theory of nonconfiscation.

However, the Treaty of Versailles which was never ratified by the United States, departed from this historic concept and provided that the external enemy assets should be used to pay private debts and public reparations. Notwithstanding the treaty, the Winslow Act of 1923 (42 Stat. 1511) provided for the return of property or its net proceeds up to a maximum of $10,000 to each owner. Some 5 years later, the Settlement of War Claims Act (45 Stat. 254) made final return of all property, except that return of a minor portion of the property was conditioned upon payment of certain obligations by the former enemy governments.

With the advent of World War II, the property of enemy aliens was again placed under the protective custody of the United States. The vehicle used was a rejuvenated version of the 1917 act which still referred to the trustee of such property as a "Custodian." In the early years of the war, specifically on March 29, 1943, the house of delegates of the American Bar Association approved the recommendations of its committee on custody and management of alien property, which reported in part as follows:

"Confiscation is contrary to the principles of law. It is contrary to our constitutional law principles, and to the principles of international law. When the reign of law for which we are fighting returns, parties injured by confiscation may be expected to seek just redress; and a just administration of law may be expected to award such redress. It has been so in the past, and if the basic traditional concepts of justice have meaning, it will be so again.

* * * * *

" 'No powers of language at my command can express the abhorrence I feel at the idea of violating the property of individuals, which in an authorized intercourse in time of peace has been confided to the faith of our government and laws, on account of controversy between nation and nation. In my view, every moral and every political sense united to consign it to execration.' (Alexander Hamilton in defense of article X of the Jay Treaty of 1794.)

* * * * *

"A confiscatory policy strikes not only at the interest of particular individuals but at the foundation of international intercourse, for it is only on the basis of the security of property, validity possessed under the laws existing at the time of its acquisition, that the conduct of activities in helpful cooperation, is possible * * *. Rights acquired under its laws by citizens of another state (a state) is under an international obligation appropriately to recognize. It is the policy of the United States to support these fundamental principles (Secretary of State Hughes, at Philadelphia, November 23, 1923).

* * * * *

"Such action would not be in keeping with international practice and would undoubtedly subject this Government to severe criticism. Moreover, the confiscation of these private funds by this Government and their distribution to American nationals would react against the property interests (some very large) of American nationals in other countries. It would be an incentive to other governments to hold American private property to satisfy claims of their nationals against this Government and to pass upon such claims in their own way. It is important from my point of view, therefore, that the United States should not depart in any degree from its traditional attitude with respect to the sanctity of private property within our territory whether such property belongs to nationals or former enemy powers, or to those of friendly powers. A departure from that policy and the taking over of such property, except for a public purpose and coupled with the assumption of liability to make just compensation, would be fraught with disastrous results (Secretary Hull, May 27, 1935)."

Despite this background, however, confiscation of alien property became our international policy after World War II through a series of executive agreements, and ultimately our domestic policy as well.

The policy now being pursued was conceived and dedicated in an agonizing hour of history. It was born of design and wartime prejudice. But as Secretary of State John Foster Dulles pointed out in discussing United States policy with respect to Germany—

"But the lapse of time restores reason to its proper place, and now 9 years having passed, we should be able to invoke wisdom and statesmanship to be our guides (Department of State Publication No. 5408, p. 3)."

Applying a rule of reason, this Nation should now return to its historic policy, meeting and overcoming such difficulties as may have been caused by the temporary departure from principle.

THE ISSUES INVOLVED

(*a*) *Foreign policy*

Since the conclusion of the Second World War, the Congress has authorized expenditures in excess of $3 billion for the economic rehabilitation of Germany. This financial support was furnished in an effort to sustain the democratic areas of Germany as a bulwark in the death struggle between representative democracy and Communist totalitarianism. By like token, similar expenditures have been made to support the rebuilding of Japan. These appropriations have undoubtedly resulted in recuperation of these nations from the devastation remaining after World War II. However, the good will which might otherwise have resulted from such generosity has been diminished by the action of this Nation in continuing to expropriate property of individual citizens of those countries. These individuals have on a number of occasions addressed letters to the Committee on the Judiciary expressing their bewilderment at a policy so generous on the one hand and so niggardly on the other. There can be little question but what these individuals have been alienated by the shortsighted policy of confiscation which has been pursued by the United States Government since World War II. It must be exceedingly difficult for these persons to understand why some of the industrial properties remain intact in Germany and Japan while return of their property is being consistently refused.

This Nation is now embarked upon a foreign policy in which the Bonn Republic is to assume the status of an equal partner in the alliance against Communist aggression. The joint statement of President Eisenhower and British Prime Minister Sir Winston Churchill of June 28, 1954, declared:

"We are agreed that the German Federal Republic should take its place as an equal partner in the community of Western nations, where it can make its proper contribution to the defense of the free world."

Partnership presupposes equality. Yet it is difficult to discover any evidence of equality in a policy which permits one partner to seize and permanently retain property belonging to citizenry of the other. West Germany can be expected to become an effective partner in any Western alliance only so long

as the grassroots of that nation support the alliance.

These observations apply with like force to Japan and the Japanese people.

The concession to equality represented by this bill involves the return or property with an estimated value of $500 million. This is by no means a small amount; however, it represents but one-sixth of the amount already invested in an effort to rehabilitate the West German Republic and thereby create a reservoir of good will upon which this Nation may draw in the struggle with world communism. If the expenditures of this Nation looking toward Japanese recovery is added, the proportion this authorization bears to moneys already advanced is even smaller.

The Attorney General of the United States and others have long raised the question of international agreements as a bar to a return to a policy of nonconfiscation. These international agreements date back as far as the Yalta agreement. The protocol on German reparations signed by the heads of the Governments of Great Britain, Russia, and the United States declared:

"2. Reparations in kind are to be exacted from Germany in three following forms:

"(a) Removals within 2 years from the surrender of Germany or the cessation of organized resistance from the national wealth of Germany located on the territory of Germany herself as well as outside her territory (equipment, machine tools, ships, rolling stock, German investments abroad, shares of industrial, transport, and other enterprises in Germany, etc.), these removals to be carried out chiefly for purpose of destroying the war potential of Germany. (S. Doc. 123, 81st Cong., 1st sess., p. 32.)"

State Department Publication No. 2630, in setting forth the Potsdam agreement on August 1945, states on page 83, as follows:

"1. Reparation claims of the U. S. S. R. shall be met by removal from the zone of Germany occupied by the U. S. S. R. and from appropriate German external assets.

"2. The U. S. S. R. undertakes to settle the reparation claims of Poland from its own share of reparations.

"3. The reparation claims of the United States, the United Kingdom, and other countries entitled to reparations shall be met from the Western Zone and from appropriate German external assets."

At the Paris Reparation Conference of December 21, 1945, 18 allied governments agreed as follows:

"a. Each signatory government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets (net of accrued taxes, liens, expenses of administration, other in rem charges against specific items and legitimate contract claims against the German former owners of such assets)."

This policy of confiscation of vested German private property as reparations gained additional recognition in the Bonn Convention of May 26, 1952, concluded by the West German Republic on the one hand and the United States, Great Britain, and France on the other. This agreement, however, is not now in force.

All of these agreements, it is important to note, were executive, and cannot be construed in any way to limit the power of Congress to deal with alien property as it sees fit.

Secretary of State John Foster Dulles in his testimony before the subcommittee on July 2, 1954, made eminently clear that these agreements are not a bar to return by stating, in answer to questions as to the implications of these various agreements as they might affect return of confiscated property by Congress:

"In my opinion, the agreement, whatever its intent may be as an executive agreement, was without authority whatever to bind the Congress of the United States in this matter. The property had been vested by action of Congress. I believe Congress has the right to decide what to do about the matter. I do not believe that the freedom of Congress in this matter has been curtailed in any way by this executive agreement. I am not a believer in the power of the President, through executive agreements, to cut across the normal legislative powers of Congress.

"I may say that, as a matter of interpretation of that agreement [Paris Reparations Agreement], it can be argued that it was not intended to operate in perpetuity but was designed as a temporary measure perhaps to assure against a revival of German militarism and the use of German important commercial assets possibly as an instrument of German militarism. I think that that danger was passed and that if the agreement be given that interpretation—which I think is a reasonable one—then the action which you contemplate is not only compatible with the powers of Congress but also is compatible with the executive agreement."

The committee has no difficulty in agreeing with this analysis of the Secretary of State.

(b) Protection of American interests abroad

This Nation, which has encouraged investments abroad by American citizens, is consistently being troubled in many areas of the world by the action of nations which persist in disregarding the rights of owners of private property. The protests of this Nation in those areas are often unavailing, but the force of such protests is diminished as this Nation itself continues a policy of confiscation of private property. The subcommittee in its final report pointed out that "billions of dollars of American investments abroad and additional risk capital for the development of world markets is jeopardized by this policy of confiscation which sets an unfortunate precedent for similar action against our own investors by foreign sovereign governments."

The Secretary of State, in response to a question on this point observed:

"I recognize that there is force in what you say, to the effect that our own position to protect American interests abroad is strengthened if we protect foreign interests that are here.

"I would think that in an era when we expect the American interests abroad, American capital investments abroad, that it is wise for us to adhere ourselves strenuously to the highest standards of conduct in relation to those matters. That puts us in a better position to call upon others to apply the same standards."

The United States cannot long continue an anomalous policy of supporting confiscation at home and condemning it abroad. Even when the inconsistency of such action does not prove troublesome momentarily, it threatens to plague this Nation and its citizens in the future.

(c) Protection afforded American citizens by this bill

Although the committee is convinced of the correctness of its decision that the property involved in this bill should be returned, the committee still maintains a strong desire to afford every possible protection to American citizens who may be affected in some manner by the return of this property. The committee has sought to afford such protection throughout the bill, notably in the provisions permitting notification by registered mail to claimants having a direct interest in the property to be returned. Reference is made to other provisions helpful to citizens of the United States in the detailed analysis appearing later in this report. Suffice it to say, that wherever the committee discovered an instance in which additional protection for American citizens was justified, and could be incorporated within the framework of this measure, language was adopted to accomplish that purpose.

(d) Administration

The Department of Justice has urged that these properties are so involved that return to former owners presents an administrative impossibility. This argument the committee cannot accept.

To admit that mistakes of the past cannot be corrected is a sign of weakness. This bill, as amended, has met all reasonable administrative objections which have been pointed out in opposition to the proposal.

(e) Appropriation

The appropriation necessary to implement return of confiscated property is said by opponents of the measure to be too costly. Estimates of the appropriations needed have been made as high as $225 million. However, the Department of Justice, in a letter to the Judiciary Committee, wherein opposition is made to this bill, estimates that the sum required will be approximately $175 million.

For those who are agreed that a policy of confiscation of private property is inimicable with historic policy, public interest, and sound judgment, there is no question of appropriation to reimburse individuals from whom property has been seized.

The necessity for appropriation arises by reason of the fact that certain confiscated property was liquidated and used to pay just and honorable obligations of this Government to certain of its citizens who bore an undue personal burden during World War II. Undoubtedly these obligations would have been acknowledged by the Congress even if this fund had not been available. Similar compensation is being urged for veterans of the Korean conflict, payment of which is to be made from funds appropriated from the United States Treasury. This is the posture which the World War II legislation could, and in the judgment of many should, have assumed.

Lastly, it is said that even conceding the advisability of return, such return should be based upon the value of the property as of the date of seizure. This reasoning, which has most recently been raised against the general proposal of return to a policy of nonconfiscation, is most fallacious. If the Government of the United States is to act only as a custodian, holding property to prevent its possible use against us in time of war, then the accretions of that property should not be subject to confiscation any more than the original assets.

While it is true that many properties have increased materially in value there are many others whose values have been completely destroyed during the period of Government operation. The value of still other properties have remained static, neither producing income nor increasing or decreasing in principal value. To talk of adjustment for such increase or decrease is obviously unrealistic, impracticable, and inconsistent with the policy of nonconfiscation.

SYNOPSIS OF THE PROVISIONS OF THE BILL

This bill proposes an amendment to the Trading With the Enemy Act by adding seven sections which will, with certain exceptions, provide for the return of alien property vested by the Custodian during, and immediately following, the Second World War. The exceptions to this general return are:

1. The private property (as distinguished from consular and diplomatic property) of governments with which the United States has been at war since 1941.

2. Persons who, on January 1, 1954, or any time thereafter, were living behind the Iron Curtain.

3. Property of persons convicted of war crimes as defined in the act.

4. Certain property located in the Philippine Islands subject to the provisions of the Philippine Property Act of 1946.

Exception to return is also made where the property involved would be returned to persons within the jurisdiction of a nation which continues to confiscate property of German and Japanese individuals. However, such exception may be removed upon the assurance of such nation not to confiscate such property upon return.

While placing responsibility for the return of such property initially in the hands of the Attorney General, the bill creates a Vested Property Commission which would serve as an administrative tribunal to which persons denied return by the Attorney General could appeal for review.

The bill contains a number of detailed and complex provisions primarily because the subject itself is somewhat complex. Each of the provisions are explained in the detailed analysis of the bill appearing below.

DETAILED ANALYSIS

The new section 40 of the Trading With the Enemy Act will provide for the return of all property vested, or payments made to the United States in lieu of vesting, after December 7, 1941, or the liquidated proceeds thereof, in the event such property has been sold, or otherwise disposed of. This section also permits the return of any dividends, distributions, or increment which may have been paid, or allowed, on this property subsequent to its vesting. Returns under this section are to be reduced by any payments which have been made to American creditors during the period the Government held the property. Such awards are also to be reduced by any sum which an owner of such property may have received from the German Government under the terms of the Bonn Convention, or from the Japanese Government under the terms of the treaty of peace with Japan.

Returns are to be made as a matter of grace to the owner of the property at the time of vesting, or his successor. Legal title to the property has long been held by the United States except that in some cases such title is subject to divestiture by decision of a Federal court. Any return under the bill discharges any obligation of the Federal Government to the owner of such property, and under the specific terms of the bill would operate to discharge the Government from any plural liability which might arise as the result of the return.

The new section 40 provides certain exceptions to this general policy of restitution of alien property. First, it provides that private property shall not be returned to the government of any nation with which the Government of the United States has been at war since December 7, 1941, with the exception of the Italian Government. The Italian Government has been excepted in view of the terms of the treaty of peace and implementing agreements concluded with that nation. Return is further prohibited to individuals who since December 31, 1954, have lived behind the so-called Iron Curtain and to corporations having their sole, or primary seat, in such areas. Recovery is likewise denied to any individual convicted of war crimes, which term is defined as the entry of judgment against any person who was convicted personally, and by name, of certain specified crimes by a court of competent jurisdiction, as defined by the Vested Property Commission. Return is also denied of property located in the Philippine Islands at the time of vesting of such property or the proceeds thereof is subject to transfer to the Philippine Republic under the provisions of the Philippine Property Act of 1946, as amended.

In addition to these prohibitions, return may be restricted only so long as foreign governments having jurisdiction over the returnee, or the property to be received, persist in the policy which would result in confiscation upon return. Such property, however, may be returned at such times as Department of State certifies to the Attorney General that he has received assurance from such foreign governments that the property will not be confiscated upon return to the owner thereof.

In some cases, claimants whose property has been vested have entered into compromises with the Office of Alien Property providing for the return of less than the full value of the property held by that Office. This bill provides that persons who have entered into such a compromise may secure the return of their property (or the liquidated proceeds, if the property has been sold or otherwise disposed of) upon tender to the United States, without interest, of the amount received as the result of any assignment, compromise, or release.

Certain of the properties now administered by the Office of Alien Property are of such magnitude and importance to the industrial might of the United States that it may be desirable that this Government should, in the interests of its own well-being, require the sale of that property to American citizens. Provision for such contingency is made by authorizing the President, within 60 days from the enactment of this legislation to make a finding that certain property now held by the United States should be sold to American interests. Upon such finding the property is to be returned subject to the condition that the same be sold within 12 months of return to American citizens. The Attorney General may, in such case, apply to the United States District Court for the District of Columbia to encumber return of the property with that condition and with the additional condition that United States citizens be appointed to supervise the operation of the enterprise during the period allotted for sale in order to protect trade secrets possessed by the enterprise. The committee has also inserted a limitation on the return of certain corporate shares where the corporation's properties are located in the United States, where a valid option for purchase of the stock by the alien owners has been executed in favor of American citizens, giving such citizens a right of first refusal in the event the property is to be sold. This provision of the bill provides that return shall be considered a sale, thus giving American citizens an opportunity to purchase the stock at a value to be determined by the Attorney General. The proceeds of sale are thereafter transferred to the alien owners of record. Further, where one-third of the outstanding stock of a vested corporation is owned by American citizens, the Attorney General may protect the interest of such citizens against possible unfavorable treatment by former owners through the public sale of the stock of the former enemy to American citizens. The proceeds of sale are to be remitted to the owner of record less any sums which the corporation may have been forced to pay foreign governments for release of properties of such corporation which were seized because of enemy taint. The necessity for this amendment was demonstrated by testimony relating to the Hugo Stinnes Corp. These are several of a number of provisions which have been included in the measure in order to afford maximum protection to American citizens who may be adversely affected by the adoption of this legislation.

The bill also contains protective provisions relating to return which appear in earlier sections of the Trading With the Enemy Act. Typical is the provision in subsection (b), section 40, relating to the filing of petitions by a returnee for a redemption in respect of any final order of the War Contract Adjustment Board determining excessive profits. Also, the provisions of subsection (c) of section 40, binding any person to whom return of an invention is to be made, to any notice or order issued, or agreement made pursuant to the Renegotiation Act of October 31, 1942 (56 Stat. 1013).

Subsection (c) has been amended, again in an effort to afford protection to American citizens whose rights might be affected by this bill. The amendment to subsection (c) provides that return of any invention under this section shall be subject to existing licenses issued by the Alien Property Custodian or his successors except that the returnee shall not succeed to the Custodian's right to revoke such licenses. The Office of Alien Property has made patents readily and freely available to American industry. This policy was widely publicized and vested patents, with respect to which no American rights would be prejudiced, were offered for license on a revocable, nonexclusive, royalty-free basis, obtained for a nominal fee. Some American citizens have undoubtedly proceeded, on the basis of these royalty-free licenses, to develop business interests which might be jeopardized unless some provision were included in the act recognizing and protecting such licenses but extracting the revocable provision they contain. The pattern here adopted is similar to that utilized by the United States in the return of patents to Italian nationals under the treaty of peace (and the later Lombardo agreement) entered into with that nation.

Subsection (d) of the new section 40 confers upon the returnee all rights, privileges, and obligations with respect to the property returned which would have existed if the interest had not vested in the Custodian, with such exceptions as are noted in the act, particularly that provision requiring the retention of a sum to cover expenses of administering property during the custodianship thereof. Subsection (d) also contains provisions similar to that now appearing in subsection (d) of section 32 of the Trading With the Enemy Act which protects the United States from the assertion of any claim by the returnee based upon the retention, sale, disposition, or use of the property during the period held by the United States.

Subsection (e) of the new section 40, patterned after subsection (e) of section 32, provides that return of the property under this bill shall not bar prosecution of any suit at law or equity against the person to whom return is made, to establish any right, title, or interest to the property which may exist, or may have existed, at the time of vesting. Thus, if it is asserted that the owner of record is not the true owner, those making such an assertion may have their claim determined judicially in spite of previous adverse administrative determination by the Office of Alien Property and judicial review thereof. The period during which such property was in the hands of the United States is not to be considered in the determination of the period within which such action may be instituted.

As an added measure of protection to citizens of the United States, the bill provides that, in the event return is to be made to a foreign resident, or a corporation organized under foreign laws, notice of intention to return shall be published in the Federal Register, at least 60 days prior to return. Such notice shall specify intention to make such return, to whom return is to be made, and the place where the property to be returned is located. At the same time, claimants of record are to be notified by registered mail of the intention to return alien property irrespective of the residence or location of the returnee. This publication of notice, or the giving of notice by registered mail, confers no right of action upon any claimant to compel the return of property and such notice may be revoked by publication of appropriate notice in the Federal

Register. Those who have an interest in the property, creditors, for example, may during this period seek a writ of attachment, notice of which is to be served upon the Attorney General. Any such attachment or other similar proceeding is subject to the provisions of law applicable to such action in the jurisdiction under which the proceeding has begun, but for the purpose of computing the statute of limitations, the period during which the property was in the hands of the Alien Property Custodian, or his successors, shall not be counted. Under a writ of attachment obtained in this manner no officer of any court can take possession of the property without the consent of the Attorney General and publication of notice of revocation of intention to return shall invalidate any attachment with respect to the property. However, the bill requires that the Attorney General, or the Vested Property Commission, which may in some cases succeed to the responsibility of the Attorney General, accord full effect to any such attachment in returning the property or interest. In such proceedings, before a writ of attachment, the bill permits the recorded owner to file a bond in an amount to be set by the court in order to permit return to be made to the owner. If a creditor has an action against the property or its owner in the United States courts on appeal from a decision of the Custodian, no notice of intention to return is to be published until that matter has been judicially determined.

Subsection (g) of the new section 40 contains three definitions, (1) describes the Russian Zone of Occupation of Germany, (2) defines the use of the term "other Communist-dominated countries" used in subsection (a) of section 40, and (3) particularizes on the term "convicted of war crimes" which was referred to earlier in this analysis.

The new section 41 of the Trading With the Enemy Act would create a Commission to be known as the Vested Property Commission. This Commission is to be composed of 3 persons appointed by the President, by and with the advice and consent of the Senate, each of whom is to receive an annual salary at the rate of $14,000. The Commission is authorized to employ such personnel as may be necessary to carry out its functions under this act, but in no event is such staff to exceed 50 persons. The bill confers authority to promulgate rules and regulations to carry out the purposes and functions of the bill on the Commission.

The decisions of the Commission concerning returns as a matter of grace under this bill are to be final, and the authority of the Commission, as well as the term of office of its members, expires 3 years from the date on which the majority of its members appointed first take office. In the event return is completed under this act at a time earlier than 3 years from the assumption of duties by the members of the Commission, the President is authorized to fix an earlier termination date.

Section 42 provides that persons desiring return of property under this act must file a claim with the Attorney General within 1 year from the date of enactment of the bill in the form and manner prescribed by him, except that claimants who have already filed a claim for return of their property shall be deemed to have complied with such a requirement without additional filing.

The Attorney General is authorized under section 43 to make an initial determination with respect to the eligibility of each claimant for returns under section 40 of this act. However, the Attorney General cannot return such property until 60 days have elapsed after publication in the Federal Register, as provided by section 40 (f) of this bill. In cases where conflicting title claims have been filed, such claims are to be referred to the Vested Property Commission for inspection and disposition. Where no conflicting title claims have been filed prior to December 31, 1953, and the owner has filed a claim before April 30, 1949, the Attorney General is directed to order the return of such vested property upon application, subject to deletion for taxes, conservatory expenses, and expenses of administration of the property during custodianship. The provision of this section relating to conflicting title claims is intended to distinguish such claims from debt claims filed under section 34 of the Trading With the Enemy Act, which constitute claims of creditors against the property rather than claims of title. It is important to note that the provisions of this bill do not repeal section 34 of the Trading With the Enemy Act. Thus, property retained under the provisions of the bill remains subject to such claims. Insofar as property to be returned is concerned, persons who have a claim against the property for the payments of debts may proceed to assert their interest by the filing of writs of attachment after notice of intention to return as discussed earlier in this analysis. However, in no case, except as provided in section 40 (f), shall a pending claim under section 34 delay return of the property pending adjudication thereof. This section is designed particularly to rid the Government of the United States of an administrative burden, which estimates have indicated cannot be completed in less than 50 or more years under existing law and procedure.

The subcommittee which investigated the administration of the Trading With the Enemy Act noted in its report that the title claims filed with the Office of Alien Property were not being disposed of as rapidly as desired. In order to forestall such development after adoption of this legislation, provisions have been inserted in section 44 of the bill providing that claimants aggrieved by a decision of the Attorney General, or by failure of the Attorney General to render a decision with respect to their claim within 1 year may appeal to the Vested Property Commission under procedures to be prescribed by that body. Thus, if return is not made within 1 year from the date of filing the claim, or 1 year from the date of enactment of this act, depending upon the time and circumstances under which the claim is filed, or if the Attorney General fails to certify a claim to the Commission in which a conflicting title claim has been asserted, the claimant may invoke an administrative appeal. However, in an effort to establish some degree of finality with respect to consideration of these claims, it is also provided in section 44 that decisions by the Attorney General with respect to claims are to be final if not appealed within 60 days after notification to claimants by registered mail. Section 44 also preserves the right of any person otherwise eligible to continue to pursue the remedies afforded him by sections 9 (a) and 32 of the Trading With the Enemy Act. These sections provide an avenue of recovery by persons who may be classed as nonenemies in fact.

Section 45 of the bill authorizes the Commission to make a study of the problems which might arise as a result of the adoption of this legislation as they relate to executive agreements entered into with other nations. The Commission is to report to the Congress by January 1, 1955, outlining such problems in detail for the purpose of enabling Congress to enact legislation to fairly and properly deal with such other nations in light of the expressed policy of the United States of nonconfiscation.

The Commission is limited under section 46 to the expenditure of $350,000 per annum in the conduct of its business. It is charged with the obligation of determining the amount which has been and will be expended in the administration of vested assets. No return is to be made under this act unless the claimant agrees to the retention of an amount equal to the pro rata share which his property bears to the total expenses as ascertained by the Commission. In order to provide funds sufficient to meet such reimbursement, the Attorney General is authorized to liquidate returnable assets to the extent necessary to provide funds for such retention except that the owner of the property is to be given an opportunity to pay the necessary amount in lieu of such liquidation of the property. No retention for expense is to be made from patents, applications, copyrights, or trade-marks, other than from the proceeds collected from such items.

Under the provisions of section 47, the Commission is obligated to determine by estimate, within 30 days after its members assume office, the sum of money which will be necessary in order to carry out the purposes of this act. The bill then authorizes an appropriation, for credit to the Attorney General, of the sum the Commission reports as necessary to satisfy awards under section 40 where the property has been sold and the proceeds disposed of under the provisions of section 39 of the Trading With the Enemy Act. Section 47 also requires that all funds remaining after the administration, liquidation, disposition, pursuant to the act, be paid into the Treasury of the United States.

Following section 47 (c) there appears, at the request of the Department of Justice, an express repealer of section 39 of the Trading With the Enemy Act. Section 39 was the legislative enactment encompassing the confiscatory policy which had been set in motion by individuals in the Treasury Department. Actions of these persons are traced in detail in the final report of the Subcommittee To Conduct an Examination and Review of the Trading With the Enemy Act. The amendment is not to be construed as an expression of intention to repeal the War Claims Act of 1948.

Section 2 (b) gives to the Attorney General the express right to continue the recovery of expenses incurred in the management of vested property for conservation, preservation, and maintenance of such property as previously set forth in section 32 (g) and in addition adds the assurance that such expenses will be recovered from all property returned under section 40.

CONCLUSION

The long review by this committee of the administration of the Trading With the Enemy Act, combined with significant shifts in world conditions, have convinced the members of the Judiciary Committee that a reorientation of this Nation's attitude toward alien assets within this country is required. The present confiscatory approach is undermining the economic dogma advocated by this Nation since its inception. It has plagued our own citizenry with investments abroad and has occasioned ill feeling among those nations whose active assistance we now seek in repelling totalitarian aggression.

The committee believes it regrettable that this un-American policy of confiscation has been so firmly engrained as to require substantial appropriations and material revision in our international agreements in order to extricate our Nation from that policy. Nevertheless, such steps must be taken in order to accomplish worthwhile results and prevent further impairment of our economic and diplomatic position. Although these complications have been urged as deterrents to the reappraisal inherent in S. 3423, they are not significant enough to assume the status of insuperable obstacles to adoption of the bill.

Enactment of this bill is essential to our own interests, certainly, but it constitutes an effective demonstration of the magnanimity of the American people. S. 3423 has

the support of the Committee on the Judiciary; it deserves the support of the Congress. The committee, therefore, recommends that this legislation, as amended, be favorably considered.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

That the Trading With the Enemy Act of 1917, as amended, be further amended by adding the following sections:

"Sec. 40. (a) Any property or interest vested (or payment made to the United States in lieu of vesting) pursuant to the provisions of this act after December 7, 1941 (or the liquidated proceeds thereof), together with any dividends, distributions, or other increment paid or allowed thereon subsequent to such vesting, reduced by any payments against the property under section 34 of the act and any compensation received by the owner with respect to such property from the government of any nation pursuant to, or as a result of, any treaty or other international agreement between the United States and such nation, shall, as a matter of grace, be returned in its state as of the date of enactment of this section (i. e., in kind or as liquidated proceeds), to the natural person, firm, trust, association, or corporation who or which was the owner thereof at the time of such vesting, or to legal representative or successor, as the case may be, of such owner, if the owner be dead or if its existence shall have been in any wise terminated. In determining the 'owner', the record holding or title ownership as the case may be, of such property at the time of vesting shall be conclusive and delivery, transfer, conveyance, or payment to such owner, or to the legal representative or successor thereof, shall operate to discharge the United States from plural liability in respect of the term provided for hereunder: Provided, however, That, except for the Government of Italy, no return involving property other than consular or diplomatic property (or proceeds resulting from the sale thereof) shall be made pursuant to this section to the government of any nation with which the United States has been at war since December 7, 1941, or at any time thereafter or to subdivisions or successors of any such government: Provided further, That no such return shall be made pursuant to this section (1) to natural persons who on January 1, 1954, or any time thereafter prior to such return have lived, or corporations, companies, or associations having their sole or primary seat, in the Russian zone of occupation of Germany, German territory under provisional Polish or Soviet administration, or in Albania, Bulgaria, Communist China, Czechoslovakia, Hungary, Poland, Rumania, or the Soviet Union, or other Communist-dominated countries, or (2) to any natural person convicted of war crimes, as hereinafter defined, (3) to the owner of such property at the time of vesting, or to the legal representative or successor, as the case may be, of such owner, until the Attorney General, or the officer or agency authorized to make such return, has received a certificate from the Department of State that it has obtained satisfactory assurances that such property will not, upon the return thereof, be seized or treated, directly or indirectly, as enemy property by any foreign government having jurisdiction over such property or the owner thereof; or (4) if such property was located in the Philippine Islands at the time of vesting and such property, or the proceeds thereof, is subject to transfer to the Republic of the Philippines under the Philippine Property Act of 1946, as amended: Provided further, That if, after any such property was so vested the claim of an owner with respect to such property was assigned or released to or compromised with the United States or the Alien Property Custodian, his successor or successors, no such property or the liquidated proceeds thereof shall be returned pursuant to this section unless such owner shall tender to the United States, without interest, the amount received upon such assignment, compromise, or release: Provided further, That the President may, within 60 day from the date of enactment hereof, find that it is in the national interest to require any owner or owners to dispose of their right, title, and interest in said property to citizens of the United States within 12 months from the date of the return thereof to such owner or owners; in which event, the vested property shall be forthwith returned to the owner or owners thereof encumbered with the aforesaid condition, and the United States District Court for the District of Columbia, upon application of the Attorney General shall enter a judgment or decree of divestiture to such effect, and said court, recognizing the person to whom the property is returned as the owner thereof, shall order said person, if shares of stock representing the voting control of a corporation be the returned property, to nominate three voting trustees of United States citizenship, subject to the approval of such trustees by said court, which voting trustees shall elect a board of directors entirely of United States citizenship, so that there will be secured and safeguarded, until divestiture is complete, the operational, manufacturing, trading, research, and other secrets of such returned property, or of the business or other activity represented thereby or connected therewith, against disclosure to or use by foreign interests; and such judgment or decree shall also provide that if the owner or owners do not so divest themselves within said 12 months' period, the Attorney General may thereafter sell forthwith such property at public action and remit the proceeds to the owner or owners: Provided further, That if the Attorney General finds that (1) any vested property or interest consists of shares of stock of a corporation organized under the laws of any State, Territory, or possession of the United States or the District of Columbia, (2) at least one-third of the total outstanding shares of common stock of such corporation is registered in the names of citizens of the United States, and (3) return of the vested shares of stock of such corporation to the owner or owners would materially prejudice the interests of such citizen stockholders, he may require, as a condition precedent to return pursuant to this act, that such vested stock be sold at public sale to citizens of the United States submitting the highest bid, after public advertisement of the time and place of sale, and in such event such corporation shall be entitled to receive from such proceeds of sale reimbursement for any payments made or payable to any government because of an alleged enemy interest in such vested stock, and the balance of the proceeds of such sale, except as otherwise provided in this act, shall be remitted to the owner or owners: And provided further, That such return shall be subject to a determination that the Attorney General has no actual or potential liability under the Renegotiation Act or the act of October 31, 1942 (56 Stat. 1013; 35 U. S. C. A. secs. 89–96), in respect of the property or interest or proceeds to be returned and that the claimant and his predecessor in interest, if any, have no actual or potential liability of any kind under the Renegotiation Act or the said act of October 31, 1942; or in the alternative that the claimant has provided security or undertakings adequate to assure satisfaction of all such liabilities or that property or interest or proceeds to be retained by the Attorney General are adequate therefor: Provided further, That in cases where the seized properties consist solely of shares of stock in a corporation whose properties are located in the United States, and a valid option exists in favor of resident stockholders giving rise to the right to purchase the seized stock in the event the owner desires to sell such stock, the return of such stock shall be deemed and treated in law and equity as a prospective sale at the value thereof to be determined by the Attorney General, thereby entitling such option holders to exercise their rights in accordance with the terms, provisions, and conditions of such option.

"(b) Notwithstanding the limitation prescribed in the Renegotiation Act upon the time within which petitions may be filed in the Tax Court of the United States, any person to whom any property or interest or proceeds are returned hereunder shall, for a period of ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) following return, have the right to file such a petition for a redemption in respect of any final order of the War Contracts Price Adjustment Board determining excessive profits, made against the Alien Property Custodian, his successor or successors, or of any determination, not embodied in an agreement, of excessive profits, so made by or on behalf of a Secretary.

"(c) Any person to whom any invention, whether patented or unpatented, or any right or interest therein is returned hereunder shall be bound by any notice or order issued or agreement made pursuant to the act of October 31, 1942 (56 Stat. 1013), in respect of such invention or right or interest, and such person to whom a licensor's interest is returned shall have all rights assertable by a licensor pursuant to section 2 of the said act. Return of any invention pursuant to this section shall be subject to existing licenses issued by the Alien Property Custodian, his successor or successors, and shall not include any rights of the Alien Property Custodian, his successor or successors, to revoke such licenses.

"(d) Except as otherwise provided herein, and except to the extent that the President or such officer or agency as he may designate may otherwise determine, any person to whom return is made hereunder shall have all rights, privileges, and obligations in respect to the property or interest returned or the proceeds of which are returned which would have existed if the property or interest had not vested in the Alien Property Custodian, his successor or successors, but no cause of action shall accrue to such person in respect of any deduction or retention of any part of the property or interest or proceeds by the Alien Property Custodian, his successor or successors, for the purpose of paying taxes, costs, or expenses in connection with such property or interest or proceeds: Provided, That no person to whom a return is made pursuant to this section, nor the successor in interest of such person, shall acquire or have any claim or right of action against the United States or any department, establishment, or agency thereof, or corporation owned thereby, or against any person authorized or licensed by the United States, founded upon the retention, sale, or other disposition, or use, during the period it was vested in the Alien Property Custodian, his successor or successors, of the returned property, interest, or proceeds. Any notice to the Alien Property Custodian, his successor or successors, in respect of any property or interest or proceeds shall constitute notice to the person to whom such property or interest or proceeds is returned and such person shall succeed to all burdens and obligations in respect of such property or interest or proceeds which accrued during the time of retention by the Alien Property Custodian, his successor or successors, but the period during which the property or interest or proceeds returned were vested in the Alien

Property Custodian, his successor or successors, shall not be included for the purpose of determining the application of any statute of limitations to the assertion of any rights by such person in respect of such property or interest or proceeds.

"(e) No return hereunder shall bar the prosecution of any suit at law or in equity against a person to whom return has been made, to establish any right, title, or interest, which may exist or which may have existed at the time of vesting, in or to the property or interest returned. With respect to any such suit, the period during which the property or interest or proceeds returned were vested in the Alien Property Custodian, his successor or successors, shall not be included for the purpose of determining the application of any statute of limitations.

"(f) At least 60 days before making any return to any person other than a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, the Attorney General, or the Commission, as the case may be, shall publish in the Federal Register a notice of intention to make such return, specifying therein the person to whom return is to be made and the place where the property or interest or proceeds to be returned are located: Provided, That if a determination by the Alien Property Custodian, his successor or successors, is under review in a court of the United States, under the provisions of section 34 with respect to such property, publication of such notice of intention to return shall not be made until entry of final judgment by the court or courts of such review. At the same time a similar notice shall be given by registered mail to any person who has theretofore filed with the Alien Property Custodian, his successor or successors, any claim to such property or any claim against the person to whom it is proposed to return such property. Publication of a notice of intention to return shall confer no right of action upon any person to compel the return of any such property or interest or proceeds, and such notice of intention to return may be revoked by appropriate notice in the Federal Register. After publication of such notice of intention and prior to revocation thereof, the property or interest or proceeds specified shall be subject to attachment at the suit of any citizen or resident of the United States or any corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, in the same manner as property of the person to whom return is to be made: Provided, That notice of any writ of attachment which may issue prior to return shall be served upon the Attorney General. Any such attachment proceeding shall be subject to the provisions of law relating to limitation of actions applicable to actions at law in the jurisdiction in which such proceeding is brought, but the period during which the property or interest or proceeds were vested in the Alien Property Custodian, his successor or successors, shall not be included for the purpose of determining the period of limitation. No officer of any court shall take actual possession, without the consent of the Attorney General, of any property or interest or proceeds so attached, and publication of a notice of revocation of intention to return shall invalidate any attachment with respect to the specified property or interest or proceeds, but if there is no such revocation, the Attorney General or the Commission, as the case may be, shall accord full effect to any such attachment in returning any such property or interest or proceeds: Provided, however, That upon notice of such attachment proceedings to the Attorney General, return may be made to the 'owners' under section 40 hereof if bond is posted by the owner in an amount set by the court in which such attachment proceedings shall have been filed.

"(g) As used in this section—

"(1) 'The Russian Zone of Occupation of Germany' shall be deemed to be composed of that part of Germany that is presently called the Soviet Zone of Occupation, and the Russian Sector of Berlin;

"(2) 'Other Communist-dominated countries' means any country or part thereof, except Austria, that was actively governed by Communist civilians or occupied by Communist forces either on January 1, 1954, or at any time thereafter prior to the return of the property, if such country or part thereof is still so governed or occupied at the time of the return of such property; and

"(3) 'Convicted of war crimes' means the entry of judgment against any person who has been convicted personally and by name by a court of competent jurisdiction (as defined by the Vested Property Commission) of murder, ill treatment, or deportation for slave labor, of prisoners of war, political opponents, hostages, or civilian population in occupied territories, or of murder or ill treatment of military or naval persons, or of plunder or wanton destruction without justified military necessity.

"Sec. 41. (a) There is hereby established a Commission to be known as the Vested Property Commission (hereinafter referred to as the Commission), to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate, each member of the Commission to receive a salary at the rate of $14,000 per annum. One such member shall be designated by the President as Chairman.

"(b) The Commission may employ such personnel, clerical and technical, as may be necessary to carry out its functions, but in no event shall the number so employed exceed 50 persons; and shall make and promulgate such rules and regulations as may be necessary to carry out its purposes and functions.

"(c) All decisions of the Commission concerning returns as a matter of grace shall be final.

"(d) The authority of the Commission and the term of office of its members shall terminate at the expiration of 3 years from the date on which the majority of its members first appointed take office, but the President may, by Executive order, fix an earlier termination date.

"Sec. 42. Persons desiring to claim return pursuant to section 40 shall file notice of claim with the Attorney General within 1 year from the enactment of this section in such form and manner as may be determined by regulations published by the Attorney General: Provided, however, That if prior to the enactment of this section a claimant has filed with the Attorney General a claim for the return of property no additional claim need be filed.

"Sec. 43. The Attorney General shall determine the eligibility of each claimant under section 40 of this act, and he shall make returns of property at a time not sooner than 60 days subsequent to the publication of notice in the Federal Register as required by section 40 (f) of this act: Provided, That where conflicting title claims have been filed, such claims shall be forthwith referred to the Commission for decision and disposition: Provided further, That, subject to the provisions of section 40 (f) of this act, the Attorney General shall order the return of vested property, subject to the provisions of section 46 (c) of this act, in every case where an owner, legal representative, or successor has filed a claim by April 30, 1949, and no conflicting title claim has been filed prior to December 31, 1953, in respect of the same property. (A claim filed prior to said date by a foreign government, claiming in a custodial and nonownership capacity, shall not be considered hereunder as a conflicting title claim.)

"Sec. 44. Claimants aggrieved by a decision of the Attorney General, or by failure of the Attorney General to render a decision, upon notice of claim filed in pursuance of section 42, for more than 1 year subsequent to the date of filing, or within 1 year from the enactment hereof if the claim was filed prior thereto, or by failure of the Attorney General to refer to the Commission conflicting title claims or to order forthwith returns as provided in section 43, may appeal to the Commission under procedures to be prescribed by the Commission. Decisions of the Attorney General, not appealed within 60 days after notification to the claimant by registered mail, shall be final, but nothing herein provided shall affect the right of a claimant, otherwise eligible, to file or continue to pursue his remedies under section 9 (a) or section 32 of the Trading With the Enemy Act, as amended.

"Sec. 45. Notwithstanding the provisions of the act of September 28, 1950 (ch. 1094, 64 Stat. 1079), and of any other provision of law the Commission is authorized, directed, and empowered to make a study of the problems arising between this country and other nations with respect to intercustodial conflicts, and to report to the Congress by January 1, 1955, the details of such conflicts and of any funds and other property which have been received by the United States from other nations pursuant to the provisions of the Paris Reparations Agreement and any other international agreements, to the end that the Congress may enact legislation which will fairly and properly deal with other nations as the result of the adoption of a policy by the United States to return property pursuant to section 40 hereof which has been vested since December 7, 1941, under the provisions of the Trading With the Enemy Act, as amended.

"Sec. 46. (a) In the conduct of its business the Commission is authorized to expend from vested assets on hand in the Office of Alien Property an amount not to exceed $350,000 per annum during the life of the Commission.

"(b) The Commission shall determine, by estimate, the sum which has been and will be expended in the administration of vested assets from December 7, 1941, to the termination of the activities of the Office of Alien Property as envisioned by the provisions of section 40 of this act, including the expense of the Commission and the expense of the Alien Property Custodian, his successor or successors, for the administration of vested assets which has not been charged directly against the assets themselves.

"(c) The Attorney General shall then retain from all property returned in accordance with the provisions of section 40 an amount which the Commission shall fix as the pro rata share of the expenses determined in accordance with (b) above, such share being the ratio that the value of the property so returned bears to the value of all vested property: Provided, however, That no return shall be made pursuant to section 40 unless the owner thereof files with the Attorney General a written consent to such retention.

"(d) Upon receipt of the written consent of retention referred to in (c) above, the Attorney General is authorized to liquidate returnable assets to the extent necessary to provide funds for the authorized retention where cash is not available for that purpose from the property to be returned: Provided, however, That each owner shall be given an opportunity to pay the necessary amount in lieu of liquidation of specific property.

"(e) No retention shall be made from patents, patent applications, copyrights, and trade-marks other than from the proceeds collected therefrom.

"Sec. 47. (a) The Commission shall determine by estimate within 30 days after a majority of its members shall have been appointed and qualified, the sum which will be

necessary to carry out the purposes of return as set forth in section 40 hereof, and shall report the same to the Congress.

"(b) There are hereby authorized to be appropriated such sums, for the credit of the Attorney General, as the Commission may under (a) above report, to satisfy awards made under section 40 of this act to the extent that the proceeds of liquidated vested property are not available for return.

"(c) All funds remaining after administration, liquidation, and disposition pursuant to the foregoing sections shall be paid into the Treasury of the United States."

SECTION 32 AND SECTION 39 OF THE TRADING WITH THE ENEMY ACT OF OCTOBER 6, 1917 (40 STAT. 411, AS AMENDED)

* * * * *

(g) Without limitation by or upon any other existing provision of law with respect to the payment of expenses by the Alien Property Custodian, the Custodian may retain or recover from any property or interest or proceeds returned pursuant to this section, [or] section 9 (a), *or Section 40* of this Act an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or interest or proceeds, or other property or interest or proceeds returned to the same person.

[SEC. 39. No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this Act, shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation, and disposition pursuant to the provisions of this Act of any such property or interest therein shall be covered into the Treasury at the earliest practicable date. Nothing in this section shall be construed to repeal or otherwise affect the operation of the provisions of section 32 of this Act or of the Philippine Property Act of 1946.]

MINORITY VIEWS TO ACCOMPANY S. 3423

I have examined the report of the Committee on the Judiciary on S. 3423 (Rept. No. 1982), and after consideration of all the factors and arguments presented for and against the bill, I am constrained to conclude that I am unalterably opposed to its enactment. S. 3423 represents implementation of the subcommittee's report on its examination and review of the administration of the Trading With the Enemy Act. I filed supplemental views to that report, indicating my objections thereto. The legislative history of this bill, including the reports of the Department of State, the Bureau of the Budget, the Department of Justice, and the testimony adduced at the hearings on the bill before the subcommittee held on July 1 and 2, 1954, has served only to justify and strengthen my earlier convictions. I file these views as my objection to the enactment of S. 3423.

The Alien Property Custodian and his successor, the Attorney General, have vested property totaling approximately one-half billion dollars in value, which is now the property of the United States. This bill would return all that property. Much of the property has been liquidated and converted into cash, $210 million of which has been paid over to the war claims fund under the War Claims Act of 1948 and distributed to American war-damage claimants. Some of the vested property has not been liquidated due to pending litigation for its return. Under section 9 of the Trading With the Enemy Act, property subject to return litigation cannot be sold. Apart from the fact that this bill would require the United States to return vested property totaling one-half billion dollars in value, it would require appropriations in approximately the amount of the $210 million paid over to the war claims fund. The written reports of the Bureau of the Budget, the State Department, and the Department of Justice have all withheld their approval of S. 3423 because of the appropriations required, among other reasons.

The committee's recital of the background of the historic policy of this Government with respect to the treatment of enemy property appears to be extremely limited. The committee report refers to the Treaty of Versailles which provided for the use of external enemy assets to pay public reparations and the legislation by the Congress which reversed that policy and returned seized enemy property. The committee then quotes at great length from the report of the house of delegates of the American Bar Association, dated March 29, 1943, recommending the return of vested enemy property. I regret to find that the omissions from the committee's statement of the policy of this Government in respect of the disposition of enemy assets are much more significant than the reasons stated as the ground for the reversal of that policy.

Inasmuch as the committee places much emphasis on the 1943 report of the house of delegates of the American Bar Association, I think it appropriate to point out that only a short time thereafter, on December 20, 1945, the very same house of delegates of the American Bar Association adopted a recommendation that "enemy property within the jurisdiction of the United States should be held and, if necessary, applied to secure the payment of all just claims of this war and any unpaid claims of the last war."

This recommendation was referred to in a statement made by Assistant Attorney General Dallas S. Townsend, Director of the Office of Alien Property, in his testimony before the subcommittee on July 1, 1954. The use of the 1943 report of the house of delegates by the committee in these circumstances is indication to me of a clear lack of adequate support for its position.

But this is only a minor omission when considered in the light of the other matters which have been brought to its attention and ignored. The policy of retention of external enemy assets as reparations was considered long before the Paris Reparation Agreement established the policy of this Government. Beginning in 1943, such eminent persons and responsible bodies of legislators and citizens as Congressman Gearhart, of California, Senator Carter Glass, of Virginia, Congressman Beckworth, of Texas, Congressman Cunningham, of Iowa, Congressman Rich, of Pennsylvania, Mr. Bernard Baruch, former Secretary of State James F. Byrnes, a Subcommittee on War Mobilization of the Senate Committee on Military Affairs, veterans' organizations, and organizations of American civilians, urged that assets of Germany and Japan in this country should be retained. The Paris Reparation Agreement which was entered into by the United States and 17 Allied nations, excluding Russia and Poland, followed. That agreement determined the respective shares of each of these countries in the German property available to them as reparations. It was a method of reimbursing the Allied countries in some reasonable manner, reasonable to Germany as well as to the Allies. As stated by Secretary Dulles at the hearings on the bill, "If this approach is to be reversed, the question of unsatisfied claims against Germany would call for consideration." Although this bill reverses the approach, it gives no consideration to the question of unsatisfied American claims against Germany.

The course urged by the various individuals, organizations and congressional committees mentioned above and, the Paris Reparation Agreement, had their inception in the unfortunate history of this Government's attempt to obtain the reparations due it from Germany as a result of World War I. The history of our futile attempts to obtain these reparations over the years is too well known to require restatement here. It is a history of continuing default by the German Government. Only 2 years ago, in 1952, a new agreement was made which provided for installments payable over a period of 26 years. If the obligations undertaken by the West German Government under this agreement are kept, our American citizens may expect to be paid after a total period of 56 years.

Congress recognized the wisdom of the policy fixed by the Paris Reparation Agreement and enacted it into law in the War Claims Act of 1948. Section 39 of the Trading With the Enemy Act was made a part of the War Claims Act. That section provided that no vested property or interest of Germany or Japan or their nationals shall be returned to the former owners and that the United States shall not pay compensation for any such property or interest therein. The Bonn Convention of 1952 entered into between this Government and West Germany reaffirmed this principle and was accepted by West Germany as is evidenced by its undertaking in that agreement to compensate its nationals for their losses through the vesting action of the United States. The Japanese Treaty also recognizes our right to the retention of this property.

What has been said above establishes that the bugaboo of confiscation is not a real issue here. Private parties who have lost property through vesting are to be compensated by their government. This bill, then, serves only to release the German Government from its obligation to its own people to repay them. The real issue here is the unquestioned right of the United States to reparations. But the bill makes no provision for any substitute payment to protect the United States.

The end result of S. 3423 is, therefore, to strip the United States of one-half billion dollars and to require, in so doing, that at least $200 million be appropriated for payment to Germany. I cannot emphasize too strongly that the effect of the enactment of this bill will be to take this enormous burden from the shoulders of the German taxpayer, where it belongs, and transfer it to the American taxpayer.

The committee report stresses the good will toward this Government which will result from the return of this property and points to the receipt of letters from citizens of former enemy countries urging the return of the property. Nothing is said, however, of the multitudes of letters that are being received by Members of the Congress daily from American citizens decrying the payment of an additional half billion dollars to nationals of Germany and Japan. Nor does the committee take any cognizance of the written reports by the executive branch of the Government, each objecting to the appropriations the bill requires. The report of the Bureau of the Budget dated June 30, 1954, stated it "is opposed to the use of appropriated funds to finance such a return." The State Department's report dated July 1, 1954, states:

"The amount of appropriations required either for a complete return of German and Japanese assets or for any measure of partial return has not been estimated. In the circumstances, the Department does not feel that it is in a position to endorse any specific proposal for return at this time."

The letter from the Department of Justice of June 30, 1954, opposes the enactment of the bill, pointing out that "the bill probably would require appropriations of not less than $175 million." The chairman of the subcommittee handling this measure has stated that he had no definite idea, but that $200 million or even more of appropriated

funds may be required. The bill authorizes the Vested Property Commission to determine the sum necessary to carry out the purposes of the bill and the appropriation of such sum is authorized.

Presumably, the committee has decided that the good will which it asserts will result from the generosity of this Government in making complete return is well worth the cost. In so doing it has chosen to ignore not only the written admonitions of the three Government agencies mentioned, but has also deliberately disregarded the representations of the Secretary of State to whom it admittedly looked for policy guidance. Mr. Dulles testified that our relations with Germany and Japan are sufficiently good that we do not have to buy their good will; that "we have done plenty." He then discussed the good-will effect of partial return, specifically a return of some figure such as up to $10,000. Colonel Townsend had already testified that such a return would require the payment of less than 25 percent of that required by the bill in its present form and would have the effect of paying 92 percent of all vested enemy accounts and removing the hardship cases. Mr. Dulles stated:

"The maximum of good will would be obtained if there could be a total restitution in favor of the small people who in the aggregate make up a very considerable number."

His testimony referred in detail to the many cases of small and impoverished people who had small savings or annuities or life-insurance policies in this country. He said: "I would very strongly approve that feature of your bill, if that is in it." This statement of policy by the Secretary of State favoring a partial return has not swayed the committee from its announced purpose of returning all vested property, nor has the attendant unnecessary drain on the Treasury of the United States and the American taxpayer caused the committee to deviate from this purpose in the slightest degree.

Colonel Townsend, in his testimony, and the Department of Justice, in its reports on this bill, stated that certain vested properties have increased enormously in value between the time of vesting and the present time. For example, General Aniline & Film Corp., vested as the property of I. G. Farbenindustrie, has increased in value from $35 million at the date of vesting to about $90 million at the present time. Schering Corp. has increased from $1,300,000 at date of vesting to over $29 million at the date of sale. It is my understanding that such increases in value total about $150 million. This bill would return all vested property together with these increases. The increases occurred not through any passive custodianship of the vested property; but through the active operation of these properties under the supervision of the Custodian and the Attorney General. The original enemy owners had no part in creating this vast increase in value. To return their property in its present form would represent an unjustified windfall to the former owners at the expense of the United States and the American taxpayer. Some of these corporations are of substantial importance to American industry. They contributed greatly to the American war effort and continue to contribute to our present defense program. The substantial increases in value resulted in part from the very war which was brought on by governments of the people to whom this property would be returned. This bill, therefore, represents a gift to these people of the fruits of war. Secretary Dulles testified he would be inclined to make restitution either of the value at the time of seizure or at the time of return, whichever is less. Here again, the committee, having requested and received policy guidance from the Secretary of State, has ignored it. An amendment to the bill along the lines indicated by the Department of Justice and the Secretary of State would save the American taxpayer more than $150 million.

Another matter deserves special attention. S. 3423 provides that where an owner has filed a claim before April 30, 1949, and no conflicting title claim has been filed prior to December 31, 1953, the Attorney General shall order the return of the property. This provision denies consideration to any person who would be eligible under the terms of this bill if a claim had been filed before April 30, 1949. Obviously, most of the former owners of property have been ineligible to file claims for return up to this time. S. 3423 makes them eligible to do so for the first time. Yet in those cases where claims were filed before April 30, 1949, by others, it automatically divests them of rights otherwise granted by this bill. I believe this provision particularly unwarranted and objectionable.

My opposition to S. 3423 is also dictated by several additional aspects of the bill. The committee's detailed analysis of the bill refers to its purpose to maintain certain large and important industrial properties under American ownership. It does not accomplish that important purpose. The bill provides that this Government should require the sale of such property to American citizens. The committee well knows that much German property has been vested from American "cloaks," to whom bare legal title to the property was conveyed by German interests in anticipation of war and with the understanding that title was to be reconveyed after the war. The bill does not prevent this property from being sold to such American "cloaks" and from finding its way back again to German control. It merely requires the sale of the property to "citizens of the United States" with no other standard or protection.

Even if I agreed with the principles of the bill and the purposes it purports to achieve, I would, nevertheless, object to its enactment on the ground that it fails in its purposes. The committee's report indicates that one of the main objectives of S. 3423 is to obtain the good will of the German people by returning their vested property. It is a matter of common knowledge that a substantial portion of the property vested as German-owned was not held by Germans at the time the property was vested. The record owners of such property were American, Swiss, Dutch, and other nonenemy nationals. Two noteworthy examples may be found in the General Aniline & Film and Schering cases mentioned above. The record title in both these cases was held by Swiss nationals. These two alone total about $120 million. That there are many other such cases is obvious from the known methods used by the Germans in cloaking their property. S. 3423 provides for the return of vested property to the person holding the record title thereto at the time of vesting. The bill makes no provision to insure that the property will be returned to the Germans determined to be the owners at the time of vesting. The record owners to whom this property would be returned will, therefore, be in a position to retain it. The bill thus rewards the "cloaks" who collaborated in violating the laws of the United States.

I believe that the creation of a Vested Property Commission and the placing of this Commission in a position to review the work of the Attorney General is highly objectionable. The Attorney General is responsible for the administration of the Trading With the Enemy Act. No useful purpose can be served by subordinating him to a Vested Property Commission. If, for any reason, the committee believes that the Attorney General, a Cabinet officer, is not capable of administering the Trading With the Enemy Act without the supervision of the Commission, the entire administration of the act should be placed in the hands of the Commission. Otherwise, the creation of a Vested Property Commission should be abandoned.

There are further objections to the bill. Because he was an arm of the Government, the Custodian, having vested enemy interests in patent royalty agreements which violate the antitrust laws, was able to collect royalties from American licensees even though the German party could not have done so. To return the proceeds of these collections to the German parties to the agreements would obviously constitute inequitable enrichment. In addition, in returning vested patent contract interests to nonenemies, the Office of Alien Property deducts royalties received from patents and proceeds used in war production and turns these royalties over to the Treasury. This bill would require these proceeds to be returned to the former enemy party to the agreement. The bill would, therefore, require that these enemies receive more favorable treatment than our allies and neutrals.

ROBERT C. HENDRICKSON,
United States Senator.

Mr. DIRKSEN. Mr. President, in the minority views it is set out that of course this operation will cost some money, and that there may be an outlay of $210 million in cash. In all candor, I must say to the Senator from New Jersey that I notice from its letter to me the Budget Bureau was not too happy about the idea of having to appropriate money for this purpose, but when we are dealing with principle, Mr. President, we do not cut it half-way. Either we go right down the middle of the road or we do not go at all, for otherwise it will be a compromise. But if we are going to make much of the fact that restitution of alien property is going to cost a little something, I point out to Senators now that our expenditures in Germany and Austria up to date have been $4¼ billion, and I do not know where they are going to stop. Two hundred ten million dollars would be peanuts compared with the load that we have carried over there already. I want to emphasize that fact, because there is involved here, Mr. President, an element of good will and the possibility of bringing within the orbit of the free world a country which occupies a pivotal position in Europe at the present time, when things are so feverish and so fluid.

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

Mr. DIRKSEN. It was not without reason, Mr. President, that the distinguished Secretary of State came before the committee and testified. He knew that this was a matter of integrating something desirable into our foreign policy, for how can we with one hand peddle largesse to the extent of billions of dollars to a vanquished people, and with the other hand withhold, in complete violence of traditional American policy, the restitution of alien property.

Mr. DWORSHAK. Mr. President——

Mr. DIRKSEN. I yield to the Senator from Idaho.

Mr. DWORSHAK. Does the Senator from Illinois recall that immediately following the end of World War II, we were sold the ill-fated policy by the administration and the then Secretary of the Treasury, Mr. Morgenthau, which was designed to destroy the industrial capacity of Germany? Can the Senator

advise us whether this proposal has any relationship to it?

Mr. DIRKSEN. All I can say is that Mr. Harry Dexter White had his finger very deeply in the program to pastoralize Germany and destroy her industry. Today we are wondering how to bring Germany within the defense orbit and the security orbit of the free world, because there is pending now the European Defense Community contract and treaty, involving 6 countries and embracing Germany; and no less a person than the majority leader, as I understand, was trying to force the hand of France in order to come within the purview of that pact, so that we might implement the NATO security line in Europe. There is involved then, not only the reversal of a concept that was at variance with American tradition of administering alien enemy property, but there is involved also the good will of a a country that has a definite bearing upon the security pattern and the general defense concept of our country.

Mr. CHAVEZ. Mr. President, will the Senator yield to me briefly?

Mr. DIRKSEN. I yield.

Mr. CHAVEZ. I think the bill is about as fine a bill as could be acted on by the Senate. It represents only ordinary common decency and fair play. Why should we not turn over to individual Germans the property that belongs to them individually? Why should we make the individual German responsible for what the German Government did?

I introduced a bill prior to the one that was introduced by the Senator from Illinois, but I based my bill on the fact that I do not believe it is a part of American fair play to punish individual Germans, merely because they happen to have a little money or a little property in the United States, by not turning it back to them. If we mean what we say, and if we are trying to be friends of the Germans, and if we are trying to do the right thing by them, what is wrong with turning over to the owner a particular piece of property that belongs to 1 German or 2 Germans or 3 Germans?

I hope the Senator's bill will prevail.

Mr. DIRKSEN. Mr. President, I am not disposed to labor the point too long because the reports and the hearings speak for themselves. I point out only one thing: The United States of America is the biggest investor abroad of any nation on the face of the earth. There is presently a peculiar dissident wave in the whole wide world that expresses itself in the form of expropriation. What was the situation on the Persian Gulf when suddenly Mossadegh moved in and one of the world's greatest refineries, at Abadan, in Iran, shut down?

Only now, as a result of the excellent efforts of the son of Herbert Hoover, are they getting ready to reopen that refinery, which is so necessary to the economy of the whole world.

What was the situation in Guatemala even before the forces of Castillo Armas began to move in? The Guatemalan Government was saying to the Pan-American Insurance Co., of New Orleans, La., that so far as it was concerned the company could move out. It was looking with longing eyes on the property of this country. There we had another evidence of the wave of venal expropriation that is moving through the world.

What would happen if conflict should arise some day at a time when this Government is encouraging private enterprise to invest American dollars in every corner of the earth? If seizure comes, if confiscation comes, it will be this country that will be the loser in a great big way, with interest compounded.

I had hoped that somehow we could reverse this course, that we could change the philosophy that is in the law today, and at long last generate some good will on the part of a country that we are wooing now into a new defense establishment, to be incorporated into the NATO organization, against the day when the Red forces may undertake to march across Europe.

That is what is involved, Mr. President. If the bill is faulty, I will welcome with open arms anyone who can improve it and obtain for it better acceptance than I have been able to get. If the bill is not passed, we may look to the day, as the Custodian said, when these burdens will be on our doorstep for years and years, and millions and millions of dollars will be expended for continuing the administration of enemy alien property in this country.

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

Mr. DIRKSEN. I yield.

Mr. HENDRICKSON. I ask the distinguished Senator why the Smith-Hendrickson-Ives bill would not do all the things the Senator from Illinois is arguing for today? In what respect is that bill faulty?

Mr. DIRKSEN. If my friend can sell his bill to the Judiciary Committee, it is perfectly all right with me.

Mr. HENDRICKSON. My friend from Illinois is a great deal more successful in selling his bill to the Judiciary Committee than I have been in selling the Smith-Hendrickson-Ives bill. My friend is very much more persuasive than I am.

Mr. DIRKSEN. Mr. President, I cannot pretend that my feeble talents are more persuasive than those of my genial and gracious friend from New Jersey; but I do the best I can with anything that is laid in my lap, and I do my best to discharge any responsibility that is placed on me. I am proud of what I have done, because my efforts sprang from the conviction that it was a definite service to my country. I expect to see that judgment vindicated in due course.

I have no pride about the details. I say only that the present concept must be changed, and we shall have to deal with the situation realistically. I am glad to know that in the exchange of letters between President Eisenhower and Chancellor Adenauer both men recognize that the door is open. It may be that some sweet fruit will crown all these labors in an abstruse field. I yield the floor.

Mr. HENDRICKSON. Mr. President, that the distinguished Senator from Illinois labored long and hard and effectively on this issue, no one can deny. I congratulate him on his labors. However, I cannot help believe that in all his labors the distinguished Senator was a little biased in behalf of his own bill, because when he called a public hearing of the subcommittee, there was before the subcommittee another bill, and he did not even give recognition to the other bill, which sought to accomplish some of the things that are sought to be accomplished by the pending bill. It was only because the Senator from New Jersey was a member of the subcommittee that the so-called Smith-Hendrickson-Ives bill was ever mentioned or ever thought of in the hearings. Of course, it did not receive proper treatment.

When I asked the Secretary of State if he had read the Smith-Hendrickson-Ives bill, he said, "No." He said he had not seen it. I asked him if he would obtain a copy of it and study it. He said he would. I still have to hear from the Secretary of State with respect to the merits or demerits of that bill.

With respect to the bill which the distinguished Senator from Illinois is advocating today, there are many faults in that bill. The minority report points out those faults. The Deputy Attorney General and the Custodian himself pointed out many faults.

True, the distinguished Senator from Illinois added several amendments to bring the bill into conformity with some of the Custodian's objections. However, there are many facts that must be searched out with respect to this issue. I suppose now those facts must be searched out on the floor of the Senate.

I hope that every Member of the Senate will carefully read the testimony of the Secretary of State with respect to the bill which is advocated by the distinguished Senator from Illinois. The Secretary of State was not at all positive in any of his testimony. I asked him if he had made a study of the bill. He said he had not made a study of it, although he had seen it and looked at it.

True, he said he was in favor of the principle involved. There are principles in both bills. Like the distinguished Senator from Illinois, I have no pride of authorship. I am seeking to accomplish, together with my colleague the distinguished senior Senator from New York [Mr. IVES], exactly the same objective the Senator from Illinois is seeking to accomplish. But it must be done on a sound basis. The principle of confiscation, in my opinion, is somewhat of a red herring. I think the principle involved is the principle of reparation. I think the Senator from Illinois has overlooked the fact, in some respects, that there was a treaty made in Paris which treats of the subject of reparation. I think if we are not careful, and if we move too rapidly to the passage of the Dirksen bill, we are very likely to create double compensation for many of the folks in Germany who were truly enemies in time of war. It is a question which must be studied very carefully. I shall have more to say about it later in the session when the bill is called up. But I plead with every Member of the Senate to read and study carefully both the majority report and the minority views.

LEAVE OF ABSENCE

On his own request and by unanimous consent, Mr. ERVIN was excused from attendance on the session of the Senate tomorrow, Thursday, August 12, 1954.

ADDITIONAL BILL PASSED TO FOOT OF CALENDAR

Mr. KNOWLAND. Mr. President, at the request of the calendar committee, Calendar No. 2311, Senate bill 2083, which was objected to earlier in the day by, I believe, the Senator from Florida [Mr. SMATHERS], who is a member of the minority calendar committee, I desire to state that the objection has been withdrawn. I now request that Calendar No. 2311, Senate bill 2083, be added to the bills at the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDS FOR SELECT COMMITTEE TO STUDY CENSURE CHARGES PURSUANT TO SENATE ORDER ON S. RES. 301

Mr. WATKINS. Mr. President, from the Select Committee to Study Censure Charges pursuant to Senate order on Senate Resolution 301, to censure the Senator from Wisconsin [Mr. MCCARTHY], I report an original resolution to provide funds for the select committee. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The resolution (S. Res. 313) was read, as follows:

Resolved, That the select committee, named by the Vice President as ordered by the Senate on August 2, 1954, to consider Senate Resolution 301 of the 2d session of the 83d Congress, shall select a chairman from among its members.

SEC. 2. The committee is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable.

SEC. 3. The necessary expenses of the committee, not to exceed $30,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 313) was considered and agreed to.

ADDITIONAL BILL INTRODUCED

An additional bill was introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. DANIEL (for himself and Mr. JOHNSON of Texas):

S. 3860. A bill to promote the preservation of the history of the United States as recorded in pioneer weekly newspapers and as currently published in weekly newspapers of the United States by establishment of the National Library of Weekly Newspapers, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. DANIEL when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF SUBVERSIVE ACTIVITIES CONTROL ACT, RELATING TO IDENTITY OF CERTAIN COMMUNIST - INFILTRATED ORGANIZATIONS—AMENDMENTS

Mr. KENNEDY submitted amendments intended to be proposed by him to the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. HUMPHREY submitted amendments intended to be proposed by him to Senate bill 3706, supra, which were ordered to lie on the table and to be printed.

Mr. HUMPHREY (for himself, Mr. KENNEDY, and Mr. MORSE) submitted amendments intended to be proposed by them, jointly, to Senate bill 3706, supra, which were ordered to lie on the table and to be printed.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is Senate bill 3706. The bill is open to amendment.

Mr. MORSE. Mr. President, I am opposed to the pending bill. I am not opposed to the anti-Communist objective of the bill, but I am opposed to many of the procedural provisions of it, and I am opposed to giving jurisdiction over the subject matter of the bill to the Attorney General of the United States.

I agree with the Senator from New York [Mr. LEHMAN], in his remarks earlier today when he suggested that the bill should have been considered by the Committee on Labor and Public Welfare of the Senate, because, in my judgment, that is the committee which really has jurisdiction over legislation dealing with American unions. I am not talking about jurisdiction over individual citizens who may be guilty of subversive and Communist activities. I shall dwell on that point in a moment.

The first objection I wish to raise to the bill, by way of Senate procedure in handling the bill, is that I think it was considered by the wrong committee. I think the bill should have gone to the Committee on Labor and Public Welfare, because, in my judgment, that committee has responsibility for advising the Senate on legislation we should consider in respect to controlling any Communist activities which may exist in any American union.

When I was a member of that committee—and I was a member of it for some 8 years—I took the position that jurisdiction over the issue of Communist-dominated unions should be placed squarely in the National Labor Relations Board. A majority of my colleagues on the committee were not of that persuasion—at least, up until the time I ceased to be a member of the committee. I think it was two and a half years ago or thereabouts. I shall shortly have the report which will give the exact date. The Senate Committee on Labor and Public Welfare, at the time when I was a member of it, went into the question of how to handle the issue of communism within American unions. I remember as distinctly as though it were yesterday many of the details of the discussion. We were of one mind—and I am of the same mind today, Mr. President—that communism in American unions has been greatly exaggerated. There have been cases of Communist-dominated unions, but, relatively speaking, there is little communism in American unions.

Undoubtedly a certain percentage of the Communist population of the United States are workers, and a certain percentage of those workers are members of trade unions, but they represent such a small percentage of the workers, in the first place, and of trade unionists in the second place, that it is very easy for anti-labor forces in this country to create a hysterical impression, as has been done among certain segments of our population, that American unionism is honeycombed with communism. It simply is not a fact.

I also wish, as the Senator from New York did earlier this afternoon, to pay my tribute to great labor statesmen in both the AFL and the CIO in carrying on a great fight against the small segments within the American labor organizations which have become Communist-inclined. George Meany and the other labor statesmen of his stature within the AFL must be counted among the leaders of this country dedicated to the proposition that communism shall not thrive within the American labor movement. Walter Reuther, McDonald of the steel workers, the leader of the textile workers, and many other CIO labor leaders are of the same mind, Mr. President. Take the fight Jim Carey has made again communism as he found it some time ago in his union. Under his leadership they were driven out of the electrical workers' union. The charter of that Communist-dominated union was taken away and a new CIO union in that field was established under the leadership of Jim Carey.

Oh, Mr. President, it is so easy in these days to give the impression that American labor has become saturated with communism within its policymaking ranks. It just is not true. Nor will we find upon investigation any large number of Communists within the ranks of organized labor. The Communist strategy and tactics are to infiltrate every organization they can infiltrate. I do not know of any organization in which any principle of self-government exists, in which the Communists will not try to

worm and termite their way, hoping they can take over some of the self-governing activities of the organization and come to dominate it. Every organization, I do not care what it is, must be on guard against it.

I am a little amused about one of the smears against me. At one time I was a member of the Institute of Pacific Relations. I think that was the name of the organization. I was then dean of the law school of the University of Oregon. Ray Lyman Wilbur—no flaming liberal, a former Secretary of Commerce, and then president of Stanford University, and Dr. Alsberg, then director of the Food Research Institute of Stanford University, invited me at the time I was chairman of the Pacific Institute of the Administration of Justice—I think that was the title; I may be incorrect as to the exact title, but I think that was the title of the organization—to become a member of the Institute of Pacific Relations. They felt that the chairman of this organization of legal societies on the Pacific coast ought to cooperate in what was a very sound objective. The objective is just as sound today as it was then. It was in the early thirties that I became a member.

That organization was created to do what? To improve the relationship between the United States and Asia, and to do what could be done in trying to develop a greater economic intercourse between Asia and the United States. A good many researches were underway in the colleges and universities, particularly on the west coast, because we on the west coast recognize that with Asia at our front door, the future economic life of the west coast has a direct interest in the economic developments in Asia.

So upon the invitation of Mr. Wilbur and Dr. Alsberg, I became a member of the Institute of Pacific Relations. The principal membership activity in the institute consisted of receiving its literature. I do not know of any meeting which I ever attended; although if a meeting had been available to me, I would have had no objection to attending it.

I think also that another reason for my joining the institute was that I was the representative of the University of Oregon, as I recall, on the western regional division of the Social Science Research Council of America. That happened to be a council of representatives of various educational institutions which met once or twice a year, as I recall, to pass judgment upon the application for research grants to be made by the Social Science Research Council of America for research investigations, into a whole variety of subjects in the field of social science. Some of the subjects had to do with research study in the field of American-Asian relationships from an economic standpoint.

As a member of the council, it was suggested to me that I should take an interest in the Institute of Pacific Relations, and I did, as I say, to the extent of receiving its literature.

I could not raise my right hand today and swear whether or not the institute was a dues-paying organization. But knowing that my finances at that time were just about what they are now—practically zero—I think that if it had been a dues-paying organization, I would recall it. It may be that I had to pay some subscription fee for the literature; I do not know.

But that organization was sound in objective and purpose, and desirable in objective and purpose. So far as I know, as long as I was a member of the organization there was not the semblance of Communist activity connected with it.

I understand—I do not know it to be a fact—that on the basis of some investigations which have been conducted by Senate committees, there is some reasonable ground to believe that Communists tried to termite their way into the Institute of Pacific Relations. That must be guarded against at all times. Of course, when they try it, and to whatever extent they are successful, if one happened to be a member of the institute, he would be smeared by the hysterics in the country who think it is good politics to frighten the American people about the termiting activities of the Communists, and who seek to leave the impression that anyone who is a member of the organization which they have sought to undermine thereby becomes of questionable loyalty to his country. They also seem to think they can frighten people by that kind of smear campaign into silence at an hour when, in my judgment, loyalty to our country calls upon persons who have a belief in the American Bill of Rights to speak out in support of their full protection. I have done so, and I intend to continue to do so.

When it comes to the matter of Communists termiting their way into the American labor movement, it is the clear duty, in the first instance, of responsible labor leaders in the United States to proceed to clean them out. In my judgment, with but very few exceptions, that is exactly what the labor leaders of the country have done, and to a highly successful and remarkable degree.

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

Mr. MORSE. I am glad to yield.

Mr. BUTLER. It is my recollection, although I will admit that I have not read the hearings for some 6 months, that the Senator from Oregon appeared and testified before the Humphrey committee, which studied the problem to some degree. At that time the Senator from Oregon made the very definite and direct statement that there was a great overriding public interest involved in the question, and that he thought Congress, sooner or later—I hope the Senator will not hold me too closely to this statement—would act upon the question. Is that correct?

Mr. MORSE. If the Senator from Maryland will be a little patient with me, in due course I shall read those statements into the record. I have them before me.

Mr. BUTLER. I do not know whether my recollection is correct, but it seemed to me that the Senator had made the statement that there was great overriding public interest, that the labor unions could not cope with the situation and that the Legislature should act. I do not know whether I am right or not.

Mr. MORSE. I did not say that they could not cope with the situation, but I said they needed some assistance.

Mr. BUTLER. I think the record will speak for itself.

Mr. MORSE. I shall come to it shortly.

I think, in regard to the matter of communism within the labor movement, the first step, if it is successfully handled, is the assumption of responsibility on the part of labor leaders to put their own houses in order, and to see to it that any communism which exists within the labor movement is cleaned out by way of official union action. In my judgment, that is exactly the record of the responsible labor leaders of this country, and they deserve the highest commendation from the Congress and the people of the United States for the magnificent job they have done.

But in addition to the labor leaders assuming their full responsibility in checking the termiting activities of Communists within the labor movement, Congress has a responsibility, too, of being of assistance to the labor movement, in helping it perform this very important duty. That is the position I took when I was a member of the Committee on Labor and Public Welfare, to which the Senator from Maryland has just alluded. I took the position, over a period of 10 years, that, in my judgment, American employers should be given the right to file a claim of an unfair labor practice against a union if, in their opinion, the union was Communist dominated.

I took the position, as will be seen from the minority views which I issued when I was a member of the committee, and which I am about to read, that such a claim should be given priority by the National Labor Relations Board, and that a hearing should be held on a basis analogous to a pre-trial hearing in a Federal court, for the purpose of establishing whether or not a prima facie case exists in support of the employer's complaint. If the employer could establish to the satisfaction of the Board that a prima facie case existed, the Board should proceed forthwith to try the charge of unfair labor practice.

In my judgment, that jurisdiction should have been given to the National Labor Relations Board by Congress long before this. The National Labor Relations Board is the body which ought to be trying cases involving communism within the unions.

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

Mr. MORSE. I shall have something to say, after I have yielded to the Senator from South Dakota, about what I think the obligation of the Department of Justice is in respect to individual citizens; but that is quite different from giving it jurisdiction, through the exercise of broad discretion by the Attorney General, over the American labor movement. I yield to the Senator from South Dakota.

Mr. CASE. Mr. President, with the indulgence of the Senator from Oregon,

I should like to make a statement before I ask him a question.

Mr. MORSE. I yield for that purpose, without losing my right to the floor.

Mr. CASE. First of all, let me say that, in my judgment, this is probably one of the more important pieces of proposed legislation to come before this session of Congress. We are proposing to deal with a subject that received the attention of two or three Congresses before the bill was passed. When the original Mundt-Nixon bill was proposed, in about the 79th Congress, I believe, it contained a great deal of special appeal. I believe the bill was more or less the genesis of the one introduced in the 80th Congress. We developed the Internal Security Act, which was a revision of the original Mundt-Nixon bill. I recall working, as a member of the subcommittee of the House Committee on Un-American Activities, on the definition of what organization should be defined as a Communist-action organization and what one should be defined as a Communist-front organization. In fact, the distinguished Vice President and I were members of the subcommittee assigned to work over the bill before it was reported to the House of Representatives.

At one time I also had some contact with labor legislation. It is in connection with that work that the remark of the Senator from Oregon prompted me to raise this interrogation. I had never heard before that the Senator from Oregon advocated the definition of unfair labor practices on the part of a labor organization. I may have missed it, but it is my recollection that the Senator from Oregon opposed the enactment of the so-called Case labor bill in 1946 and the Taft-Hartley bill thereafter. Is the Senator from Oregon saying that the basic Labor Relations Act should be amended to add an unfair labor practice and describe it in terms of Communist infiltration?

Mr. MORSE. I do not know where the Senator from South Dakota has been if he is not aware of my position on the question. I did not vote for the Case bill because I thought it was a poor bill.

Mr. CASE. Did the Senator from Oregon vote for the Taft-Hartley bill?

Mr. MORSE. No; but I voted for the Ives-Morse bill, which came out of the Committee on Labor and Public Welfare by a vote of 11 to 2. The Ives-Morse bill had one unfair labor practice after another listed in it. In fact, in 1949, the late Senator from Ohio, the great Bob Taft, adopted a whole series of amendments in conference with the Senator from New York [Mr. IVES] and the Senator from Oregon, based upon the unfair labor practices listed in the Ives-Morse bill in 1947.

Mr. CASE. When consideration was given to the modification of the original Wagner bill so as to define unfair labor practices on the part of labor organizations, the Senator from Oregon will recall that the original Wagner Act defined unfair labor practices only on the part of employers. It did not set forth a comparable list, or any list, of unfair labor practices on the part of labor organizations.

Was the Senator from Oregon advocating in 1946 the establishment of a code of unfair labor practices on the part of labor organizations?

Mr. MORSE. The Senator from Oregon has advocated such a code from the day the Wagner Act was enacted. So long as the Senator from South Dakota has raised the question, let us get the record straight right now. I wish I had a certain document in front of me, but I shall obtain it in the next few days. I spoke in the Portland, Oreg., labor temple shortly after the Wagner Act was enacted. I said at that time that I even raised a serious question as to the constitutionality of the act. When I desire to discuss such a question, I go to the people directly concerned. I did not select the most popular audience for a discussion of the Wagner Act back in the thirties, when I appeared in the Portland labor temple before a labor audience. I said at that time that the act might be declared constitutional, but that would not make it good legislation. I said it was not good legislation because it was one-sided; it was loaded in behalf of labor. I said at that time that labor was making a serious mistake in not getting behind a movement to make it two-sided legislation.

There was great comment in my State about that. The people could not understand why the dean of a law school who had been invited to discuss the legal implications of the Wagner Labor Act would take that position. It so happens that I took the position that the Wagner Labor Act was partial legislation and that it would not be fair legislation until unfair labor practices on the part of labor organizations were also checked by legislation.

Let me discuss the next step in my record with regard to the Wagner legislation. In 1944 I campaigned up and down the State of Oregon with the pledge on my lips that the Wagner Act should be amended so as to add to it protection for the employers of this country by putting into the act a definition of unfair labor practices by labor, and the elimination or modification of some of the alleged unfair labor practices of employers. The Ives-Morse bill was the keeping of that pledge. Sooner or later the Congress of the United States is going to consider the major provisions of the Ives-Morse bill of 1947.

Let me take the Senator from South Dakota to the next step with regard to my record in connection with unfair labor practices on the part of unions. At one time I was a member of the Committee on Labor and Public Welfare. I see present JIM MURRAY and HERBERT LEHMAN, the only members of the committee at the time I was on it. The Senator from Minnesota [Mr. HUMPHREY] has just entered the Chamber. I can call upon those Senators as my witnesses, during the time we served on the Labor and Public Welfare Committee together, to testify that on occasion after occasion I said labor legislation ought to be enacted that would protect the employer from unfair labor practices by labor.

I took the position on the committee time and time again that the National Labor Relations Board ought to be required by statute to assume jurisdiction over the issue of Communist infiltration in American labor unions, and that a charge of Communist infiltration in a labor union ought to be the basis available to the employer for filing an unfair labor practice charge against a union.

I now want to take my friend, the Senator from South Dakota, through a very brief reading of my minority views in the report of the subcommittee known as the Humphrey Subcommittee of the Senate Labor Committee, and I want the attention of the Senator from Minnesota, as well as the attention of the Senator from Montana and the Senator from New York on this point, because they are aware of the position the Senator from Oregon took.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I regret that I was not giving the Senator from Oregon my attention. I have been trying in the last moments of this session to try to get some information together in order to deal intelligently with the proposal before us. I wish to thank the Senator from Oregon for the presentation he has made. The pending bill has come up quite rapidly on the calendar. It is of such significance that it requires time to muster one's material.

I spent several months studying the question of Communist infiltration of trade unions. It is my intention to make some comments on the question. I might suggest that before we are through we will give every Senator a chance to vote on the issue of communism, because we are going to lay the issue on the line and not on the fringes. That is all I want to say at the present time. I shall be back later.

Mr. MORSE. I wish to say to my friend, the Senator from South Dakota, that when I was on the Committee on Labor and Public Welfare, a subcommittee studied the question. We conducted hearings on the question of what we were going to do, legislatively speaking, if anything, about the issue of communism within American labor unions. The majority of the committee presented a report. I speak most respectfully when I say the majority of the committee took the position that we should not impose any jurisdiction on the National Labor Relations Board over this issue. I dissented from that point of view, and I now wish to read my very brief minority point of view on that matter.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. I recall that period of our deliberations. I believe the Senator will note, if he reads the report—and also I think subsequently I wrote the Senator a letter about the matter—that we did not say in the majority report the National Labor Relations Board should not do so. We said there was a question as to whether the Board should do so.

I say to the Senator from Oregon that he took a very firm stand on the matter, and one which I think has a great deal of merit; namely, that the National Labor Relations Board should take jurisdiction in this area. There was an honest disagreement as to whether it should.

I may say to the Senator now that he presented a very persuasive case. It is entirely probable and may be desirable that the National Labor Relations Board include this as one of its functions.

Mr. MORSE. I am happy to accept the correction of the Senator. The majority position was not that the National Labor Relations Board should not assume the jurisdiction, but rather that they did not recommend what I wanted them to recommend; namely, that the jurisdiction should be imposed upon the Board.

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

Mr. MORSE. I yield.

Mr. CASE. May I say to the Senator from Oregon that I welcome his declarations on these issues in this way at this time, and his citing of whatever record there may be on the matter. It possibly is a bit unfortunate, I might say, that whatever his advocacy was for establishing a set of unfair labor practices as a part of the Wagner Act, it was not recognized at that time. At least, when the Committee on Labor and Public Welfare of the Senate brought in its very much amended version of the bill which had passed the House of Representatives in the spring of 1946. I do not recall that the version brought forth was particularly noteworthy for the code of unfair labor practices which it sought to establish as amendments to the National Labor Relations Act.

I do wish to give this much credit, though: I always did appreciate the fact that the Senate Committee on Labor and Public Welfare did report a bill. I thought that was a very fair thing to do.

I see the Senator from Montana [Mr. MURRAY] is present. If my memory is correct, the Senator from Montana was chairman of that committee at that time. I think the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. MORSE] and others who were in the majority on that committee at that time were fair in bringing out a bill.

However, had it not been for the work of such Senators as the late Senator from Ohio, Mr. Taft, the Senator from Virginia [Mr. BYRD] and others who were working with them on the floor of the Senate, there would not have been a very effective code of unfair labor practices even proposed as the action of Congress at that time, in 1946.

Mr. MORSE. Let me say, Mr. President, that I am sorry I so completely failed to make clear to my friend from South Dakota over the years my position on labor legislation. However, if the Senator will check back through the debates on the Taft-Hartley bill, he will find I occupied this floor for hours—on one occasion for some 10 hours—and in the course of those many speeches in that prolonged debate on the Taft-Hartley bill I pleaded for the adoption of the Ives-Morse bill. The Ives-Morse bill as it came out of the Committee on Labor and Public Welfare had a considerable list of unfair labor practices to be charged against the unions.

The best evidence I can give on that matter, Mr. President, would be to cite the modifications that the late Senator Taft proposed in 1949 to the Taft-Hartley law, which were based in large measure upon the Ives-Morse bill and were the result, as the Senator from New York [Mr. IVES] would state if he were on the floor, of a series of conferences we had with the late Senator Taft over a considerable period of time in that session of Congress, before he ever brought his so-called package amendments to the Taft-Hartley law to the floor of the Senate.

May I say, Mr. President, it was just by a matter of a weekend that we missed a complete agreement among ourselves on the so-called Taft package proposals of 1949. The thing which prevented a complete agreement among us, so far as that was concerned, was the matter of the injunctive process and the matter of the secondary boycott. The Senator from Ohio said he would like to have the weekend in which to take those matters under advisement and to consult with other Members of the Senate over those matters.

The CONGRESSIONAL RECORD will show the position I took as I discussed this matter, in the presence of the late Senator Taft, and his replies will also show the position I took. I stated the facts then as I summarize them now, in saying practically the same thing.

I then took the position with the late Senator Taft that I would not go along with a package proposal for amendments to the Taft-Hartley law, although I agreed with the principles of most of the amendments he had in his 1949 package, unless he would go along with some modifications of the injunctive process features of the Taft-Hartley law and some improvement in the secondary boycott prohibitions of the Taft-Hartley law.

I have always said there are some secondary boycotts which ought to be outlawed. There are some secondary boycotts, however, which labor must insist upon retaining if labor is going to protect its standard. For example, I do not think that any self-respecting union man or woman is going to work on struck goods, even though one can maneuver a case into a factual situation where it looks as though they are supporting a secondary boycott if they refuse to work on struck goods.

Likewise, I said then—and it can be found in the RECORD in 1949, when I discussed it—and I had said previously and have said many times since, that I do not think a self-respecting union man or woman is going to cross a legitimate picket line even when a factual situation in a labor dispute has been so maneuvered that the worker may find himself in a position where if he crosses a given picket line it will look as though he is engaging in a secondary boycott.

Therefore, I said to the late Senator Taft, in 1949, "I will not go along with your package proposals unless you agree to help improve the Taft-Hartley law with regard to what we think are great shortcomings in connection with the injunctive process and great shortcomings in connection with the secondary boycott provisions."

I can say this now, although I ordinarily never refer to a conversation I had with a man who has since passed away, because this is in the CONGRESSIONAL RECORD, and Senators will find I am giving an accurate report of it.

I reported at that time that the late Senator Taft took the position that, after his weekend conference with his associates, he was not in a position to go along with many of those modifications at that time. However, he did indicate that he thought that in the not too distant future we would probably come to agreement on amendments at least similar to the ones I was proposing.

That was my position, Mr. President, in 1949. I am surprised that anyone who has made any study at all of my position on labor legislation is not aware of the fact that I have always taken the position that the Wagner Act needed to be amended by providing safeguards against unfair labor practices, available to the employers against the unions, because there have been many unfair labor practices by unions. In fact, if the Senators wish to check the speech I made before the national convention of the CIO in 1948 or 1949, out in Portland, Oreg., they will find that then, in the presence of the national officers, I stated it was my opinion they had made a great mistake by taking the position before the Committee on Labor and Public Welfare that the Wagner Act should not be amended at all.

I paraphrase that speech accurately, Mr. President, when I say, "What did the American labor leaders do at the time we had the bill before us which later became the Taft-Hartley law? They came before our committee, man after man, and they said, We are against all amendments."

I can recall, Mr. President, when Philip Murray was on the witness stand in those hearings, when he testified to the effect that they wanted no amendments at all to the Wagner Act. I said, "You are going to get them, and the trouble is that if you do not sit down with this committee and cooperate with us in devising fair amendments to the Wagner Act, you are going to get some amendments you are not going to like, because they are going to be passed."

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

Mr. MORSE. I am sure there are Members in the Senate who will recall that at the time I had that colloquy with Phil Murray at that hearing of the Labor Committee, I was subjected to a great deal of criticism in the labor press of the country, but I met that criticism right here on the floor of the Senate, and in a speech which will be found in the CONGRESSIONAL RECORD I said:

> I want to say here on the floor what I said before the Labor Committee. American labor leaders either ought to face the fact that the Wagner Act is going to be amended and sit down and cooperate with the Labor Com-

mittee in helping devise reasonable amendments that will protect the legitimate rights of labor and at the same time protect the legitimate rights of employers, or they are going to get out of this session of Congress a bad piece of labor legislation.

My warning then became true.

Mr. President, it is interesting to note in the intervening years the number of labor leaders who have come to me and said, "We did not believe you then, but you were dead right, and that is exactly the position we should have taken."

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

Mr. MORSE. I yield to the Senator from Maryland.

Mr. BUTLER. Did not the Senator take substantially the same position in connection with this question?

Mr. MORSE. Yes. I am coming to that. That is my position.

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

Mr. BUTLER. May I ask the Senator another question. Has the Senator seen any effort on the part of labor to take that position?

Mr. MORSE. Yes, some.

Mr. CASE. I appreciate the indulgence of the Senator from Oregon in responding to the questions I have directed to him.

Is it the suggestion or contention of the Senator from Oregon that there should be a determination of the question of Communist infiltration in labor organizations, but that such determination should be made by the National Labor Relations Board rather than by the Subversive Activities Control Board under the Subversive Activities Control Act?

Mr. MORSE. That is my position, and that has been my position for several years.

Mr. CASE. Would the Senator apply that principle in respect of other organizations, and let other organizations in which this question arises determine the degree of subversive penetration?

Mr. MORSE. Only when the facts are comparable. I am going into a discussion now as to why I think jurisdiction over this question should be vested in the National Labor Relations Board.

Mr. CASE. Does the Senator think the National Labor Relations Board is equipped, both by reason of the responsibilities it has in other respects, and the natural qualities that would be looked for in selecting members of that board, to be entrusted with the determination of subversive infiltration?

Mr. MORSE. Yes, I do. I think they could smell such infiltration at a much greater distance than any Attorney General could smell it, I care not how highly developed his sense of smell might be.

Of course, I spoke quite figuratively and half jocularly, as the Senator knows, but now let me be dead serious about it. The National Labor Relations Board is composed of men who, by training, background, and insight, know the American labor movement's problem from "A" to Izzard. They know when they are dealing with a union which has Reds in it. They can tell it. At the time we were seeking to cooperate with Russia as an alleged ally, as Senators have heard me say many times, she never was one, and I said so from the beginning of the war and have been on public record on that point time and time again. I have always said that Russia was only a country with a common enemy, and that is quite a different thing from being an ally. She was never an ally. During the war I raised questions in discussions as to why he would not lift the curtain and let us get behind that curtain with military teams and observers. I said then, as I have repeated so many times since, that if she had been an ally during the war she would not have dropped an Iron Curtain on us. She kept it dropped on us all during the war.

Mr. CASE. Mr. President, I share with the Senator from Oregon his feeling as to Russia's position during the war, and I think I could also submit some statements that I made, even before we got into the war, with respect to that question.

I am wondering if the Senator is going to conclude the presentation of his argument with the submission of an amendment, as a substitute for the proposed legislation, whereby he would propose that an unfair labor practice, namely, subversive infiltration, be added to the act under which the National Labor Relations Board functions, and that the finding of such unfair labor practice be determined by that Board.

Mr. MORSE. No, I am not, but I am going to introduce a bill at the beginning of the next session of Congress, because frankly, looking at the legislative posture of the Senate in these closing days, I do not think we ought to be taking the time to debate the kind of proposal I think we ought to consider, without hearings on such proposal before the Labor Committee of the Senate. I think my proposal should go to the Labor and Public Welfare Committee of the Senate. I think there should be early hearings on it, come January, and early action in the next session of the Congress.

I do not think we should pass legislation on this subject in the closing days of this session. I may be misinformed, but I think we are going through somewhat of a gesture in the Senate, anyway, even in our discussion of it, because I do not think it has a snowball's chance in this hot Washington summer weather of getting through the House.

I was talking about the Humphrey subcommittee. I can remember those sessions of the committee at which were present a great many labor leaders, and I think they missed another opportunity, Mr. President, to make a recommendation to the Congress that really would have been to the benefit of labor. The labor leaders were sincere in their difference of opinion with me, but before the Humphrey subcommittee, as the Senator from Minnesota [Mr. HUMPHREY] and the Senator from New York [Mr. LEHMAN] would have to testify, if I made them my witnesses, the labor leaders took the position that we should not enact any legislation on the subject. The Senator from Montana [Mr. MURRAY] knows that to be true, also.

Mr. MURRAY. Yes; I can confirm the statement of the Senator from Oregon in that respect. I recall very well the independent position he took in the committee. We were constantly hearing from him, admonishing the labor unions of their duty.

Mr. MORSE. I thank the Senator from Montana. The Senator is correct. Labor leaders disagreed with me, Mr. President, and outside the committee room they disagreed with me very critically. They did not answer my arguments in the committee room, but some of them came to me and made such arguments as this: There is a great danger that such legislation would develop into union-busting policies on the part of Government officials.

I remember on one occasion I said, not too politely, "That is just a lot of hogwash. It is in your interest that this jurisdiction be placed in the National Labor Relations Board. If you find yourself in a position where you have a local that has been infiltrated, and you are having difficulty or find that you are not going to be able to handle the problem yourself, you ought to welcome the backing of the National Labor Relations Board, acting upon an unfair labor practice charge filed by an employer."

I shall close the discussion of my position in the Humphrey subcommittee, Mr. President, by reading the very brief minority views which I filed after the majority filed its report, which, in effect, as the Senator from Minnesota has pointed out, did not recommend that the National Labor Relations Board should be required to assume jurisdiction. It did not recommend against it, either.

In fact, I think, as will be seen from my minority views, the majority report was very objective in its approach. I speak respectfully about the report, but I think it amounted in effect to postponing final consideration of the issue.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. MORSE. I yield.

Mr. HUMPHREY. I take a great deal of pride in the work that was done by that subcommittee. I must say that we did not have the benefit of television and we did not get any headlines with respect to the work we did in that subcommittee. We worked for months. I shall develop some of the work that was done by that subcommittee. It had before it as witnesses responsible leaders in business, in labor, and in management, men from universities, and attorneys, representatives of the American Bar Association, and representatives of the chambers of commerce. We took a tremendous volume of testimony.

That subcommittee did not have an opportunity to complete its work. As a matter of fact, in the report we filed we stated that we had barely had an opportunity to appraise the dimensions of the program. As chairman of the subcommittee, I strongly urged that in the next Congress the Senate Committee on Labor and Public Welfare establish a similar subcommittee and proceed forthwith on the basis of what had already been explored. We had opened up many avenues of exploration and opportunities for investigation, and I urged that Congress

proceed forthwith to pursue those fields of investigation.

I have in my hand some of those hearings. I notice, for example, that one of the great labor leaders, the president of the Upholsterers Union, Mr. Sal Hoffman, recommended exactly what the Senator from Oregon has recommended. Just as the committee cannot have the benefit of the National Labor Relations Board, so should not a Communist-dominated union.

Mr. MORSE. Mr. President, will the Senator permit fleeting comment at that point?

Mr. HUMPHREY. Of course I do.

Mr. MORSE. I will say that there were some labor leaders in the Upholsterers Union—and the president was one of them—who did share my view, but the majority did not share my view.

Mr. HUMPHREY. Yes. I wish to conclude with this thought: What disappointed me more than anything else in the 83d Congress was the fact that that subcommittee was disbanded. I shall read into the CONGRESSIONAL RECORD the results of our findings, and some of the pertinent testimony obtained by our subcommittee. This is a serious problem. My position on the issue has been known ever since I have been old enough to express an opinion, and that is unqualified opposition to communistic infiltration anywhere, particularly in the labor movement.

It is most regrettable that we did not pursue the inquiry. The Senator from Oregon, in his individual views, raised the the question of the jurisdiction of the National Labor Relations Board. He will recall that he and I had private conversations about it. It seemed to me that it was worthy of further exploration. The Senator from Oregon will recall that Mr. Herzog, a past chairman of the NLRB, was opposed to the NLRB having jurisdiction. He did not make as conclusive a case in opposition as he should have made if he was opposed to it.

Therefore I feel this subject matter needs exploration, and it needs very careful study and very careful analysis, because if we do not watch out, instead of pointing a rifle at a single Communist, we will be shooting a blunderbuss, which will spread out through the whole area. I do not want that to happen.

I shall use my own time to develop this point. I merely wish the Senator from Oregon to know—and I am sure he is aware of the fact—that one of the most interesting periods of my public service was during these investigations and studies.

Those investigations were honorable, unemotional, and objective. We received wonderful cooperation from the Government, from universities, from labor, and from management, and I believe we made some very good recommendations.

Finally, let me say that I believe the recent prosecution by the Department of Justice of one Mr. Gold, formerly of the fur workers union, was the result of our hearings, because the Senator from Minnesota brought before the subcommittee representatives of the Department of Justice and took them over the coals as they had not been taken over the coals for some time, about their failure to investigate the authenticity and validity of the non-Communist affidavits. I produced them to show that they needed to be investigated. As a result of the investigation we pursued, prosecution was obtained and action was obtained. There are a great many ways of getting at this problem.

Mr. MORSE. Mr. President, as the Senator knows, I said when we concluded our hearings that the Senator from Minnesota is deserving of great credit for the procedure and the objective approach he followed in conducting those hearings. I believe they were model hearings which other Senate committees could very well follow with respect to their hearings.

I have no criticism at all to make of the objectivity of the majority, or with respect to the sincerity of the majority. As I said at the time, I only regret that I cannot see eye to eye on each of their points.

However, in order to make certain that the RECORD we are making today is absolutely fair to the majority, I ask unanimous consent to have printed as a part of this discussion, at this point in the RECORD, the report of the Subcommittee on Labor and Labor-Management Relations to the Committee on Labor and Public Welfare, presented by the Senator from Minnesota [Mr. HUMPHREY] on March 2, 1953.

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

PUBLIC POLICY AND COMMUNIST DOMINATION OF CERTAIN UNIONS

NATURE OF THE INVESTIGATION AND RECORD

This is the report of an investigation of the public policy implications of Communist domination of certain labor unions. It was undertaken by the Subcommittee on Labor and Labor-Management Relations of the United States Senate Committee on Labor and Public Welfare.

A first step was to publish as a Senate document the reports of the trial committees of the CIO expelling certain unions on grounds of Communist control and domination.[1] The objective in publishing these documents, which were otherwise not generally available, was to provide concrete case material on the strategy and tactics of Communist-controlled unionism and how a major labor organization went about coping with this problem.

The second step in the investigation was the circulation of a questionnaire to a group of representative spokesmen from the ranks of labor, management, government, and the general public, who have had some specific experience in dealing with the problem at first hand.

The subcommittee asked the following questions:

1. Is there an effective legislative approach to the problem of Communist-dominated unions?

2. Can you suggest the principles or statutory language which ought to be embodied in such legislation?

3. Can you suggest avenues of inquiry which the subcommittee ought to pursue, particularly those avenues which have not already been studied by other committees?

The answers were reprinted in several Senate documents.[2]

In the third step the subcommittee held hearings and probed further into the issues raised by the replies to the questionnaire. In addition the hearings provided an opportunity to get into at least one case situation involving the issue of Communist union domination in the electrical production industry.

In a fourth aspect of the investigation, the subcommittee with the cooperation of the General Counsel of the National Labor Relations Board initated an investigation of the operation of a Communist-dominated union in action.[3]

This then is the basic record upon which this report relies in analyzing the problem and in making its recommendations. The hearings and investigations of the House Un-American Activities Committee and the Senate Internal Security subcommittee have been followed carefully and that record too will be utilized in this report.

The focal point of the subcommittee's interest in the problem has been the public policy implications of Communist-dominated unions. No need was felt to retread the path of exposure and identification being carried on by other legislative committees and by the labor organizattions themselves.

IDENTIFYING COMMUNIST-DOMINATED UNIONS

Now to the facts as revealed by our record. Are there Communist-dominated unions and how can they be identified as such? There are three ways of identifying Communist-dominated unions: (1) By the adherence of the union's leadership to the shifting pattern of the Communist Party line; (2) by direct acts such as strikes which are designed to implement the interests of Soviet foreign policy; (3) By systematic participation of Communist Party functionaries in the determination of union policy.

There is no great difficulty in identifying Communist-dominated unions on the first count, that is, the unerring conformity of the union's policies to the Communist Party line in vogue, and as it shifts as directed by the Kremlin. The reports of the CIO trial committees constitute an elaborate spelling out of the rigid parallelism between the political lines of the expelled unions and the line of the Soviet Union.

The International Longshoremen and Warehousemen's Union led by Harry Bridges is an outstanding case in point (pt. III, p. 79). The "popular front" was the keynote of Soviet foreign policy in the period 1935 to 1939. The responsive chord which this line struck in the ILWU took the form of vigorous support of the Roosevelt program to "quarantine aggressors." In 1938, the union, for example, supported bills to change the Neutrality Act to permit active trade assistance to the victims of aggression; it also supported a bill to ban the shipment of helium to Germany.

In June 1939 Soviet Russia reversed its field and negotiated a nonaggression pact with Nazi Germany. The ILWU too shifted in reverse. This was the cue for a reversion

[1] Communist Domination of Certain Unions: Pt. I. Reports of the CIO executive board trial committees appointed to hold hearings on charges of Communist domination of several CIO unions (S. Doc. 89), 82d Cong., 1st sess. (hereafter referred to as pt. I).

[2] Communist Domination of Certain Unions: Pt. II. Atomic Energy Commission reply to subcommittee questionnaire, 82d Cong., 2d sess. (hereafter referred to as pt. II). Pt. III. Replies to questionnaire from attorneys in labor practice, labor leaders, labor press, university professors, employer associations, and Government officials, 82d Cong., 2d sess. (hereafter referred to as pt. III). Pt. IV. Additional replies to the questionnaire, 82d Cong., 2d sess. (hereafter referred to as pt. IV).

[3] Hearings, 82d Cong., 2d sess. (hereafter referred to as hearings).

to isolationism with the theme "The Yanks are not coming." ILWU resolutions opposed any aid to the countries fighting Germany.

The Soviet line shifted again with the German attack on its erstwhile ally. Again the ILWU responded in kind, advocating no-strike pledges, national service legislation for civilians, and the "second front."

And yet another shift in Soviet foreign policy in the postwar period. According to certified ILWU doctrine the Truman doctrine in Greece and Turkey became "international gangsterism" and the Marshall plan a "monstrous plot against freedom and living standards." This is, of course, the current phase of Soviet foreign policy and therefore the official line of the ILWU.

The CIO trial committees found that in addition to the ILWU, there were other unions which adhered to this pattern of inexorable conformity to the Communist line; specifically, United Office and Professional Workers of America; Food, Tobacco, Agricultural, and Allied Workers of America; National Union of Marine Cooks and Stewards; American Communications Association; International Fur and Leather Workers Union; International Union of Mine, Mill, and Smelter Workers; and United Public Workers of America. And by convention action the CIO expelled the United Electrical Workers on the same grounds (pt. II, p. 48).

The United Electrical Workers asked for an opportunity to be heard by the subcommittee. In the process of examination, Mr. James J. Matles, UE director of organization, could not recall a single instance in which an organ of the UE had criticized the Soviet Union or the Communist Party. Mr. Matles denied that this was evidence of Communist domination. "Every single action is taken by the membership, and every action is taken on the basis of the merits of the case, and every action that we take we believe is for the best interests of our members and the people of the United States" (hearings, p. 500).

For the purposes of this report we shall reserve judgment at this point just how much the policies of the UE reflect democratic sentiment. But the law of coincidence must be strained beyond reasonable bounds to believe that a tenacious conformity to the Communist Party line through at least six major reversals has nothing to do with Communist domination.

In their defense against the CIO expulsion action, the Communist-controlled unions sought to show that at some points their policy was in conformity with CIO policy on these matters. Such a defense, however, merely serves to illuminate the real essence of the party line; the distinguishing mark of Communist Party line adherence is not what it stand for at any particular phase. Indeed at any particular phase the party line may happen to agree with the position taken by reputable, patriotic organizations and individuals. During the period of World War II, for example, the party line dictated a policy of all-out prosecution of the war.

The real essence of the party line is its shifting character, a shift directly associated in time and in content with a corresponding change in the foreign policy of Soviet Russia. It is then this highly sympathetic responsiveness to the shifting requirements of Soviet Russia that marks the party-liner, not what he happens to advocate at any special time.

Another distinction needs to be made and the failure to make that distinction has resulted in considerable confusion in the fight against the real enemy—the Communists. This distinction is made very perceptively by Prof. Joel Seidman in his testimony before the committee:

"There are important differences between Communist unionism and other liberal or radical groups also active in the American labor movement. From the point of view of the other liberal or radical groups, a union is a primary institution that the group seeks to build and to make strong, with the objective of winning benefits for the members and for workers in general."

"The policy of such unions is determined by an analysis of the needs of the workers who are employed in the industries in which those unions operate. Such other liberal or radical groups may be critical of employers, of the existing economic system, of Government policy; they may in a particular case be opposed to a war in which this Government is engaged, or even opposed to all wars; and yet I would sharply distinguish between such groups and the Communist Party on the ground that the Communist Party seeks control of unions not primarily to benefit the workers involved but primarily because the unions then can be manipulated to further a party line which is in turn determined with reference to the interests of the U. S. S. R." (hearings, p. 149).

The record with respect to direct action by Communist-dominated unions to support the party line is not as decisive as is the record on policy. In a way this is understandable. No union-management relationship is free of grievances of one sort or another. It is difficult to detect the precise motivation which edges a grievance into a strike or slowdown. The Communist union leaders do not usually proclaim in advance that the motivating factor in a strike or slowdown is political. It is even not unlikely that most of Communist-led strikes are legitimate strikes arising out of genuine trade-union grievances. There may be just a hairline of judgment separating the attitude of the patriotic, militant, trade-union leader and the Communist Party line follower. One feels that the grievance is not weighty enough to justify a strike; the other concerned with implementing the foreign policy of a foreign country does move for strike action.

There is another important reason why the political strike is not easily discernible. Communists are able to control an organization with a few strategically placed followers. The vast majority of members in Communist-dominated unions are not Communist Party followers or even remotely sympathetic to the aims of the Communists. It would be virtually impossible to enlist the support of the rank-and-file membership in an openly announced political strike or slowdown.

Nevertheless there is credible evidence of a specific kind which points to the Communist origin of certain strikes. For example, the 1941 strike at the Milwaukee plant of the Allis-Chalmers Manufacturing Co., then producing vital defense materials, has been characterized by a congressional committee as a party-line strike designed to weaken the defense program (hearings, p. 60).

Benoit Frachon, French executive committee member of the Communist-controlled World Federation of Trade Unions was reported by the New York Times as having urged the use of labor movements to cripple the rearmament of the western world (hearings, p. 2).

Admitting the inconclusive evidence available on the use of direct action by Communist-led unions, one would have to be dangerously blind to ignore the signals provided by the Communist political strikes abroad and the nature of the Bolshevik conspiracy in the world.

The Bolshevik theory on the role of the Communists in the unions is clear. Thus according to the Theses and Statutes of the Third [Communist] International—

"The Communists must practically subordinate the factory committees and the unions to the Communist Party, and thus create a proletarian mass organ, a basis for a powerful centralized party of the proletariat" (hearings, p. 170).

There is ample affirmative evidence that the Communists in the unions heeded this directive. An American Communist, William Z. Foster, sometime later in 1929 adapted the theory as follows:

"Among the membership of every local union the Communists must organize themselves into a group which acts as a body upon all problems coming before the organization. If there are Communists on the executive committee of a given local union, they must act together as a faction though in close connection with the general party faction of the union. The same principle applies all along the way. The Communist delegates from the various local unions in a given trade or industry to a corresponding district council or joint board likewise must form themselves into a faction, and also those on the executive boards of such councils or joint boards. The Communist delegates to all central labor councils must take the same course" (hearings, p. 172).

There is ample affirmative evidence of a credible character that the policies of Communist-dominated unions were in fact controlled by secret Communist Party caucuses. In the same UE, in which James Matles had testified "that the UE is not directed or controlled by any political party including the Communist Party" (hearings, p. 501), Lee Lundgren, an admitted former member of the Communist Party and an ex official of local 1150 of the UE, testified under oath as follows:

"We have often had some of the top leaders of the Communist Party attend our meetings. Even when they did not attend the meetings, why, whoever had the job as educational director for that particular club would have a mimeographed copy of an order or plan or whatever it might be, whatever the thing might be at the time, and they would bring this to the club and then report from that directive they received from the Communist Party headquarters.

* * * * *

"We had a meeting of our branch of the Communist Party, and we discussed who would sign the non-Communist affidavit, what officers would actually sign and which officers would not.

* * * * *

"In all cases where matters of importance were going to come up before the local membership meeting, those matters were discussed at the Communist Party meeting prior to the union-membership meeting, and that also included the selection of delegates to conventions, and any official business like that, always the names of these people were selected at the Communist Party meeting first. Then it was brought to the attention of the people at the regular union-membership meeting.

* * * * *

"The local was under complete Communist control, and we really never had any major opposition, so that the people were not aware of the fact that actually a Communist Party meeting had been held to work out the details before the membership meeting, and therefore the people just went along with the policies without knowing too much about actually what was happening. Actually, the people thought they were making the decisions, and little did they know that they were only carrying out the mandate of the Communist Party."

The CIO reports furnish additional direct evidence of collaboration between party functionaries and union leaders in the determination of union policy. Harry Bridges met with party functionaries to discuss the initiation of a longshore organizing campaign on the east cost. Bridges hegemony is limited to the west coast.

The steering committee of the Mine, Mill, and Smelter Union met with Communist Party leaders William Z. Foster, Eugene Dennis, John Williamson, and Gil Green (pt. I, p. 103 ff., pt. I, p. 92 ff.)

LEGAL RESOURCES FOR DEALING WITH THE COMMUNIST-DOMINATED UNIONS

NLRB resources

The major available resource in the law for dealing with the problem of Communist-dominated unions resides in section 9 (h) of the Labor-Management Relations Act, 1947. Section 9 (h) states:

"No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35–A of the Criminal Code shall be applicable in respect to such affidavits."

As of July 1, 1951, there were 232,000 individual affidavits on file in NLRB offices from 26,000 local and international labor organizations (hearings, p. 91).

The Board has encountered many problems in administering this section of the law. One of the most important has been the problem of "fronting" that is where a noncomplying union has sought to use an individual or group of individuals as "fronts" in a Board proceeding from which the noncomplying organization itself was disqualified from participation. Or a noncomplying local union sought to use an international union, which had complied, as a "front." The Board has said:

"By adopting a firm policy as regards 'fronting,' the Board made it clear that compliance with section 9h would have to be achieved in substance as well as in form, if the Board's services were to be made available" (pt. II, p. 6).

The Board has however permitted a noncomplying union to be on the ballot where it was the bargaining representative, in a decertification proceeding "lest the labor organization's own dereliction in failing to comply immunize the decertification" (pt. III, p. 4).

The Board has had to concern itself with whether the parent federations, that is the officers of the AFL and CIO, were required to sign the non-Communist affidavit. The Board held the AFL and CIO were not required to sign but the United States Supreme Court in the Highland Park case held to the contrary. The position of the NLRB with respect to its responsibility for determining the truth or falsity of the non-Communist affidavit has been put to the subcommittee by Chairman Herzog, as follows:

"It was apparent from the outset that the NLRB's sole function was to make certain that the necessary persons filed these affidavits, and that, once, they had done so, pursuant to the rules we adopted, we were to process their cases without inquiring into the truth or falsity of the affidavits themselves. Where such an issue arose, the Board's statutory duty was only to refer the affidavit to the Department of Justice for investigation and possible prosecution for perjury under the Criminal Code. We have made 55 such referrals since 1947" (hearings, p. 91).

This view is confirmed by the 1948 report of the congressional Joint Committee on Labor-Management Relations when it said with respect to 9 (h):

"Great care must be given to prevent litigation of the question in Board hearings. If the parties to Board hearings are permitted to question the veracity of the affidavit or the facts as to its having been filed, records will be hopelessly burdened with such proof. Board hearings must be confined to evidence going into the merits of the case at hand if the Board is to carry out its real function of deciding unfair labor practice cases and determining bargaining representatives" (pt. 3, p. 10).

This problem became particularly vexing as well-known Communist Party followers signed the affidavits when they realized that it would be impossible for their unions to function without access to Board proceedings.

In connection with the Perlow affidavit the then General Counsel, Mr. Denham, said:

"The act does not direct or authorize either the General Counsel or the Board to police these affidavits or to pass judgment upon their truth or falsity. While Mr. Perlow's published statement, if they accurately quoted him, would tend to throw considerable doubt on the good faith of his affidavit, nevertheless we are required by the law to take the affidavits as they are submitted." [4]

Many of the union officers in this category made such statements in connection with their alleged resignation from the Communist Party as to put in serious question their good faith in taking the oath without reservation.

For example, Ben Gold, of the Furriers' Union, announced his resignation from the Communist Party and said, "I resigned from the Communist Party, but I do not give up my belief in true democracy."

Max Perlow, an officer of the United Furniture Workers, resigned from the Communist Party and signed the affidavit, but in resigning from the Communist Party said he was not renouncing Communist doctrines or his right to advocate them.

Maurice Travis, secretary-treasurer of the Mine, Mill, and Smelter Workers, resigned from the Communist Party and signed the affidavit, but he said he would still "continue to fight for Communist goals" (pt. III, pp. 6, 7; also hearings, p. 511 ff.).

The extent of the Board's responsibility for ascertaining the truth or falsity of the 9 (h) affidavit is now additionally complicated by the refusal of witnesses before Senate and House committees to testify whether they had signed the non-Communist affidavit, even though Board records indicate that such affidavits were on file. The witnesses who refuse to identify their affidavits plead their constitutional right against self-incrimination.

For example, the following union officers who signed the non-Communist oath refused to testify in 1952 before congressional committees as to whether they had signed the affidavit:

[4] Pt. III, p. 7.

Name	Union	Source
Henley, Paul A	Steward for local 3, UA-WCIO	House Committee on Un-American Activities: Communism in the Detroit Area, pt. 1, hearings, 82d Cong., 2d sess., February 25–29, 1952, p. 2861.
Hood, William R	Recording secretary, UAW-CIO, Ford Local 600	Ibid., p. 2897.
Boatin, Paul	Chairman of political-action committee, local 600, UAW-CIO.	House Committee on Un-American Activities: Communism in the Detroit Area, pt. 2, hearings, 82d Cong., 2d sess., March–April 1952, p. 3113.
Franklin, Harold	Recording secretary of the Dearborn Iron Foundry local	Ibid., p. 3217.
DeMaio, Ernest	General vice president of UERMWA	House Committee on Un-American Activities: Communist activities in the Chicago Area, pt. 1, hearings, 82d Cong., 2d sess., Sept. 2 and 3, 1952, p. 3672.
Henderson, Donald	National secretary-treasurer, Distributive, Processing and Office Workers Union of America.	Senate Committee on the Judiciary, Subcommittee To Investigate the Administration of the Internal Security Act: Subversive control of Distributive, Processing, and Office Workers of America, hearings, 82d Cong., 2d sess., Feb. 12–15, 19–21, Mar. 7, 1952, p. 172.
Durkin, James H	Former organizer, United Office and Professional Workers of America, and national secretary-treasurer, DPOWA.	Ibid., p. 196.
Livingston, Mortimer	President of district 65, DPOWA	Ibid., p. 257.
Hang, Mrs. Marie	Local representative, local 735, United Electrical, Radio, and Machine Workers of America.	Senate Committee on the Judiciary, Subcommittee To Investigate the Administration of the Internal Security Act: Subversive influence in the United Electrical, Radio, and Machine Workers of America, hearings, 82d Cong., 2d sess., Apr. 17, 18, May 29, and June 26, 1952, pp. 88, 97.
Epstein, Jacob Samuel	President, local 721, CIO, International Union of Electrical, Radio, and Machine Workers.	Ibid., pp. 121, 123.
Shepard, Paul J	Organizer for local 735, United Electrical, Radio, and Machine Workers.	Ibid., p. 135.

As this report is being written the Board has ruled on the significance of a perjury conviction against an affiant of a 9 (h) affidavit. Anthony Valentino, an officer of local 80A of the United Packinghouse Workers (CIO) was convicted in a Federal district court of having filed a false non-Communist affidavit. The NLRB, after notice of intent proceeded to direct that "no further force and effect" be given to the collective-bargaining certifications of the local union in question and found that the local was out of compliance with 9 (h). The Board said that its action in this proceeding was designed to protect "its own processes from further abuse" (NLRB release 413).

In a sense the Board has in one other way gone beyond the concept of being simply a filing cabinet for the 9 (h) affidavit. It has taken steps to prevent evasion of the law by union officers who resign from constitutionally designated posts and take so-called administrative positions in the union. This issue was first posed when Donald Henderson, president of the Food, Tobacco, Agricultural, and Allied Workers resigned from the presidency of that union and became "national administrative director" and under the FTA constitution presumably not an "officer." FTA did not provide satisfactory proof to the NLRB that Henderson was not in fact an officer, and the Board refused to permit FTA to be placed on a representation ballot.

With the Henderson case as background the Board amended its rules and regulations in 1950 to provide that—

"Where the Board has reasonable cause to believe that a labor organization has omitted from its constitution the designation of any position as an office for the purpose of evading or circumventing the filing requirements of section 9 (h) of the act, the Board may upon appropriate notice, conduct an investigation to determine the facts in that regard, and where the facts appear to warrant such action the Board may require affidavits from persons other than the incumbents of positions identified by the constitution as officers" (pt. III, p. 7).

Not directly related to compliance with the non-Communist affidavit but relevant for the purposes of the general problem which the subcommittee is exploring, is the Board's policy on what an employer may lawfully do about Communist employees.

The General Counsel has refused to issue a complaint in a case where the employer in good faith had suspended employees for being Communists (27 L. R. R. M. 1443). A trial examiner found that an employer had not been guilty of failure to bargain in good faith because he had insisted that the officers and representatives of the local and national organizations of the UE execute a non-Communist affidavit for the company as a condition of agreement. The trial examiner held that the company had sufficient reasons for believing that the union's officers and representatives were dominated by and in association with Communists (NLRB, in the matter of Square D. Co. and United Electrical, Radio, and Machine Workers of America, Local 1421, independent, intermediate report, March 28, 1952). The Board itself found in another case involving the UE that the discharge of a steward for being a Communist was for cause (94 NLRB No. 85 (1951)).

In the Sunbeam case the Board revoked a previous direction to the employer to bargain in good faith when it found that the charging union had not complied with section 9 (h), inasmuch as officers of the union who should have signed the affidavit, had not, at the time the union was put on the ballot or at the time of certification.

The Board held that—

"It would be inconsistent both with the basic considerations which impelled the establishment of that principle, and with the spirit of section 9 (h) itself, as indicated in the legislative history of the 1947 amendments to the act, to hold that a certification inherently defective at the outset could confer on the union the right of later recourse to the Board, or conversely, expose the employer to an unfair labor practice finding for refusing to honor that certification" (98 NLRB No. 98).

The Board's holdings on the non-Communist affidavit seems to add up to these tendencies:

1. The prevention of "fronting" by individuals for unions not in compliance.

2. The prevention of evasion by officers, in fact, assuming so-called administrative posts.

3. The revocation of compliance status and certifications on conviction of an affiant for false swearing.

Still, in doubt, at this writing, is what the Board will do when it is confronted by a refusal of an affiant to testify whether he is a member of the Communist Party in a congressional or judicial proceeding.

There seems to be no doubt if the Board maintains its present position it will not under present law undertake to find through its own proceedings whether in fact an affiant is actually a Communist or not.

AEC resources

Another repository of authority to deal with the problem of Communist-dominated unionism is the Atomic Energy Commission. Since AEC authority in this context was used only with respect to two unions, it will be useful to describe specifically what happened in the one case where the application of sanctions ran its full course.

1. The General Electric Corp. pursuant to a Wagner Act certification had recognized the United Electrical Workers as the representative of its organized employees. When GE undertook to operate a Government-owned atomic installation at the Peck Street (Schenectady) plant it proceeded to recognize UE for that operation as well.

2. In any case all employees engaged on classified atomic energy work were subject to security clearance. But recognition of UE as the bargaining representative raised for AEC security questions over and above those of individual security clearances. On the basis of an examination of all available data, including congressional investigations and UE's constitution, the AEC concluded:

"(1) That there might exist circumstances at Schenectady conducive to Communist-inspired action adverse to the atomic-energy program and the Nation's security; (2) that such action might take the form of a political strike or other organized sabotage; and (3) that an effective safeguard against such action would be the removal from lines of influence over employees on atomic-energy work of representatives of undependable loyalty" (pt. II, p. 3).

3. On September 27, 1948, AEC directed the General Electric Corp. not to recognize UE at the new atomic-energy installation. GE said it would comply fully with the AEC directive.

4. Albert Fitzgerald, UE president, protested the AEC order and in response AEC "proffered to the officers of the UE the opportunity to participate in a fuller exploration of the issue, with the understanding that the UE officials would be expected to give full and candid statements concerning present or past affiliations of any kind with the Communist Party or Communist-dominated organizations." There was no reply. AEC renewed its offer. This time Fitzgerald explicitly rejected the opportunity for further discussion. On November 1, AEC formally directed GE to withdraw recognition from UE on work at AEC-owned or installed operations.

5. On October 26, 1948, UE petitioned for injunctive relief in the District of Columbia Federal District Court to restrain AEC and GE from putting the ban into effect. AEC and GE both filed motions for dismissal. Judge Letts sustained the AEC and GE dismissal motions because of lack of jurisdiction.

6. In May of 1950 UE and IUE were both put on the ballot in the representation elections directed by the NLRB. In its order directing the election the NLRB conditioned any certifications that might issue at the atomic energy installation thus:

"The record shows that the Atomic Energy Commission has established certain security requirements applicable to labor organizations, and to their officers, as a condition of their being recognized as the representative of employees at the employer's atomic energy operations at the Schenectady works. We have been advised generally by that Commission of the scope and purpose of these security requirements. Accordingly, any certification resulting from elections herein directed on behalf of employees of the atomic energy operations will be conditioned upon compliance, by the certified unions, with the security requirements of the Atomic Energy Commission, a matter exclusively within the jurisdiction of the Commission" (pt. II, p. 7).

UE lost all of the three elections.

Similar action ordering withdrawal of recognition from the United Public Workers was taken but UPW immediately stopped organizing.

AEC pointed up the significance of its action against UE as follows:

"(1) The action represented a particularized approach to a particular problem and was fitted to the specific facts of the situation.

"(2) There was a decision by the responsible Government agency that the risk in the particular situation was inconsistent with national security and that positive steps were required to eliminate this risk.

"(3) An essential step was to provide to employees and the public authoritative information regarding the question of loyalty which existed in the specific situation and authoritative advice regarding the significance of this in terms of—

"(a) Known Communist aims and purposes in the infiltration of trade unions.

"(b) The importance to the national security of the work carried on in the specific bargaining unit.

"(4) Specific assurance was given to employees as to the welcome to be accorded any bargaining representative that they might select which was free from Communist affiliations.

"(5) The union officials involved were given every opportunity to be heard in their own defense" (pt. II, p. 7).

Defense Department resources

There is legal authority for the Department of Defense to protect classified information including classified contracts. Specifically they are (1) title 5, section 22 of the United States Code which authorizes the heads of Government departments to issue regulations for the protection and preservation of pertinent records; (2) the Armed Services Procurement Act of 1947 makes it possible for the secretaries of the military departments to establish reasonable conditions in contracts with the departments; (3) under the espionage acts there is authority to protect Government records and information (hearings, p. 20).

The Industrial Employment Review directed by the Munitions Board has established criteria for determining who is a security risk.

"NOVEMBER 7, 1949.

"CRITERIA GOVERNING ACTIONS BY THE INDUSTRIAL EMPLOYMENT REVIEW BOARD, AS AMENDED

"REVISED NOVEMBER 10, 1950

"All actions by the Industrial Employment Review Board, pursuant to its charter dated November 7, 1949, shall be governed by the following criteria hereby established by the Secretaries of the Army, Navy, and Air Force.

"A. Individuals: Access to classified military information shall (except as provided in paragraph 6 below) be refused to an individual if, on all the evidence and information available to the Board, reasonable grounds exist for belief that the individual:

"1. Has committed acts of treason or sedition, or has engaged in acts of espionage or sabotage; has actively advocated or aided the commission of such acts by others; or has knowingly associated with persons committing such acts.

"2. Is employed, is employed by, or subject to the influence of, a foreign government under circumstances which may jeopardize the security interests of the United States.

"3. Has actively advocated or supported the overthrow of the Government of the United States by the use of force or violence.

"4. Has intentionally disclosed military information classified confidential or higher without authority and with reasonable knowledge or belief that it may be transmitted to a foreign government, or has intentionally disclosed such information to persons not authorized to receive it.

"5. Is mentally or emotionally unstable, is an habitual offender of the law, or does not

possess the integrity, discretion, and responsibility essential to the security of classified military information.

"6. Is or recently has been a member of, or affiliated or sympathetically associated with, any foreign or domestic organization, association, movement, group, or combination of persons (a) which is, or which has been designated by the Attorney General as being, totalitarian, Fascist, Communist, or subversive, (b) which has adopted, or which has been designated by the Attorney General as having adopted, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or (c) which seeks, or which has been designated by the Attorney General as seeking, to alter the form of the Government of the United States by unconstitutional means; provided, that access may be granted, notwithstanding such membership, affiliation, or association, if it is demonstrated, by more than a mere denial, that the security interests of the United States will not thereby be jeopardized.

"B. Aliens: Access to information or material subject to section 10 (j) of the act of July 2, 1926 (10 U. S. C. 310 (j)) whether or not classified, shall be refused to an alien if, on all the evidence and information available to the Board, reasonable grounds exist for belief that the alien is ineligible for access under the criteria specified in A above.

"C. Contractors: Access to military information necessary for the negotiation, award, or performance of a contract shall be refused to a contractor or prospective contractor if, on all the evidence available to the Board, reasonable grounds exist for belief that:

"1. Any of the personnel of the contractor or prospective contractor who will have access to such information or material is ineligible under the criteria specified in A or B above.

"2. The contractor or prospective contractor is owned by or is under the control or influence of foreign interests under circumstances which may jeopardize the security interests of the United States."

This is essentially a denial of access program and involves the screening of individuals found to be security risks. But as the Munitions Board points out, "the denial of access program, efficacious as it may be from the point of view of protecting classified information, does not in itself substantially reduce the threat of possible sabotage which might be carried out at the instigation of Communist dominated unions. * * * We do not believe that we have the legal authority to go in and remove or summarily exclude potential saboteurs from national-defense facilities" (hearings, p. 20).

Under Executive Order 9835 the Attorney General has the authority to promulgate a list of subversive organizations. Other resources which should be considered are the Subversive Activities Control Board established under the Internal Security Act of 1950 and the merchant marine personnel clearance program.

EVALUATING THE LEGAL RESOURCES FOR DEALING WITH COMMUNIST-DOMINATED UNIONS AND ADDITIONAL PROPOSALS

This section is devoted to a critical analysis of the existing resources for the problem at hand as well as an analysis of proposed solutions. All of these analyses are based on the record before the subcommittee.

Perspectives

The perspectives through which proposed solutions to the problem of Communist unionism need to be examined have been perceptively stated by witnesses before the subcommittee. Prof. Joel Seidman points to "the conflict between goals equally vital if we are to preserve a free society. On the one hand, we wish to preserve essential democratic rights within the trade-union movement, as elsewhere in our society, and on the other hand, we wish to safeguard the country at a time of dangerous tension with the U. S. S. R., by not permitting potential fifth columnists to obtain strategic positions for spying or sabotage. The problem, as I see it, is how best to reconcile these goals so as to preserve simultaneously a maximum of democratic rights within unions and a maximum of security of the Nation."

And once we have tried to resolve the conflicts between the goals of democratic rights and protection from subversion, we face other alternatives. As Mr. Paul Herzog, Chairman of the National Labor Relations Board, states these alternatives, they are—

"Is it to legislate to eliminate Communist influence from all labor organizations in all industries in the United States, no matter what the cost in administrative burden or in restriction of employee's present right to make an uninhibited choice of their bargaining representatives? Or is it directed at the narrower, and plainly imperative need of making certain that Communist-dominated unions play no role in those sensitive areas of industry essential to the defense effort?"

It may be well for the Congress to keep these questions constantly in the forefront as it appraises the various proposals for dealing with the problem of Communist-dominated unions.

Explicit or implicit in the proposals made to the subcommittee which we are about to examine are the assumptions that (1) the existing resources are not adequate to deal with the hazard of Communist-dominated unionism; (2) that the labor movement itself cannot be relied upon to rid itself of Communist penetration to the point where it no longer poses a serious threat; and finally (3) the risk of Communist subversion is so great as to override the possible benefits accruing from permitting the unions to clean their own houses.

Those who argue the position in (1) immediately above, say that the threat of Communist subversion exists over and above the threat posed by individual Communists who are screened out through security measures of one sort or another. Officers of a Communist-dominated union can dictate policies, which are, and are meant to be harmful to the security of the Nation.

With respect to (2) above, it is contended that although the CIO has expelled Communist-controlled unions from its organization, these unions continue to operate in critical defense work such as electrical and electronic manufacturing, nonferrous metals, telegraphic communications, and west-coast maritime. There is still, in spite of union anti-Communist activities a hard core of Communist-controlled labor organizations standing as a serious threat to our national security.

Finally, to be sure there are great benefits to be derived in permitting the unions to do the job in preference to some form of government intervention. But these benefits have to be measured against the risk involved that the unions will not be able to do the job and the resulting hazard to the national security. The public interest in ridding the unions of Communist domination is overriding and therefore the Government must act (hearings, p. 305).

THE NONCOMMUNIST AFFIDAVIT

There are varying opinions as to the efficacy of the Taft-Hartley 9 (h) affidavit. Mr. Gerard Reilly, influential in drafting the provisions of the law, thinks that "while the Communist disclaimer in the Taft-Hartley Act accomplished a great deal of good in focusing the limelight upon some of the Communist officials and their dupes in the various CIO unions, its effectiveness was subsequently impaired when apparently as a result of a general policy adopted by the Communist Party, union officials widely known as Communists executed the affidavits" (pt. IV, p. 20).

Mr. Theodore Iserman, an attorney specializing in labor matters for management interests and a participant in the drafting of the Taft-Hartley law, expresses a similar viewpoint:

"Section 9 (h) of the National Labor Relations Act, as amended, has gone far in stimulating labor organizations to clean their own houses of leaders who are Communists and fellow travelers. The Taft-Hartley approach, giving unions an incentive to rid themselves of disloyal people, rather than creating an outside agency to do it for them, is, on the whole, a good one.

"The amended act has not been as effective as it could be. This, I think results from two things: First, the seeming reluctance of the National Labor Relations Board and the Department of Justice to give the law full effect, and, second, certain shortcomings in the act itself."

The National Labor Relations Board expresses this view:

"It seems highly probable that the 9 (h) proviso was a contributing factor to the post-war forces which led to the revolt against Communist domination of a few labor unions, especially in the first years after its enactment. Foreclosing the services of the National Labor Relations Board to noncomplying unions was a catalyst which compelled compliance by practically all major labor organizations. The affidavit was most effective in cases where the membership became aware that their officers were or might be Communists, thus encouraging removal or resignation of such officers. Later the Congress of Industrial Organizations moved vigorously against leftist domination by expelling some of its major affiliates. Not to be underestimated are other and more general factors, such as disputes over the Marshall plan, the Progressive Party, Soviet foreign policy, the World Federation of Trade Unions, and the Korean war, all of which undoubtedly hastened the process. There is no telling with certainty today whether the presence or absence of section 9 (h) would still constitute, for the long-run future, a determining factor in contributing to the healthy result which we all desire."

Mr. Sal B. Hoffman, president of the Upholsterers' International Union (AFL), criticizes the affidavit provision for its one-sidedness, its possibilities for harassment of non-Communist unions, its unenforceability, and the disrespect for law which the blatant violation of the provision has bred (pt. III, p. 53).

Mr. Allan Haywood, executive vice president of the CIO, rejects the affidavit approach on three counts.

"In the first place, we do not believe that such a provision has any proper place in a labor-relations law. The purpose of such a law is to promote harmonious industrial relations. The injection into it of security measures merely creates confusion and gratuitously insults unions.

"In the second place, we believe that the mechanism of an affidavit requirement, harking back as it does to the test oaths of the 17th and 18th century, or to those in use after the Civil War, is itself objectionable.

"Thirdly, the sanction urged, of barring resort to the National Labor Relations Board, places in the hands of the employer, rather than of the Government, the decision of whether a particular union is to be penalized for Communist leadership. Section 9 (h) does not prohibit an employer from dealing with a Communist-led union; it simply gives him the option of whether to do so or not. Unscrupulous employers will, in exercising that option, be guided not by considerations of national security but by the strength or weakness of the Communist-led union. If the union is strong, the employer may be

afraid to challenge it. If it is weak, the employer may nevertheless be eager to deal with it and to take advantage of its weakness to maintain substandard wages and working conditions. This ties in with the point which I made earlier, that a security provision, or an alleged security provision, of this sort should not be a part of a labor-relations law" (hearings, pp. 273–274).

A similar view is expressed by Mr. A. J. Hayes, president of the International Association of Machinists:

"The enactment of this law (I. e. the Taft-Hartley law) seriously curtailed the union's efforts to rid itself of the few Communist sympathizers found in their organizational structure, and as an example we can specifically turn to section 8 (a), under which language it is unlawful for a union to force the discharge of an employee even though he is a known advocate of un-American principles or an agent of a foreign government" (pt. III, p. 47).

In general, as can be seen from this sampling of opinion, there is some difference as to the early effectiveness of 9 (h) in ridding unions of Communist control. There seems to be a fair measure of agreement that this provision is not now effective.

From the viewpoint of the Department of Justice there are legal infirmities in section 9 (h) which interfere with effective enforcement of its provisions. The Department reported that 68 cases involving false affidavits had been referred to it; 14 were presented to the grand jury, and in 13 of these the affiant himself was brought before the grand jury. There has been one conviction (already referred to) in the case of Anthony Valentino (hearings, p. 53).

The principal criminal sanction for violation of 9 (h) is section 1001 of title 18 of the Criminal Code. This section states:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

The Department's judgment based upon its experience is that under 9 (h) "it is virtually impossible to develop cases for successful prosecution as now drawn" (hearings, p. 54). First of all the affidavit is couched in the present tense and it requires proof that the affiant was a member of or affiliated with the Communist Party on the very day he signed the affidavit.

In addition it has been suggested that enforcement of the "belief" section of the affidavit would encounter serious constitutional obstacles (hearings, p. 109).

The leading Supreme Court case, it is held, makes it extremely doubtful that "belief" in Communist principles alone as a basis for denying access to the facilities of the NLRB could stand up in a test of constitutionality (hearings, p. 58 ff.).

To meet the problem posed by pro forma resignations from the Communist Party in order to qualify under 9 (h), Attorney General McGrath proposed that the affiant be required to swear in addition "that for the preceding 12-month period he has not been a member of the Communist Party and has not believed in or been a member of or supported any organization that believes in or teaches the overthrow" and so forth.

The criticism lodged against the 1 year retroactivity proposal is (1) they (the Communists) will wait a year and then will infiltrate the organization (hearings, p. 117); (2) it will reduce the incentive for union officers to break with the Communists if the law imposes a kind of retroactive guilt (hearings, p. 57); (3) this amendment will not catch the "quickie" resignations which started as early as 3 years ago (hearings, p. 273).

The Board itself has in the past recommended a more precise definition of the term "officer" so that it would not be possible for Communist union officers to evade the law by resigning their constitutional office and assuming an allegedly administrative post within the union. Amendments were proposed to define officer as including members of all "policy-forming and governing bodies of labor organizations" (pt. III, p. 10). This concept has been incorporated in the Board's rules and regulations (pt. III, p. 7).

Just how far the Board will go with respect to safeguarding the affidavit from falsification may be more fully tested in its response to the presentment of the New York grand jury. The grand jury summoned 13 union officials from the following unions: United Electrical Workers, American Communication Association, Fur and Leather Workers, and the Distributive, Processing and Office Workers, all unions who in one form or another were expelled from the CIO on grounds of Communist domination.

The presentment charges that these 13 officials "were initially confronted with the non-Communist affidavits they had filed, on the basis of which their unions had been certified by the NLRB. They were then asked whether the sworn statements they had made in these affidavits were true. To a man these 13 union officials refused to answer this and similar questions, claiming that the answer might incriminate them, and invoking the fifth amendment to the Federal Constitution."

"In following this course [the presentment continues], these persons refuse to stand by the truthfulness of the non-Communist affidavits they have submitted, on the basis of which the NLRB has recognized their unions. The only possible conclusion is that the filing of these affidavits was a subterfuge."

The presentment concludes that the affidavits are therefore worthless and that the certifications of the unions in question should be revoked. The grand jury further recommends that "consideration be given to the inclusion in each affidavit of a waiver by the affiant of his fifth amendment privilege with reference to any question pertaining to the truth of his statements in the affidavit."

The grand jury recommendation is in substance the same one proposed to the subcommittee by Mr. Nelson Frank, a labor reporter for the New York World Telegram and Sun (hearings, p. 186 ff.).

In response to the grand jury presentment the NLRB, on December 19, 1952, issued a notice and order reciting the facts set forth in the presentment. "In order to protect its own processes from abuse," the Board has addressed a questionnaire to the officers who had refused to testify before the grand jury on the question of the truth of the affidavits asking these officers to affirm under oath the truth of the statements contained in the 9 (h) affidavits filed between 1949 and 1951. Failure to file a timely answer to the questionnaire "will result in a finding by the Board that there is reasonable doubts as to the truth and validity" of the affidavits and a declaration that the unions are not in compliance with section 9 (h). [Quotes from NLRB, Notice and Order. In the Matter of Compliance of United Electrical Radio and Machine Workers of America with sec. 9 (h) of the National Labor Relations Act as amended.]

Disestablishing Communist-dominated unions via the NLRB

There are a whole series of proposals having as their common core an amendment to the Taft-Hartley law authorizing the National Labor Relations Board to outlaw Communist-dominated unions as labor organizations within the meaning of the law. One of the first proponents of this approach was David J. Saposs, former chief economist of the National Labor Relations Board, who, in 1941, put it in these terms:

"When company-dominated unions tried to disguise themselves by allegedly going independent it was possible through painstaking research and investigation to gather data exposing the masquerade. Notwithstanding that the courts were skeptical and not too sympathetic to union organization the evidence was so conclusive that they sustained the outlawing of company unions.

"A similar historic and economic approach should make it possible to outlaw Communist or other totalitarian-dominated unions. It should be possible to show that Communists are no more interested in effective collective bargaining than antiunion employers; that they aim to circumvent the will of the rank and file for genuine union objectives through subterfuges and the raising of extraneous issues; that they are primarily interested in disturbed and unstable labor relations; that they are ordered and directed by an outside force, in this case a foreign country; that their revolutionary objective runs counter to the legitimate objectives of unions interested in the immediate improvement of the conditions of their members.

"However, I want to reaffirm my position that public exposé and union housecleaning are the preferable methods" (p. 124, hearings).

A similar approach was taken by the Canadian Labor Board on December 7, 1950. This board decertified the Canadian Seaman's Union on the ground that it was not a trade union within the meaning of the Industrial Relations and Disputes Act. The board said that the "close association of the respondent with foreign elements of the international Communist front in the promotion of international Communist policies and activities * * * was entirely foreign to the purpose of a trade union under the act."

This action was affirmed by the Canadian courts as being a permissible exercise of authority under the Canadian legislation (pt. III, p. 9).

As Secretary of Labor Tobin sees this type of proposal it "might require that upon the filing of charges, appropriate investigation, public hearings, and so on, the NLRB could find that a union is Communist-dominated and therefore not eligible to represent employees in collective bargaining" (hearings, p. 124).

In the words of Mr. Merlyn Pitzele, labor editor of Business Week, the disestablishment approach would utilize the following procedures:

"(1) The charge is made that a given union is Communist dominated.

"(2) The NLRB investigates the charge and finds that the organization is indeed dominated by Communists.

"(3) The NLRB orders (a) the union to disestablish itself; and (b) the employer to withdraw recognition from it and cease to deal with it" (hearings, p. 61).

The same type of proposal was advanced by Mr. Sal B. Hoffman, president of the Upholsterers International Union, AFL (pt. III, 52 ff.), and by Mr. Roy Brewer, international representative of the International Association of Theatrical and State Employees (AFL) (pt. III, 14 ff.).

A variant on the idea of Communist domination as an unfair labor practice is advanced by Mr. Albert Epstein, economist for the International Association of Machinists, speaking in a personal capacity. In order to minimize the hazard that a bar against Communist unions might be used unfairly against non-Communist unions, Mr. Epstein suggests "the legislation should be designed to deal only with unions that are not affiliated with the AFL, CIO, UMW, and unaffiliated railroad brotherhoods. The unions just mentioned are known to be anti-Communist and can be depended upon to

handle situations in their own midst" (pt. III, p. 37).

The criticisms of these categories of proposals to deal with the problem of Communist-dominated unions, i. e., by empowering the NLRB to make findings of Communist domination and, in effect, to outlaw these unions as lawful bargaining representatives, fall under two headings: First is the criticism that goes to the use of the NLRB as the machinery through which this policy is effectuated; second is the criticism aimed at the use of any Government agency to make such findings. Since the latter criticism applies to all proposals, we shall treat these later in the report.

Mr. Herzog, Chairman of the NLRB, thinks that the allocation of such authority to the NLRB would be unwise on two counts:

"First, if this Board is expert in anything, it is in the area of collective bargaining. The field of subversive activities, where proof is notoriously difficult to obtain, calls for a different sort of expertise and for special investigative techniques, not only unfamiliar to our staff but inconsistent with the open-court procedures of a quasi-judicial agency.

"Second, the speedy conduct of elections and remedying of unfair labor practices, which continue to be our goal, would be completely frustrated if any employer or competing labor organization were free to delay Board proceedings indefinitely by demanding a long collateral investigation of the issue of whether a particular union was or was not Communist-dominated. The administration of a statute whose stated objective is to foster collective bargaining should not be weighted down by investigations of a wholly different sort. Essentially, communism's role in labor organizations is much more a part of the problem of communism's place on the entire American scene than it is part of the problem of labor-management relations. It should be dealt with accordingly" (hearings, p. 94).

Disestablishing Communist-dominated unions through independent agencies

There is a category of proposals which would place the authority for making findings with respect to Communist domination on agencies other than the National Labor Relations Board, apparently in recognition of the difficulties which Mr. Herzog has pointed out above. One of the most systematic proposals of this kind has been made by Mr. Benjamin Sigal, counsel to the International Union of Electrical Workers CIO.

Mr. Sigal contemplates that his proposal can be made enforcible by administrative action rather than by new legislation.

"In order to be sufficiently inclusive legislation is likely to be too broad in scope. Also once legislation is placed on the statute books, it is likely to linger long after the need for it has passed, and to be applied to situations not contemplated by the Congress" (pt. III, p. 71).

Mr. Sigal sees his proposal as aimed only at Communist-dominated unions in defense work.

The outline of the method and procedures to be used, as Mr. Sigal describes it, is as follows:

"The Munitions Board is the agency within the Department of Defense through which defense contracts are handled. It is the agency responsible for making and policing security regulations in connection with defense work. It is the agency ultimately responsible for preventing subversive individuals from working directly on classified work. Logically it is the agency which should exercise the responsibility of dealing with Communist leadership which controls the unions working on defense contracts."

"A tripartite committee should be set up within the Munitions Board, consisting of representatives of the procurement agencies, employers, and labor. If a union representing the employees of a present or prospective contractor is suspected, after investigation by representatives of the Munitions Board, of being Communist-dominated, the matter should be submitted to the tripartite committee. The committee could act, also, on its own motion. If a majority of the committee, after a hearing, finds that the allegations are substantiated, the Munitions Board will take 1 of 2 courses, based on provisos which it will place in its security regulations and in all procurement contracts executed by contractors with the military departments: (1) In the case of a prospective contractor, refuse to give him a contract so long as he maintains contractual relations with the union involved; and (2) in the case of a present contractor, direct him to cancel his contractual relations with the union on penalty of losing his contract with the Government if he does not comply" (pt. III, p. 72).

The author of the proposal sees the action of the Atomic Energy Commission described above as a "persuasive precedent" for his approach to the problem (hearings, p. 285). The Munitions Board has the authority to do what the AEC did in that situation.

Critical appraisal of the specifics of the Sigal proposal have come from three sources. From the NLRB's viewpoint, there is a serious question whether it can commit itself in advance to recognize a directive from a Government agency ordering an employer not to recognize a certified union, as a valid defense against a charge of refusal to bargain. It is also pointed out that AEC took its action at a time when the UE was not in compliance with section 9 (h) and that there was no certification in effect for the specific AEC installation (hearings, p. 25, p. 96 ff).

Second, the Department of Defense, speaking through Mr. Small, has serious doubts that the authority of the Department of Defense is sufficiently analogous to the statutory authority of the Atomic Energy Commission so that the Department can exercise without additional legislation the degree of authority which Mr. Sigal's proposal requires. Mr. Small put it this way.

"In the first place, the action undertaken by AEC, in directing General Electric to cease bargaining relations with the UE was taken at a time when the UE officers had not filed non-Communist affidavits and consequently the provisions of the National Labor Relations Act were not available to them when they unsuccessfully challenged the AEC's action in the case of *UEW (CIO)* v. *Lilienthal* (84 F. Supp. 640 (1949)). Secondly, the expulsion of UE in that case was from a Government-owned facility and not from the facility of a private contractor, who constitute the great majority of the contractors with whom the Department of Defense deals. Thirdly, a reading of the Atomic Energy Act reveals quickly the broad and express authority which that act bestowed on the AEC, to deal with potential subversives. Contrast this with the more general authority which the Department of Defense has and which has to be extracted from a reading of three statutes together, all of which I mentioned previously in my statement. Fourthly, and I think perhaps more convincing than the other since it is less legalistic, the Atomic Energy Commission agreed with the Department of Defense that what we were asked to do with respect to private contractors went beyond what they did with respect to their own Government-owned facility in the Lilienthal case. In fact, AEC joined with NLRB and ourselves in attempting to work out a mutual procedure by which private contractors who were directed by the AEC or the Department of Defense, to cease collective-bargaining relations with UE or any other Communist-dominated unions, were protected from the threat of being adjudged guilty of an unfair labor practice" (hearings, p. 23, 24).

As a matter of practical administration, Mr. Small said that—

"If we were to pursue such a course, we would have deprived the Government and the people of the United States of important weapons of defense in the fields of electronics, jet propulsion, and so on (hearings, p. 23).

Mr. Sigal testified after Mr. Small and undertook to answer the latter's objections. In paraphrase, the fact that UE has since signed the 9 (h) affidavit has not changed the AEC position on that union's qualifications to represent employees in an AEC's installation. Equally irrelevant is the observation that AEC owns the facility. The important consideration is, Who is the employer and the nature of the production? Whether owned by AEC or not, the plants are privately operated and, therefore, are like the contractors with whom the Munitions Board deals. As for express authority, AEC counsel conceded that there was no express authority, either, for action AEC took with respect to the UE. Finally, the proposal, except in rare instances, does not "require the Board to direct the contractor to discontinue" bargaining relations with a duly certified bargaining representative because, as Mr. Sigal explains, the (Munitions) Board "would simply decline to place a contract in plants in which it found a security problem exists."

Only in the special situation, Mr. Sigal continued "where the Department of Defense could not place the contract in another plant would the necessity arise for taking more stringent measures. In such case we propose that the Munitions Board go to court and obtain an injunction restraining the contractor from continuing to deal with the bargaining agent. The basis of the injunction would be the regulation proving that such action would be taken if the tripartite committee found that the union was Communist-dominated" (hearings, p. 287).

In the course of advancing its own proposal which is treated later in this report, the General Electric Corp., through Mr. Lemuel Boulware, criticizes the tripartite feature of the IUE proposal. The function of deciding the important question "of whether an individual or organization is serving the interests of a Communist foreign government" is not properly a matter for tripartite determination but one that should be determined by a Government agency. The special interests of unions or employers should not be permitted to affect national policy on an issue of such great moment (pt. III, p. 9).

Mr. Boulware's positive proposal is in line with the category of remedies which would lodge the responsibility for making determinations of Communist-dominated unionism in an all-public Government agency. He supports legislation to achieve this purpose on the ground that the unions have not really demonstrated their capacity to rid their organizations of Communist leadership. The expulsion of the Communist unions by the CIO, Mr. Boulware attributes to the refusal of the Communist unions to follow the "political" line of the CIO and not "because they were found to constitute a danger or threat to the country (pt. IV, p. 4).

Mr. Boulware makes three specific recommendations as to the principles which should be followed in such legislation:

"1. Official Government investigation and identification of Communist-dominated unions and Communist union leaders.

"2. Establishment of criteria, pursuant to which the independent agency would make its determination.

"3. Disabilities and penalties resulting from determination by the Commission that an organization is Communist-dominated" (pt. IV, pp. 8–10).

The penalties and disabilities applied to a Communist-dominated union as contem-

plated by Mr. Boulware in (3) above come to, in the last analysis, a form of disestablishment, and loss of the rights and privileges which accrue to it as a labor organization, comparable to the sanction invoked against a company-dominated union under both the Wagner and Taft-Hartley Acts.

Mr. Gwilym Price, president of the Westinghouse Corp., makes a proposal comparable to that of Mr. Boulware, involving official determination of Communist domination and the application of drastic sanctions resulting ultimately in the disestablishment of the labor organization for all practical trade-union purposes (pt. IV, p. 15 ff.).

Criticisms of establishment approach

We treat now the criticisms made against proposals of all types which have as their fundamental purpose procedures designed (1) to make findings of Communist domination and, (2) to prescribe penalties and remedies arising out of such findings. The criticisms apply to the proposals whether the National Labor Relations Board or an independent agency are utilized, and whether the proposals rely on legislation or administrative action.

Mr. Philip Murray, the late president of the CIO, stated the criticism in principle.

"If the Government undertakes to determine what unions can represent workers in this country, it will have embarked upon the long trail toward Government control of unions. In the dictatorships of the world, unions exist at the sufferance of the state. We in America do not want to take a single step in that direction" (hearings, p. 279).

This criticism was more specifically amplified by Mr. Allan Haywood, executive vice president of the CIO, in his testimony before the subcommittee. Mr. Haywood equated these proposals with Government licensing of unions.

"The only remedy which has been suggested, in my opinion, would be effective to displace Communist-led unions in a Government directive to employers not to recognize certain unions. This amounts, whether or not it is so labeled, to Government licensing of trade unions. It means that the Government determines which unions are legitimate and may continue to function, and which shall be proscribed.

"Government licensing of unions would, in our opinion, be justified, if ever, only in a desperate situation and as a last resort. It is emphatically not something that should be lightly undertaken to meet a hypothetical danger.

"Government licensing of unions would inevitably involve thought control, since it would turn not on acts but on beliefs and loyalties. The determination of whether a union should be proscribed would necessarily 'reflect the individual political and economic views and attitudes of the Government officials making the determination. Once the gate is opened to Government proscribing of unions, the temptation will be present to use the device to destroy any union with whose objectives the administration in power may not happen to agree.'" (Hearings, p. 279.)

There is objection to the sweeping legislative approach to Communist-dominated unionism by Mr. Sigal of IUE. Referring perhaps to the Boulware proposal for legislation, Mr. Sigal asserts:

"It is typical perhaps of those who have been for so long apparently oblivious to the threat of Communist infiltration of unions that they seek to compensate by going to the other extreme to propose Draconian remedies that bear little relation to the specific problems that must be solved." (Hearings, p. 297.)

An all inclusive approach is rejected by Mr. Sigal on the ground that infringement of the right of workers to chose their own representatives should only be permissible in the face of an overriding emergency. This means limiting the scope of any order to immediate defense requirements. There should be, therefore, no attempt to deal with this problem indiscriminately through permanent legislation. (Hearings, p. 297.)

There have been other proposals which do not fall within the categories already discussed. Prof. Joel Seidman, of the University of Chicago, would suit the steps to be taken to the "danger to the Nation that exists in any particular period." Mr. Seidman distinguishes three possible periods.

"(1) The present period of 'cold' war with the U. S. S. R., combined with a limited shooting war with some of its allies; (2) a shooting war with the U. S. S. R.; and (3) a genuine period of peace with the U. S. S. R." (pt. III, p. 69).

In period 1, steps would be limited to barring Communists and fellow travelers from sensitive employment. In period 2, i. e., a shooting war with Russia, the "national security would require that every Communist Party member and confirmed fellow traveler be treated as a member of a potential fifth column." The arrest of every Communist or confirmed fellow traveler in a position of leadership in a union would clearly be in order "as persons whose primary allegiance is to the U. S. S. R." In period three, Mr. Seidman would "end all restrictions against Communists proposed for the other two periods" (pt. III, pp. 69–70).

Guaranty of democratic processes in unions

Mr. H. W. Story, vice president and general attorney for the Allis-Chalmers Manufacturing Co., introduces a concept of the guaranty of democratic processes in unions, as the key to combating Communist-dominated unionism. Mr. Story rejects generally the attempt to deal with Communists via the route of the criminal law or through the National Labor Relations Act, as being of dubious efficacy, administrability, and constitutionality. He favors, instead, what he calls the guaranty of democratic processes.

"Experience has shown," Mr. Story says, "that Communist leaderships hold their power through stifling of democratic processes in the election of officers and in other administrative union activities" (pt. IV, p. 19).

Mr. Story therefore recommends the incorporation in the National Labor Relations Act of specific standards for the democratic conduct of union government. He lists them as follows:

The standards for assuring democratic processes should include:

(1) Adequate notice of nominations and elections;

(2) Adequate opportunity to nominate candidates;

(3) Reasonable eligibility requirements for nominees;

(4) Protection against fraud and error in the determination of the results;

(5) Opportunity for recounts;

(6) Reasonable hours for the polls to be open;

(7) Location of the polling places so as to assure maximum participation in the election; and

(8) No disqualification of voters or nominees for an act or failure to act consistent with a legal or civil right (pt. IV, p. 20).

Mr. J. B. S. Hardman, a labor editor of long experience, also focuses attention on union civil rights as, at least, a partial answer to the problem of Communist penetration. In Mr. Hardman's judgment, legislation does not provide a useful answer to the problem of Communist-dominated unionism. "The Taft-Hartley Act failed to lick the Communist union issue" because the unions would rather deal with this problem on their own power. The labor movement has reason to believe, Mr. Hardman thinks, that anticommunism has frequently been a cover for antiunionism.

The form which the protection of civil rights within the union would take is the establishment of a court of intraunion relations within the structure and administration of public law. Mr. Hardman's rationale for the establishment of such a court is:

"(1) The preservation of effective and responsible democracy is essential to the purposive and sucessful operation of unionism as a vital and constructive force in the social order of our democratic Nation.

"(2) The union organization, comprising as it does, all in one, the essential features of a diplomatic corps, a business enterprise, a combative organization, an evangelical fellowship, and a training group in industrial constitutionalism, lacks the basic provision under which the civil and democratic rights and duties of union members can be duly protected.

"(3) Consequently, an agency outside the structure of the union body needs to be devised to take care of and administer the development and preservation of member-officer democratic interrelations" (pt. III, p. 45).

Mr. Leon Despres, a Chicago labor attorney, thinks there is no effective legislative approach to Communist-dominated unions "beyond the general existing statutory provisions against sabotage, treason, and similar acts." He suggests that another avenue of inquiry be pursued:

"Why is it that, although Communists are generally pretty well exposed and their domination of certain unions is clearly proved, workers still feel loyalty to those unions? What is it about Communist tactics of control, propaganda, performance, or employer relations that permits them to continue to command the support and loyalty of workers? This is the secret weapon which they have, and which permits them to retain a place, minor though it may be, in the labor movement. Is employer favoritism ever to blame? Is their program superior? Is their efficiency in grievance representation greater? Do they make promises which they cannot fulfill? Or do they have a deliberate policy of making promises and never fulfilling them?" (pt. III, p. 34).

Unions can do their own house cleaning

There is a whole body of opinion, mostly from union sources, that we have ample protection against specific acts of subversion and that therefore there is no need for additional action of any sort to deal specifically with the problems of Communist-dominated unionism. The labor movement has done a successful job of internal house cleaning and, freed from the harassment of Government legislation, which will hurt more than help, the labor movement itself can be depended upon to cleanse itself of the last remnants of Communist infiltration.

Mr. William Green, the recently deceased president of the American Federation of Labor, saw the problem as one of compulsion versus voluntarism.

"Workers are moved by the spirit of voluntarism. Through the exercise of voluntarism and freedom, they have prevented Communists from, in any way, dominating the affairs of any union. Legislation would serve to substitute compulsion for voluntarism. Workers resent compulsion; consequently the enactment of legislation designed to prevent Communist domination of unions would have a bad psychological effect" (pt. III, p. 38).

The Congress of Industrial Organizations, speaking through Mr. Allen Haywood, executive vice president, presented an analysis and justification in support of its position that no additional legislation was necessary. In summary, the CIO position sets up as follows:

1. American workers have a fundamental right to choose their own collective-bargaining representative, which is as basic to

our American way of life as the freedom to worship, to speak, and to assemble.

2. Encroachments on this fundamental right should not be made except in the face of great danger to our national safety.

3. No showing has been made that such a great danger exists.

4. Existing laws against espionage, sabotage, and access to classified materials "are presumably adequate not only to punish individual acts of espionage or sabotage but to provide reasonable assurance against their commission."

5. The overwhelming majority of American workers are patriotic citizens who are sufficiently aroused against communism and Communists that they would not follow those who would "take them down the road to political work stoppages."

6. In specific, the CIO has demonstrated its capacity to deal with the Communists without Government intervention and by due process, when it expelled the nine Communist-dominated organizations from its ranks.

Mr. George Nelson, speaking for the International Association of Machinists, offers additional evidence of the capacity of the labor movement to deal with the Communists in union, on its own, and cites action taken by the IAM as far back as 1925 to keep Communists out of office, and out of membership in the IAM (hearings, p. 323). Known Communists have been expelled, and the IAM, Mr. Nelson says, has spent considerable sums of money defending its action in the courts.

"Our organization," Mr. Nelson says, "along with other bona fide labor unions of this country, has realized the danger of Communists within our ranks before our Government or other institutions in our society realized the necessity of curbing and restricting their influence. I do not think it is fair that labor unions should constantly be singled out as the prime segment of our society harboring Communists" (hearings, pp. 324–325).

Mr. Henry Kaiser and Mr. Gerhard Van Arkel, labor lawyers, with a predominantly AFL practice, argue that those who advocate "legislative interference" in this matter operate on "certain, usually undisclosed premises."

"First, the proponents of such legislation necessarily believe that American workers are either so indoctrinated by communism or so politically apathetic that they can be easily led by the nose on these matters. All our experience has shown this to be untrue; if it is a gross distortion of history and an egregious slander on American workers as a group. Workers are citizens and fully responsive to their obligations as such. They do not require—and properly resent—paternalism. They have more than proved their competence to handle these problems.

"The second assumption is that American workers, though anti-Communist, are too weak and powerless to take effective action. Again, experience demonstrates the falsehood of the premise. American workers can—and do—change their union leadership, or organize other unions if that method fails. There are invaluable benefits in leaving action to them, in strengthening their self-reliance, in the achievement of a greater solidarity, and in a real awareness of what Communist intentions and practice are" (pt. III, pp. 79–80).

President Eisenhower has commented on the 9 (h) affidavit as follows:

"I also think that since patriotic American union leaders must swear that they are not Communists, then the employers with whom they deal should be subject to the same requirement.

"Ladies and gentlemen, let me explain my view in personal terms. I would not mind every morning swearing an oath of loyalty to the United States of America. I would be proud every night to give my sworn oath that I am not a Communist. But I would resent doing this, and I would resent it bitterly, if I were singled out to do it because I happened to be a veteran, or someone who had lived in Kansas—or if I were a labor-union official" (New York Times, September 18, 1952).

SUMMARY OF THE FACTS

The significant facts with respect to the problem of Communist-dominated unions, as revealed by the record, can be summarized as follows:

1. The record before the subcommittee contains an authoritative and comprehensive survey of the relevant facts and opinions from every responsible viewpoint: Government, labor, management, and informed observers.

2. Communist-dominated unions are clearly identifiable as such because of the positive correlation of their policies with the shifting phases of the foreign policy of the Soviet Union.

3. The affirmative evidence of direct action by Communist-dominated unions in support of Soviet Russian foreign policy is less conclusive but the potentialities of such direct action are visible.

4. There is credible evidence that the correlation noted above is not coincidence but the direct outcome of direction by Communist Party functionaries.

5. The non-Communist affidavit in the Taft-Hartley law in its initial period probably contributed toward directing public and trade-union attention on the focal points of Communist penetration in the unions but the decision of the Communist leadership to sign the affidavits has seemed to nullify the practical intent of the law in eliminating Communist domination of certain labor organizations.

6. Communist-dominated unions are still operating in defense production, although in diminished strength. The existence of a few Communist-dominated unions in key industries may in times of war or threatened war constitute a real danger to the safety of the country. Espionage might be practiced through communications and sabotage be committed in the electrical, mining and smelting, and longshore industries. We should not blink our eyes to these dangers.

7. Recent developments arising out of a conviction of a 9 (h) affiant for false swearing and a grand-jury presentment have set in motion policies by the National Labor Relations Board which look toward a more aggressive protection of the affidavit requirement from gross abuse by Communist union leaders.

8. The Atomic Energy Commission has been successful in preventing recognition of a Communist-dominated union as the bargaining representative in an important atomic-energy installation.

9. In the judgment of the Defense Department, its security functions extend only to denying access to facilities and documents on the part of persons of questionable loyalty or reliability. But its authority does not extend to directing contractors to cease recognition of Communist-dominated unions who may be the bargaining representatives of the employees of such contractors.

10. The proposals which have been made to this subcommittee for dealing affirmatively with the threat of Communist-dominated unionism fall under four main categories. All of these proposals start (explicity or implicity) with the assumption that our existing resources are not adequate for the job at hand, that neither existing law nor the voluntary action of unions and employers provide the lawful tools to destroy the threat of Communist-dominated unions.

(a) The utilization of the National Labor Relations Board to find, subject to the requirement of constitutional due process, that certain unions are Communist-dominated, and, upon such finding, to deprive these unions of their privilege to act as exclusive bargaining representatives of employees.

(b) The utilization of an agency other than the NLRB, subject to the requirements of constitutional due process, to make findings of Communist domination and the subsequent loss of bargaining rights by unions found to be Communist-dominated. There are variations on this proposal (1) whether it should be restricted to defense work or not, and (2) whether new legislation is required or whether the findings and the penalties can be established under existing law.

(c) The guaranty of democratic processes approach which has as its basic assumption that Communist-dominated unions flourish only through the denial of democratic process to the members. If such democratic process is guaranteed by law, it is argued, Communist control of certain unions will disintegrate.

(d) The strengthening of the affidavit requirement to provide (a) that every affiant of a 9 (h) affidavit automatically waives his immunity on the questions in the affidavit in proceedings before a legislative committee, or a court of appropriate jurisdiction, (b) the terms of the affidavit be subject to 1-year retroactivity.

11. Those who are critical of any governmental finding of Communist domination of a union urge as their major reasons: (a) the availability of adequate clearance and intelligence facilities makes such procedures unnecessary; (b) the free, democratic unions and their members can deal with the threat of political strikes; (c) this kind of ideological licensing of unions is incompatible with the maintenance of a free society.

12. Those who are critical of utilizing the National Labor Relations Board as the investigative agency argue that the NLRB is not equipped to administer such investigations and that in any case incorporation of this responsibility in the NLRB would open up opportunities for delay which would indiscriminately penalize non-Communist unions as well.

FINDINGS AND RECOMMENDATIONS

Under this heading we want to set down some judgments about this problem which we believe are reasonably warranted by the facts.

1. Nobody has suggested to our subcommittee that our security machinery is not equipped to deal effectively with the protection of facilities and information in sensitive industries, from acts of sabotage or espionage; or at least as effective as it is humanly possible to be. The subcommittee did not have the resources to conduct an independent investigation of whether in fact the security agencies were taking all the precautions they could against Communist subversion. This matter should be fully studied and the facts made available to the Congress. Special attention should be paid by the Government in supervising its contractors and subcontractors engaged in defense work to see that all appropriate safeguards against Communist infiltration are utilized.

2. One of the great assets, if not the greatest, which a democracy has in combating the threat of Communist penetration is an intelligent awareness of the threat and a desire to do something about it. No law, however intelligently framed, is a substitute for this asset.

We must in all candor recognize that an employer who sees rivalry between a Communist union and a non- or indeed anti-Communist union as simple ordinary trade-union competitiveness is lacking in the insight and perspective which we need to rely on so heavily.

We do not suggest, it should be made clear, that the employer favor one union as against another, or do anything else which would be contrary to law, when he is con-

fronted with a rival union situation involving a Communist-controlled union and a non-Communist union. We do suggest, however, that an employer who takes advantage of such a situation to engage in divisive strategy is making no contribution to the common welfare.

The International Union of Electrical Workers (CIO) has charged that the General Electric Corp. has favored the United Electrical Workers (independent) since expelled from the CIO on grounds of Communist domination. The General Electric Corp., speaking through Mr. Boulware, has vigorously denied this charge. We do not feel that we would be justified in making a definite finding on this issue in controversy, one way or the other.

We feel justified, however, in commenting on an attitude reflected in certain statements issued by the General Electric Corp. on the theme of a "Plague on both your houses" (hearings, p. 450 ff.). The essence of the theme is that there is little to choose from between leftwingers and rightwingers. The reference is to the UE and the IUE respectively.

"We believe—the General Electric Corp. has said—they have in the end the same objectives. We believe that what each side advocates would result, in the long run, in substantially the same thing for our employees, our company, and our country" (hearings, p. 451).

This is an amazing statement and shows little comprehension of the forces at work in this world, in the year 1952. It is this attitude on the part of some employers which has made the opposition to the real Communists in the unions very difficult and explains in large part why the Communists have been able to retain as much as they have. If an employer says, in effect, there is no difference between a Communist union and an anti-Communist union, it is understandable why many workers may not pay too much attention to a valid charge that a union is Communist-controlled.

We need to recall Professor Seidman's critical differentiation between Communist unionism and other liberal or radical groups in the American labor movement.

"From the point of view of the other liberal or radical groups, a union is a primary institution that the group seeks to build and make strong, with the objective of winning benefits for the members and for workers in general.

"The policy of such unions is determined by an analysis of the needs of the workers who are employed in the industries in which those unions operate. Such other liberal or radical groups may be critical of employers, of the existing economic system, of Government policy; they may in a particular case be opposed to a war in which this Government is engaged, or even opposed to all wars; and yet I would sharply distinguish between such groups and the Communist Party on the ground that the Communist Party seeks control of unions not primarily to benefit the workers involved, but primarily because the unions then can be manipulated to further a party line which is in turn determined with reference to the interests of the U. S. S. R." (hearings, p. 148).

Not to make this distinction, as apparently General Electric and other employers have not, is to play the Communist theme song, that an attack on Communists is an attack on all liberal ideas. We deny that it is impossible to distinguish between Communists and genuine supporters of liberal or unorthodox ideas. The Communists are spokesmen for a conspiratorial system of power deriving its prime motivation from the needs of the U. S. S. R. We do not have to agree, necessarily, as many of us do not, with the program of free reform groups, to insist that the American tradition and constitutional system gives these groups every right to exist and to pursue every lawful means to propagate their ideas.

3. The issue which needs to be resolved is whether Communist-dominated unions pose a sufficiently serious threat to our security to warrant Government action. We believe that Communist-dominated unions do pose such a threat, and the Government has taken effective steps to protect the national security against these threats. In this report we recommend additional steps that can be taken.

We do not accept the proposition urged upon us that a private group has an inherent immunity from public regulation on this point. This goes for both employers and unions. It happens that this committee has reported out legislation designed to end discrimination in employment based on race, color, creed, or national ancestry. If this legislation were passed no private group, employers, employment agencies, or unions would be permitted to carry on its activities in a way to run counter to the requirements of this policy.

The same principle applies to the question of Communist-dominated unions. The unions have no inherent immunity from regulation on this point. The decisive question is: Will this be a wise and democratic exercise of public authority?

4. The free labor movement must accept the responsibilities which go with its contention that it can handle the Communist problem in the unions on its own. Racketeering, discriminatory practices, exist in a few union situations. Where these unsavory practices exist they are breeding grounds for Communist penetration. They provide a cover for the real purposes of the Communists in the unions. The labor movement must decontaminate itself of these unhealthy influences.

The free unions have done more to isolate and destroy the staging points of Communist unionism than any other single force in American life. It is one thing to require a non-Communist oath as a condition of using the NLRB's facilities. But the critical anti-Communist pressure is exerted when the free unions expel Communist-dominated unions from their midst and then proceed to take their members away. This is anticommunism where it hurts the Communists the most. But, as we have seen, there are still pockets of Communist domination and the free unions must expend added power and resourcefulness in eliminating these Communist pockets.

We commend, too, the action which the American labor movement has taken to combat international communism. The fact that free labor movements all over the world are effectively fighting Communist aggression is in small part due to the economic and moral aid rendered by the American labor movement.

5. The National Labor Relations Board has authority under existing law (in its own words) "to protect its own processes from abuse." If it should develop that the Board does not have this authority, we urge that legislation be enacted to carry out the intent of this recommendation. We recommend that the NLRB in the exercise of such authority under existing law take judicial notice of three kinds of circumstances as reflecting adversely on the good faith of an affiant of a non-Communist affidavit.

(1) The refusal to testify under oath before a judicial body, grand jury, or legislative committee whether the non-Communist affidavit was signed by the affiant.

(2) The refusal to testify under oath before a judicial body, grand jury, or legislative committee whether the affiant is a member of the Communist Party.

(3) A conviction for false swearing in a non-Communist affidavit.

If the Board finds that there is a reasonable doubt as to the truth and validity of the affidavits, as a result of the failure to testify, or as a result of the conviction for false swearing as outlined above it shall give the union in question 30 days within which to purge itself of the officers whose affidavits have been found lacking in good faith. If the union submits proof that it has complied with the order of the Board it shall be considered as having remained in compliance with section 9 (h). If in the judgment of the Board the union has not purged itself of the officers whose affidavits have been found to be lacking in good faith, then the Board shall declare that the union is not in compliance with section 9 (h).

Our reasons for this recommendation are as follows:

(a) Whatever reservations we may have about the efficacy of section 9 (h), we ought not to embark on additional or more dubious legislation until we have exhausted the lawful remedies under existing legislation. With all of its one-sidedness, section 9 (h) of the Labor-Management Relations Act of 1947 has served to point up the issue and may, with appropriate implementation, yet help to identify the Communist-dominated unions. In our judgment, it should not be taken from the law until all Communist domination has disappeared from unions, at least in vital industries, or until, as implemented, it is proven ineffective and other preferable provisions are adopted.

(b) We believe that the NLRB can lawfully apply these recommendations without additional legislation. To be sure, as has been pointed out, Congress did not intend for the Board to conduct an independent investigation on the merits as to whether a particular 9 (h) affiant is or is not a Communist. What we are recommending here, and which in large part the Board has already done, is to protect its processes from obvious abuse. It is our judgment that the three types of circumstances cited above constitute obvious abuse and ought not to be tolerated without question.

(c) We are not insensitive to the implications which our recommendations have for the constitutional protection against self-incrimination. But, it seems to us that the constitutional protection ought not to become an immunity for Communist union officers from the consequences of bad faith in filing non-Communist affidavits. And in any case the loss suffered by such officers is a disqualification from serving as officers of a union which wishes to utilize the procedures of the law. That the unavailability of the Board's processes is something less than catastrophic is attested to by the fact that two large and powerful unions (and anti-Communist unions, by the way) have been able to exist for 5 years without access to NLRB procedures.

(d) The recommendation for a 30-day period of grace within which a union may remove the cloud of doubt prevailing with respect to 9 (h) compliance is motivated by a consideration that innocent victims of bad-faith filing ought not to be penalized for the acts of particular officers. All the members and non-Communist officers of the union could know, for sure, was that an affidavit was on file. They could not be expected to know beyond a reasonable doubt that the affidavit was executed in bad faith, in the absence of an authoritative declaration to that effect.

Therefore, to revoke compliance status retroactively would penalize union members and employers as well for acts over which they had no control. Legal logic may be on the side of retroactivity in this sort of situation but the facts of industrial relations are not.

A refusal of the union members to remove officers after their affidavits have been found defective in an authoritative determination by the NLRB puts the problem in a different posture. They can remove the officers or accept the consequences of noncompliance.

But under our recommendation the alternatives are identifiable.

6. The Department of Justice should establish a special unit to deal with cases arising out of alleged violations of section 9 (h) with effective liaison relationships to the NLRB and the legislative committees engaged in Communist investigations.

7. To the extent necessary, the Munitions Board, the Atomic Energy Commission, the Federal Bureau of Investigation, and other agencies concerned with security problems should develop specialized competence in dealing with security implications of Communist-dominated unions. The Bureau of the Budget should undertake to study how the various Federal responsibilities in this field can be sensibly coordinated. The President, through the Bureau of the Budget, should also consider the development of in-service training programs for these various agencies on the goals and purposes of Communists in unions and how to distinguish the bona fide militant unionist from the Communist agent. It is a distinction which is not infrequently blurred, but as we have said, a very crucial distinction.

8. We do not believe that the National Labor Relations Board has the statutory authority or that Congress intended it to conduct an independent, de novo investigation of whether, in fact, an affiant is a Communist. Moreover, Mr. Herzog's analysis of this proposal we find very persuasive. Identifying Communists is a special form of expertise which the Board does not now have. Moreover, it would have the effect of delaying the processing of the cases of non-Communist unions.

9. We reserve judgment at this time on proposals that new agencies other than the NLRB be given authority to find Communist domination. The reasons for our reservations may be summarized as follows:

(a) The resources of Government agencies charged with security functions, strengthened as necessary, appear to be adequate at this time to deal with hazard of sabotage and espionage.

(b) The practical advantages of these proposals in removing the security hazard of Communist control are questionable if the time consumed by the Subversive Activities Control Board in its proceedings against the Communist Party is any guide. The advantage of operating efficiency is on the side of the agencies like the FBI.

(c) The resultant penalties, such as disestablishment of Communist unions, would in part fall on the Communists but in greater part on the innocent victims, the union members, in the Communist unions who, it is clearly established, are overwhelmingly unsympathetic to the political aims of their leaders.

(d) This ideological testing of a union's right to survive is foreign to our tradition of a free labor movement.

If, however, our relationships with Soviet Russia deteriorate even further, these proposals should be reconsidered in the light of the new circumstances.

10. It is recommended that encouragement be given to unions to clean their own ranks of Communist influence by amending the law to permit a waiving of the affidavit requirement for those unions which incorporate a ban on the holding of office by Communists and enforce the ban in good faith. Such a provision would have the additional effect of cutting down the sizable clerical task of keeping track of thousands of affidavits.

11. The proposal that employers and their representatives be required to take non-Communist oaths as a condition for utilizing the facilities of the National Labor Relations Board has equity on its side to recommend it. The argument runs that union people will not resent the application of the affidavit requirement if they feel that they are not being singled out for special treatment as potential subversives. Measured against the standards of speed in processing cases, however, the advantage of this proposal seem to be dubious.

INDIVIDUAL VIEWS OF SENATOR MORSE

I have not concurred in the foregoing report because I think it is inadequate in several respects, although I think that in many respects it is a very good report. At least it shows a lot of hard work and careful and thorough study of the problems which were taken under consideration by the committee. Nevertheless, I hold several reservations as to the soundness of the conclusions of the report in respect to the jurisdiction, which the National Labor Relations Board should take, over Communist-dominated unions.

The subcommittee has never sat down in a formal committee meeting for a discussion of the recommendations contained in the report. At least, I have never had any knowledge of any such meeting being held. If I had attended a committee meeting for a discussion of this report, I would have found it necessary to raise a series of questions for discussion by the committee about the recommendations in the hope that they would be modified. It is quite possible that other members of the committee, as the result of such a discussion, might have come to share some of my doubts as to the wisdom of some of the recommendations set forth in the report, at least, as far as their present form is concerned. I know that each member of the committee agrees with me that the existence of any Communist-dominated union in America is a threat to the labor unions as well as to the security of the country. However, I do not think that the recommendations of the report propose very effective means for checking and eliminating Communist-dominated unions.

The American people have the right to look to some agency of government to take direct jurisdiction over the question of Communist-dominated unions. Although I have reached no final judgment on the matter, I see great merit in the point of view that the National Labor Relations Board is the agency which should be given jurisdiction over the issue on the administrative level. It is to be understood, of course, that I would favor having the law so worded that all of the procedures of the Administrative Procedure Act would apply in the granting of such a jurisdiction to the National Labor Relations Board. It would seem to be somewhat absurd as a matter of principle to have the National Labor Relations Board grant the privileges and prerogatives of the National Labor Relations Board Act to a union and at the same time not have the legal right and duty to exercise jurisdiction by way of denying those benefits and prerogatives to a Communist-dominated union involved in a case before it.

Also, I think it is only fair to the employers of America that they should have the right before the National Labor Relations Board to prove if they can that the union involved in the case is a Communist-dominated union. If the Board finds that the evidence supports that contention, then I think it is bad public policy for the Board to grant any benefits to that union until it has eliminated its Communist domination.

I fully appreciate the fact that so enlarging the jurisdiction of the National Labor Relations Board will probably require some amendments to the National Labor Relations Act. However, that fact in no way detracts from the merits of the proposal that such jurisdiction shall be given to the Board. It only means that the Congress should get busy and amend the National Labor Relations Act in such particulars as are necessary to grant to the Board the jurisdiction it needs to accomplish the end recommended. It is also true that enlarging the jurisdiction of the National Labor Relations Board so that it can pass judgment on the issue of whether or not a union is Communist-dominated may slow up the work of the Board unless some procedural reforms are concurrently adopted with the expansion of the Board's jurisdiction. It is quite possible that such procedural reforms in the interest of speeding up the work of the Board would be desirable in any event. It should not be very difficult for the Board by procedural rules and regulations to work out a type of pretrial hearing of the Communist-dominated-union issue, and if the Board should find in a specific case that a prima facie case does not exist in support of that charge, then the Board could proceed without further delay to pass upon the merits of the other issues involved in the case.

It should be understood that the references which I make to changes of Board procedure in this separate report are not in any sense recommendations on my part because I should like to hear all sides of the discussion on these points before reaching any final position. It is just such questions that I would have liked to have discussed within the committee before reaching any conclusion to be set forth in the report as to how the problem of Communist-dominated unions should be handled within our governmental system. Therefore, because I do not feel that I can underwrite or affirm the report of the majority of the committee in its entirety, I respectfully submit this separate and independent report.

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

Mr. MORSE. I yield.

Mr. BUTLER. I should like to say to the Senator from Minnesota that I have had recourse to his hearings on several occasions.

A moment ago he made reference to the objectivity of those hearings. I believe they were objective. On the other hand, he also made reference to television and emotionalism, and so forth, not in connection with the hearings that I held——

Mr. HUMPHREY. Of course not.

Mr. BUTLER. But only a general reference to that subject. I know the Senator from Minnesota did not mean to imply that there had been any emotionalism or any seeking of headlines in the holding of those hearings. I thought we did everything we could to make these hearings objective, and to keep them strictly within the bounds of legitimate legislative hearings on the bill before us.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. MORSE. I am glad to yield.

Mr. HUMPHREY. I wish to say to the Senator from Maryland that I had no reference at all to the activities of the Senator from Maryland or to those of any Senators associated with him in the pursuit of the hearings and the final writing of the bill before us. As a matter of fact, I have said to the Senator from Maryland, as he undoubtedly will recall, our hearings are available to him, and I hope they may be helpful to him. In fact, I have suggested to every committee of the Senate that is engaged in a study of subversive activities, namely, the Jenner committee, the McCarthy committee, and the subcommittee of the Senator from Maryland, that any file I have or any information which our subcommittee may have been able to obtain

or develop was available to those committees.

I am of the opinion that the activities of our Government in rooting out Communist infiltration in private organizations which have business with the Government and with any Government agency is priority business. I have no time for these "Commies," and they know it.

As the Senator from Oregon has pointed out, on July 11, 1952—and I have before me some pages from the CONGRESSIONAL RECORD—the junior Senator from Minnesota had the privilege of being branded by the Daily Worker as America's No. 1 Fascist, a phony, a faker, and all the other expletives that Communists apply to their enemies.

Mr. MORSE. I remember.

Mr. HUMPHREY. I have had the same treatment on the other side of the political spectrum; I have been treated to the rough side of life on both sides.

Mr. MORSE. Mr. President, I should like to read my individual views, which I wrote following the Humphrey subcommittee hearings:

INDIVIDUAL VIEWS OF SENATOR MORSE

I have not concurred in the foregoing report because I think it is inadequate in several respects, although I think that in many respects it is a very good report. At least it shows a lot of hard work and careful and thorough study of the problems which were taken under consideration by the committee. Nevertheless, I hold several reservations as to the soundness of the conclusions of the report in respect to the jurisdiction, which the National Labor Relations Board should take, over Communist-dominated unions.

The subcommittee has never sat down in a formal committee meeting for a discussion of the recommendations contained in the report. At least, I have never had any knowledge of any such meeting being held. If I had attended a committee meeting for a discussion of this report, I would have found it necessary to raise a series of questions for discussion by the committee about the recommendations in the hope that they would be modified. It is quite possible that other members of the committee as the result of such a discussion might have come to share some of my doubts as to the wisdom of some of the recommendations set forth in the report at least as far as their present form is concerned. I know that each member of the committee agrees with me that the existence of any Communist-dominated union in America is a threat to the labor unions as well as to the security of the country. However, I do not think that the recommendations of the report propose very effective means for checking and eliminating Communist-dominated unions.

The American people have the right to look to some agency of Government to take direct jurisdiction over the question of Communist-dominated unions. Although I have reached no final judgment on the matter, I see great merit in the point of view that the National Labor Relations Board is the agency which should be given jurisdiction over the issue on the administrative level. It is to be understood, of course, that I would favor having the law so worded that all of the procedures of the Administrative Procedure Act would apply in the granting of such a jurisdiction to the National Labor Relations Board. It would seem to be somewhat absurd as a matter of principle to have the National Labor Relations Board grant the privileges and prerogatives of the National Labor Relations Act to a union and at the same time not have the legal right and duty to exercise jurisdiction by way of denying those benefits and prerogatives to a Communist-dominated union involved in a case before it.

Also, I think it is only fair to the employers of America that they should have the right before the National Labor Relations Board to prove, if they can, that the union involved in the case is a Communist-dominated union. If the Board finds that the evidence supports that contention, then I think it is bad public policy for the Board to grant any benefits to that union until it has eliminated its Communist domination.

I fully appreciate the fact that so enlarging the jurisdiction of the National Labor Relations Board will probably require some amendments to the National Labor Relations Act. However, that fact in no way detracts from the merits of the proposal that such jurisdiction should be given to the Board. It only means that the Congress should get busy and amend the National Labor Relations Act in such particulars as are necessary to grant to the Board the jurisdiction it needs to accomplish the end recommended. It is also true that enlarging the jurisdiction of the National Labor Relations Board so that it can pass judgment on the issue of whether or not a union is Communist dominated may slow up the work of the Board unless some procedural reforms are concurrently adopted with the expansion of the Board's jurisdiction. It is quite possible that such procedural reforms in the interest of speeding up the work of the Board would be desirable in any event. It should not be very difficult for the Board by procedural rules and regulations to work out a type of pretrial hearing on the Communist-dominated union issue and if the Board should find in a specific case that a prima facie case does not exist in support of that charge then the Board could proceed without further delay to pass upon the merits of the other issues involved in the case.

It should be understood that the references which I make to changes of Board procedure in this separate report are not in any sense recommendations on my part because I should like to hear all sides of the discussion on these points before reaching any final position. It is just such questions that I would have liked to have discussed within the committee before reaching any conclusion to be set forth in the report as to how the problem of Communist-dominated unions should be handled within our governmental system. Therefore, because I do not feel that I can underwrite or affirm the report of the majority of the committee in its entirety, I respectfully submit this separate and independent report.

Mr. President, the next point I wish to make is that in my judgment the pending bill is even broader, as has been indicated by the Senator from Vermont, than the subject matter we have been discussing. It is broader than trade unions. In my opinion, the Attorney General could exercise these discretionary powers in respect to a great many organizations in this country—for example the Hells Canyon Association, or any organization of citizens which has been developed to assume some civic responsibility. It is an entirely too broad and unlimited power to give to any Attorney General, I care not who he may be.

The last argument I wish to make, and the one to which I invite the attention of the Senator from Vermont, is that we must not overlook the fact that the Department of Justice has jurisdiction now in connection with Communist activities of individuals. That is enough, Mr. President. Give the National Labor Relations Board jurisdiction over organizations working in the field of labor-management relations, and let the Department of Justice proceed with its investigation of an individual who may be involved in Communist activities or espionage activities or subversive activities, be he labor leader or union member or any other citizen.

If the Department of Justice does the job it is now empowered to do, we do not have to worry about the influence of those individuals who may be labor leaders within the labor movement. We do not need this bill, Mr. President, to check the Communist activities of any labor leader. The Department of Justice now has that jurisdiction and authority.

We, the Congress, ought to say to the Department of Justice, "What do you need that we have not given you, to carry out your authority with respect to checking Communist activities on the part of individuals? Do you need more money for the FBI? If you do, here is one vote for it. Do you need any clarification of any statute? If you, here is one vote for it."

Mr. President, in my judgment, those are not the objectives of some who would like to see that kind of legislation passed. Of course I do not refer to the sponsors of the pending bill.

There are some who see in this legislation and in the broad power it gives to the Attorney General one of the most effective devices that could be legislated for destroying the labor movement in this country.

Therefore, Mr. President, I close my argument on this bill, before I turn to another subject, by saying the bill is just not needed, if we want the Department of Justice to check Communist activities on the part of individuals. When we check the activities on the part of an individual he cannot exercise any influence within any labor union. Why drag the labor unions into this situation by giving jurisdiction to the Department of Justice to proceed to treat them as though they were individuals engaged in Communist activities?

Mr. President, I have been advised since I started speaking this afternoon that at one time I did offer a proposed piece of legislation in the Senate, and I have asked my administrative assistant to search the RECORD to see if he can find it. But there is no question about the fact that on several occasions in the Senate, since the Humphrey Committee report and my separate views filed thereon, I have stated on the floor of the Senate that I had come to the final conclusion that the National Labor Relations Board should be given jurisdiction over the issue of Communist-dominated unions. I think it was in connection with some legislation we had before us last year that I made the specific proposal with reference to some piece of legislation by way of an amendment. But I shall check into it and find out whether the amendment was actually offered or whether I simply outlined it on the floor of the Senate.

On June 15, 1954, I made comments along the same line I am expressing today on this issue, and, without reading them, I ask unanimous consent that excerpts from the statement which I made

on July 15, 1954, be inserted at this point in my remarks. I ask for the insertion only because I wish to support the reply I made to the Senator from South Dakota to the effect that it has been my position for quite some time that jurisdiction over this subject matter should be given to the National Labor Relations Board.

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

Mr. MORSE. Mr. President, I should like to ask that objection to the bill be withheld until I make a brief statement.

I have no objection to the bill going over for further consideration. In fact, I believe the subject matter is such that the bill ought to be brought up by motion for full debate in the Senate, and I hope full debate will be had on it before Congress adjourns.

The bill raises again the whole subject of procedure in handling the question of Communist infiltration into labor organizations.

There is no question that a problem exists in that connection, and that it is giving great concern to many labor leaders. I would much prefer a proposal which I have urged for some years past, namely, that the National Labor Relations Board be assigned by Congress the duty and obligation to exercise jurisdiction over the infiltration of Communists into American labor unions. In that event, when an employer feels that he is being called upon to negotiate or conduct business with a Communist-dominated union, or a union whose officers are Communist-dominated, or a union which has within it members who are also members of the Communist Party, he should be able to make it the basis for a case on the ground of an unfair-labor practice so far as that particular union is concerned.

The National Labor Relations Board ought to be under the obligation to proceed, let us say, on the basis of what in our Federal courts is known as a pretrial hearing, in which the issue could be gone into singularly, and the employer or the complaining party called upon to establish a prima facie case. If a prima facie case were established, the Board would proceed with a full hearing of the merits of the controversy.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Maryland.

Mr. BUTLER of Maryland. Does not the Senator from Oregon feel that the more appropriate body to conduct such a hearing would be the Subversive Activities Control Board?

Mr. MORSE. No. I am aware of the Senator's bill, but I do not think it provides for the most appropriate body to handle the problem, because, in my opinion, it is a mistake to split the jurisdiction of a board over a common subject matter, and I believe the National Labor Relations Board should have complete jurisdiction over labor issues.

Mr. BUTLER of Maryland. Does it not involve a problem of internal security?

Mr. MORSE. Certainly, it does, but it does not follow that the National Labor Relations Board is not the best qualified board to determine whether a particular union is Communist dominated. It seems to me that its knowledge of and familiarity with labor problems places it in an advantageous position to determine at the outset whether it is dealing with a union which is Communist dominated or has Communists in it.

Mr. BUTLER of Maryland. I agree with the Senator's observation that the Board has a peculiar knowledge of matters dealing with labor, but it has no knowledge of matters dealing with internal security. This is strictly a matter of internal security.

Mr. MORSE. There is nothing complicated about that. Let us not make a lot of complexities out of a very simple matter. It is very easy in a judicial hearing before the National Labor Relations Board to advance the proof as to whether a union is Communist dominated. I think it should be given priority of consideration in any charge of unfair labor practices on the part of a labor union. The Board ought to be required to take the proof and determine whether it is a Communist-dominated union. If it is, then I believe the proposal which I made when I refused to sign the majority report, when I was a member of the Committee on Labor and Public Welfare more than 2 years ago, is the proper one. The position I took at that time was that all the privileges of the National Labor Relations law should be taken away from the union immediately. I think that is the fairest way to handle the question, and I think it places the jurisdiction under one board and avoids complicating the situation by giving two boards partial jurisdiction of labor disputes.

Mr. BUTLER of Maryland. We are now working on a bill quite different from the bill which I originally introduced.

Mr. MORSE. I am not familiar with it.

Mr. BUTLER of Maryland. It will be reported, I trust, by the Committee on the Judiciary within the next week or two, and I hope to enlist the support of the Senator from Oregon.

Mr. MORSE. I shall read the bill with great interest.

Mr. MAGNUSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. MAGNUSON. I wish to associate myself with my colleague from Oregon with reference to this matter. I should like to ask him a question. The real answer to the problem is the job which 98 percent of the labor unions have done themselves, and very effectively, in clearing the unions of all this type of influence. Is not that a fact?

Mr. MORSE. That is the point with which I was going to close my argument.

Mr. MAGNUSON. As to those unions which have not cleared themselves, the simplest way to do it is by following the course which the Senator has suggested.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I wonder if I might have a half a minute more.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon may proceed.

Mr. MORSE. Mr. President, I am asking that this jurisdiction be given to the National Labor Relations Board in order to take care of the rare case of a union that fails to clean its own underwear. Most of them are doing a pretty good job of washing their dirty linen, Mr. President. I think the labor leaders are deserving of a great deal of credit for the job they have done in driving Communists out of the American labor movement. But there are some still left; and when a labor organization does not do a good job by way of cleaning its own linen, I think we must give the washing job to the National Labor Relations Board.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LEHMAN. Mr. President, I have not studied the bill. I do not know how I shall vote when it comes before the Senate, but I certainly do not think that a bill with such broad implications as has this one should be considered on the Consent Calendar.

Mr. MORSE. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. MORSE. I think the Senator walked onto the floor while I was making my comments. I am not speaking for the bill; I am speaking for an entirely different bill, and I had made the point that I did not think it should be considered on the Consent Calendar, but that it should be considered by way of motion and with opportunity for full debate.

Mr. MORSE. Mr. President, at this time I also wish to refer to a speech I made on the floor of the Senate on July 7, 1953, on the same subject matter. In the course of that speech, again I said I thought jurisdiction should be given to the Board. On that occasion I said:

Mr. MORSE. Mr. President, I am glad to hear the Senator from Minnesota say that he is agreeable to taking the amendment to conference. It ought to go to conference. The money will be wisely expended, I believe, by the National Labor Relations Board.

We might as well face the fact that more money is needed if the Board is to assume a certain responsibility which I think we should give to it by law. I refer to amending the law so that the Board will assume jurisdiction over cases charging communism within unions. Apparently that is a no man's land in the law today.

As conditions now are an employer who in good faith says he is not going to negotiate with a union because he is satisfied the union is Communist-dominated cannot get any relief from the Board because the courts have ruled that the law as presently written does not give the Board jurisdiction.

I am in favor of supplying the Board with sufficient funds so that it may assume jurisdiction in cases charging Communist-dominated unions, once we amend the law to give it such jurisdiction. That is why I dissented from a report on Communist influence in a few labor unions, which report was issued by the Subcommittee on Labor-Management Relations, when I was a member of the Labor Committee. In fact, I was quite surprised that a majority of my colleagues went along with the majority report on that issue. We have failed to provide any procedure to protect an American employer who in good faith says, "I do not want to negotiate with this union because it is Communist-dominated." Where is he going to go for relief?

It is perfectly obvious that he should go to the National Labor Relations Board, and the Board should be given such jurisdiction.

That is why I take this opportunity to reinforce the position I took as a dissenter in the Committee on Labor and Public Welfare, when, to my complete surprise, that committee went along with the notion that the National Labor Relations Board should not be the tribunal which should assume jurisdiction over the issue of communism in labor unions. If the Board is not given jurisdiction over that issue, what agency will assume such jurisdiction? We are just playing ducks and drakes on this issue, Mr. President.

We should stop kidding ourselves about it. We should give the National Labor Relations Board the necessary funds and staff, so that it can get to the bottom of the question of communism in American trade unions. Not many American unions are Communist dominated. But when a union is Communist dominated, it should not have the benefit of the services of the National Labor Relations Board, but should be told, "You will not receive any service from this Board until you clean out communism in your union."

So, Mr. President, I am glad the amendment adding $250,000 to the appropriation will be taken to conference.

Mr. President, a word as to why I think the National Labor Relations Board should have jurisdiction over this subject matter. In the National Labor Relations Board there is a staff thoroughly grounded in American labor problems. I know it is difficult in a speech to have people accept the notion that there is an art in the settling of labor disputes, but it is true, Mr. President. Of course, it is an art which can be effectively used only by men who have a background of train-

ing in the field. The issue of various types of radicalism in the American labor movement is nothing new. Not so many years ago, from 1910 on to the middle of the 1920's we had the so-called Wobbly movement in American labor. It was given a variety of names. It was known as the Industrial Workers of the World, I believe—the IWW. It was a very radical movement. It was a direct-action movement in the American labor movement. It would use the strike if it thought it would serve its purposes, but it would also use many illegal practices. We know about the serious riots which developed in the so-called Wobbly movement in this country, which became great national issues in their day.

We have had the anarchist movement within the American labor movement at different periods in its development. We have had various types of so-called direct-actionists who did not believe in promoting a labor movement through a system of government by law, but believed in promoting a labor movement through a system of anarchy, through a system of mob rule, through a system of direct action outside the law. The most vicious type of all these direct-action movements is the Communist movement.

Anyone who has any background in the study of the American labor movement is thoroughly familiar with the various chapters of radicalism in the American labor movement. But they have very little to do with the warp and woof of the American labor movement. They have very little to do with the legitimate ends and methods used by true trade-unionists, who are as devoted and dedicated to a system of government by law as is any Member of the United States Senate.

On the Board and on the staff of the National Labor Relations Board there is a group of men who are well informed as to American labor problems, and they understand, Mr. President, that to some extent we have what I have called earlier in my speech some "termiting" by Communists within the American labor movement.

When any employer is called upon by such a union to enter into a collective-bargaining agreement, or if the union tries, by various direct-action methods, which are typical of Communist-dominated unions, to coerce the employer into entering into a labor-union contract, the employer should have the right to go before the National Labor Relations Board and file an unfair labor practice charge. Amendments to the National Labor Relations Act should be adopted to provide the Board with the jurisdiction to conduct an immediate hearing, giving it priority over any other issue involved in a case, to determine whether there is any basis for the contention of the employer; and if there is, to try the issue forthwith. That is the way I think the situation should be handled. That is my alternative to the Butler bill.

I think the Butler bill should be postponed, and that final consideration should not be given it by this session of Congress. The Butler bill, along with other proposals which undoubtedly will be made, should be referred, at the beginning at the next session of the Congress, to the Committee on Labor and Public Welfare.

As I said earlier in my colloquy with the Senator from South Dakota [Mr. CASE], I, myself, propose to offer some amendments to the National Labor Relations Act, which would grant to the National Labor Relations Board the required jurisdiction over the issue of communism in American labor unions. I think that is the way the problem should be handled. What should be done is either to recommit the bill to the committee which reported it, or transfer it to the Committee on Labor and Public Welfare, with the understanding that it will be reintroduced, come January, along with other measures which can be considered at that time.

But that may not be the course of action which the Senate will decide upon tonight. Therefore, I wish to make a few comments on the basis of my general objections to the bill in its present form.

I have already said that I do not believe the Department of Justice should be given jurisdiction over American trade unions. I think the National Labor Relations Board should be vested with that authority. Furthermore, my colleagues in the Senate have heard me over the years, no doubt to the point of boredom, raise my voice against the granting of broad discretion to any governmental official. I object to the bill because, in my opinion, the language of the bill gives too broad and too wide a discretion to the Attorney General. I think it is discretion which is so broad and so arbitrary that it could be subject to great abuse. The time to prevent abuse or to prevent the danger of abuse developing is at the very time when legislation is being considered for passage. It is then that language should be included which will not permit the abuse of discretion.

I call attention to page 2 of the bill. Perhaps I should start at the bottom of page 1:

> The term "Communist-infiltrated organization" means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within 5 years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

Because it is necessary to think of the bill in terms of types of factual situations to which it might be applied, let us assume a situation in which the Attorney General of the United States is anti-labor. That is not beyond the realm of possibility. Assume there is an anti-labor Attorney General. Assume that a business concern goes to him and makes the charge that the union with which it has to deal is Communist-dominated. It points out union members A, B, and C. The Attorney General could find that those members make the union substantially Communist-dominated. The words "substantially directed, dominated, or controlled by" do not have very specific standards attached to them. They confer pretty much a blanket power.

Let me say, furthermore, that I think the section can be used—and I speak respectfully of the bill and of its author, because I know that the author would have no such intention—as a very effective strikebreaking weapon. Suppose there were a situation such as a prospective steel strike or an actual steel strike, and an Attorney General who is antilabor should decide that the union is substantially dominated by Communists. He makes such a finding, the Government goes to work at once, and it is only a matter of a short time until the strike is broken. The bill in its present form could be used as a very effective strikebreaking weapon.

Notice part (B), on page 2, beginning on line 8, which reads: "and is serving, or within 5 years has served, as a means for (i) the giving of aid or support to any such oragnization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces."

That bears upon the point I was making earlier in my speech, when I was interrupted. The interesting thing is that the tactics of the Communists are to termite their way into almost every human institution into which they can work their way, particularly into organizations in which there is some form of self-government. What many persons do not seem to realize is that most American unions operate on the basis of self-governing principles. Most American unions, to the surprise of many people, function on the basis of democratic processes. Of course, that makes it possible for Communists to worm their way into the organization.

Suppose the Attorney General finds there are 1, 2, or 3 men, or he believes there are 1, 2, or 3 men, who 4 or 5 years ago had some Communist connection. Is the whole membership and rank and file of the union to be penalized by giving arbitrary power to the Attorney General to find that the union is substantially dominated by communism and that all the effects of the bill shall then go into play?

I say that the bill does not give to the rank-and-file membership of the unions, and to the perfectly loyal officials of the union the protection to which they are entitled.

The next section of the bill upon which I wish to comment is to be found on page 4.

Mr. GILLETTE. Before the Senator moves to another section, will he yield for a question?

Mr. MORSE. Oh, yes.

Mr. GILLETTE. In the paragraph the Senator has been discussing, the language which the eminent Senator has just quoted provides that if an individual or individuals are found to have substantially directed these organizations, and they have within 5 years contributed aid or support, or have been the means of giving aid or support to a Communist foreign government, they may be

said to have some Communist connection. What would be the Senator's interpretation of aid within the past 5 years to Yugoslavia, which is unquestionably a Communist government? Would it bring under the ban any organization whose individuals had contributed aid or had been the means of contributing aid to Yugoslavia during the past 5 years?

Mr. MORSE. I want to be fair to the bill. Under the terms of the bill that would depend entirely upon the discretion of the Attorney General. That is one of my complaints about the bill. I think it gives the Attorney General entirely too much discretionary power in connection with just such a hypothetical question as the Senator has raised.

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

Mr. MORSE. I yield.

Mr. BUTLER. Does it not have to go further than that? A Yugoslav national would have to have direct or dominating control of the labor organization, and would also have to be giving aid or comfort, or would have had to have done so within the past 5 years, as a basis for one of the two findings suggested by the Senator.

Mr. MORSE. I repectfully suggest that I do not believe that follows.

Mr. BUTLER. I think a combination of circumstances must be present.

Mr. MORSE. That is the Senator's interpretation, but I do not share it. I think there is nothing to prevent the Attorney General from making just such an interpretation as the Senator from Iowa has made.

Mr. BUTLER. Of course, in the final analysis, all legislation is subject to interpretation.

Mr. MORSE. Congress must tie it down by language, it seems to me, so that the sort of interpretation about which we are worried cannot be made.

Mr. BUTLER. Let me say to the Senator that, so far as I am concerned, if a member of any Communist government, be he a Yugoslav or anybody else, is in complete domination and control over a labor organization, members of which are employed on our secret defense work, I would not feel too badly about the Attorney General depriving that union of its rights.

Mr. GILLETTE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield without losing my right to the floor.

Mr. GILLETTE. In response to the statement made by the Senator from Maryland, the provision does not say a man who is completely in control. It says "substantially in control."

Mr. BUTLER. Of course, that is, in a sense, quibbling with words. The provision says "substantially in control." If he is substantially in control, even though he is not completely in control, he is the man who runs the organization.

Mr. MORSE. I should like to say that I think the discretion that is entailed in the word "substantially" can be as broad as a barn door or as narrow as one of the rifle slits in one of our stone fortresses of Revolutionary days. I think it is entirely too flexible a standard to give to the Attorney General.

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

The PRESIDING OFFICER (Mr. UPTON in the chair). Does the Senator from Oregon yield to the Senator from Maryland?

Mr. MORSE. I yield.

Mr. BUTLER. I do not know that it is being proposed to give that discretion to the Attorney General. After all, the determination is to be made by the Subversive Activities Control Board set up under the Internal Security Act of 1950, and any finding by the Attorney General is subject to judicial review.

Mr. MORSE. That brings me to the very next argument I wish to make.

Mr. BUTLER. I seem to be anticipating the speech of the Senator from Oregon.

Mr. MORSE. The Senator from Maryland is a very able lawyer. I would be surprised if he did not anticipate it. After all, on this issue, as on so many other issues, the pros and cons of the debate are pretty well outlined before the debate starts. As the Senator and I know, the major differences on the bill are well known, and we are going to have to pass final judgment on them.

The point the Senator from Iowa [Mr. GILLETTE] just raised goes to the exercise of discretion by the Attorney General and the effect of the exercise of that discretion. I wish that the Senator from Iowa would pay heed as I read this language from the bill.

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

Mr. MORSE. I yield.

Mr. BUTLER. Of course, the discretion of the Attorney General is the first discretion. He can pick out the union to be cited before the Subversive Activities Control Board, but that does not mean that that union will be found to be Communist infiltrated.

Mr. MORSE. I want to discuss what the effect of such a citation would be after I read the language from page 4 of the bill:

> SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization.

Let me say most respectfully that whenever the Attorney General will have done that, he will have wrecked that union. This is not a case of an employer, a private party, filing a charge against the union. This is a case of the chief law enforcement of the United States Government filing the charge. And what kind of a charge? It is a charge that represents opinion finding by the Attorney General. When the Attorney General files such a charge he, in effect, is saying to the American people, "Here is a Communist-dominated union."

Let us consider that union in two factual situations. Let us take it first in a nonstrike situation. Let us consider it in the situation in which it has a collective-bargaining agreement with the employer, but the termination date is about 30 days away. Keep in mind that I am buttressing these remarks with the assumption that there is in office an antilabor Attorney General—and we can have one. That is not presumption on my part. Let us assume that such an Attorney General is inclined very much toward a too-prevalent big-business point-of-view concerning unions. Let us assume that a certain big business is rather worried about negotiations for a new contract which will have to start in about 30 days. Someway, somehow the Attorney General is persuaded that he ought to make a finding that the union is Communist dominated.

When the Attorney General comes out with such a finding, he will have wrecked the effectiveness of that union in any collective-bargaining negotiations to be held in the near future. He will have given the employers a tremendous advantage, because, by and large, he will have placed public opinion behind the employer.

Now let us consider the factual situation of a union that has declared a strike. Of course, the success of any strike is dependent upon the support of public opinion. Suppose an antilabor Attorney General makes a finding such as he is permitted to make under the provision contained on page 4 of the bill. It might just as well be recognized that that strike would be lost. In my judgment, it is being proposed in the bill to give to the chief law enforcement officer of the Government the power to break unions by that innocent-looking language on page 4.

What is my alternative? My alternative is that, by law, we ought to make communism in a labor organization an unfair labor practice, and authorize industry to appear before the Board that has jurisdiction over labor disputes and make the charge there, and then let the Government proceed on the basis of the charge made by an employer.

Let me tell my colleagues of a weakness in my argument, because I hope I am a good enough lawyer to recognize that the first thing a lawyer ought to do in preparing a case is satisfy himself that he understands the arguments that can be used against him as well as the arguments he can use against those who differ with him. By way of argument by analogy, it can be said, "Yes, but the Attorney General or the Department of Justice does go before a grand jury in a criminal case and files charges and asks for an indictment." If one wanted to make an argument by analogy by way of crime indictments, something could be said for this section of the bill.

However, let us not forget what the objective is in proposed legislation such as this. There really is an effort being made to remove from the labor relations field—from employer-employee relationships—the unfair labor practice that is engaged in by Communist labor leaders. That is what we are after. We are dealing, not with matters of crime, but with techniques that are used by the Communists in the economic field.

I am going to say something about individuals in a moment, because I do not propose to take away from the De-

partment of Justice jurisdiction over the Communist issue in respect to individuals.

I say what we are really dealing with is procedure for the handling of labor relations, and those labor relations frequently involve collective-bargaining negotiations and strikes. I do not think any Attorney General of the United States should be given the kind of discretion which it is being proposed he be given by section 13A (a) of the bill, because, in my judgment, all he has to do, if he is an antilabor Attorney General, is make the finding that he believes a certain union is Communist infiltrated. By such a charge he will have wrecked that union and destroyed its effectiveness, both in collective bargaining and in prosecuting strikes.

I now resume reading from section 13A (a):

> Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

What a great furor he could make over that. If a steel strike or a rail strike or any other great strike is underway, not only could he make his finding but he could proceed immediately to get it before the Board. The effectiveness of the strike would certainly be destroyed under those circumstances.

Mr. President, throughout the bill I find provisions which are phrased in the broadest of generalities. I find uninhibited discretion placed in both the Board and the Attorney General. I say the effect of it all is to make the bill, if enacted into law, one of the greatest weapons ever written upon the statute books in the hands of the antilabor forces in the United States.

So, Mr. President, action had better be postponed on the bill. It had better be recommitted or referred to the Committee on Labor and Public Welfare, and we should wait until January, when extensive hearings could be held on the bill by the Committee on Labor and Public Welfare, which thereafter could come forward with a bill which would meet some of the objections I have raised.

Mr. President, my memory has been refreshed since I began this speech. At that time I was laboring under the impression that the Board could assume jurisdiction over aspects of communism, affecting labor unions, if the Board really wished to do so. But after beginning this debate, I have discovered there was precedent indicating very clearly that legislation was needed specifically to give such jurisdiction to the Board. My memory has been refreshed by my administrative assistant, and I now realize that I did not actually submit an amendment at that time. I proposed that such an amendment be considered. But we checked with those in charge of the bill at that time, and they satisfied me that there was no chance that such an amendment could be added to the bill then under consideration. To that extent, Mr. President, I now qualify the statement I made earlier in the day, concerning the amendment. The amendment was prepared, but it was not actually submitted.

But, Mr. President, not only the substance of the amendment, but a complete bill on this subject, will be introduced by me, come next January.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. HUMPHREY. As a result of the discussions which have taken place in regard to this matter—and, as I have said, later on, I shall read into the RECORD the report of the National Labor Relations Board on the advisability of having the Board take jurisdiction over the matter of communism in trade unions—on May 14, 1954, the junior Senator from Minnesota and the senior Senator from Illinois [Mr. DOUGLAS] introduced a bill to amend section 9 (h) of the National Labor Relations Act. Introduction of that bill was made necestry, we felt, by a Supreme Court decision holding, in effect, that insofar as the non-Communist affidavit was concerned, the National Labor Relations Board was more or less an official filing cabinet. As the Senator from Oregon knows, some of us disagreed strongly with that view; and in order to clarify the law, we introduced that bill. It is a matter to which the Senator from Oregon has given much attention. The bill substantially authorizes and empowers the National Labor Relations Board to revoke the bargaining rights or other rights of a union before the Board to receive any of the Board's services, if there has been any falsification whatsoever in the non-Communist affidavits.

The language of the bill in regard to that matter is quite simple. It states:

> (3) In any case in which the Board finds that there is serving as an officer of a labor organization, or of any national or international labor organization of which it is an affiliate or constituent unit, a person who has theretofore refused to testify under oath before a judicial body, grand jury, or legislative committee as to (i) whether the affidavit filed by or for him pursuant to this subsection was in fact signed by him or (ii) whether at the time of the execution of such affidavit, or at any time within the 12-month period following the execution of such affidavit, he was a member of the Communist Party or affiliated with such party or believed in or was a member of or supported any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods, such labor organization may, in the discretion of the Board, be deemed not to be in compliance with this subsection during any period, after the expiration of 30 days after notice thereof is given to such labor organization, for which such person is an officer of such labor organization.

The bill goes on to give further definitions.

What the bill intended to do, and what it will do if it is enacted into law, is at least to approach one of the objectives the Senator from Oregon has outlined, namely, to nail down, once and for all, by clear and unqualified statutory authority, the right of the National Labor Relations Board, first, to investigate the validity of a non-Communist affidavit; and, second, to take within cognizance of the operations of the Board, any activities of a labor union or an international union, including, for example, its conduct before legislative committees, if representatives of the union refuse to testify under oath, as has occurred at hearings before certain of the congressional committees. If such conditions develop—and other conditions are set forth in the bill—the National Labor Relations Board may say the union is not in compliance with the law, and is not permitted to have the services of the National Labor Relations Board, and furthermore, is subject to prosecution.

The Senator from Oregon is building a very good case, and he is making a telling point about the importance of the National Labor Relations Board being involved in this field. He is persuasive and his argument is sound.

The Senator from Oregon knows that I have done much thinking about this matter.

I point out that this bill, introduced on May 14, was referred to the Committee on Labor and Public Welfare, and insofar as I know, despite the decision of the Supreme Court, despite the obvious need of the proposed legislation to clarify the law, despite the need of the Attorney General to have such a law so as to enable him to prosecute adequately and successfully those who have falsified affidavits, no action has taken place. That is what disturbs me.

Here is a bill which is to the point, as the Senator knows. When a Supreme Court decision overrules the established statute—and the Congress apparently thought that the statute was clear enough to permit the NLRB to examine these affidavits—when we found out that the Board did not even have that right, within a few days the Senator from Minnesota introduced this bill, and I read a statement before the Senate, urging immediate action. And yet there has been no action whatsoever.

I join with the Senator as he goes along, because I am getting an education out of this debate. I am very grateful to the Senator from Oregon. I think the point he made at the time of our hearings was well taken, as I have said before. It was not only well taken, I think it is becoming more and more evident all the time that it is a valid point, and that the subject matter of his proposed amendment is more than meritorious.

Mr. MORSE. I appreciate deeply the remarks of the Senator from Minnesota. I commend him for his bill. I was aware of the bill. In my judgment, that is the bill we ought to be considering tonight, rather than the bill we have before us. All that I would add to his bill is language to broaden it somewhat so there would be no question that the National Labor Relations Board would have the responsibility of assuming jurisdiction over the entire Communist issue in respect of the charge of a Communist-dominated union.

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

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. MORSE. I yield.

Mr. HUMPHREY. I read subsection (4) on page 3 of my bill—my colleagues will be interested in this:

In any case in which the Board finds that there is serving as an officer of a labor organization, or of any national or international labor organization of which it is an affiliate or constituent unit, a person who—

(A) is a member of the Communist Party or affiliated with such party, or believes in or is a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods; or

(B) has theretofore been convicted of a violation of section 1001 of title 18 of the United States Code or of any other provision of law, committed in the execution of an affidavit filed pursuant to this subsection; such labor organization shall be deemed not to be in compliance with this subsection during any period, after the expiration of 30 days after notice thereof is given to such labor organization, for which such person is an officer of such labor organization.

What does that mean? It means it goes beyond the non-Communist affidavit. The terms of my bill approximate what the Senator from Oregon is now speaking of, and I think he can greatly improve it by the general tenor of his remarks as he develops it into an amendment.

I want the RECORD to show clearly that as of May 14, 1954, the junior Senator from Minnesota, feeling responsibility, since he was the chairman of a subcommittee, did introduce a bill. It was referred to the appropriate committee. In that bill there was provision for two things. There was first the unqualified right of the National Labor Relations Board to examine into the validity of the non-Communist affidavits, and to seek prosecution in case of falsification. Second, the NLRB was authorized to examine into any labor organization before that Board, and if there were Communists, as it says, "In any case in which the Board finds that there is serving as an officer of a labor organization a person who is a member of the Communist Party," the Board may say that that union is not in compliance and shall not have the services of the Board. The only thing that is required is 30-day notice.

It is most peculiar to this Senator that a bill such as this, the result of a Supreme Court decision, the result of months of testimony, the result of the work of the Senator from Oregon and other Senators on the floor who directed their attention to it, should lie dormant in the appropriate committee of the Congress and not even have so much as a hearing and its author not even have the courtesy of being invited to appear before the committee and testify concerning it.

Mr. MORSE. I am so favorably impressed with the bill of the Senator from Minnesota that I make a suggestion for his consideration during the next few minutes. If the Senator will add only to the bill which he proposed one section, containing language similar to that which I made mention of in the remarks which I made a few minutes ago, and which I suggested on the floor of the Senate in July 1953, to the end that the Communist domination of a union shall be considered the basis for an unfair labor practice charge by an employer against a union—if he will incorporate that in his bill, I should be very happy to join with him tonight, if it should develop parliamentarily that that would be the way we should approach the problem, in offering an amendment as a substitute for the Butler bill.

Very frankly, I think the best way to handle this problem would be to have the Senator's bill, the Butler bill, and all other proposed legislation on this subject, go to the Committee on Labor and Public Welfare, come January, so we could take early action on this matter in the next session of Congress.

I respectfully say that I think the pending bill is so full of undesirable features that we should not take action on it tonight. Because of the high regard I have for the authors of the bill and the sincerity of purpose of those sponsoring the bill, I would rather see it handled by way of a recommitment than by way of taking final action on the bill.

If we pass the bill, we shall make a great mistake; and if we vote the bill down it seems to me our action will be interpreted as prejudicing the objective of the bill when it comes to further consideration of it in the next session of Congress.

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

Mr. MORSE. I yield to the Senator from Vermont.

Mr. AIKEN. I came into the Chamber a short time ago, and I am a little concerned over some of the things which appear to be in this bill. Is it a fact that after an organization has been found by the Subversive Activities Control Board to be Communist-infiltrated, it cannot appeal that finding until 1 year has passed?

Mr. MORSE. There is a delay in the appeal, which I think is bad.

Mr. AIKEN. It says:

No such petition may be filed until 1 year has passed after the order determining such organization to be a Communist-infiltrated organization has become final.

Mr. MORSE. I do not think it is fair procedure, but what the Senator now points out bears out the general objections to the procedure of the bill, which I have dwelt on at some length.

Mr. AIKEN. Is it true that during that year before they can make an appeal, all material, literature, letterheads, broadcasts, speeches, and so forth, emanating from such organization must be marked "Disseminated by" such organization, a Communist organization?

Mr. MORSE. In my judgment, the discretion of the Attorney General is so broad in this case that, after a ruling by the Subversive Activities Control Board, such an organization will not be putting out any literature. I think they will simply be prevented from taking any action at all.

Mr. AIKEN. Suppose someone who was convicted of robbing a bank could not appeal the conviction for a year, would it be fair during that year that he should put on all his letterheads, "John Doe, Bank Robber"?

Mr. MORSE. No. The Senator has put his finger on one of the objections I make to the bill. The bill is very badly worded, in my judgment, from the standpoint of its procedural provisions.

Mr. AIKEN. It occurs to me that the provisions are so broad they could conceivably do irrevocable injury to an innocent party.

Mr. MORSE. Yes. It bears out the point the Senator from Vermont has heard me stress many times, namely, that, after all, our system of procedural protections in this country is devised to guarantee to the guilty as well as to the innocent a fair procedure.

Let us take a look at the language the Senator from Vermont just cited:

No such petition may be filed until 1 year has passed after the order determining such organization to be a Communist-infiltrated organization has become final.

The Subversive Activities Board is not God. It is not infallible. Like any human institution, it may be dead wrong in a verdict.

Of course, basic in our sense of American justice is the feeling that we must have a procedure immediately available to free men with which to protect their rights. Here we have a procedure which simply says there is nothing we can do about it for a year.

Mr. AIKEN. If an appeal is taken after 1 year, during which time the organization must send out all material marked "Communist material," would that appeal be heard again by the Subversive Activities Control Board? Who would hear the appeal?

Mr. MORSE. That I would not know, from the wording of this bill.

Mr. AIKEN. I was trying to ascertain who would hear the appeal. I should like to know whether the same board which heard it in the first place would rehear it.

Mr. MORSE. I do not think that is clear, from the bill.

Let me call the attention of the Senator to the very next sentence:

No organization may file petitions under this subsection oftener than once in each calendar year.

Since when? Since when have we adopted the notion in America that we are going to put some limitation upon the determination of procedural rights of Americans on the basis of merits and rights in a controversy?

It may be that after we get through with the first petition hearing the lawyers will be well satisfied that there is a basis for further consideration because of error which was made at that hearing. Then they will have to file another petition. Are we going to deny them that right? Are we going to make them wait to protect their rights?

In my judgment procedurally this bill is a monstrosity.

Mr. AIKEN. Then the Senator from Oregon cannot find in the bill the procedure for the hearing on an appeal, after 1 year has elapsed?

Mr. MORSE. In my judgment, it is not clear as to what the steps will be.

Mr. AIKEN. It is certainly not clear to the Senator from Vermont. That is why I am asking the Senator from Oregon about it, in the hope it can be cleared up.

Mr. MORSE. That is one of the reasons for my objection to the bill.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. I know the Senator is trying to develop his case very logically.

Mr. MORSE. I have only one more point. I hope the Senator from Vermont will tarry, because this point I desire to make has a relationship to a point of view I know he holds. I hope the Senator will tarry, unless he has another meeting to attend.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. I was just looking at the final report of the subcommittee, to which reference has been made this evening, entitled "Public Policy and Communist Domination of Certain Unions."

On pages 16 and 17, as the Senator will note, there is a chapter called disestablishing Communist-dominated unions via the NLRB.

This is the subject matter of the Senator's suggestion. I note there language which reads as follows:

> A similar approach was taken by the Canadian Labor Board on December 7, 1950. This Board decertified the Canadian Seaman's Union on the ground that it was not a trade union within the meaning of the Industrial Relations and Disputes Act. The Board said that the "close association of the respondent with foreign elements of the international Communist front in the promotion of international Communist policies and activities * * * was entirely foreign to the purpose of a trade union under the act." This action was affirmed by the Canadian courts as being a permissible exercise of authority under the Canadian legislation.

A little bit later the labor editor of Business Week, Mr. Merlyn Pitzele, made recommendations as follows for the disestablishment of a labor organization within the confines of the National Labor Relations Act:

> (1) The charge is made that a given union is Communist dominated.
>
> (2) The NLRB investigates the charge and finds that the organization is indeed dominated by Communists.
>
> (3) The NLRB orders (a) the union to disestablish itself; and (b) the employer to withdraw recognition from it and cease to deal with it.

This is all part and parcel of some of the hearings we held. I may point out that this is not unusual in America. The Atomic Energy Commission directed the General Electric Co. in one particular case not to deal with a particular union, because the Atomic Energy Commission, through its security resources, came to the conclusion that the certain union was Communist infiltrated and Communist dominated.

We use as an example the Atomic Energy Commission experience. By the way, that experience was participated in by the NLRB. The General Counsel and the Commission itself worked this out with the National Labor Relations Board.

Again, I say that the suggestion being made by the Senator from Oregon, of listing Communist domination or infiltration as an unfair labor practice, for the purposes of the National Labor Relations Act, meets the specifications which have been laid down first in the Canadian case; secondly, in the Atomic Energy Commission labor relations pattern, because that is identical to what happens in the Atomic Energy Commission case; and, third, I think it meets the criteria of what we call a company union. In other words, a company union is not a union in fact; and a Communist-dominated union is not a union in terms of the purposes and objectives of unionism, as outlined under the provisions of law in the National Labor Relations Act.

That is what we are getting down to here. Therefore, to pinpoint it more than is done by the bill which is before us, to which the Senator is referring with keen insight, as to the breadth of its scope, something such as he is suggesting is necessary.

I have listened to the comments of the Senator from Vermont [Mr. AIKEN]. The danger, as I see it, in the proposed legislation is not in its objective. That is no danger. The objective is indeed meritorious. The danger is that instead of getting the group we want, which will be able to really assist the labor movement in ridding itself of the few who are members of the Communist Party, who are still left in key positions, we may very well throw this matter into unlimited litigation and prolonged hearings, and, of course, actually have union busting.

The Senator is correct. We remember the days of the Attorney General, Mr. Palmer; a union buster if there ever was one. We have had other instances at the State level in that regard. We conducted investigations, as the Senator knows, with respect to certain activities under the Taft-Hartley law, and we found in many areas of the country that legal officers at the county or State level actually were used to break up legitimate trade unionism in the name of State law.

Mr. MORSE. I appreciate very much the contribution of the Senator from Minnesota. Let me say I agree with everything he has just said. It bears out, I think, the soundness of the approach he and I think ought to be made to the problem of communism in American unions.

I yield to the Senator from Vermont.

Mr. AIKEN. I notice the discussion here makes reference to unions, but in reading the bill it appears that the bill applies to any organization and not particularly to unions. Is that correct?

Mr. MORSE. That is right.

Mr. AIKEN. The Senator from Oregon is simply using the labor union as an example of an organization which could probably be destroyed.

Mr. MORSE. That is true.

Mr. President, my attention has been called by the distinguished Senator from Alabama [Mr. HILL] to minority views which were filed in the other House, on a bill which I am advised is somewhat similar to the bill now before the Senate. I ask unanimous consent that the document be printed at this point in the RECORD as a part of my remarks.

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

MINORITY VIEWS TO ACCOMPANY H. R. 9838

The bill H. R. 9838 was reported by the Committee on Un-American Activities without one word of testimony pro or con being introduced, or a report from the Department of Justice submitted. The bill was called up for consideration when a bare majority of the committee was present and despite the protests of Mr. WALTER that a bill of this importance should not be considered without, at least, having an explanation made of what it does. It was reported by a vote of 4 to 1, without ever going through the formality of reading the bill for amendment.

This bill is similar to the legislation that was considered by the Committee on the Judiciary in hearings which started on March 18, 1954, and terminated on June 30, 1954. The difference between H. R. 9838 from those under consideration during these hearings is that not a single word of testimony in all of the hearings held before the Judiciary Committee concerned H. R. 9838. The effects of this legislation are farther-reaching than apparently the proponents understand. As was pointed out in an editorial in the Wall Street Journal of June 8, 1954:

"This type of legislation is intended to extend the authority contained in the Subversive Activities Control Act of 1950."

In view of the fact that much progress is being made under that law it seems dangerous to us to report a far-reaching bill which may, as the Wall Street Journal pointed out, "chip away at the very rights we seek to save from that [Communist] menace." We are firmly of the opinion that a continued vigorous enforcement of the Smith Act obviates the necessity to legislate further when such legislation is hurriedly drawn and only casually considered.

Up until now we have dealt with the procedures followed by the committee majority in approving this bill.

We also have grave reservations with respect to the bill's substantive provisions. This bill is copied word by word from S. 3706, introduced by Senator BUTLER of Maryland. In general outline it resembles House Joint Resolution 528, introduced at the request of Attorney General Brownell, on which the House Judiciary Committee held hearings.

The essence of this bill is that the Subversive Activities Control Board, created by the Internal Security Act of 1950, is authorized to screen unions to determine whether they are Communist-infiltrated. The bill does not in terms apply only to labor unions, but the penalties provided for "Communist infiltrated" organizations seem to be applicable only to unions. The principal penalty is that a union found to be "Communist infiltrated" is to be forbidden to engage in collective bargaining; that is, it is to be put out of business.

It is difficult to avoid the conclusion that this bill is a step toward Government licensing of trade unions. Such a step should be taken only after the most careful consideration and the clearest demonstration of its necessity. Once the power of life and death over unions is vested in a Federal agency, there is always the danger that it may be misused. The danger, too, cannot be overlooked that the bare existence of such a power in the Federal Government will intimidate unions, and tend to make them subservient to the political ends of whatever administration may be in power.

On June 1, the Wall Street Journal said editorially of the Attorney General's very similar proposal:

"We recognize the trying task the Attorney General and his law officers face in combating the secret and sinister Communist intrigue.

But it is not the part of wisdom ourselves to chip away at the very rights we seek to save from that menace."

We agree.

A free trade-union movement is an important bulwark of democracy. Where democracy has been destroyed, as in Soviet Russia and Nazi Germany, the subordination of unions to complete government control, through licensing or some similar device, has always been a first step in the march toward totalitarianism.

It seems to us that a proposal so drastic as this bill, one which departs so markedly from this country's democratic traditions, should be entertained (1) only on the clearest showing of necessity, and (2) only if the bill provides every reasonable safeguard against abuse, both from the standpoint of being precisely drawn and of containing adequate procedural safeguards.

We do not think that these tests are met.

1. Undoubtedly there are in this country certain so-called unions which are still under Communist domination. Undoubtedly the leadership of these unions seeks to use them to promote the interests of Soviet Russia. Undoubtedly this leadership is traitorous to the United States, and to their own rank-and-file members.

Every indication, however, is that this situation is improving rather than growing worse, and that it is being successfully handled by the workers themselves, without Government intervention. The testimony before the House Judiciary Committee on House Joint Resolution 528—and that committee, unlike this one, held hearings—was that out of some 13 unions which in 1949 were Communist-dominated, half of them have by now entirely disappeared, while the others have lost substantial membership. This testimony further showed that this process is a continuing one: within recent weeks the Communist-dominated unions have suffered further substantial loss of membership.

We agree that so long as a single Communist misleader of labor remains in a union office there is no occasion for complacency. But, when the situation is getting better and not worse, neither is there occasion for hysteria.

2. Loyal American unions affiliated with the American Federation of Labor, the Congress of Industrial Organizations, the Railroad Brotherhoods, and the United Mine Workers are doing a very effective job of exposing and destroying the Communist misleaders of labor. None of these unions supports this bill.

On the contrary, both the American Federation of Labor and the Congress of Industrial Organizations have expressed opposition to the approach used in this and similar bills. In his statement to the House Judiciary Committee on House Joint Resolution 528, George Meany, president of the American Federation of Labor, said:

"While the authors of the bill naturally have no such intent, there is real danger that the provisions of this bill could be readily directed against legitimate trade-union organizations.

"The charge of communism is often loosely made and on many occasions has been directed against legitimate labor unions. Because unions must from time to time resort to public protests to gain just ends or defend a minority view, or because a union-organization campaign may involve a conflict of ideas, ill-informed or malicious individuals frequently try to arouse antiunion sentiment by attacking union representatives or particular labor organizations as 'Communist.' If such attacks were to be given credibility and force by an official charge of Communist infiltration, under such circumstances, the status of a bona fide union might easily come into jeopardy.

"Under the bill, charges against organizations are initiated only by the Attorney General. While we are confident that the present Attorney General would not use the proposed law to injure legitimate labor unions, it is quite conceivable that such an official hostile to labor might utilize such a law as a weapon against all unions."

Similar apprehensions were voiced on behalf of the Congress of Industrial Organizations.

3. The standards contained in this bill for determining whether a union is Communist-infiltrated are so vague as to threaten the innocent along with the guilty. Thus the bill lists seven criteria which the Board is to take into consideration in determining whether an organization is Communist-infiltrated. Typical of these criteria is (3), which reads:

"(3) the extent to which the personnel and resources of such organization are, or within 5 years have been, used to further or promote the objectives of any such Communist organization, government, or movement."

This language fails to make it clear that an organization is to be proscribed only if it was deliberately used for the purpose and with the motive of promoting communism. It seems—though surely that would not be the intent—to permit conviction upon a mere showing of a coincidence of views on some subjects between the accused organization and the Communist Party.

To some extent this objection could be met by tightening up the definition, criteria, etc. To a considerable degree, however, it is inherent in the nature of the bill's approach, of dealing with attitudes and affiliations rather than with specific illegal acts. As the Wall Street Journal editorial already referred to said:

"As we see it, the trouble with Mr. Brownell's bill is that he here seeks not to expose organizations or to punish people for what they have done, but to punish people for what they may be in a position to do."

4. The bill applies not only to organizations which are "Communist-infiltrated" now, but to any which have been "within 5 years." This provision is not only unjust, but would deter unions from hereafter throwing off Communist leadership. It makes the bill wholly self-defeating—and demonstrates how superficial is the consideration which this proposal has received.

Within the last 5 years many local unions have broken away from Communist-dominated international unions and have transferred their affiliation to loyal American organizations. That is the form which the destruction of Communist-dominated international unions has taken over the past few years, and is taking. In some instances the elected leadership of the local union has broken with the Communist Party and led the move out of the Communist-dominated international. In other situations rank-and-file workers have revolted against and replaced local leadership which continued subservient to communism.

It seems to us that developments like these should have the encouragement and approbation of the Government. Yet this bill would threaten with destruction these local unions which broke away from Communist-dominated internationals, if the break was within the last 5 years.

This provision is unjust. It is unjust as to organizations whose leadership continues the same, if those leaders have genuinely broken with communism. We in this country believe that it is never too late to reform. We presumably do not believe that a man should be forbidden to be a union official because he was a Communist 4 years ago, or that the union should be punished because he was a Communist 4 years ago. Certainly this committee, and other committies of the Congress as well, relies in its work upon the testimony of avowed former Communists. Presumably this committee regards these witnesses as reliable, and as performing a service for their country. Yet, under this bill, these men would be barred from union office, and unions electing them would be subject to destruction.

If this provision is unjust as to unions whose leaders have reformed, it is doubly so as to unions who have replaced leadership which would not abandon the Communist Party. Yet these unions, too, would be subjected to destruction under this bill.

As far as the practical effect of this provision goes, it might well be entitled a proposal to insure continued Communist control of unions. What incentive is there for a union official to renounce the Communist Party if by doing so—and admitting his former Communist membership—he subjects the union to destruction? What incentive is there for a union to replace Communist leaders if by denouncing them as Communists it subjects the union to destruction by the Government? Under this proposal the Government would penalize the very conduct it should encourage.

5. Obviously, this bill has not been thought through. Obviously there is danger that it would do more harm than good.

That is what the House Judiciary Committee decided after considering a similar proposal—House Joint Resolution 528. That committee concluded that Communist infiltration of unions does present a substantial problem, and one which merits careful and thoughtful consideration. But it was not convinced that legislation of this type is the answer. The Judiciary Committee therefore proposed the creation of a bipartisan public commission, having industry and labor representation, to study this whole problem and report back to the Congress next January. This proposal has received the support of both the American Federation of Labor and the Congress of Industrial Organizations.

We think that is a rational and constructive proposal.

This problem of Communist infiltration of unions should be dealt with carefully and thoughtfully. It should be dealt with in a way which will not damage traditional American liberties, or bring us closer to the totalitarianism this bill purports to guard against.

This is an issue on which politics should be shelved: those who seek to make political capital out of it will only do the country a grave disservice.

FRANCIS E. WALTER.
CLYDE DOYLE.
JAMES B. FRAZIER, Jr.

Mr. MORSE. I summarize my position by saying that, in my judgment, the sound approach is to handle the union problem within the jurisdiction of the National Labor Relations Board and to pass a bill which will give the Board such jurisdiction, and to say to the Department of Justice, "You already have the jurisdiction to proceed to take care of any individual who is engaged in Communist or subversive or espionage activity. You do not need this bill."

Mr. AIKEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield with the understanding that I shall not lose my right to the floor.

Mr. AIKEN. Is there any provision for an appeal to the courts from a decision of the Subversive Control Board?

Mr. MORSE. There is some appeal provision, but, in my judgment, it is not adequate.

Mr. AIKEN. Could that appeal be taken immediately after the Subversive Control Board rendered its decision?

Mr. MORSE. I think we shall first have to get a court test on the section of

the bill on which the Senator has already commented.

Mr. LEHMAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LEHMAN. As the Senator from Oregon knows, I am opposed to the bill on many grounds, including those which the Senator from Oregon has stated, but I am interested in the question raised by the Senator from Vermont [Mr. AIKEN], and, I think, earlier today, by the Senator from Maryland [Mr. BUTLER], as to the Court of Appeals. I pointed out in my long speech this afternoon that while of course there is recourse to the courts, we know that any decision must necessarily be very long delayed.

The Senator from Oregon may remember that in 1950 when we had before us the internal security bill, I pointed out that it would take at least 2 years for any decision to be handed down, even in a case involving the Communist Party itself. I was highly conservative about that. That was in 1950. We are getting toward the end of 1954. I am sure the Senator from Oregon will bear me out when I say that even now, after 4½ years, no decision has been handed down by the highest court with regard to the Communist Party. I do not think a case has even been heard by the Supreme Court. So, is it not a fair assumption that any of the cases which might be brought on certification by the Attorney General to the Subversive Control Board would be in the courts for a very long time, and that in the meantime the unions affected would lose all the benefits they have under the law at the present time? They would be painted as subversive; they would have no standing; they would be weakened to the point of annihilation, and still we would have done nothing.

I think this bill is not only a bad bill, but it is a perfectly useless and unworkable bill.

Mr. MORSE. In my opinion the Senator from New York is completely right in comment about the long delay which will flow from the bill, in view of its provisions, as the Senator from Vermont pointed out; although I wish to say that in the subversive control bill itself there is provided a procedure for appeal to the courts, and also—and I wish to be perfectly fair about it—the protection of the Administrative Procedure Act.

But, in my judgment, the procedure which will have to be followed under this bill will cause a final appeal to the courts to be so long delayed that a union will be out of existence, in most cases, by the time a case gets to the district court.

Mr. LEHMAN. It will take 3, 4, or 5 years before any decision is handed down, will it not?

Mr. MORSE. It will take a long time.

Mr. President, for a few minutes I should like to turn to another matter.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

NOMINATION OF HERBERT DAVIS VOGEL

Mr. MORSE. Mr. President, I feel compelled to turn to this subject because of the matter of timing, and I regret to take the time of the Senate at this hour, but I respectfully say it is not my fault.

I feel that the situation which has developed today justifies my making my record on this subject. I refer to the confirmation this morning, when there were about eight Senators on the floor, of the nomination of General Vogel to be a member of the Board of Directors of the Tennessee Valley Authority.

Mr. President, I am very glad the majority leader has returned to the Chamber, because I wish to resume a discussion of the subject matter which I had started. I shall be very brief, I may say to the majority leader. I am sorry it is necessary for me to take it up tonight at all; but in fairness to myself, I think I must make my record on the same day on which the Senate took action on the nomination of General Vogel to the Board of Directors of the Tennessee Valley Authority.

I am not critical. I think it is just one of those things which sometimes happen in the Senate, when persons having good intentions are not fully aware of understandings which existed before the action was taken.

Yesterday the committee completed its hearings on the Vogel nomination. The vote in the Committee on Public Works was 11 to 1. I voted against the nomination. I made a statement in the committee setting forth my reasons. The committee agreed, by a unanimous vote, to have the hearings printed, as will be seen when I refer to the hearings in a moment. Certainly it was the tacit understanding of all members of the committee that action would not be taken on the floor of the Senate until the hearings had been printed, so that they could be used as the basis for Senate discussion of the matter.

The chairman of the committee, the distinguished senior Senator from Pennsylvania [Mr. MARTIN], has informed me that when he reported the nomination, he did so—I will quote him as directly as possible—with the understanding on his part that the nomination would lie on the table. I do not wish to imply that the majority leader told him that it would lie on the table. But the Senator from Pennsylvania has informed me that he took it for granted that the nomination would lie on the table for debate, and that he was as surprised as I was to learn that in the early minutes of the session this morning the Vogel nomination was confirmed by the Senate with about eight Senators on the floor.

Mr. President, the nomination has been confirmed and sent to the White House. It is an accomplished fact. I could, as the Parliamentarian has advised, move to have the nomination returned from the White House, but I am not going to do that, because I am objective enough to know that to do so would be pretty much of an empty gesture. Furthermore, I do not believe, unless a situation was much more extraordinary than this one, that any such request should be made of the President at any time.

I think the incident, however, illustrates the importance of amending the Senate rules. I feel that any nomination ought to remain at the desk for at least 1 calendar day after it has first appeared in print on the Senate Calendar. Had that been done in this case, I would not have found myself in a position which I feel is somewhat embarrassing.

The argument which I made in the Committee on Public Works yesterday was made after certain members of the committee had already expressed themselves publicly on the nomination. Some of them were kind enough to say to me that if they had not made their statements, they would have felt that they should give very serious consideration to the objections I raised to the nomination.

Be that as it may, I desire to have the RECORD show the basis of my objections to the Vogel nomination. I shall do so by way of reading into the RECORD the statement I made at the hearing yesterday, and then by filing at the end thereof the summary which I released to the press, without taking the time to read the summary. I can assure the majority leader that it will not take me long to read the relatively brief statement.

I may say that the printed proceedings before the committee did not arrive, so as to be available to the Senate, until after the nomination had been confirmed. I now read my statement before the committee:

Senator MORSE. I asked the reporter to stay for my remarks, because I do not want to be misunderstood or misrepresented in any way. I do not believe anyone would do it intentionally. However, I am talking on a matter of public policy and I want a written official record of my objections to this nomination.

I want to make very clear that in opposing this nomination I do not do so on the basis of any personal opposition to General Vogel as a man. I have a high regard for him as an individual and as a military officer.

I oppose this nomination because I think it is a very bad nomination from the standpoint of sound public policy. I think it represents unsound public policy on two major grounds.

I am very much disturbed, Mr. Chairman, about the growing tendency of recent years to appoint high military men to civilian posts. It prevailed to some extent during recent Democratic administrations and I vigorously objected to it during those administrations as I do during this one.

I have been heard to make this argument against appointing military officials to high civilian posts during the Truman administration, but the policy is proceeding at a much more rapid pace under this administration. The appointment of military men to positions that I consider to be positions of civilian and not military trust is not in keeping with American traditions of civilian government.

I think it is a very unsound policy, Mr. Chairman, to appoint as the head of the Tennessee Valley Authority a military man.

I think the Tennessee Valley Authority symbolizes to the American people, and will be so recorded in history, as one of the great experiments in a cooperative relationship between a Government and a people in an area in respect to a joint social and economic program.

It represents a great civilian enterprise.

The Government has exercised a proprietary interest, but not a sole proprietary interest, in the program because the people in the Tennessee Valley, as individuals, as

groups, as businesses have a decided proprietary interest in the development of the objectives of the Tennessee Valley Authority.

I repeat, it is a great civilian program.

In my judgment it is a dramatic epitomization of Lincoln's tenet and Jefferson's, who held it before Lincoln, that there is a duty of government to do for the people what they cannot do for themselves, or so well do for themselves.

Through the TVA we are putting into practice a very fine principle of government. The TVA has become a great living example of what that tenet means, and I think it ought to be administered completely free of any military influence.

I think it is a sad thing when we consider the history of the Tennessee Valley Authority to now bring in as Chairman a military man with this man's military background. It is a good military background, but in my judgment, it is not the background we want for the operation of a great civilian institution such as the Tennessee Valley Authority. Incidentally, let me say at this point that the questions I asked yesterday, based upon General Vogel's conception of chain of command of military, were bottomed upon a considerable amount of information that I have received as to his administration of military assignments, and with particular reference to his Canal Zone assignment.

This nominee is a military administrator who operates on the basis of military orders and on the basis of expecting those below him to respond with a click-of-the-heel-and-a-salute attitude.

That is all right at a military post. I have no objection to it in a military post because it brings about military efficiency. But the military chain-of-command administration doesn't bring about civilian efficiency. It brings about civilian resentment. I am advised that he aroused a considerable amount of resentment on the part of civilians in the Panama Canal in his administrative practices down there.

I say without any personal criticism of this nominee that a man with his military training and background and experience who I am satisfied has followed a military chain-of-command policy, and is likely to follow the same in his new post, causes me some concern. I fear that if we confirm this nomination we will put behind the desk of the Chairman of the Tennessee Valley Authority the whole concept of a military command administration. I think such an administrative approach will have a detrimental effect on the morale of the civilian employees of the Tennessee Valley Authority, and I think it will arouse in due course of time a considerable amount of opposition to his administration within the Tennessee Valley.

Next, I would mention another ground of opposition to this nomination. I think this is an unsound appointment from the standpoint of public policy because, if you were going to go to the military for a TVA Chairman, I think the last place you should go to is the Army Corps of Engineers. I say that because the Tennessee Valley Authority has been one of the things that the Army engineers have not liked from the standpoint of construction policy and administration policy from the time of its conception.

The Army Corps of Engineers have never been particularly friendly to the Tennessee Valley Authority because the Army Engineer Corps recommendations were not followed at the beginning of the Tennessee Valley Authority.

This nominee has testified that he favors the contract approach for building such public works. The Tennessee Valley Authority is a great experiment in the force-account approach of public-works construction. It is a magnificent experiment and a successful experiment. Now it is proposed to bring in an Army engineer who, by background, represents the military that has not liked the Tennessee Valley Authority and the policy that has been followed.

In my judgment, it is an inexcusable act on the part of the President of the United States to select his Chairman from the Corps of Engineers when the record is perfectly clear that the Army engineers' recommendations were not followed in the beginning of the Tennessee Valley Authority.

I am not making a charge of prejudice on the part of the nominee but I am saying that we as Senators have an obligation to see to it that we do not bring into the TVA a Chairman who represents an organization that, in my judgment, has been unfriendly to the Tennessee Valley Authority.

I want read into the committee record some excerpts from a lecture that Gordon Clapp gave at the University of Chicago, on February 17, of this year, in one of a series of lectures which he was invited to give on the Tennessee Valley Authority. Incidentally, I think it is inexcusable that Gordon Clapp, on the basis of his magnificent record was not reappointed as Chairman of the TVA.

This appears on page 2 of his remarks where he said:

"The TVA has built these 20 dams in 20 years with its own employees. Each structure was placed, designed, and built to serve a purpose peculiar to itself. Taken together, they form a unit for the control and productivity of a great river system. There is Fontana Dam—fourth largest and highest in the world—rising 480 feet above bedrock in a canyon of the North Carolina mountains.

"There is Kentucky Dam, near the mouth of the Tennessee River as it flows into the Ohio near Paducah, more than a mile and a half long, with two-thirds of its concrete bulk invisible, reaching down a 100 feet through soft overburden to the solid limestone rock.

"Kentucky's foundations are especially designed to withstand earthquakes such as the one which occurred and changed the course of the Mississippi more than a 100 years ago. The shoreline of the 184-mile long lake behind Kentucky Dam, if straightened out, would reach from Chicago to Los Angeles. This great reservoir can regulate the full flow of a flooded Tennessee River to reduce flood crests on the lower Ohio and Mississippi."

But, if you had left it to the Army engineers, you would have never had either one of these dams. If you had left it to the Army Corps of Engineers, you would not have had Douglas Dam and you would not have had the kind of a project that you have in the Tennessee Valley right now.

Mr. Clapp discusses the topic Building the TVA, and I think it is worth a very brief review, Mr. Chairman.

He said:

"Many tasks full of the seeds of precedent confronted the TVA board immediately upon taking over its responsibilities. High on the list was the mobilization of an organization, and, second, and concurrently, an early start on the construction of dams on the Tennessee River.

"In beginning its work to rebuild the river the TVA had wide latitude for important decisions, restricted, however, by two instructions in the law. First, that a navigable channel 9 feet in depth must be provided for the 650 miles from the mouth of the river to Knoxville, the head of navigation; and second, that all planning and operation must give priority to navigation and flood control over all other purposes, including the production of power.

"In the face of this assignment, the board had to decide what engineering plan to follow.

"At the time the TVA bill was being considered by the Congress in 1933, there was available an extensive report which had been compiled by the Army Corps of Engineers prior to 1931. This report included a scheme of 32 low navigation dams and locks for the main channel of the Tennessee. These dams would provide no flood control and no power."

It provided only for navigation, Mr. President.

This is the program that the engineers would have followed.

"An alternative scheme contained in the same report proposed a system of nine high dams, including the Wilson Dam and Hales Bar Dam already built. The high-dam scheme would create the 9-foot navigation channel and also provide for flood control and power. With these alternatives counter proposed, with TVA still unborn, the Army engineers had already secured initial appropriations and begun work on the lock for the first of a compromise system of about 12 intermediate size dams, consistent with neither of the alternatives recommended in their report.

"The TVA Act, as adopted, embraced the high-dam scheme by indirection, for engineering logic inexorably asserted that the maximum amount of flood control, navigation, and power could be achieved only by the construction of high dams properly spaced along the river and its tributaries. TVA began to develop plans for a system of high, multiple-purpose dams. This choice required plans and designs that would use the same space in reservoirs for both flood control and power, a policy deprecated by many permanent engineers of that day.

"In recruiting engineers to give life to this idea—multiple-purpose dams—those who believed in the feasibility of this approach were sought and found."

But not among the Army engineers, because the Army engineers did not believe in that approach.

Furthermore, I wish to stress, Mr. Chairman and members of the committee, that the Army engineers have demonstrated time and time again that they are much more concerned with, and interested in flood control and navigation developments than they are in electric power development.

The Tennessee Valley Authority is an important project from the standpoint of navigation and flood control.

But it probably is the outstanding project in the Nation from the standpoint of its electric power potentialities.

I am very fearful that the nominee will bring to the chairmanship of the Tennessee Valley Authority a demonstrated negative attitude of the Army engineers in power development.

I want to be frank about this. There is a growing feeling in the country, and I think with much justification, that the Army engineers are closely linked in sympathy, at least, and in economic philosophy with the monopolistic approach of the private utilities when it comes to the development of electric power resources. Now I return to a reading of excerpts from Gordon Clapp's paper on TVA as follows:

"TVA built its organization of engineers, competent to plan, to design, and to rebuild the river, it faced another decision—one among many to be sure, but one of great importance for the TVA as it is today: How should these great dams be built? Should they be let out to contract, as was customary, or should the TVA organize its own forces and go to work?"

If Congress had left it to the Army engineers, they would have let it out to contract, but that is not the program that the Tennessee Valley Authority followed, and the program that the Tennessee Valley Authority followed, let me make clear, Mr. Chairman and gentlemen, the Army engineers did not approve.

Let me go on to read from Mr. Clapp's statement:

"To employ contractors requires bids, and a sound-bidding procedure requires advanced preparation of basic designs and detailed

specifications covering thousands of particulars.

"Building a dam by contract, in fact, is to build a dam at least twice—once on the drawing boards before you move a cubic yard of dirt, and building it again on the site. Sometimes you build it a third time—in the courts to adjudicate responsibility for the changes made between original specifications and the structural details and contents as finally built.

"There are shortcuts in this process, to be sure. But the alternatives move very close, very quickly to a cost-plus contract.

"Neither of these alternatives made sense to the TVA."

But I digress, Mr. Chairman, to say that if Congress had left it to the Army engineers we would have received the unsound program criticized by Gordon Clapp.

Mr. Clapp goes on to say:

"The Board saw no justification for waiting months while it prepared blueprints for a call for bids, trying in the meantime to mobilize a syndicate of contractors to submit responsible bids. The Board not only recognized, but welcomed its managerial responsibilities and accountability as spelled out in the act. It sought no escape hatch, wanted no predesigned alibi for failure.

"The Board decided to create its own organization and hold itself responsible directly for construction. Thus the construction of dams and the development of detailed plans could go forward concurrently. Benefits from the finished structures would become available at an earlier date. Costs could be controlled. This original decision has never been changed.

"Twenty years later we think the plan was wise. Time and money have been saved as TVA construction forces are able to take advantage of unusual conditions as they develop.

"We do not have to halt while we work out expensive and delaying contractual changes.

"By having direct control of its work, TVA is able to eliminate middleman costs for managerial services; accept its responsibilities in such matters as employee housing and general working conditions; meet across the table with its employees to work out problems which might otherwise delay the work or end in bitter disputes, and make economical, efficient, and full use of its trained construction crews, and heavy construction equipment from dam to dam."

I ask permission, Mr. Chairman, to have the rest of this particular section of Mr. Clapp's speech inserted at this point as part of my remarks. It bears out the arguments I want to make in opposition to this nomination because I do not think we ought to bring into the Board as Chairman of the Tennessee Valley Authority Board a man from the Army engineers, which corps has made an approach to building dams quite different from the approach that was made in the Tennessee Valley Authority.

The CHAIRMAN. Without objection, it will be incorporated in the record.

(The matter referred to is as follows:)

"The Board met for the first time on June 16, 1933. On October 1, 1933, less than 4 months later, TVA started to build Norris Dam.

"By the end of the first year, an organization of 10,000 men and women had been assembled and was at work, 2 dams had been started—the Norris Dam on the Clinch River above Knoxville and the Wheeler Dam on the main stem of the Tennessee above Wilson Dam at Muscle Shoals. Sites and foundations for additional dams were being explored. Engineering survey parties with rod, chain, and transit were running contours, later to show in the work of TVA's mapping organization, which has become one of the outstanding operations in the history of mapmaking.

"The story of how TVA built its engineering design staff illustrates some of the problems TVA encountered in creating an organization committed by law to pioneer in engineering theory and make it work. For TVA's dams were to provide water storage for navigation and power and at the same time hold empty storage for flood control. TVA was faced with the problem of finding engineers not only able to accept responsibility for the biggest construction job on earth at that time, but engineers willing to test their reputations in reconciling what many in their profession believed to be conflicting purposes.

"To get construction underway at once, TVA turned to a preeminent design organization in the Bureau of Reclamation in Denver for help in designing the first projects.

"While Norris and Wheeler were being built, TVA sent its personnel men around the country to find the engineering and architectural imagination and skill required to rebuild a whole river. Unhampered by the civil service 'rule of three' and stubbornly impervious to political and other pressures. TVA sought out candidates, screened and rescreened them to build its staff. Specialists in a variety of different engineering disciplines were selected and put to work, figuratively, around the same drawing board. Thus, when we were ready to start construction of the Pickwick Dam in March 1935, TVA's E. and C. forces—its engineering and construction people—had come into being. Location and general plans for the dam were decided by TVA water control planning engineers; designs, drawings, and specifications were a TVA product; the field forces to build were TVA; and a TVA operating force was being mobilized to take over the finished structures.

"There are many important measures of results. Reduced cost of design is one. TVA's design costs for its first job—Pickwick Dam—were 5 percent of the cost of the dam, a reasonable standard among private builders. Its design costs for Douglas Dam, begun 7 years and 12 dams later, were held to an incredible 1 percent. Design costs today for its giant complex steam plants are approximately 2 percent.

"And these structures not only serve well the purposes for which they were built; they fit the majesty of the landscape."

Senator MORSE. Let me make myself very clear with regard to the Army engineers. I am a supporter of the Army engineers on the projects that are agreed upon to be constructed by the Army engineers. However, the Army engineers are no sacred cow, in my judgment.

In my judgment the Army engineers need very much a competitive check upon them in public works programs in this country.

The Army engineers, I think, are well served by having the kind of check upon them that the Tennessee Valley Authority has been. The Tennessee Valley Authority has done such an efficient job and such a low-cost job that it is very difficult for the Army engineers to compare favorably some of their exceptionally high-cost projects with the great economy of the force-account approach of the Tennessee Valley Authority.

I shall not sit here and vote to put in as the chairman of a great program that has been developed on the basis of a force-account approach, an Army engineer, who, on the record of this hearing, shows his preference for the contract approach. In stating his preference he made the usual claims of the Army engineers that they can do it more economically by the contract approach. I think the record of the TVA refutes them.

They do not do it more economically, Mr. Chairman. I think it is most unsound public policy to go then to the Corps of Engineers and select from the Corps of Engineers for the Chairmanship of the Board of the Tennessee Valley Authority a man who I do not believe is in sympathy with the force-account approach for building public works. I am convinced that if we had followed the corps' recommendations we would never have had this great program in the Tennessee Valley.

I want to insert certain other quotes from Mr. Gordon Clapp's great speech at the University of Chicago in February. It was made without the slightest knowledge either that he would not be reappointed as Chairman of the Tennessee Valley Authority at the time, or that General Vogel would be the one who would be appointed as his successor. Therefore, it is a highly unprejudiced discussion from the standpoint of being in the slightest degree related to this appointment.

I think there is a great lesson to be drawn from the speech of Mr. Gordon Clapp's.

I would like to have printed certain material, starting on page 30 of Mr. Clapp's speech. I shall not read it all.

The CHAIRMAN. Without objection, it will be made a part of the record.

Senator MORSE. It buttresses a point I want to make. He says:

"A measure of TVA's response to the theory of accountability may be found in this fact: In these 20 years, the actual cost for 20 dams and 3 major steamplants now completed is within seven-tenths of 1 percent of TVA's estimates made at the time the funds for the projects were requested of the Congress."

Seven-tenths of 1 percent. You will look in vain for any major Army engineer project corresponding in scope to TVA that was ever completed within seven-tenths of 1 percent of the project estimates.

Mr. Clapp goes on to say:

"There is another moral to be drawn from the story of any of the projects TVA has built. Consider, if you will, what this record might have been had the TVA been required to have its dams planned and located by one agency; designed by another agency; the work performed by contractors; the land purchased by a separate bureau; contract negotiation and the litigation which invariably arises in small proportion, but in substantial volume in the construction of a project carried out by still another agency; and the employees recruited and certified by still another agency, with procurement of materials and equipment in the hands of someone else.

"Under these circumstances, Douglas Dam could not have been built in record-breaking time, if at all. Under these circumstances, it is probable that the Douglas Dam would not have been recommended in the face of inhibitable political furor. When the board of the TVA told the WPB the President and Congress that it could build Douglas Dam by the deadline required, it was backed by knowledge that the TVA had within its own hands the managerial organization to deliver what it promised. Had this project been approached in piecemeal fashion with responsibility scattered in other agencies whose special duties would be but a part of larger national programs, TVA would have had a dozen built-in alibis for its failure to finish Douglas Dam on time.

"Here in this recital we have an illustration of what President Theodore Roosevelt said in 1908: 'We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable.'"

For the benefit of the record, I ask that the reporter start with the first paragraph beginning on page 30 of Mr. Clapp's speech, as part of my argument, through page 38, down to the conclusion.

The CHAIRMAN. That will be inserted.

(Pages of Mr. Clapp's speech, as requested by Senator MORSE, are as follows:)

"Accountability for results exerts its severe discipline in many ways. In a sense a Government agency, in seeking appropriations

justified by what the experts call a "performance budget," is negotiating a contract with the Congress, the representative of the taxpayer. When TVA asks for money to begin a new project, it gives an engineering estimate of the total cost of that project. A measure of TVA's response to the theory of accountability may be found in this fact: In these 20 years, the actual cost for 20 dams and 3 major steam plants now completed is within seven-tenths of 1 percent of TVA's estimates made at the time the funds for the projects were requested of the Congress. This applies to a total of $847 million covering thousands upon thousands of separate engineering estimates that are summarized by a single figure for each dam—a figure covering the bits and pieces, the large generators, the land to be purchased, and the man-hours to be used.

"Measuring up to a high standard of accountability brings rewards beyond calculation. If you should visit the TVA and talk with its employees, meet its project managers, and walk around on its construction jobs, perhaps you, like others, would be impressed with what you see and what you hear. The story of Douglas Dam is in part an explanation of the prevailing spirit. Money will not buy it; high salaries cannot command it. Integrity and a practice of high expectations must be among the ingredients to produce that result.

"There is another moral to be drawn from the story of any of the projects TVA has built. Consider, if you will, what this record might have been had the TVA been required to have its dams planned and located by one agency; designed by another agency; the work performed by contractors; the land purchased by a separate bureau; contract negotiation and the litigation which invariably arises in small proportion, but in substantial volume in the construction of any project, carried out by still another agency; and the employees recruited and certified by still another agency, with procurement of materials and equipment in the hands of someone else. Under these circumstances, Douglas Dam could not have been built in record-breaking time, if at all. Under these circumstances, it is probable that the Douglas Dam would not have been recommended in the face of inevitable political furor. When the Board of the TVA told the WPB, the President, and the Congress that it could build Douglas Dam by the deadline required, it was backed by knowledge that the TVA had within its own hands the managerial organization to deliver what it promised. Had this project been approached in piecemeal fashion with responsibilities scattered in other agencies whose special duties would be but a part of larger national programs, TVA would have had a dozen built-in alibis for its failure to finish Douglas Dam on time. Here in this recital we have an illustration of what President Theodore Roosevelt said in 1908: 'We shall not succeed until the responsibility for administering the policy and executing and extending the plan is definitely laid on one man or group of men who can be held accountable.' (Preliminary Report of the Inland Waterways Commission, U. S. 60th Cong., 1st sess., S. Doc. 325 (1908), p. 5.)

"The story of how TVA rebuilt the Tennessee River certainly does not support the too-often accepted myth that anything of Government is inefficient, corrupt, and wasteful. What I have described would find many parallels among many government agencies within the States, within the cities, within the Federal Government. But these stories of achievement are seldom heard against the din of criticism.

"SHAWNEE AND ATOMIC ENERGY

"I move now to another chapter in the history of TVA—the story of the Shawnee steam plant at Paducah, Ky. Except for TVA's Kingston steam plant, the Shawnee steam plant will be the biggest in the world. During each 24-hour day its 10 giant units will consume nearly 14,000 tons of coal and can return each day to the alchemy of national defense and the growth of the Nation more than half as much electric energy as is used in Chicago. The Shawnee steam plant is but 1 of 7 TVA is building, but it has a special history.

"In the fall of 1950 the Atomic Energy Commission asked TVA, on very short notice, to develop a proposal to supply 1 million kilowatts of power for a new gaseous diffusion plant the AEC was to build at Paducah.

"The TVA submitted a plan and the Atomic Energy Commission accepted it early in November of 1950. Shortly thereafter the Commission's representatives, followed by the TVA, appeared before the House Appropriations Committee to support TVA's request for funds. Later in December, before the committee had acted upon the TVA's request for appropriations, the Atomic Energy Commission announced that it had accepted the proposal of a newly formed private utility company to supply half the required power for the AEC plant. The new company had been formed at the behest of a member of the Atomic Energy Commission, as subsequently explained by the Commissioner in a very illuminating speech.

"TVA did not object to this reversal of the Atomic Energy Commission's position and appeared again before the House Committee on Appropriations with an appropriation request, revised in accord with AEC's decision, to supply, not all but half of the power supply for the Paducah plant. The Atomic Energy Commission entered into a contract with the newly formed Electric Energy, Inc., to supply the other half. In both cases the construction of new steam plants was called for.

"The 'race' between private and public enterprise: The announcement that the power supply for the AEC Paducah plant was to be divided between TVA and Electric Energy, Inc., was hailed by critics of the TVA as a contest between public and private enterprise, giving rise to such statements as the following:

"'Accordingly, many companies pooled their ideas and their resources * * * for the expressed purpose of demonstrating to the Government that private enterprise could do the job much better for half the cost.' (Editorial, A Real Test, Evening Citizen, Cairo, Ill., February 24, 1953.)

"There was some reason for the optimism thus expressed by TVA's sideline critics, for when the construction of the two plants was started, the first unit of the private company's Joppa steam plant was scheduled for initial operation 3 months ahead of TVA's first unit. The schedules were set by agreement between AEC, national defense agencies in charge of allocating materials, the TVA, and Electric Energy, Inc. Priorities on steel, copper, aluminum, and shop space for the manufacturing of turbogenerators were granted to the Joppa contractors on that basis. If this was to be a race, it was a handicap run by agreement.

"For many months the champions of private enterprise continued to point a gleeful finger at this rigged contest between the private power company and the TVA. Trade journals and some of the daily press heralded this 'race' being run on opposite sides of the beautiful Ohio. After a while, the cries of the professional spectators died down. The reason was easy to discern. It began to be apparent that the wrong horse was coming in ahead. Both TVA and Electric Energy, Inc., suffered from delayed deliveries from equipment manufacturers. Both encountered labor difficulties. Both projects missed the completion dates originally scheduled. But on April 9, 1953, approximately 2 years and 3 months from the time construction was started, the first unit at TVA's Shawnee plant was placed in commercial operation while the Joppa smokestacks across the river were still clean and cold. TVA's second Shawnee unit went into operation June 21, 1953. Still no smoke from Joppa. Several weeks later the first unit in the Joppa plant was placed in operation. TVA's third Shawnee unit was placed in operation in October; its fourth unit on January 8, 1954. By this time 2 of the 4 Joppa units were running. Thus the original requirements promised the AEC by TVA were completed when the Joppa plant still had a long way to go. So much for the much publicized race between private and public enterprise.

"Performance on comparative costs: But there is more to the story. On the basis of figures filed with the Securities and Exchange Commission, the private company's Joppa plant will be substantially more expensive per unit of capacity than the Shawnee plant in contrast with the original estimates by which the contract was obtained from the AEC.

"These figures show that the estimated cost of the private company Joppa steam plant of four original units has increased some 45 percent—from $81 million in May 1951 to $118 million in June 1953. The costs per kilowatt of capacity have increased over their original estimate of $126 to $184. Two more units at the Joppa plant being added to supply a smaller portion of AEC's expanded Paducah facilities show estimates even higher—$198 per kilowatt. The taxpayers bought this record, and they will have to pay for it; the private companies lose nothing because these increased costs are paid by the AEC.

"In comparison, the TVA Shawnee plant of four units was originally estimated to cost $147.50 per kilowatt. TVA's actual cost experience to date, while building under the same physical conditions as the Joppa plant, shows that the total 10-unit Shawnee plant capable of producing 1,500,000 kilowatts will be completed by TVA at a capital cost well within our estimates.

"Let me add a few footnotes and observations bearing upon the significance of the Shawnee-Joppa story in TVA's record in these past 20 years.

"Early in June 1953, before it had its first generating unit in operation, Electric Energy, Inc., was given the Charles A. Coffin award in a ceremony at the annual convention of the Edison Electric Institute. The institute bulletin reported the award as the '* * * electric industry's highest honor.'

"The citation commended Electric Energy, Inc., for 'its superb example of competitive enterprise.'[1]

"On July 31, 1953, Electric Energy, Inc., announced it had canceled its contract with Ebasco Services, general contractor for the plant, 'in order to permit reorganization of the construction project so that the station can be completed on a more efficient and economical basis.' The reorganization was necessary, according to the president of Electric Energy, Inc., as reported in the Paducah Sun-Democrat, 'because of the lack of productivity and consequent increased costs characterizing the work so far.'[2]

"The Wall Street Journal reported that 'Construction progress at the big powerplant has been marked by successively rising cost estimates, blamed by Ebasco on the labor situation.'[3]

"However, as the Paducah Sun-Democrat pointed out: 'Shawnee steamplant is being

[1] Electric Energy, Inc., Wins Charles A. Coffin Award, Edison Electric Institute Bulletin, (vol. 21 (July 1953), p. 234).

[2] Sun-Democrat, Paducah, Ky., July 31, 1953.

[3] Wall Street Journal, Chicago, August 3, 1953.

built with the same kind of union labor that is building Joppa's plant.'[4]

"The comment of the Paducah Sun-Democrat was correct in all respects but one. The TVA was building the Shawnee plant with the same kind of union labor that was building the Joppa plant, but the men on the TVA job were working for the TVA. For as one reporter, who surveyed the situation with great care, stated, 'for some reason the men who work for TVA have faith in it.' TVA does not consider its Shawnee record the brightest in its catalog of construction projects. We have built dams and steamplants on better schedule, with fewer difficulties, and at lower cost. But others invited the comparison between Shawnee and Joppa, and it is that record I recite.

"We have had work stoppages on the Shawnee plant, but not as many as they have had across the river at Joppa. We have drawn our labor forces from the same areas; we pay about the same wages; and we are both building steam plants. The design and manufacture of boilers, turbines, and generators; the fabrication of steel; the erection of steel on the site; the operation of excavating equipment; and the placing of concrete are much the same types of operations whether at Shawnee or at Joppa. Both projects depended upon private manufacturers for boilers, turbogenerators, and the thousands of items of equipment which enter the maze of arrangements in a modern steam plant. Why then was TVA able to move out in front and keep its costs within its estimates as compared with the job across the river? The history of TVA provides the answer: The 20-year record of an organization skilled in management of men and materials and pledged to a practice of performance and accountability time after time.

"The Shawnee story adds another chapter to record the achievement by a Government agency in conflict with the myth that enterprise and good management are the exclusive possessions of private organizations. The men who promoted the arrangement perhaps believed that the requirements of national security, in certainty of achievement to supply power when the Paducah AEC plant was ready, called for participation by private companies to hedge the possible failure of the TVA. Perhaps there was not time enough to examine the facts of TAV's past record. Perhaps the American taxpayer could have been saved the burden of the increased cost to the Government of this electrical energy had those who made the decision questioned the common myth, too often honored, which holds that Government can never do a job as well or as economically as can private contractors. Had the facts been examined, one would have found a record of performance reassuring both as to TVA's ability to meet deadlines and as to the reliability of its estimates of cost. One would have found a history of hundreds of millions of manhours with a safety record better than private industry averages for comparable types of work as shown by TVA's numerous awards from the National Safety Council. One would have found an engineering organization designing steam plants which were producing electricity more economically and with more efficient use of fuel than most—a significant point indeed when one realizes that in 2 or 3 years TVA will be burning some 18 million tons of coal per year. Above all, one would have found an organization of construction workers still as unafraid to tackle the biggest construction job on earth as in those first days—workers who override emergencies; if they do not have what they need, they invent a substitute way on the spot, and the job moves ahead.

[4] Sun-Democrat, Paducah, Ky., April 8, 1953.

"If this story has a moral, perhaps this is it: Enterprise is where you find it."

Senator MORSE. Mr. Chairman, I think that there is a great danger in this appointment that we will bring to the Tennessee Valley the approach of the Army engineers, and I think TVA is a project in connection with which we want to keep the Army engineers out of it.

I think we ought to leave the Tennessee Valley Authority administratively free to function as it has functioned to date without Army engineer policies being imposed upon it directly or indirectly.

I think we need to keep this great project free of Army engineer influence. It has demonstrated to the Army engineers and to the country the advantages of the force account approach time and time again. I want to say very frankly I think there is a great danger here that behind this nomination is the beginning of the end of the force account approach in the building of projects such as those in the Tennessee Valley. If it comes to an end we are going to pay more for our projects, and we are going to run into all the complications that frequently develops under an Army engineer program.

I am not for abolishing the control of Army engineers over other projects. I have supported time and time again, the Army 308 comprehensive report in the Pacific Northwest. I think it is the best program we have any hope of ever developing in the Pacific Northwest. I have opposed the adoption of the administrative procedure of the Tennessee Valley applied to the Pacific Northwest for many reasons, the major one being that our whole water law situation in the Pacific Northwest is quite different from what it is in the Tennessee Valley.

I taught water law for some years and know something about it. The differences in water rights that have developed in American water right law cases in an area where you have an abundance of water, as you have in the Tennessee Valley, and where you have a scarcity of water as you have in the arid regions of the Pacific Northwest are many and significant.

No charges against the Army engineers can be justifiably levied against me to the effect that I do not want the Army engineers to continue to function in a public-works program. I want them to continue to function, but within their own sphere of specific assignments. I do not want them to get their head under the tent in the Tennessee Valley. I want the Tennessee Valley Authority to remain free of any interference by or control by, directly or indirectly, the Army engineers.

Therefore, I say as a matter of public policy I think this nomination is a definite mistake when the President goes out and selects, from the Army engineers, a man to head the Tennessee Valley Authority, when it is well known that the Army engineers have never appreciated the remarkable success of the Tennessee Valley Authority.

The Tennessee Valley Authority has set up some very interesting competitive yardsticks for the Army engineers and they are going to have to go some to meet that competition under like circumstances, if they use the contracting system in preference to the force account system. This nominee says he prefers the contracting system and that alone is enough to cause great concern in the Tennessee Valley.

Lastly, and then I am through, Mr. Chairman, I think it is most unfortunate that we do not bring into the chairmanship of the Tennessee Valley Authority a recognized authority and enthusiast in respect to the TVA program. I use the word "enthusiast" advisedly, for the economic and social program of the Tennessee Valley Authority calls for an enthusiastic supporter of it. We do not have such a person in this nominee.

Oh, yes; he answers the questions by saying that he is very much in sympathy with the law, and he will carry out the law. But he is not a Lilienthal; he is not a Clapp. I think the American people are entitled to have as Chairman of the Tennessee Valley Authority a man who just reeks with enthusiasm and inspiration for the great social and economic potentiality of the program.

I think the people of the United States are entitled to the best civilian who could be obtained for this job. They are entitled to a man who is an authority in this field, and who is a known proponent of the Tennessee Valley Authority.

There is no substitute for enthusiasm, and enthusiastic convictions in favor of a program that you are going to administer. This isn't a case where you are asking for the appointment of a president of a bank. It is a case where you are asking to have as Chairman of the Tennessee Valley Authority Board a man who is going to head up one of the greatest experiments, if not the greatest experiment, of a cooperative relationship between the Government and the people of a region whereby the Government will help the people to do for themselves what they cannot do for themselves or do so well for themselves.

I want a crusader as Chairman of the Board. I want a crusader who is a social and economic crusader dedicated to the symbolism of the Tennessee Valley Authority as the Chairman of the Board. In my opinion this man does not meet that qualification. Therefore, for the reasons set forth in this statement, Mr. Chairman, I shall vote against the nominee.

Mr. President, for the record—and this is very brief, and bears upon the action which was taken in regard to the printing of the hearings—at this time I wish to read the comments which were made following my announcement of opposition to the nomination:

The CHAIRMAN. I think, Senator MORSE, we all appreciate very much the very vigorous statement that you have made, explaining your opposition to the nominee.

We will now close the hearings. What is the will of the committee?

Senator STENNIS. Mr. Chairman, I appreciate very much the forceful statement by Senator MORSE, too. I do feel that this committee is passing on a man who has already been nominated. We do not originate these names.

As Senator MORSE said, this is a man of high character and integrity and a great deal of ability, and I was well impressed, myself, with the statements he made, and the attitude he had privately adhered to, and under those circumstances I shall vote for his nomination.

Senator MORSE. May I respectfully request that the Chair instruct the reporter to transcribe at the earliest possible moment my statement before the committee, and supply me with a copy?

The CHAIRMAN. Yes; and, Mr. Bassett, get out the record of yesterday and today so we may have it.

Senator MORSE. May I also respectfully request, Mr. Chairman, that the reporter be instructed to make the corrections in the record of yesterday that I have already given to the clerk of the committee?

Senator GORE. Is it your plan to have the hearings printed, Mr. Chairman?

Senator MORSE. I think we ought to print them.

The CHAIRMAN. The only thing about it is the question of expense.

Senator MORSE. I move that the hearings be printed.

The CHAIRMAN. Without objection, they will be printed.

That concludes the executive session.

(Whereupon, at 11:46 a. m., the meeting was concluded.)

Mr. President, following the meeting there was conversation among several of us, and I know that I state the attitude of my colleagues on the committee who were there that it was their impression that the hearings would be printed and that the nomination would be acted upon by the Senate after the hearings were available to the Senate for use in the debate, which it was well known would take place on the floor of the Senate when the nomination came before the Senate for confirmation.

At the beginning of my remarks, Mr. President, I said I criticized no one for the speed with which this nomination was rushed through the Senate this morning at the beginning of our session when there were only about eight Senators on the floor of the Senate. But I want the record to show the only reason I was not here at the beginning of the session this morning is that I was at Bethesda Hospital, where I was undergoing a jaw treatment that I have been receiving periodically for some time past. I arrived in the Chamber, I think, at about 11:20 this morning. No one even told me at that time, Mr. President, that action had already been taken on the nomination. It was not until the Senate went into a second executive session late this afternoon and proceeded with the calendar that I first discovered that action had already been taken this morning on the Vogel nomination and that it had been sent to the White House.

As I have said, I have no intention of going through the gesture of moving to have it recalled from the White House, because I do not think the White House should be so treated, but I hope, Mr. President, and I speak most respectfully, that in the future when it is known that there is objection to a nomination—and it certainly was common knowledge that I had objected to this nomination yesterday—at least it will not be taken up in the Senate until notice of the intention to bring it up can be gotten to the Senator or Senators concerned.

Furthermore, I hope that, come January, we shall see fit to adopt an amendment to our rules, which I shall then offer, that will make it mandatory that nominations remain at the desk for at least one calendar day after they have been first filed at the desk. That would avoid the kind of embarrassing situation that has developed in this instance.

I ask, Mr. President, to have inserted in the RECORD, following my discussion of the Vogel nomination, a summary of my opposition to the nomination as I gave it to the press yesterday in a press release from my office.

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

Senator WAYNE MORSE, Independent, Oregon, made the following statement on his vote against the confirmation of Gen. Herbert D. Vogel for the chairmanship of the Board of Directors of the Tennessee Valley Authority:

"The following is a summary of the reasons I expressed to the Public Works Committee in executive session today against the confirmation of Gen. Herbert D. Vogel for chairmanship of the Board of Directors of the Tennessee Valley Authority.

"1. A dangerous trend has developed in our country in recent years, and is going forward at an accelerated rate under the Eisenhower administration, of appointing high ranking military officers to important civilian administrative posts. I criticized this policy when I saw it start to develop under the Democratic administration. It has become even much more serious under the Eisenhower administration.

"The American people need to be on guard against the imposition of military administrative policies or practices over civilian functions of Government. The military chain of command of administration is not desirable or safe for the civilian functions of a democracy.

"I am convinced that General Vogel is so steeped in the military chain of command approach to any administrative position that it is not in the public interest to place him in charge of the chairmanship of the Board of Directors of TVA.

"My opposition to General Vogel's nomination does not rest on any personal opposition to him. To the contrary, I have a high respect for his military record and a high regard for him personally. But I am satisfied that his military administrative policies do not make his appointment a desirable one.

"In fact, I think it is very important that the Congress place a check upon this administration's growing tendency to fill important civilian posts with military personnel. Government by the military is neither safe nor good for America.

"2. It is particularly unfortunate that when the President came to select a military man for the chairmanship of the Board of Directors of the TVA he should select one from the Corps of Army Engineers.

"I am a stanch supporter of the Corps of Army Engineers within their appropriate field. But the Corps of Army Engineers is no sacred cow in my book. The history of TVA shows that it never would have been developed into the great national asset that it is if its development had been left to the Corps of Army Engineers.

"The fact is that the Tennessee Valley projects have been built on the basis of the so-called force-account method of constructing public works in contrast to the Corps of Army Engineers contracting system. I read to the Public Works Committee in executive session this morning some very interesting excerpts from a lecture that Gordon Clapp, former Chairman of the Board of Directors of TVA, gave at the University of Chicago February 14, 1954. In that lecture he discussed the advantages of the force-account procedure used by the TVA over to contracting system used by the Corps of Army Engineers. I am satisfied that the Corps of Army Engineers have never looked with enthusiastic favor upon the great success of the TVA.

"I think it is a great mistake to select an Army engineer who in his testimony before our committee expressed a preference for the contracting system over the force-account system as Chairman of the Board of Directors of TVA. In my judgment it is going to create administrative difficulties and lower morale within the TVA, because the TVA has been developed very successfully by an administrative and construction program quite different from the Corps of Army Engineers. In my opinion it has been good for the country that such has been the case. I think it has been good for the Corps of Army Engineers to have TVA as a sort of competitive yardstick for the Corps of Army Engineers to try to match. I am satisfied that the low cost, high efficiency, and the multipurpose program of the TVA never would have reached such a high state of successful development if the policies of the Corps of Army Engineers had been followed.

"Be that as it may, I think it is obviously unwise to bring in as Chairman of the Board of Directors of the TVA an Army engineer who is bound as a human being to be somewhat influenced by the known conflicting policies of the Corps of Army Engineers, insofar as TVA is concerned.

"Furthermore, it is to be noted that the Corps of Army Engineers have always been primarily interested in navigation development and flood control, and have tended to look upon electric power developments in public works projects as rather secondary in importance. However, in the TVA program, power development, along with flood control and navigation, fertilizer production, recreation, and many other public services, is of primary importance. It is a public power development program and by law is intended to be a public power development program.

"However, there is much evidence which indicates very clearly that the prevailing points of view of the Corps of Army Engineers have for a long time past seemed to lean in the direction of favoring the private utility approach to the development of electric power in our country. It is interesting to note how many of the top officers of the Corps of Army Engineers upon retirement seem to find themselves gravitating toward employment by private utility companies and other corporations that have great interest in the development of programs for private utility monopolies, or serve upon retirement as special consultants to private utilities (which is one and the same thing.)

"The selection of an Army engineer to head the TVA great public power development project, in my judgment, is most unwise.

"4. As I stated to the committee this morning, I think the people of the Tennessee Valley and of the Nation as a whole are entitled to have appointed as Chairman of the Board of Directors of the TVA an enthusiastic advocate of the TVA program. They are entitled, as I put it in committee, to a chairman who will be a true crusader for the maximum development of the economic potentialities of the TVA. If the great experiment of the TVA is to accomplish the success envisioned by the law which authorized it, it must have at its head men who have the enthusiasm to expand its services to the region which it serves under the law. In my judgment, TVA to date has just scratched the surface of its potentialities of service to the people of the Tennessee Valley and of the Nation. It should have at its head one of the most able civilian authorities in the field of public power development. I do not think General Vogel has those qualifications.

"5. Lastly, the TVA program as contemplated by the law, is an example of putting into practice that great tenet that a government of the people has the obligation of doing for them what they cannot do for themselves or cannot so well do for themselves, but what needs to be done in order to promote the general welfare.

"However, in order to keep democratic processes strong, efficient, and effective, in carrying out that tenet, civilians should be appointed and employed from top to bottom in order to make it a living example of democracy put to work.

"The Government has a proprietary interest in TVA, but it is a proprietary interest based upon a cooperative program between the Federal Government and the people not only of the Tennessee Valley but of the Nation as a whole. This cooperative program should be administered in keeping with the civilian philosophy of business management.

"The bringing of a Corps of Army Engineers high ranking officer into the administration of TVA will, I fear, prove to be a great mistake, and therefore I voted against the nomination."

AMENDMENT OF THE FLAMMABLE FABRICS ACT

Mr. PURTELL. Mr. President, the Senate has received a message from the House with respect to Senate bill 3379, to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable. I request that the amendments of the House to that bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3379) to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable, which were, to strike out all after the enacting clause and insert:

That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection:

"(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191–53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is 3½ seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than 3½ seconds."

And to amend the title so as to read: "An act to amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles."

Mr. PURTELL. Mr. President, the House has amended this bill. I approve the change in the standard of flammability. I have discussed this matter with the senior member of the minority, both of the full committee and the subcommittee, and they agree with me. However, I believe the House should have exempted scarfs made of plain-surface fabrics, as the Senate Interstate and Foreign Commerce Committee and the Senate had done, or otherwise have adjusted the standards to provide for importation of silks that present no hazard to the wearer. I hope that further hearings next year will convince the House that this is necessary.

In view of the lateness of this session, and because the bill will afford our domestic industry much needed relief, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut [Mr. PURTELL].

The motion was agreed to.

IDENTITY OF CERTAIN COMMUNIST-INFILTRATED ORGANIZATIONS

The Senate resumed the consideration of the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes.

Mr. CASE. Mr. President, earlier in the debate this evening on the bill, S. 3706, a bill to amend the Subversive Activities Control Act of 1950, I expressed my position, I suppose, by implication from the inquiries which I addressed to the Senator from Oregon. In particular, I indicated I felt that in the matter of the Communist subversion, the labeling of organizations as subversive ought not to be in the hands of the National Labor Relations Board, but as proposed by the bill, ought to be in the hands of the Subversive Activities Control Board.

I want to assert very positively that it is my opinion that Communist subversion cannot be regarded as a question of labor-management relations. It is primarily a security question. Employers should not be charged with the obligation of defining security. Employers, in my judgment, ought not to be given the right to cite labor organizations on that score, with the penalties of having such organizations denied the benefits of the National Labor Relations Act.

It seems to me that the control of Communist subversive activities is an exercise of the police power; it is a responsibility of Government and not of the employer. That is why I think this bill is soundly based in providing that the citations shall be made by the Attorney General to the Subversive Activities Control Board rather than by initiation through labor-management relations.

During the debate earlier in the evening, too, the suggestion was made by other Senators that this was a matter which ought to be handled by the Labor and Public Welfare Committee, but I am advised that S. 1254, when introduced by the Senator from Arizona [Mr. GOLDWATER], proposed to establish effective means to determine Communist domination, and had several other features in it, including features now in S. 3706. It went to the Committee on Labor and Public Welfare, and by a unanimous vote, on January 15, 1954, that committee asked that the bill be referred to the Committee on the Judiciary.

I should like to ask the Senator from Maryland if that is not correct.

Mr. BUTLER. Yes; it is correct. That bill, S. 23, and S. 1606 were considered by our task force. The pending bill is really a committee bill. We drew on each one of these three bills, and the testimony adduced before our task force, to produce the pending bill.

Mr. CASE. The original Goldwater bill was before the Senate Committee on Labor and Public Welfare.

Mr. BUTLER. That is correct.

Mr. CASE. By unanimous vote, I understand, it was requested that the bill be referred to the Committee on the Judiciary.

Mr. BUTLER. The Senator is correct.

Mr. CASE. In other words, Mr. President, the Labor and Public Welfare Committee itself, by unanimous vote, determined that this was a subject which ought to be considered by the Committee on the Judiciary, which deals with the police powers of the Government.

Mr. BUTLER. It is a question of internal security and not of labor relations.

Mr. CASE. There is one other point on which I should like also to address a question to the Senator from Maryland. As I recall, the President in his message to the Congress pointed out that the Communist disclaimer provisions were not presently applicable to employers under the Labor-Management Relations Act. He recommended that they be made applicable. Then he said:

Specific proposals for legislation dealing with Communist infiltration generally are now under study.

The Committee on Labor and Public Welfare, in its report on the Labor-Management Relations Act amendments, at page 16 of their report, said:

The Taft-Hartley Act now requires officers of labor unions to file with the Board affidavits declaring, among other things, that they are not Communists and that they do not believe in or advocate the overthrow of our Government by force or violence or by other unconstitutional means. The committee recognizes that, although these provisions were at least partially effective during the early years of the Taft-Hartley Act, they have since lost much of this effectiveness. Recently, the Attorney General stated that new approaches to this problem were needed and were being carefully explored.

I should like to ask the distinguished Senator from Maryland if the bill which is now before the Senate, S. 3706, carries any recommendations from the Attorney General which would justify the assumption on the part of the Members of the Senate that this proposed legislation is an outgrowth of the study which the President said was going on and which the Attorney General stated was being made through the exploration of new approaches to the problem, and whether or not this bill incorporates the recommendations of the Attorney General.

Mr. BUTLER. It does, and the Attorney General approves of the bill.

Mr. CASE. I thank the Senator from Maryland. I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, I offer an amendment, in the nature of a substitute for S. 3706, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert in lieu thereof the following amendment in the nature of a substitute:

That (a) there is hereby established a commission to be known as the "Commission on Security", hereinafter referred to as the "Commission." The Commission shall be composed of 12 members, appointed by the President of the United States, 1 of whom, so designated by him, shall be Chairman of the Commission. The President shall select his appointees in equal number from outstanding leaders in labor, business management, and the general public.

(b) There shall be appointed, in addition to the members provided in subsection (a) of this section, 6 advisory members, who are Members of the 83d Congress, 3 of whom shall be appointed by the President of the Senate and 4 of whom shall be appointed by the Speaker of the House. Advisory members shall have all the rights and privileges of other members of the Commission, except that they shall not have the right to vote upon matters before the Commission.

(c) The members of the Commission shall serve without pay but shall be entitled to $25 per diem in lieu of subsistence while attending meetings of the Commission away from their homes, together with transportation costs and other expenses incidental to attendance upon such meetings.

(d) The expenses of the Commission, which shall not exceed $50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the Chairman of the Commission. Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of the disbursements so made.

SEC. 2. It shall be the duty of the Commission (1) to study the prevailing practices and conditions in all branches of government and industry in the United States pertaining to security from sabotage, espionage, and other activities designed to injure the interests of the American people, the United States Government, the efficient function of the industry, and the good relationship between labor and management; (2) to report its findings on or before January 15, 1955, to the President, the President of the Senate, and the Speaker of the House of Representatives; and (3) to recommend such administrative procedures and legislation as the Commission shall deem necessary upon an analysis of its findings and in consideration of the existing internal and external danger to the security of the United States.

SEC. 3. The Commission shall terminate upon the filing of its report as provided in section 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON].

Mr. KENNEDY Mr. President, will the Senator yield, so that I may suggest the absence of a quorum, with the understanding that he will not lose his right to the floor?

Mr. MAGNUSON. I yield, with that understanding.

Mr. KENNEDY. Mr. President, with the understanding that the Senator from Washington will not lose the floor, I suggest the absence of a quorum. I ask unanimous consent that I may suggest the absence of a quorum with that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KENNEDY. 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. KNOWLAND. Mr. President——

The PRESIDING OFFICER (Mr. BARRETT in the chair). The Senator from California.

Mr. KNOWLAND. Mr. President, will the Senator yield, with the understanding he does not lose his right to the floor?

Mr. MAGNUSON. I yield.

Mr. KNOWLAND. I send to the desk a proposed unanimous consent agreement and ask that the clerk read the same for the information of the Senate. This proposed unanimous consent agreement is being presented on behalf of the minority leader and the majority leader.

The PRESIDING OFFICER. The clerk will report the proposed unanimous-consent agreement.

The LEGISLATIVE CLERK. The proposed unanimous consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Friday, August 13, 1954, after the morning business, the Senate shall proceed to the consideration of the conference report on the bill (H. R. 9757) to amend the Atomic Energy Act of 1946, as amended, and for other purposes, and that debate thereon be limited to not exceeding 3 hours, to be equally divided and controlled, respectively, by the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Texas [Mr. JOHNSON].

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President——

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

Mr. MAGNUSON. Before I yield to the Senator from Utah, who has a conference report to present, I wonder if I may have the attention of the Senator from Texas [Mr. JOHNSON] and the Senator from California [Mr. KNOWLAND] for a further suggestion.

Would it be agreeable with both the majority and the minority leader, since it is now close to 10 o'clock, if I should present my amendment in the form of a substitute and take about 10 minutes to explain what it means, and then suggest we have a unanimous consent that we shall vote on the substitute tomorrow at 11 or 12 o'clock, or at any time the two groups can agree upon?

Mr. KNOWLAND. I believe we can arrive at a reasonable arrangement.

Mr. MAGNUSON. I can present a short explanation. The Senators are tired, since we have been here all day.

Mr. KNOWLAND. The majority leader is agreeable to any reasonable proposition.

Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield.

ORDER FOR RECESS UNTIL 10 O'CLOCK A. M. TOMORROW

Mr. KNOWLAND. I should like to ask unanimous consent that when the Senate completes its labors today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, I wish to make an inquiry of the majority leader. Am I safe in assuming that we will meet Friday morning at 10 o'clock?

Mr. KNOWLAND. Yes; it is planned to have the Senate meet both Friday and Saturday morning at 10 o'clock.

Mr. JOHNSON of Texas. What would the Senator from Washington [Mr. MAGNUSON] suggest as a time to vote on his substitute?

Mr. MAGNUSON. Either 11 or 12 o'clock.

Mr. JOHNSON of Texas. If the Senate meets at 10 o'clock in the morning, it will take about 30 minutes for the morning hour.

Mr. MAGNUSON. Suppose we make it at 12 o'clock, with 1 hour for both sides.

Mr. HUMPHREY. Mr. President, reserving the right to object, is this agreement with reference only to the Magnuson substitute?

Mr. MAGNUSON. The Magnuson substitute.

Mr. KNOWLAND. That is correct.

Mr. HUMPHREY. May we have it understood that the committees which might otherwise be in session be not permitted to hold sessions, so that we may have our membership here to listen to this debate? This is a very important subject and I think we all ought to be here to hear the alternative proposals.

Mr. JOHNSON of Texas. Mr. President, in response to the Senator from Minnesota, let me say that any Senator may object to any committee meeting during the session of the Senate. There are certain committees which are trying to bring out conference reports, or perhaps are considering the final stages of some bill. If the Senator does not want them to meet he may object to their meeting. Any Senator can do that.

I have no knowledge of any committee meetings tomorrow, but the usual procedure is for the committee to file a card stating the proposed committee meeting with the majority leader. The majority leader then refers the matter to the minority leader, with the question as to whether there is any objection.

If the Senator from Minnesota desires that the minority leader object to any committee meetings tomorrow, the minority leader would be delighted to accommodate him.

Mr. HUMPHREY. I do not wish to be fussy or obstinate about this matter at all, but it was just my feeling, in view of the rather limited amount of time we are going to have on this important piece of legislation, that we all ought to try to be here, if humanly possible. I will work that out with the minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from California?

Mr. JOHNSON of Texas. Mr. President, what was the unanimous-consent request?

Mr. KNOWLAND. Merely that when we complete our labors this evening we stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, will the majority leader yield?

Mr. KNOWLAND. Yes.

Mr. HUMPHREY. I understand that the unanimous-consent request does not pertain to final passage or any other amendments, but only to the Magnuson substitute?

Mr. KNOWLAND. We have not even gotten that agreement yet.

Mr. WATKINS. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. Mr. President, I do not wish to usurp the prerogatives of

the minority leader or of the majority leader, but if I may be permitted to do so I should like to propose a unanimous-consent request.

I request that tomorrow at 12 o'clock—or 11:30, as some Senator has suggested—the Senate vote upon the so-called Magnuson substitute for the bill.

Mr. JOHNSON of Texas. If the Senator will withhold his request, let us draft the agreement so that we may allot the time as we usually do. Then the Senator may propose it before he concludes.

Mr. KNOWLAND. What I had in mind was that the Senate would convene at 10 o'clock, and that there would be the usual morning hour for the introduction of bills and resolutions, with speeches not to exceed the 2-minute limitation.

Mr. MAGNUSON. And then there would be 1 hour of debate on the Magnuson amendment in the nature of a substitute.

Mr. KNOWLAND. Normally it takes about a half hour to conclude the morning business. Then there would be debate for 1 hour on the Magnuson amendment in the nature of a substitute, the time to be divided equally, and to be controlled, respectively, by the proponents of the amendment in the nature of a substitute and the distinguished senior Senator from Maryland [Mr. BUTLER].

Mr. MAGNUSON. That is entirely agreeable to me.

Mr. JOHNSON of Texas. The record will show the agreement. If the Chair will put the question, the matter can be settled.

Mr. CASE. Mr. President, reserving the right to object, will the distinguished majority leader advise the Senate where the foot of the calendar has now traveled to?

Mr. KNOWLAND. The foot of the calendar will be picked up as soon as the Senate disposes of the subversive activities bill.

Mr. CASE. I thank the Senator from California.

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

Mr. KNOWLAND. I yield.

Mr. LEHMAN. Am I to understand that the unanimous consent agreement which is proposed will apply only to the Magnuson amendment in the nature of a substitute?

Mr. KNOWLAND. It will apply only to the Magnuson amendment in the nature of a substitute. It provides for no other limitation on the debate.

Mr. President, I submit a proposed unanimous consent agreement and ask that it be read.

The PRESIDING OFFICER. The clerk will read the proposed unanimous consent agreement.

The Chief Clerk read as follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That on Thursday, August 12, 1954, after the morning business, further debate on the amendment in the nature of a substitute offered by the Senator from Washington [Mr. MAGNUSON] to the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes, including any amendments or motions submitted thereto, shall be limited to not exceeding 1 hour, to be equally divided and controlled, respectively, by the Senator from Washington [Mr. MAGNUSON] and the Senator from Maryland [Mr. BUTLER]: *Provided,* That no amendment thereto that is not germane to the subject matter of the amendment shall be received. (August 11, 1954.)

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent request? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, in view of the unanimous-consent agreement which has been entered into, I shall not detain the Senate for more than 10 minutes.

I merely wish to say, at the outset, that the amendment in the nature of a substitute, which I have proposed, is somewhat comparable to the objectives of the bill introduced in the House.

The House Committee on the Judiciary has reported to the House for action a resolution which is similar to the amendment which I propose now as a substitute. So, as a practical matter, if the Senate intends to do something about this matter, if we are to attempt to achieve the goal which the Judiciary Committee is trying to achieve, and which all of us are trying to achieve as a practical legislative matter, it seems to me that, in the closing hours of the session, the substitute I have proposed should be adopted.

The House Committee on the Judiciary reported, after consideration of two bills similar to the one now before the Senate, which is S. 3706, a resolution in language similar to that which is contained in Senate Joint Resolution 182.

I must say, however, for the information of the Senate, that later—why, I do not know—the House Committee on Un-American Activities reported substantially one of the bills which is now before the Senate. There were very vigorous minority views with respect to the bill, which were signed by Representative WALTER, Representative DOYLE, and Representative FRAZIER. I must confess that although I served in the House for a long time, I did not realize that the Committee on Un-American Activities, which is a special committee, is also a legislative committee, which can report bills. But apparently the Parliamentarian of the House has decided that, technically, that committee can do so.

Nevertheless, the permanent Committee on the Judiciary of the House, which discussed both of these phases of proposed legislation, finally submitted a proposal such as is suggested in Senate Joint Resolution 182, the resolution which I have introduced for myself and on behalf of the Senator from Missouri [Mr. HENNINGS], the Senator from Rhode Island [Mr. GREEN], the senior Senator from Montana [Mr. MURRAY], the junior Senator from Montana [Mr. MANSFIELD], the Senator from Tennessee [Mr. GORE], the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. LEHMAN], the Senator from West Virginia [Mr. KILGORE], and the junior Senator from Washington [Mr. JACKSON]. The joint resolution embodies the exact words of the bill which the House Committee on the Judiciary has reported favorably to the House.

Knowing, somewhat, the legislative procedure in the last few days of a session, it seems to me that the House is waiting to see what the Senate will do with respect to the two bills, but the House has suggested strongly, in a legislative way, that the Senate should pass some kind of resolution.

House Joint Resolution 527, as it was reported by the House Committee on the Judiciary, differs in that it creates a Commission on Security in Industry, only. The House measure does not extend jurisdiction to the Government.

The joint resolution I have introduced broadens the scope of the Commission's responsibility, which is also embodied in these bills. I believe this to be proper and necessary, because in this day the activities in Government and industry are so closely intertwined as to be almost inseparable.

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

Mr. MAGNUSON. I yield.

Mr. JENNER. I heard what the Senator from Washington had to say in regard to the House Committee on the Judiciary. I do not know whether the distinguished Senator from Washington is aware of the fact or not, but a bill which is identical with that which is the order of business in the Senate, S. 3706, has been reported by the House Committee on Un-American Activities, and is now awaiting a rule in the House.

Mr. MAGNUSON. I stated that the House Committee on the Judiciary had reported in substance the resolution which I have suggested; but subsequent to that, the House Committee on Un-American Activities had reported a bill similar to that which is now before the Senate.

Mr. JENNER. I had misunderstood the Senator from Washington.

Mr. MAGNUSON. I further said that I must confess that I did not realize, although probably I should have realized, that the House Committee on Un-American Activities, which is a special committee, is also a legislative committee. Apparently the House has ruled on a point of order, or upon a suggestion of the Parliamentarian, that that committee has the right to propose legislation.

The House committee has the following to say about its resolution:

The purpose of this resolution, as amended, is to establish a temporary public commission entrusted with the task to study practices and conditions in all branches of industry in the United States, as they pertain to security from sabotage, espionage, Communist infiltration, and other activities designed to injure the interest of the United States; and to recommend such legislation as the Commission would deem necessary in the light of its findings and in consideration of the existing danger to the security of the United States.

As stated earlier, we propose to merely expand the jurisdiction of the Commission, giving it authority and responsibility to study security programs in Government with a view to eliminating overlapping duplication, but at the same time strengthening such programs.

Mr. President, "security" is a word on everyone's lips these days. It is a word that is spoken too glibly by too many. This is a dangerous time for our country, and security is not a word which should be bandied about lightly.

Yet it is sad but true that security has not been given enough clear thought and honest action. Some have tried to use the security issue not against our real enemy, but against their particular political opponents. And some have failed to think through the problem of how to conduct security programs in such a way as to protect the very rights of the individual that would be taken away by a triumphant enemy.

Even among Government agencies, no clear pattern exists for a security program. Instead there is a crazy quilt patchwork that has been built in a hurry, clearly showing that not enough care has been taken to avoid duplication. Identical personnel locations and activities are subjected to security screenings by more than one Government agency. This duplication is not only wasteful and exasperating, but can be dangerous. It does not safeguard us; it ties our hands with redtape.

Even where duplication exists within an area of screening, other parts of the area, the same area, may not be covered at all. Time and effort is wasted in duplicate screening, while other areas are neglected.

In addition, there is evidence that some Government agencies, designed to help protect us from foreign dictators, are operated without proper regard for due process of law and other rights which are considered basic to our tradition. Not only must wasteful duplication be avoided, but freedoms and due process must apply to Government activities in the security field too.

A recent example, showing the need for a security commission study and report, is the so-called security program proposed by the Federal Communications Commission.

Docket No. 11061 of the FCC proposes to launch a program that in some respects duplicates security programs that have been in effect for many years. In another phase of the program, the FCC proposes to screen what amounts to less than 10 percent of the people in yet unscreened fields. While doing this, the FCC also proposes to extend the security program to persons and activities that in no way, shape, or form can be considered sensitive activities, and to persons not even in defense industry or communications.

The FCC proposes to screen over 600,000 holders of commercial radio licenses and permits for security purposes, whether these persons are engaged in sensitive areas or not.

Of these license holders, many that are engaged in sensitive or security covered work, are already screened thoroughly. Take the example of the ship radio officers who are already screened by the United States Coast Guard under the terms of the Waterfront Security Act I introduced in 1950.

What need is there for the FCC to barge into a field already preempted by the Coast Guard under Presidential directive? That sort of thing is not only wasteful duplication, but holds the threat of being worse—disruption of an established security system.

Other FCC license holders are similarly screened by the agencies already active in their own field. In each of the activities involving a license holder, numerous other persons working with him, with the same amount of access to equipment, premises, and information that could be used to injure the Nation, are screened. But the FCC proposes to screen only the license holder as a proper approach to security. The license holder is 1 man in 10, therefore the FCC proposes to screen but 10 percent of the people in these areas.

This would leave vulnerable points in our Nation's armor unprotected, though, on the surface, it might seem to be a comprehensive program.

I mention the FCC proposal, as outlined in docket 11061, because I think it demonstrates the need for greater coordination between and among Government agencies in security matters—and because I think it is symptomatic of what a security commission will find as it proceeds with its study and analysis under this resolution.

Mr. President, security is not something to trifle with. We must protect ourselves, our rights, our traditions, and our form of government against either internal or external aggression. I point out, however, that any security program must likewise protect the very liberties it seeks to preserve.

Among other things, this means that provision must be made for appeal and clearance of the innocent as well as detection and prosecution of the guilty.

We, therefore, are offering this measure which proposes a "Hoover Commission" approach to the security problem—in both industry and Government. It will make available the experience of men most capable of giving the Nation a workable, coordinated security program, with proper safeguards for individual rights and liberties.

As I said earlier, the measure—if adopted—will create a commission to study, to analyze, and then to recommend to the Executive and the Congress a coordinated program for security screening of persons engaged in activities necessary to our defense; to eliminate duplication, conflict and inadequacies of existing programs; to correct abuses—if there be any—against individual rights—all to the end that the people may be safe from enemies—whether domestic or foreign—without the sacrifice, or abuse, or destruction of individual rights.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks, so that Senators may by tomorrow be able to read it, a report of the Judiciary Committee of the House of Representatives which relates to the amendment in the nature of a substitute that is now before the Senate.

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

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 527) to provide for the protection of defense facilities, having considered the same, report favorably thereon with amendments and recommend that the joint resolution do pass.

The amendments are as follows:

1. Strike out all after the resolving clause, and insert in lieu thereof the following:

"That (a) there is hereby established a commission to be known as the 'Commission on Security in Industry,' hereinafter referred to as the 'Commission.' The Commission shall be composed of 12 members, appointed by the President of the United States, 1 of whom, so designated by him, shall be Chairman of the Commission. The President shall select his appointees in equal number from outstanding leaders in labor, business management, and the general public.

"(b) There shall be appointed, in addition to the members provided in subsection (a) of this section, 6 advisory members, who are Members of the 83d Congress, 3 of whom shall be appointed by the President of the Senate and 3 of whom shall be appointed by the Speaker of the House. Advisory members shall have all the rights and privileges of other members of the Commission, except that they shall not have the right to vote upon matters before the Commission.

"(c) The members of the Commission shall serve without pay but shall be entitled to $25 per diem in lieu of subsistence while attending meetings of the Commission away from their homes, together with transportation costs and other expenses incidental to attendance upon such meetings.

"(d) The expenses of the Commission, which shall not exceed $50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the Chairman of the Commission. Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of the disbursements so made.

"SEC. 2. It shall be the duty of the Commission (1) to study the prevailing practices and conditions in all branches of the industry in the United States pertaining to security from sabotage, espionage, and other activities designated to injure the interests of the United States, the efficient function of the industry, and the good relationship between labor and management; (2) report its findings on or before January 15, 1955, to the President, the President of the Senate, and the Speaker of the House of Representatives; and (3) to recomend such legislation as the Commission would deem necessary upon an analysis of its findings and in consideration of the existing internal and external danger to the security of the United States.

"SEC. 3. The Commission shall terminate upon the filing of its report as provided in section 2."

2. Strike out the preamble.

3. Amend the title so as to read: "A bill to provide for the creation of a Commission on Security in Industry."

PURPOSE OF THE RESOLUTION

The purpose of this resolution, as amended, is to establish a temporary public commission entrusted with the task to study practices and conditions in all branches of industry in the United States, as they pertain to security from sabotage, espionage, Communist infiltration, and other activities designed to injure the interest of the United States; and to recommend such legislation

as the Commission would deem necessary in the light of its findings and in consideration of the existing danger to the security of the United States.

GENERAL INFORMATION

A subcommittee of the Committee on the Judiciary has conducted, since March 18, 1954, extensive hearings on a considerable number of legislative measures, introduced in the House, for the purpose of providing adequate means to cope with the mounting danger of internal Communist subversion and the closely related external danger to the security of the United States.

Among the measures receiving considerable part of the committee's attention were those which were aimed at strengthening the protection of all branches of American industry in a manner not much different from that which is authorized under the Magnuson Act (64 Stat. 1038; 50 U. S. C. 191), with regard to the security of vessels, piers, and waterfront facilities.

Simultaneously, the committee has devoted much of its time to the study of certain organizations, including a small number of labor unions, which appear to have been infiltrated by skilled, well-trained Communist agents and professional agitators to a degree which justifies the assumption that such organizations are in effect controlled by the Communist Party and by their foreign command center.

The committee was impressed by the testimony of certain witnesses [1] who opposed all legislation designed to strengthen the internal security of the United States. By the mere choice of their language and by their attitude of hate and contempt for the democratic legislative processes, these witnesses had actually confirmed rather than dispelled, as they obviously wanted, the impression that Communist infiltration of certain labor and professional organizations has gone very far, notwithstanding the efforts of the enlightened leadership and the rank and file of the legitimate labor unions fighting continuously to keep the Communist "activists" away from positions in which they are able to influence the policy of labor unions.

The committee believes that there might exist a real danger to the national defense and the security of the United States, stemming from the activities of Communist agents who have attained positions of control in various organizations directly active in the industry, including such vital branches of it as the electrical and electronics industry, chemical plants, the communications industry, mining, smelting, etc.

The committee also found that there might exist the danger of sabotage and espionage by individuals or groups who had fallen victims to the skilled agents of Communist subversion. It is understood that a definite number of such individuals has already been identified. Some of these individuals are known to be employed in defense facilities where sabotage in time of national emergency or in time of war would seriously impair the military effectiveness of the United States.

The facilities involved are privately owned and are primarily engaged in what is regarded as normal civilian production. Although there is authority for barring subversive individuals from facilities directly engaged in the performance of defense contracts, there is no similar authority with respect to the facilities not so directly engaged, although, as in the case of a powerplant or a producer of other basic materials or supplies required by a defense contractor, sabotage or interruption of production by these facilities could very materially curtail defense production. Espionage is also an important consideration.

Having studied two bills introduced at the request of the Attorney General, to wit, House Joint Resolutions 527 and 528, the committee has found that the language of the proposed measures is not sufficiently carefully drawn so as to enhance the security of the United States on the one hand, but not to limit the constitutional rights of individuals on the other hand. The committee had also found that it does not possess sufficient information for the purpose of amending the proposed measures and recommending to the House for passage legislation which would be both adequate for the protection of the interests of the United States in difficult and trying times, and fully in accord with American traditions and American jurisprudence.

Thus, instead of recommending to the House for action measures hastily drawn and obviously inadequate, the committee has come to the conclusion that a thorough study by an impartial public commission appointed by the President of the United States should be made so as to give the Congress the benefit of impartial study and expert recommendations.

The committee was gratified to find that the American Federation of Labor, as represented by its president, Mr. George Meany, and the Congress of Industrial Organizations, as represented by its president, Walter P. Reuther, concur in its finding of the necessity of having the important subject of security in American industry investigated and reviewed so as to devise the most effective means of combating the possible encroachments of external Communist aggression and internal Communist subversion upon American industry.

Having considered all the facts in the case, the committee is of the opinion that House Joint Resolution 527, as amended, should pass, and it so recommends.

[1] Hearings on internal security legislation, serial No. 14, Committee on the Judiciary, House of Representatives, 1954.

Mr. MAGNUSON. I also ask unanimous consent to have printed in the RECORD as a part of my remarks the minority views on H. R. 9838 of members of the House Committee on Un-American Activities, the distinguished Members of the House of Representatives, Mr. WALTER, Mr. DOYLE, and Mr. FRAZIER.

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

MINORITY VIEWS TO ACCOMPANY H. R. 9838

The bill H. R. 9838 was reported by the Committee on Un-American Activities without one word of testimony, pro or con, being introduced, or a report from the Department of Justice submitted. The bill was called up for consideration when a bare majority of the committee was present and despite the protests of Mr. WALTER that a bill of this importance should not be considered without at least having an explanation made of what it does. It was reported by a vote of 4 to 1, without ever going through the formality of reading the bill for amendment.

This bill is similar to the legislation that was considered by the Committee on the Judiciary in hearings which started on March 18, 1954, and terminated on June 30, 1954. The difference between H. R. 9838 from those under consideration during these hearings is that not a single word of testimony in all of the hearings held before the Judiciary Committee concerned H. R. 9838. The effects of this legislation are farther reaching than apparently the proponents understand. As was pointed out in an editorial in the Wall Street Journal of June 8, 1954:

"This type of legislation is intended to extend the authority contained in the Subversive Activities Control Act of 1950."

In view of the fact that much progress is being made under that law, it seems dangerous to us to report a far-reaching bill which may, as the Wall Street Journal pointed out, "chip away at the very rights we seek to save from that [Communist] menace." We are firmly of the opinion that a continued vigorous enforcement of the Smith Act obviates the necessity to legislate further when such legislation is hurriedly drawn and only casually considered.

Up until now we have dealt with the procedures followed by the committee majority in approving this bill.

We also have grave reservations with respect to the bill's substantive provisions. This bill is copied word by word from S. 3706, introduced by Senator BUTLER of Maryland. In general outline it resembles House Joint Resolution 528, introduced at the request of Attorney General Brownell, on which the House Judiciary Committee held hearings.

The essence of this bill is that the Subversive Activities Control Board, created by the Internal Security Act of 1950, is authorized to screen unions to determine whether they are Communist-infiltrated. The bill does not in terms apply only to labor unions, but the penalties provided for Communist-infiltrated organizations seem to be applicable only to unions. The principal penalty is that a union found to be Communist-infiltrated is to be forbidden to engage in collective bargaining; that is, it is to be put out of business.

It is difficult to avoid the conclusion that this bill is a step toward Government licensing of trade unions. Such a step should be taken only after the most careful consideration and the clearest demonstration of its necessity. Once the power of life and death over unions is vested in a Federal agency, there is always the danger that it may be misused. The danger, too, cannot be overlooked that the bare existence of such a power in the Federal Government will intimidate unions, and tend to make them subservient to the political ends of whatever administration may be in power.

On June 1, the Wall Street Journal said editorially of the Attorney General's very similar proposal:

"We recognize the trying task the Attorney General and his law officers face in combating the secret and sinister Communist intrigue. But it is not the part of wisdom ourselves to chip away at the very rights we seek to save from that menace."

We agree.

A free trade-union movement is an important bulwark of democracy. Where democracy has been destroyed, as in Soviet Russia and Nazi Germany, the subordination of unions to complete government control, through licensing or some similar device, has always been a first step in the march toward totalitarianism.

It seems to us that a proposal so drastic as this bill, one which departs so markedly from this country's democratic traditions, should be entertained (1) only on the clearest showing of necessity, and (2) only if the bill provides every reasonable safeguard against abuse, both from the standpoint of being precisely drawn and of containing adequate procedural safeguards.

We do not think that these tests are met.

1. Undoubtedly there are in this country certain so-called unions which are still under Communist domination. Undoubtedly the leadership of these unions seeks to use them to promote the interests of Soviet Russia. Undoubtedly this leadership is traitorous to the United States, and to their own rank-and-file members.

Every indication, however, is that this situation is improving rather than growing worse, and that it is being successfully handled by the workers themselves, without government intervention. The testimony before the House Judiciary Committee on

House Joint Resolution 528—and that committee, unlike this one, held hearings—was that out of some 13 unions which in 1949 were Communist dominated, half of them have by now entirely disappeared, while the others have lost substantial membership. This testimony further showed that this process is a continuing one: Within recent weeks the Communist-dominated unions have suffered further substantial loss of membership.

We agree that so long as a single Communist misleader of labor remains in a union office there is no occasion for complacency. But, when the situation is getting better and not worse, neither is there occasion for hysteria.

2. Loyal American unions affiliated with the American Federation of Labor, the Congress of Industrial Organizations, the Railroad Brotherhoods, and the United Mine Workers are doing a very effective job of exposing and destroying the Communist misleaders of labor. None of these unions supports this bill.

On the contrary, both the American Federation of Labor and the Congress of Industrial Organizations have expressed opposition to the approach used in this and similar bills. In his statement to the House Judiciary Committee on House Joint Resolution 528, George Meany, president of the American Federation of Labor, said:

"While the authors of the bill naturally have no such intent, there is real danger that the provisions of this bill could be readily directed against legitimate trade union organizations.

"The charge of communism is often loosely made and on many occasions has been directed against legitimate labor unions. Because unions must from time to time resort to public protests to gain just ends or defend a minority view, or because a union organization campaign may involve a conflict of ideas, ill-informed or malicious individuals frequently try to arouse antiunion sentiment by attacking union representatives or particular labor organizations as 'Communist.' If such attacks were to be given credibility and force by an official charge of Communist infiltration, under such circumstances, the status of a bona fide union might easily come into jeopardy.

"Under the bill, charges against organizations are initiated only by the Attorney General. While we are confident that the present Attorney General would not use the proposed law to injure legitimate labor unions, it is quite conceivable that such an official hostile to labor might utilize such a law as a weapon against all unions."

Similar apprehensions were voiced on behalf of the Congress of Industrial Organizations.

3. The standards contained in this bill for determining whether a union is Communist infiltrated are so vague as to threaten the innocent along with the guilty. Thus the bill lists seven criteria which the Board is to take into consideration in determining whether an organization is Communist infiltrated. Typical of these criteria is (3), which reads:

"(3) the extent to which the personnal and resources of such organization are, or within 5 years have been, used to further or promote the objectives of any such Communist organization, government, or movement."

This language fails to make it clear that an organization is to be proscribed only if it was deliberately used for the purpose and with the motive of promoting communism. It seems—though surely that would not be the intent—to permit conviction upon a mere showing of a coincidence of views on some subjects between the accused organization and the Communist Party.

To some extent this objection could be met by tightening up the definition, criteria, etc. To a considerable degree, however, it is inherent in the nature of the bill's approach, of dealing with attitudes and affiliations rather than with specific illegal acts. As the Wall Street Journal editorial already referred to said:

"As we see it, the trouble with Mr. Brownell's bill is that he here seeks not to expose organizations or to punish people for what they have done, but to punish people for what they may be in a position to do."

4. The bill applies not only to organizations which are "Communist-infiltrated" now, but to any which have been "within 5 years." This provision is not only unjust, but would deter unions from hereafter throwing off Communist leadership. It makes the bill wholly self-defeating—and demonstrates how superficial is the consideration which this proposal has received.

Within the last 5 years many local unions have broken away from Communist-dominated international unions, and have transferred their affiliation to loyal American organizations. That is the form which the destruction of Communist-dominated international unions has taken over the past few years, and is taking. In some instances the elected leadership of the local union has broken with the Communist Party and led the move out of the Communist-dominated international. In other situations rank-and-file workers have revolted against and replaced local leadership which continued subservient to communism.

It seems to us that developments like these should have the encouragement and approbation of the Government. Yet this bill would threaten with destruction these local unions which broke away from Communist-dominated internationals, if the break was within the last 5 years.

This provision is unjust. It is unjust as to organizations whose leadership continues the same, if those leaders have genuinely broken with communism. We in this country believe that it is never too late to reform. We presumably do not believe that a man should be forbidden to be a union official because he was a Communist 4 years ago, or that the union should be punished because he was a Communist 4 years ago. Certainly this committee, and other committees of the Congress as well, relies in its work upon the testimony of avowed former Communists. Presumably this committee regards these witnesses as reliable, and as performing a service for their country. Yet, under this bill, these men would be barred from union office, and unions electing them would be subject to destruction.

If this provision is unjust as to unions whose leaders have reformed, it is doubly so as to unions who have replaced leadership which would not abandon the Communist Party. Yet these unions, too, would be subjected to destruction under this bill.

As far as the practical effect of this provision goes, it might well be entitled a proposal to insure continued Communist control of unions. What incentive is there for a union official to renounce the Communist Party if by doing so—and admitting his former Communist membership—he subjects the union to destruction? What incentive is there for a union to replace Communist leaders if by denouncing them as Communists it subjects the union to destruction by the Government? Under this proposal the Government would penalize the very conduct it should encourage.

Obviously, this bill has not been thought through. Obviously, there is danger that it would do more harm than good.

That is what the House Judiciary Committee decided after considering a similar proposal—House Joint Resolution 528. That committee concluded that Communist infiltration of unions does present a substantial problem, and one which merits careful and thoughtful consideration. But it was not convinced that legislation of this type is the answer. The Judiciary Committee therefore proposed the creation of a bipartisan public commission, having industry and labor representation, to study this whole problem and report back to the Congress next January. This proposal has received the support of both the American Federation of Labor and the Congress of Industrial Organizations.

We think that is a rational and constructive proposal.

This problem of Communist infiltration of unions should be dealt with carefully and thoughtfully. It should be dealt with in a way which will not damage traditional American liberties, or bring us closer to the totalitarianism this bill purports to guard against.

This is an issue on which politics should be shelved: those who seek to make political capital out of it will only do the country a grave disservice.

FRANCIS E. WALTER.
CLYDE DOYLE.
JAMES B. FRAZIER, Jr.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD as a part of my remarks, so that Senators may be able to analyze them tomorrow, the following documents:

A letter dated July 16, 1954, from the United Electrical, Radio and Machine Workers of America; an editorial entitled, "The Legal Scatterguns," published in the Wall Street Journal of July 14, 1954; and, while it is too long to have published in the RECORD, I will say that the same conclusions are reached by the official publication of the Brotherhood of Railroad Trainmen; an editorial entitled "Industrial Infiltration," published in the New York Times of July 15, 1954; another editorial entitled "The Curfew at Sundown" published in the Wall Street Journal of July 21, 1954; an article entitled "The Rights We Seek To Save," published in the Wall Street Journal of June 1, 1954; an editorial entitled "Dangers Lie in Mr. Brownell's Plan" published in the Courier-Journal of Louisville, Ky., of May 12, 1954, in which some of the risks now before us are pointed out; a letter which I addressed to the Senator from Missouri [Mr. HENNINGS] relating to this matter, dated August 2, 1954; a letter written to the Congress by the President of the American Federation of Labor, Mr. George Meany, dated July 12, 1954; and a letter which was written to the chairman of the Senate Committee on the Judiciary by Mr. Walter P. Reuther, president of the CIO, dated July 12, 1954.

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

UNITED ELECTRICAL, RADIO AND
MACHINE WORKERS OF AMERICA,
New York, N. Y., July 16, 1954.

DEAR SENATOR: In the last few days spokesmen for 16 million organized American workers have spoken in direct opposition to certain legislation pending before the United States Senate. This legislation is the bill, proposed by Attorney General Brownell, to license unions, and introduced by Senators FERGUSON, BUTLER, MCCARRAN and WELKER (S. 3706).

We are calling your attention in the enclosed material to some of these recent actions and earnestly urge you to not only vote against these proposals but also to speak

and act in opposition to these un-American proposals.

Very truly yours,

ALBERT J. FITZGERALD,
General President.

[From the Wall Street Journal of July 14, 1954]

THE LEGAL SCATTERGUNS

Some of Attorney General Brownell's bills to control subversion and to combat communism have caught a cold eye in Congress and, in our opinion, justly so. For there was the look of a scattergun about them.

It is true that his wiretap bill, which this newspaper opposes, probably will become law in some fashion or other. But it has been whittled down in both House and Senate, and in the conference committee perhaps even more restrictions will be placed on the use of wiretapping.

Mr. Brownell's bills to control subversion in private industry—such as powerplants and those engaged in defense contracts—and to allow the Subversive Activities Control Board, after court action, to dissolve any union or private business if it were "Communist-infiltrated," are dead for this session unless the House Judiciary Committee reverses itself.

The bills were written in language that was too sweeping. One of them allowed issuance of orders to bar people from employment if there was reasonable ground to believe they might engage in sabotage, espionage or other subversive activities. The orders could be issued not just when there was a national emergency but also in cases of "threatened disturbance of the international relationships" of this country, a state of affairs we are hardly ever not in the midst of.

Mr. Brownell's companion measure went even further into determining guilt and meting out punishment not for what people have done, or even on proof that they planned to do it, but on "the extent to which" they fit into patterns which could legally classify unions and businesses as Communist infiltrated. But the patterns themselves are unclear, and the proposal did not attempt to set forth limits to the "extent to which" doctrine. Indeed it would have been impossible to do so; and while this doctrine, if adopted into law, doubtless would have gathered in some subversives and Communists, many innocent people may also have been injured in the process.

We recognize that it is difficult to pinpoint a law against a hidden conspiracy and a dedicated treason. But we do think that to punish people by the extent to which they may be able to do some injury or to authorize the invasion of privacy by wiretapping is to use legal scatterguns better left to the police states most Americans oppose.

[From the New York Times of July 15, 1954]

INDUSTRIAL INFILTRATION

The House Judiciary Committee has acted with courage and wisdom in a field where both have been singularly lacking of late; how to deal with the internal threat of communism in the United States.

Last May Attorney General Brownell, with White House approval, sent identical bills to the House and Senate which went so far as to authorize the actual dissolution and liquidation of labor unions, business firms, and other organizations upon a finding by the Subversive Activities Control Board that they were Communist infiltrated. The bill attempted to define this well-worn phrase with as little success as might have been expected—especially for those who might be charged with the administration of the law. On July 6 the Senate committee shelved the bill on the ground, among others, that even the Communist Party itself has not been either liquidated or dissolved. The committee approved a less drastic measure that would require an infiltrated organization to register under the Subversive Activities Control Act, with a loss, if it were a labor union, of collective bargaining rights, and other protections afforded by the Government.

Now the House committee has turned down the Brownell proposal completely and approved a bill of Representative WALTER, of Pennsylvania, to set up a commission composed of 12 members, 4 each from industry and labor, and 4 representing the public, with 3 congressional advisers, to study the whole problem of security in industry and to make recommendations for action to Congress. The President and the officers of Congress are authorized to make appointments to the Commission, which would have to submit its report before January 15 of next year.

We hope the committee will favorably report the Walter bill without delay, that the Senate will substitute a similar bill for the one now on its docket, and that both Houses will promptly pass it. The Brownell legislation was more like that of a police state than of a free democracy, and would have been impossible to administer even had it been either wise or necessary.

[From the Wall Street Journal of July 21, 1954]

THE CURFEW AT SUNDOWN

If the police in a city of some 640,000 people knew that there were 100 housebreakers about, the police would do their best to keep an eye on them. But the law officers would not declare a sundown curfew for everyone in the town in order to catch the lawless hundred.

In this country there are an estimated 25,000 dedicated Communists. They are dedicated to the violent overthrow of law, order, and the Government. The problem of controlling their activities, keeping a check on their movements, learning of their contacts, and countering their subversive plots is a hard task indeed. How difficult it is—and how aware of the difficulty are the FBI, the Justice Department, and congressional committeees which have investigated the problem—is clearly indicated in the number of bills introduced into this Congress to control subversion.

Some of these proposals came from the Attorney General, some from congressional committees, and some from individual Members of Congress. All of them are well-intentioned; they seek to strengthen the security of the Nation. But many of them are questionable, and some of them endanger the rights, privileges, and immunities not of Communists alone but of the 160 million of the rest of us.

To close a loophole in a law is one thing, but to create a lot of new laws which place in jeopardy peaceful people as well as the lawless is not the way to go about it.

The Government has jailed the top echelon of Communists. It has also convicted the second-string Reds. These verdicts were obtained under a law making it a crime to teach or to advocate or to conspire to overthrow the Government by force or violence.

That law, in our view, is a necessary one. But the climate in which laws are adopted and used or left unused on the books is as important as the law itself. Would any law, in the rather revolutionary climate of the 1930's, have been used against the members of the Ware cell which operated almost openly in the Department of Agriculture? Would the present laws have then been used against Alger Hiss, William Remington, or the late Harry Dexter White?

Reports on many of these men were made by the FBI to their department heads, and they were shrugged off. The White House itself had Mr. White's record prior to his appointment as United States Director of the International Monetary Fund, but the appointment was made and confirmed by an unknowing Senate nonetheless.

There is still another climate which affects the wisdom and usefulness of laws. The old days of diffidence about or sympathy to communism are now gone. Most people are aware of the dangers, and there is now a great commotion to pass laws to cure the evil.

This climate, we think, is the reason for the danger in some of the proposals. A wiretap law is now before the Senate Judiciary Committee because wiretapping was used against Judith Coplon, and she was freed because that system of gathering evidence is inadmissible in Federal courts. No wiretap law was needed to convict all the rest, and in our view no wiretap law is necessary to the country's security. It is a bad law, and we hope it fails of passage.

The same committee has before it a bill to grant immunity to congressional investigation witnesses and thus to force them to testify. We think this is also a bad proposal, for it does damage to the fifth amendment. That constitutional restraint on Government was not placed there for the convenience of Communists alone, and to remove it in the one case is to set a precedent for another case, in another climate.

We have expressed heretofore in these columns our opposition to Mr. Brownell's bill, which would empower a Government agency—with the right of court review—to close down a union or a business on "the extent to which" it is determined such an organization may be Communist infiltrated. A philosophy of "extent to which" is a dangerous one; it punishes not for what has been done but because a person or a business or a union may be in position to do a thing.

Apart from their danger to innocent people, these proposals are not necessary from a security standpoint. Mr. Brownell said, just short of a year ago, that Government attention to the present laws, such as the Smith Act, has reduced Communist Party membership from 100,000 to 25,000.

We think even 1 Communist in the schools, in Government, in the Armed Forces, in defense plants, is 1 too many. We think also that sundown curfews for 160 million people are not the way to go about controlling Communists.

[From the Wall Street Journal of June 1, 1954]

THE RIGHTS WE SEEK TO SAVE

We doubt if there are many people about who will question that communism in the United States is a serious problem for those whose responsibility is the Nation's security. The internal Communist movement was recognized by the Congress as a clear and present danger to that security when it enacted the Internal Security Act of 1950.

The difficulty arises when the Congress tries to make security secure, or when the officers charged with maintaining security go about doing it. It is not an easy task for the one or the other.

Proof that it is not easy lies in the suggestions Attorney General Brownell has made from time to time to tighten the net about communism. He has asked that wiretapping be legalized for admission as evidence. He has asked that a law be passed which would compel witnesses invoking the fifth amendment to testify if granted immunity from prosecution in connection with anything testified about.

It was not lack of appreciation of the tasks before Mr. Brownell but awareness of the dangers we thought inherent in these proposals that convinced us they were wrong. These suggestions may make the job a bit easier for the Justice Department, but they would whittle away rights and privileges of the citizens all the same.

Mr. Brownell has recently proposed two other laws to knit loopholes he finds in the 1950 Internal Security Act.

One of these deals directly with the problem of security of private facilities—such as power plants or producers of supplies required by defense plants—and would empower the President to issue regulations to bar individuals from employment where there is reasonable ground to believe that they may engage in sabotage, espionage, or other subversive activities. Such regulations may issue when the President finds that the Nation's security is endangered "by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbance or threatened disturbance of the international relations" of the country.

The latter reason would seem a rather sweeping one; and we trust that the Congress will spell out specifically what it means. But in any case, the proposal has much merit. A Communist at the switches of a great city's powerplant could do great damage at an opportune time.

Under Mr. Brownell's other proposal any organization—including a private business or a union—may be destroyed if the Subversive Activities Control Board determines that such organization is Communist infiltrated.

Four guides are created under the measure for determining whether an organization is Communist infiltrated. These include "the extent to which persons who are active" in its management, direction, or supervision, whether holding office or not, are also active in the world Communist movement; the extent to which funds, resources, or personnel are used to further world communism; the extent to which policies of the organization do not deviate from the policies of any world Communist organization, and the extent to which the firm or union or group is in position to impair mobilization of manpower or use of economic resources in connection with defense or security.

This new yardstick to measure Communist activity is an extension of the purposes of the 1950 act, which defined Communist-action and Communist-front organizations and required registration with the Attorney General of any group which the SACB said fit the pattern. A Communist-action organization is there defined as one established by the "Communist dictatorship of a foreign country" in which is vested the direction and control of the "world Communist movement."

A Communist-front organization is one created and maintained to promote the ends of Communist-action groups. The general idea was to expose fronts and action groups and to cut off sources of funds received from unsuspecting contributors. There is, of course, recourse to the courts for any accused and there are ways for fronts to clear themselves and get off the hook.

Mr. Brownell's new and more sweeping bill also provides recourse to the courts and attempts to set up some safeguards for members and stockholders in case an organization is ordered liquidated. The SACB is required to take into consideration and to preserve the "legitimate rights and interests" of such people; but only to the extent the Board determines is consistent with the purposes of the act. These powers are obviously too broad and raise the question whether the Board could not seize the property as well as liquidate the business or union if it decided some morning that such action was consistent with the purposes of the law.

In our view all this sort of language is far too vague and creates a catchall for Communists which quite possibly could injure many innocent people. It is a drastic departure from the purposes of the 1950 law which set out to throw light on action groups and fronts and thus to limit their effectiveness. But the 1950 act did not try to destroy them as this one does.

As we see it, the trouble with Mr. Brownell's bill is that he here seeks not to expose organizations or to punish people for what they have done, but to punish people for what they may be in a position to do.

Certainly the Daily Worker—and perhaps many other publications—could fall into the net. And even though the courts finally ruled against the SACB and the Attorney General those who have had to go to the judges to protect their rights to private property, freedom of speech or publication would have been put in unwarranted jeopardy.

Freedom of speech, thought, and press—including that for the Daily Worker—were specifically acknowledged in the Internal Security Act of 1950 which Mr. Brownell's bill seeks to strengthen. That law says:

"Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect."

Mr. Brownell's bill contains no safeguard. Indeed, it would have been most difficult to make reference to the Bill of Rights and then attempt to do what this measure suggests.

We recognize the trying task the Attorney General and his law officers face in combating the secret and sinister Communist intrigue. But it is not the part of wisdom ourselves to chip away at the very rights we seek to save from that menace.

[From the Courier-Journal, Louisville, Ky., of May 12, 1954]

DANGERS LIE IN MR. BROWNELL'S PLAN

Attorney General Brownell blueprints a new weapon which in its way is as startling as any bomb. Mr. Brownell proposes to give the Government power to dissolve a labor union or a private enterprise or association if it is found to be infiltrated by Communists. Judgment in the case would be that of the Subversive Activities Control Board.

Ordinarily, such an idea would speak for itself. Its danger for oppression and destruction, both actual and moral, ought to be as plain as the nose on a face. However, the country has had too many warnings in recent years—indeed, in the day at hand—of fear and hysteria inflamed out of reason, beyond truth, beyond the seeking of truth.

Mr. Brownell gives a nod toward the principle of due process of law. A troubled and fearful mood has blunted that principle. If the Government goes itself into pandering to this mood, who may feel himself safe in conceivable circumstances of power in hands of the unscrupulous?

We have in mind warnings like that of Justice Hugo Black in his dissent from a Supreme Court ruling that aliens may be deported for past membership in the Communist Party. "I suppose as long as you can throw that one word (communism) in," he said, "everything may be all right. But I have an idea that the liberty of every American is at stake."

We have in mind the activity of veterans in Norwalk, Conn., a few months ago. They would have turned the people of their community into a mass of informers upon one another. There is the travesty and injustice of a recent Senate committee hearing in New Orleans, when a professional ex-Communist, Paul Crouch, was permitted to smear with insinuation the names of persons whose lives and traditions testified to their loyalty. For the immediate hour, there is the show of condemnation out of hand, the thing which has come to be known as McCarthyism.

Mr. Brownell makes his proposition to take the place of the non-Communist oath required of labor union officers by the Taft-Hartley Act. But this part of the labor-management law is long ago discredited. The Attorney General talks of difficulty in enforcing it, pointing to only one conviction in 7 years. We daresay that the difficulty is not one of legal process, but rather of overcoming deep and natural American qualms.

There is also the knowledge that organized labor itself has done a good job getting rid of groups of questionable leadership. Either by expulsion or competition the process of weeding out has succeeded. Few hardcore radicals like Ben Gold of the Fur and Leather Workers remain, and these are on the outside.

Nor have Americans generally failed to feel the argument which appeared in the President's own approach to the non-Communist oath. Administration proposals for amending the Taft-Hartley Act pointed out unfairness in applying the rule to a single group, the unions. The solution proposed was (1) to apply it to employers as well as workers, (2) to cut out the requirement altogether, and look to broad general legislation to control communism.

It is to be hoped, however, that the Attorney General's idea is not the administration's broad general plan. If it is, we might have a remedy potentially worse even than the disease. The fact that two bills already have been introduced in the Senate at Mr. Brownell's request gives an urgency to our misgivings.

AUGUST 2, 1954.

Hon. THOMAS C. HENNINGS, Jr.,
United States Senate.

DEAR SENATOR: Attached is a draft of a Joint Resolution which I intend to introduce sometime this week. It is quite similar to House Joint Resolution 527, reported with a "Do Pass" by the House Judiciary Committee (Rept. 2280). The only practical difference is that the Senate resolution would create a Commission on Security in Government and industry, instead of solely in industry.

I am confident there is much overlapping and duplication of screening for security in the Government. For example, the Federal Communications Commission proposes to launch a security program (Docket 11061) to screen holders of commercial radio licenses and permits.

This will be quite an undertaking. Perhaps all should be screened—on the other hand, it is certain that some have no connection whatever with sensitive areas. In addition, ship radio officers are already screened by the United States Coast Guard under terms of the act I introduced in 1950.

I am sure you will agree that it is essential to have proper and thorough screening where the security of the United States is involved. I am equally sure you will agree there is no point in screening, rescreening, and rescreening the same people, but by different agencies of Government—unless a commission, such as I propose to create, finds that such overlapping and duplication is essential.

I intend to introduce this resolution on Wednesday. I wonder if you would be good enough to have a member of your staff call my assistant, Mr. Hoff, if you are interested in joining with me.

Thanks and kindest personal regards.

Sincerely,

WARREN G. MAGNUSON,
United States Senator.

TEXT OF LETTER FROM GEORGE MEANY, AFL PRESIDENT, TO CONGRESS

JULY 12, 1954.

I am writing to you in connection with legislation now before your committee dealing with the question of Communist infiltration into organizations closely identified

with the national economy and seeking to remove therefrom spies, saboteurs, and other subversive individuals.

On June 30 I submitted to your committee a detailed statement giving the objections of the American Federation of Labor to House Joint Resolutions 527 and 528. In this statement I indicated that the few Communist-dominated unions have steadily lost ground in recent years, although they and other Communist-dominated organizations still represent a problem involving the internal security of this country.

In concluding my statement, I said:

"The A. F. of L. believes that Congress should strengthen the internal security of the United States, but do so without endangering the basic freedoms that we cherish in our democracy."

In my opinion, the bills which Congress is now considering not only involve serious questions of basic civil liberties, but also open the possibility that they could be utilized against legitimate trade unions. Rather than attempt to amend these bills to meet these objections in the closing days of this session of Congress, it would seem more appropriate that some further study prepare the way for dealing with this question in a way that would draw unanimous support from all sections of our society.

I therefore am suggesting that the problems of Communist and other possible subversive infiltration in American industry be referred to a special commission appointed by the President. The commission would be assigned the following tasks:

1. To review the extent of Communist and other subversive infiltration into organizations closely identified with the national economy.

2. To evaluate the extent to which this infiltration endangers the internal security of the United States.

3. To make appropriate recommendations for administrative and legislative policies that might be adopted to protect the internal security of the United States.

I suggest that the membership of this commission be drawn from industry and labor, as well as from Congress and the judiciary. I believe this proposal presents a far more practical and equitable solution to this critical problem than the passage of any of the bills now before your committee.

JULY 12, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR LANGER: The Congress of Industrial Organizations stands ready to assist in every practicable way in protecting the national security, both from outside aggression and internal subversion.

The CIO, as I am sure you are aware, is firmly committed to a policy of combatting communism and every other form of totalitarianism. This philosophy is imbedded in the CIO constitution and those of our affiliated international unions. Our record of action is a self-evident demonstration of our hostility toward communism. By expelling, in 1949 and 1950, some 11 unions which were found by the CIO to be Communist dominated, and by relentlessly combatting the Communist leadership of those unions since their expulsion, the CIO has delivered a mortal blow to the efforts of the Communist Party to gain and maintain any substantial foothold in the American labor movement. As a result of these actions, the Communist Party's influence in the labor movement and its control of labor unions are at a low point and they are constantly and rapidly increasing.

From this successful experience in combatting communism, we in the CIO have developed certain clear-cut ideas about effective and ineffective methods of combatting totalitarianism in the labor movement.

S. 3428, now under study by your committee, and S. 3706, which was recently approved by your committee, do not, in our estimation, offer a constructive solution to the problem. We fear that the sponsors of the bills, in their wholesome desire to attack the Communist conspiracy, have unwittingly suggested a program that would do harm to the entire labor movement. Both the CIO and the AFL have on this basis voiced their objections to bills similar to these.

Free trade unions are one of the strongest bulwarks of our democracy. Any effort, whatever the motive may be, that might lead to Government control of trade unions, would play directly into the hands of the Communists and other totalitarians. So long as democratic trade unions are free, they will be responsible. So long as they are responsible, they will strive earnestly and successfully to rid the trade union movement of Communist infiltrators seeking control. To weaken the trade unions by placing them under Government control would cause resentment among the rank and file workers, would diminish the effectiveness of the organizations, and would create a propaganda jamboree for the Communists.

The administration's proposals, written with the purpose of eliminating Communist influence in trade unions and of developing a greater degree of security in industrial defense plants, were drafted and transmitted to the Congress so late in the session that there has been no opportunity to give them the thorough consideration which measures of such far-reaching importance certainly deserve. Approval of these proposals by the Congress would, we fear, do more harm than good.

There are many important questions, involving the role of trade unions, free collective bargaining, job security, the right to earn a livelihood, and our basic civil liberties, that are deeply involved in these bills. To rush through legislation would not only be potentially dangerous to our constitutional rights, but might retard any constructive solution by long drawn-out litigation.

It is our belief that the whole problem of Communist-controlled or infiltrated labor organizations and of defense plant security requires serious and thoughtful study, not only by the Members of Congress who have the responsibility of legislating to protect our national security, but by the representatives of the public and the labor organizations to whom a solution of this problem is likewise vitally important.

Accordingly, on behalf of the Congress of Industrial Organizations, I propose, for your most serious consideration, the establishment of a bipartisan commission to undertake a thorough review of this most important problem. This commission should be required to file its report by mid-December 1954, so that the next Congress will have it at the beginning of the session in January 1955. It is our view that such a commission should have representation from the Judiciary Committees of the Senate and House, together with members representing industry, labor, and the general public, who would be appointed by the President. In other words, it would be similar in character to the Commission on Foreign Economic Policy or the Commission on Judicial and Congressional Salaries, with such changes in composition as may be appropriate because of the different nature of the subject matter.

It would be our hope that such a commission would devise and recommend enactment of a program which, while respecting individual rights and liberties, would provide every needed protection to our internal security. Such a program would have the support of every patriotic American. Needless to say, such a commission, in its search for a constructive solution, would have the continuous and wholehearted cooperation of the Congress of Industrial Organizations.

I, therefore, respectfully urge that legislation be withheld pending a commission study of the problem of Communist infiltration of labor organizations and of security in defense plants.

Respectfully yours,

WALTER P. REUTHER,
President.

Mr. MAGNUSON. Mr. President, I do not wish to bore the Senate tonight with any more documents, but tomorrow I expect to present expressions of opinion from all walks of life in the United States regarding some of the legal and practical pitfalls—and I do not say they are intentional at all; I think the objectives of all of us are the same—that might be involved in the pending bill, which I think the House Committee on the Judiciary realized when it reported in substance the amendment in the nature of a substitute which I have offered on behalf of myself and the Senators I have named.

Mr. HUMPHREY. Mr. President, I send to the desk a series of amendments to the pending bill. I desire to have them printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

NATIONAL LIBRARY OF WEEKLY NEWSPAPERS

Mr. DANIEL. Mr. President, on behalf of myself and the senior Senator from Texas [Mr. JOHNSON], I introduce for appropriate reference a bill which would establish a National Library of Weekly Newspapers.

This bill would help to preserve that great portion of the true history of our Nation which is recorded in pioneer weekly newspapers and in currently published weekly papers of the United States.

There are many public and private agencies which have preserved the files or the microfilms of our great daily newspapers. They are an excellent primary source of recorded history. However, the full and complete story of our Nation's history and progress cannot be preserved unless we save that which is recorded in the weekly newspapers published throughout the land.

During the early years of our Nation's history we had only weekly newspapers. Even today, the educational, social, political, and religious history of a great portion of our population can be found only in the files of these weekly publications. As a boy I learned to appreciate this fact. My father published weekly newspapers in four different towns of Texas. He left the publishing business in later years, but always retained and carefully preserved the bound volumes of all issues of his newspapers. First I knew them as carefully guarded family treasures, but later I found that they were a constant source of the history of the communities in which they were published. They are now preserved in the library of one of our leading universities.

There are thousands of weekly newspaper files which have been preserved. Others have been destroyed, and in the future there is likely to be continued loss of this valuable historical material unless something is done to encourage its preservation.

Mr. Garland R. Farmer, owner and publisher of the Henderson Times at Henderson, Tex., a weekly newspaperman for over 25 years, saw the need for a national library of weekly newspapers several years ago. With private funds and at his own expense he established such a library and began a nationwide campaign for preservation of weekly newspaper files. His work has inspired me to offer this legislation.

I ask unanimous consent that at the end of my remarks there be inserted an article written by Mr. Farmer entitled "Why We Need the National Library of Weekly Newspapers." Mr. Farmer has offered to make his library and collection available for this purpose.

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

WHY WE NEED THE NATIONAL LIBRARY OF WEEKLY NEWSPAPERS

For many years this Nation had only weekly newspapers. Even today, the educational, political, social, and religious history of the major part of our people can be found only in the files of these publications.

As a weekly newspaperman for over 25 years, I learned that little or nothing was being done to preserve this rich store of information, and make it available to all, even though much was being lost every day.

So I called this neglect to the attention of the Library of Congress, American foundations, historical and press associations, colleges, libraries, and the general public.

The response was immediate and almost unanimous. They agreed the idea of a National Library of Weekly Newspapers was excellent—should have been started generations ago—but where to get the funds to "get the show on the road?"

Not satisfied to allow the campaign to bog down, I started using my own personal funds to set up the National Library of Weekly Newspapers here in Henderson. About 96 percent of the services and contacts are by mail, so location of the library is not important.

Too, it is one of the primary functions of this library to work with and through press and historical associations; State, college, and local libraries to encourage and assist the 48 States in setting up their own programs to preserve this vital store of historical information. The job is too big for one organization, but one organization is needed for the overall work.

With the financial aid of a few other firms and individuals, I have this program on a national and nonprofit basis, but the problem is one that involves everyone—even you. The burden should not be borne by one or just a few.

So, I am offering to turn all my accumulated data, microfilmed weeklies, cabinets, files, etc., to the Federal Government, if only a staff of three is provided to carry on the work.

My program has been strongly endorsed by such colleges as: Stanford, Florida State, University of Texas, Columbia, Michigan, Iowa, Missouri, and so on across the Nation.

Students, teachers, and historians say the work has already been neglected too long. Leaders of both major political parties, in and out of Congress, say they are ready to act, and asked me to draw up a bill which could help at a minimum cost.

That makes good sense, for there are over 8,000 weekly newspapers in the United States, and their readers elect 75 percent of the United States Senators and 61 percent of our Representatives.

This letter, with enclosures, should give you a fair picture of the need, which has been neglected too long.

Cordially,

GARLAND R. FARMER,
Henderson (Tex.) Times.

Mr. DANIEL. Mr. President, Congressman BRADY GENTRY, of Tyler, Tex., has introduced a similar bill in the House of Representatives. The purpose of this proposed legislation is to establish a national library of weekly newspapers to be managed by a director appointed by the President. His job would be to collect, catalog, file, duplicate, preserve, and make available for interested citizens, schools, and libraries, the original files or microfilms of weekly newspapers throughout the Nation. It would apply to newspapers printed before and after the date of the enactment of the proposed legislation.

Mr. President, action on the bill will not be possible during the present session, but I introduce it so that it may be studied by the appropriate committee and executive agencies in the interim. My colleague and I will reintroduce the bill at the next session. In the meantime we commend to Members of the Senate their careful consideration of the need for and the importance of this proposal.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3860) to promote the preservation of the history of the United States as recorded in pioneer weekly newspapers and as currently published in weekly newspapers of the United States by establishment of the National Library of Weekly Newspapers, and for other purposes, introduced by Mr. DANIEL, for himself and Mr. JOHNSON of Texas, was received, read twice by its title, and referred to the Committee on Rules and Administration.

RECESS UNTIL 10 A. M. TOMORROW

Mr. KNOWLAND. Mr. President, if there is no further business to come before the Senate at this time, I now move, pursuant to the previous order, that the Senate stand in recess until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 10 o'clock and 10 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, August 12, 1954, at 10 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 11 (legislative day of August 5), 1954:

TENNESSEE VALLEY AUTHORITY

Herbert Davis Vogel, of Michigan, to be a member of the Board of Directors of the Tennessee Valley Authority, effective subsequent to August 31, 1954, for the term expiring May 18, 1963.

RAILROAD RETIREMENT BOARD

Horace W. Harper, of Texas, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1954. A reappointment.

PUBLIC HEALTH SERVICE

The following candidates for appointment in the Regular Corps of the Public Health Service, effective date of acceptance:

To be senior surgeons

Joseph H. Gerber
Donald S. Martin
Arthur S. Osborne

To be surgeons

Shih Lu Chang
Walter C. Clowers
Robert C. Lam

To be senior dental surgeon

Toyo Shimizu

To be sanitary engineer

Frederick K. Erickson

To be senior scientist

Malcolm S. Ferguson

To be scientists

Hewitt G. Fletcher, Jr.
Max M. Levin

To be senior veterinarian

Frank A. Todd

To be veterinarian

Robert D. Courter

To be nurse officers

Josephine T. Krok
Anne H. MacNeill

POSTMASTERS

ALABAMA

Lowell H. Wilson, Castleberry.
James B. Parker, McKenzie.
Edwin E. Johnson, Samson.

ARKANSAS

Edward F. Horne, Sparkman.

CALIFORNIA

Bernice E. Dewar, Patton.

FLORIDA

John W. Turner, Hallandale.
George E. Southard, Jupiter.
Louise M. Denton, Ruskin.

GEORGIA

Walter H. Phillips, Jr., Forest Park.
Ralph Smith, Jeffersonville.
Arthur C. Curtis, Jr., Norman Park.
Robert L. Roberson, Ochlochnee.
Joseph J. Pope, Omaha.
Walter U. Scott, Pavo.
James S. Rees, Preston.
Valda D. Tanner, Jr., Sandersville.

ILLINOIS

Carl A. Schroeder, Chicago.
William W. Van Gundy, Ellsworth.
Louise Kennedy, Villa Ridge.

INDIANA

Irvin Wesley Dolk, Chesterton.
Roy E. Nelson, Connersville.
Horace C. Little, Danville.
Randall L. McCroskey, Fulton.
Lester C. Rhynard, Kouts.
Lloyd H. Berger, Peru.
Robert F. Wisehart, Shirley.
Granville P. Ziegler, South Bend.

IOWA

Earle W. Mayne, Sanborn.
Victor J. Hesseltine, Wayland.

KENTUCKY

Clyde Murl Bratcher, Clarkson.
Oliver H. Martin, Coral Ridge.
Harry W. Holt, Coxs Creek.
Waldo Redman, Glasgow.
James O. Gibson, Hardinsburg.

Neville P. Perry, Hazel.
John Reinhard, Masonic Home.
Betty J. Moher, Melbourne.
Glenn P. Henson, Mount Olivet.
Maudie L. Hamilton, Rush.
Charles W. Johnson, Virgie.
William R. LeGrand, Warsaw.
James O. Harris, Wheelwright.
Paul A. Criscillis, Williamsburg.

LOUISIANA

George M. Germany, Loreauville.

MAINE

Price Y. Tozier, Fairfield.

MICHIGAN

Raymond P. Brown, Copemish.

MINNESOTA

Marvin A. Halvorson, Dumont.

MISSISSIPPI

Luther D. Henderson, Jr., Preston.

MISSOURI

Eugene M. Royce, Anderson.
Jack E. Bradley, Harrisonville.
Victor N. Remley, Liberty.
Jim R. Preston, Sparta.

NEBRASKA

Morris A. Odvarka, Clarkson.
Kermit Duane Cook, Springview.

NEW JERSEY

Leo Mazza, Garfield.
Harry H. Seylaz, Lincroft.
Edwin A. Lake, Westfield.

OHIO

Winifred L. May, Mineral Ridge.
Elmer Ford Simon, North Baltimore.

OKLAHOMA

Walter D. Barrett, Collinsville.
Newel M. Taylor, Fox.
Carlin M. Whittemore, Hennessey.
Martin R. Jackson, Henryetta.
Esther M. McAdams, Ninnekah.
Ernest Arnold, Nowata.
Claire Shirley, Snyder.
Myron M. Gastineau, Taloga.
Thad D. Jones, Tuttle.

PENNSYLVANIA

Leonard A. Quillen, Ardmore.
Frank F. Luek, Zelienople.

TENNESSEE

Graden Featherstone, McKenzie.

TEXAS

John Harwin Parrish, Gladewater.
Herbert Williams, Hart.
Gilford W. White, Luling.
Billy J. Richardson, Reagan.

VIRGINIA

Michael H. Utz, Brightwood.
Hendrick O. Carwile, Rustburg.

WASHINGTON

Paul V. Roos, Cusick.
Harold L. Woolf, Deming.

WEST VIRGINIA

Eleanor F. Morris, Ashland.
Lee F. Hornor, Bridgeport.
Georgia E. Samples, Coal Fork.
Cecil C. Lanier, Coalwood.
Herbert C. Conley, English.
John L. McMahon, Follansbee.
Odbert Beecher Phillips, French Creek.
James F. Lowe, Jolo.
Benjamin F. Ford, Lewisburg.
Letitia H. Spaulding, Longacre.
Ann L. Errington, Scarbro.
Sabinus M. McWhorter, Weston.

WISCONSIN

Louis J. Andrew, Sr., Fond du Lac.
Amy O. Harder, Mindoro.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 11, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, as we turn our minds and hearts toward Thee in worship, wilt Thou illumine them with a radiant revelation of Thyself and Thy holy will and a clear vision of the mission and meaning of our own life.

May we be loyal coworkers with all who are striving to lead our divided and distracted world into the ways of unity and fellowship and peace.

Grant that men everywhere may be inspired with longings for a deeper personal experience and a wider application of the moral and spiritual principles which Thou hast ordained.

Give us a greater faith in the supremacy and conquering power of righteousness, justice, and love as we struggle to gain the mastery over the evil and devastating forces of hatred, suspicion, prejudice, and selfishness.

Hear us in the name of the Captain of our salvation. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Ast, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 686. An act for the relief of Mrs. Erna Gronowski;

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

H. R. 795. An act for the relief of Jean Hollis Vock;

H. R. 1337. An act for the relief of Mrs. Franca Gatti Ohta;

H. R. 1462. An act for the relief of Fotini X. Parisis;

H. R. 1768. An act for the relief of Claire Louise Carey and Vincent F. Carey;

H. R. 1788. An act 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;

H. R. 1975. An act to amend section 2201 of title 28, United States Code, to extend the Federal Declaratory Judgments Act to the Territory of Alaska;

H. R. 1976. An act to amend title 28, United States Code, to permit the registration of judgments in or from the District Court for the Territory of Alaska;

H. R. 2028. An act for the relief of Mrs. Antonietta Palmieri;

H. R. 2188. An act for the relief of Karoline Diekmeyer;

H. R. 2224. An act to amend the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, so as to authorize the appointment of a Chief of the Medical Service Corps of the Navy, and for other purposes;

H. R. 2371. An act for the relief of Mrs. Maria M. Broix;

H. R. 2403. An act for the relief of Laszlo Varga and Nike Varga;

H. R. 2440. An act for the relief of Lidija Cimze;

H. R. 2499. An act for the relief of Adolfo L. Kalb, and his wife, Mrs. Eugenia G. Kalb;

H. R. 2619. An act for the relief of Sister Aurelia Yanguas Teres and Sister Matilde Cuevas San Martin;

H. R. 2627. An act for the relief of Cecilia Lucy Boyack;

H. R. 2650. An act for the relief of Sister Anna Ettl;

H. R. 3017. An act for the relief of Felix Petrover;

H. R. 3675. An act for the relief of Herre van der Veen, Mrs. Marie van der Veen, Helen Winifred van der Veen, and Jan Herre van der Veen;

H. R. 3743. An act for the relief of Chaim Szemaja Segal and Icek Hersz Segal;

H. R. 4248. An act for the relief of Albertas Bauras;

H. R. 4330. An act for the relief of Dr. Orlando Artuso and family;

H. R. 4690. An act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action;

H. R. 5314. An act to extend the coverage of the Servicemen's Indemnity Act to members of the Reserve Officers' Training Corps when ordered to active training duty for periods in excess of 14 days;

H. R. 5340. An act for the relief of Tibor, Szuzsa (Susanne), and Judith Sauer;

H. R. 5354. An act for the relief of Liborio Guido Rutilio;

H. R. 5816. An act for the relief of Mrs. Caridad Rosa Avila Leyva de Ernest;

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

H. R. 6223. An act to amend section 87 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 47), to relieve the States from accountability and pecuniary liability for property lost, damaged, or destroyed, except in cases where it shall appear that the loss, damage, or destruction of the property was due to carelessness or negligence or could have been avoided by the exercise of reasonable care;

H. R. 6280. An act to extend temporarily the rights of priority of nationals of Japan and certain nationals of Germany with respect to applications for patents;

H. R. 6553. An act for the relief of Esterina Pella Bellucci;

H. R. 6658. An act to provide for the conveyance of certain lands by the United States to the county of Cumberland, State of North Carolina, without remuneration;

H. R. 6855. An act for the relief of Mrs. Elisabeth Metzing Rink;

H. R. 6982. An act for the relief of Maria Elizabeth Sanchez Y Moreno;

H. R. 7041. An act for the relief of Waltruade Elsa Solleder;

H. R. 7131. An act to repeal a limitation on pay of certain officers of the Navy;

H. R. 7140. An act for the relief of Robert A. Duval;

H. R. 7145. An act for the relief of Anneliese Catalino;

H. R. 7150. An act for the relief of Thora June Grumbles;

H. R. 7152. An act for the relief of Jozef Van den broeck;

H. R. 7221. An act for the relief of Anders Taranger;

H. R. 7334. An act to authorize certain property transactions in Cocoli, C. Z., and for other purposes;

H. R. 7411. An act for the relief of Mrs. Esterlee Hutzler Weinhoeppel;

H. R. 7761. An act for the relief of John Lewis Pyles, Jr.;

H. R. 8038. An act to authorize the conveyance to the Hot Springs School District and to Garland County, Ark., for school and for other public purposes, of certain land originally donated to the United States and situated in Hot Springs National Park, Ark., and for other purposes;

H. R. 8155. An act to continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes;