named the members of the select committee of six Senators to hold hearings and to submit a report on the censure resolution, when I was asked about it by members of the press in my own State, that I knew of no other six men in whom I had greater confidence or in whose judgment I would be more willing to place my trust.

I am happy that the majority leader and the minority leader have made it emphatically clear that those Senators have rendered a great service, a service against which there can be no attack. The resolution presents a controversial question, and both sides have their supporters and friends, but I know we all have great confidence in and respect for the members of the select committee.

Mr. LANGER. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. LANGER. By a strange coincidence, when I returned to North Dakota after the regular session I also was asked by the press in my State what I thought of the six Senators who had been appointed on the select committee. I said at that time, as I had said previously, that I would be perfectly willing to be tried for my life before any one of those six men. As I have listened to the debate, Mr. President, I wish to reiterate that I do not know of any six other men who in my opinion could have done a better job.

RECESS TO 11 A. M. ON MONDAY

Mr. KNOWLAND. Mr. President, I move that the Senate now stand in recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until Monday, November 15, 1954, at 11 o'clock a. m.

SENATE

MONDAY, NOVEMBER 15, 1954

(Legislative day of Wednesday, November 10, 1954)

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

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

Our Father God, once more at the beginning of a new week's challenge—

"We come unto our fathers' God,
Their rock is our salvation,
The eternal arms their dear abode,
We make our habitation."

Thou hast set us in a world of wonder and beauty. We beseech Thee to give us wisdom to uncover the springs of radiant delight. May we find joy in the loveliness of nature, in the strength of friendship, in the conquest of difficulty, and in the compensations of service.

In all our dealings with those who walk by our side and who are tempted, even as we, may we say to them and of them the generous things which would be upon our lips if they were here no more. Preserve us from false judgment. Help us to judge others as we would be judged, to serve as we would be served, to understand as we would be understood. When the shadows fall and evening comes, give us the supreme satisfaction that we have given our best to every task and that we have faced every duty without bitterness, with charity for all and malice toward none. We ask it 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 Friday, November 12, 1954, was dispensed with.

MESSAGE FROM THE PRESIDENT

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

PROTOCOLS RELATING TO THE FEDERAL REPUBLIC OF GERMANY—REMOVAL OF INJUNCTION OF SECRECY

As in executive session,

Mr. KNOWLAND. Mr. President, there are on the Vice President's desk two protocols with the Federal Republic of Germany. The State Department has advised that it knows of no reason why the protocols should not be made public.

One is a protocol with the Federal Republic of Germany on the termination of the occupation regime, signed at Paris on October 23, 1954, which is Executive L, 83d Congress, 2d session.

The second is a protocol providing for the accession of the Federal Republic of Germany to the North Atlantic Treaty, signed at Paris October 23, 1954, which is Executive M, 83d Congress, 2d session.

I ask unanimous consent that the injunction of secrecy be removed from the protocols, and that the protocols, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The VICE PRESIDENT. Without objection, the injunction of secrecy will be removed, and the protocols, together with the President's message, will be referred to the Committee on Foreign Relations, and the message from the President will be printed in the RECORD. The Chair hears no objection.

The message from the President is as follows:

To the Senate of the United States:

I transmit herewith for the consideration of the Senate a certified copy of the protocol on the termination of the occupation regime in the Federal Republic of Germany, signed at Paris on October 23, 1954, to which are annexed five schedules, and a certified copy of the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, also signed at Paris on October 23, 1954. I request the advice and consent of the Senate to the ratification of these two documents.

In addition, I transmit for the information of the Senate a number of related documents. These include a report made to me by the Secretary of State on the present agreements; the final act of the Nine Power Conference held at London, September 28–October 3, 1954, with annexes; three resolutions adopted by the North Atlantic Council on October 22, 1954; four protocols to the Brussels Treaty signed at Paris on October 23, 1954, together with the text of the Brussels Treaty signed on March 17, 1948; a declaration dated October 23, 1954, of the states signatory to the Brussels Treaty inviting Italy and the Federal Republic of Germany to accede to the treaty; a resolution on the production and standardization of armaments adopted by the Nine Power Conference at Paris on October 21, 1954; the Convention on the Presence of Foreign Forces in the Federal Republic of Germany signed at Paris on October 23, 1954; the Tripartite Agreement on the Exercise of Retained Rights in Germany signed at Paris on October 23, 1954; certain letters relating to the termination of the occupation regime in the Federal Republic of Germany, dated October 23, 1954, together with the texts of letters exchanged in 1952 referred to therein; and a statement on Berlin made by the Foreign Ministers of France, the United States, and the United Kingdom in Paris on October 23, 1954.

I know the Senate is aware of the very great importance of these agreements to the security of the United States and to the cause of peace and freedom in the world as a whole. The agreements represent the culmination of a joint effort, extending over several years, to promote closer cooperation in security matters among the nations of Western Europe and to find a way of associating the great potential strength of the Federal Republic of Germany with that of the free world in a manner which will insure freedom and equality for the people of Germany and at the same time will avoid the danger of a revival of German militarism. The Congress of the United States has recognized on several occasions that the effectiveness of the entire Atlantic relationship depends to a very great extent upon the attainment of these objectives, and last summer the Senate adopted a resolution—Senate Resolution 295, July 30, 1954—expressing the sense of the Senate that steps should be taken to restore sovereignty to Germany and to enable her to contribute to the maintenance of international peace and security.

It was hoped that these objectives would be accomplished through the treaty constituting the European Defense Community, together with the Bonn conventions of May 26, 1952, which were designed to terminate the occupation regime in the Federal Republic. But the treaty constituting the European Defense Community failed of ratification, and the conventions, being dependent on the treaty, could not be brought into effect. Accordingly, it became necessary

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to devise a set of alternative arrangements by which the nations of the North Atlantic Community might pursue their common security objectives, and these new arrangements are embodied in the present agreements.

In accordance with these arrangements, the Federal Republic will be invited to accede to the North Atlantic Treaty and, along with Italy, to the Brussels Treaty. Furthermore, important changes will be made in the military arrangements under the North Atlantic Treaty Organization and in the basic nature of the Brussels Treaty to which Belgium, France, Luxembourg, the Netherlands, and the United Kingdom are already parties. These changes will have the effect, not only of placing certain agreed controls on European armaments, but also of strengthening and reinforcing both the North Atlantic Treaty Organization and the new Brussels Treaty Organization, the Western European Union.

In NATO, the powers of the Supreme Allied Commander, Europe, will be strengthened in the fields of assignment and deployment of forces, inspection, and logistical organization. In addition, the principle of integration of units may be carried to lower echelons than is now the case. These measures are desirable in their own right because they increase the general effectiveness of NATO forces. At the same time, they create a degree of mutual interdependence among national forces assigned to NATO that will effectively limit the ability of any one nation to take independent military action within SACEUR's area of command.

The Brussels Treaty is modified so as to establish a new Council for Western European Union, and promotion of European integration becomes a new purpose of the treaty. The Council is given important powers in the fields of controlling forces and armaments. The continental forces of the Brussels Treaty countries are set at specified limits, conforming, for those countries which would have been members of the European Defense Community, to the limits set by the EDC Treaty. These limits cannot be changed except by the unanimous consent of the Council. In addition, the United Kingdom has agreed that it will continue to maintain on the mainland of Europe forces of the level presently committed there. Further safeguards are provided in the armaments field. The Federal Republic has renounced the right to manufacture atomic and certain other weapons. Major types of conventional weapons will be subject to control. An agency for control of armaments is to be set up for the purpose of enforcing these arms limitations.

It has also been agreed that the occupation regime must be brought to an end and the Federal Republic will assume the full authority of a sovereign state in its external and internal affairs. This will be accomplished by the protocol on the termination of the occupation regime in the Federal Republic of Germany, which amends the conventions which were placed before the Senate in 1952 and brings them into effect as amended. The amendments are designed principally to bring the Bonn Conventions into harmony with the new arrangements for a German defense contribution and with German membership in the North Atlantic Treaty Organization. The greater part of the conventions has been left unchanged. They will provide, as before, for the revocation of the occupation statute, the abolition of the Allied High Commission, and the settlement of numerous problems arising out of the war and the occupation. The convention regulating the status of Allied forces in Germany will continue until it is replaced by new arrangements based on the NATO Status of Forces Agreement, supplemented by such provisions as are necessary in view of the special conditions with regard to forces stationed in the Federal Republic. New arrangements will also eventually have to be concluded on the support of foreign forces in the Federal Republic. Of the special rights retained by the United States, the United Kingdom, and France in the original conventions, those relating to Berlin and to Germany as a whole will be kept on the same terms as before, and the right to station forces in Germany will, after German admission to NATO, be exercised with the consent of the Federal Government insofar as the Federal territory is concerned.

Of the four conventions which are to be amended by the protocol and placed in effect as amended, only one—the Convention on Relations between the Three Powers and the Federal Republic of Germany—was submitted to the Senate for its advice and consent to ratification. The other conventions were in the nature of implementing administrative agreements, for which the Senate recognized that formal approval was unnecessary and, furthermore, was undesirable, inasmuch as they might require technical revision from time to time to meet changing conditions. Approval of the protocol on the termination of the occupation regime in the Federal Republic of Germany will not change the nature of those related conventions.

While the arrangements embodied in these agreements are complex, their purposes are simple. The Federal Republic is placed on a basis of full equality with other states. The military strength of the Federal Republic will be combined with that of the other countries in the Atlantic community in such a way that the development and use of the German military contribution will be in accordance with the common need. The Federal Republic will be fully associated with the Atlantic community through membership in the North Atlantic Treaty Organization, and with the European community through membership in the Western European Union established under the Brussels Treaty. Both of these organizations will be strengthened internally. The procedures and institutions which are the subject of these agreements make it inevitable that the states involved will act closely together in the matters most important to their security. This concert of action will, I am convinced, foster the spirit of cooperation and desire for continuing association which have been evident in the free nations and which are essential for their future safety and welfare.

One of the principal specific consequences of the new arrangements will be the addition of a substantial increment of German resources to the Atlantic defense system. At the same time, I want to emphasize the fact that these agreements are founded upon the profound yearning for peace which is shared by all the Atlantic peoples. The agreements endanger no nation. On the contrary, they represent one of history's first great practical experiments in the international control of armaments. Moreover, their fundamental significance goes far beyond the combining of strength to deter aggression. Ultimately, we hope that they will produce a new understanding among the free peoples of Europe and a new spirit of friendship which will inspire greater cooperation in many fields of human activity.

I urge the Senate to signify its approval of this great endeavor by giving its advice and consent to ratification of the protocols on the admission of the Federal Republic to the North Atlantic Treaty Organization and on the termination of the occupation regime. I hope these instruments may be studied with a view to enabling the Senate to act promptly on these matters when it meets for its new session in January.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *November 15, 1954.*

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

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

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Abel	Flanders	Mansfield
Aiken	Frear	Martin
Anderson	Fulbright	McCarthy
Barrett	Gillette	McClellan
Beall	Goldwater	Monroney
Bennett	Green	Morse
Bricker	Hayden	Mundt
Bridges	Hendrickson	Murray
Brown	Hennings	Neely
Burke	Hickenlooper	Pastore
Bush	Hill	Payne
Byrd	Holland	Potter
Capehart	Hruska	Purtell
Carlson	Humphrey	Robertson
Case	Ives	Russell
Chavez	Jackson	Saltonstall
Clements	Jenner	Schoeppel
Cotton	Johnson, Colo.	Smith, Maine
Crippa	Johnson, Tex.	Smith, N. J.
Daniel, S. C.	Johnston, S. C.	Sparkman
Daniel, Tex.	Kefauver	Stennis
Dirksen	Kilgore	Symington
Douglas	Knowland	Thye
Duff	Kuchel	Watkins
Dworshak	Langer	Welker
Eastland	Lehman	Wiley
Ellender	Lennon	Williams
Ervin	Magnuson	Young
Ferguson	Malone	

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Kentucky [Mr. COOPER], the Senator from Oregon [Mr. CORDON], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Georgia [Mr. GEORGE] and the Senator from Oklahoma [Mr. KERR] are necessarily absent.

The Senator from Tennessee [Mr. GORE] and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Louisiana [Mr. LONG] is absent on official business.

The PRESIDING OFFICER (Mr. COTTON in the chair). A quorum is present.

Routine business is now in order.

PETITIONS AND MEMORIALS

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

A letter in the nature of a petition from the Illinois State and Chicago Council, American Veterans' Committee, Chicago, Ill., signed by John M. Kahlert, chairman, relating to the censure of Senator MCCARTHY; ordered to lie on the table.

Memorials of sundry citizens and organizations of the United States, remonstrating against the censure of Senator MCCARTHY; ordered to lie on the table.

COMPILATION OF DOCUMENTS ON ST. LAWRENCE SEAWAY

Mr. WILEY. Mr. President, since the 83d Congress enacted the St. Lawrence Seaway law, Public Law 358, a tremendous number of inquiries have come to the Foreign Relations Committee, and no doubt to other committees and individual Members of the Congress from all over the Nation, particularly from the Great Lakes area.

Chambers of commerce, newspapers, and a great many individuals have asked about the background of the seaway law and the future steps under it, particularly with respect to the legal, economic, engineering, and other phases of the seaway.

Unfortunately, the principal reference documents on the background of the seaway have long since been exhausted in supply. In order to answer these inquiries, I am now completing the compilation of all the principal current seaway documents. Together, they will tell almost all there is to know about this great bipartisan landmark of the 83d Congress. The documents include the basic guide materials on New York State-Ontario power project, seaway navigation, upper lake channels, United States-Canadian treaty rights, and other seaway phases.

I point out to my colleagues that the construction of the seaway itself has already begun. Lionel Chevrier, president of the St. Lawrence Seaway Authority, announced at Ottawa on Friday, November 12, that work on the Canadian approaches to the canal to be built at Iroquois is well under way.

It is important, therefore, that we in this country have available a ready compilation of basic seaway data. I ask unanimous consent that the compilation I am completing be printed as a Senate document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

TRIBUTE TO WISCONSIN CANNING INDUSTRY

Mr. WILEY. Mr. President, I send to the desk a brief statement with regard to the Wisconsin canning industry, which has just celebrated its golden anniversary. I ask unanimous consent that this statement be printed at this point 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

Fifty years ago there was founded the canning industry of Wisconsin.

Today that industry has grown to such tremendous proportions as to match in volume the total amount packed in all countries outside the United States. The volume has reached nearly three-quarters of a billion cans of vegetables packed each year in the Badger State alone.

Since the industry started back in 1887, 45 billion cans have been filled in Wisconsin.

Each year $100 million in income accrues to the people of Wisconsin from the canning industry.

As was pointed out at an anniversary dinner in Milwaukee by Dean R. K. Froker, of the University of Wisconsin College of Agriculture, canning has given farmers the opportunity to grow some excellent cash crops that spread their workload and diversify their farming operation.

Meanwhile the American canning industry as a whole has skyrocketed in importance.

I should like to point out that the canners of my own State are ably represented by the Wisconsin Canners' Association, of which Mr. Marvin Verhulst is executive secretary at Madison and Mr. Richard R. R. Hipke, of New Holstein, is president.

There follows the text of an article which appeared in the November 8 issue of the Janesville (Wis.) Gazette, containing a tribute paid by E. E. Willkie, of Bellingham, Wash., president of the National Canners' Association, to the canners of Wisconsin:

"STATE SALUTED AS CANNING LEADER

"MILWAUKEE.—Wisconsin was saluted here today as the leader of all States in acreage of vegetables for canning. This tribute to the record Wisconsin mark of 300,000 acres of canning crops, was voiced by E. E. Willkie, of Bellingham, Wash., president of the National Canners' Association of Washington, D. C., and was one of many distinctive achievements praised at a golden anniversary of the founding in 1905 of the Wisconsin Canners' Association.

"Mr. Willkie cited examples of Wisconsin leadership and growth, saying:

" 'Your State ranks first in canned peas (4 out of every 10 cans each year), in canned corn, canned beets, and canned carrots; second in sauerkraut and pickles; third in lima beans; fourth in green and wax beans.

" 'Today about $30 million flows each year from Wisconsin canners into the coffers of the farmer producer of your canning crops. This is more than eight times the amount Wisconsin canners were paying their farmers in 1905 when your association was established.

" 'Your purchase each year of nearly 700,000 tons of major vegetables for processing accounts for more than a tenth of the nationwide total, and is almost a thirteenfold increase since the year 1918, when the Government first began recording these tonnages.'

"Mr. Willkie said that not only in Wisconsin but in the Nation as a whole commercial canners make a great contribution to the farmers' welfare.

" 'Canning is an agricultural industry that provides thousands of farmers with an indispensable market for an appreciable part of their production of perishable fruits and vegetables. Since 1918 production of vegetables for canning has increased more than 2½ times—from 2,500,000 tons to more than 6,500,000 tons during this 35-year period,' he said.

" 'On the average, about four-fifths of all tomatoes harvested are canned, about three-fourths of the beets, two-thirds of the sweet corn and peas, and about one-half of the asparagus. The canning industry also provides a valuable market for perishable fruits; on an average, almost 60 percent of sour cherries are canned, and almost half of the peaches, pears, and apricots,' he continued."

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. JENNER. Mr. President, we are gathered here in this Chamber for a most solemn duty. Six Members of the United States Senate have brought in resolutions of censure against another Senator. The work of this body has been seriously interrupted during most of the year. One of our most important senatorial committees has been at a standstill since spring.

Now 96 Senators from all 48 States are obliged to take time they should spend in their constituencies, to come here and decide the issue raised by a few Members.

It is a serious thing even to consider censuring a Member of the United States Senate.

As the senior Senator from Georgia [Mr. GEORGE] said, in a memorable debate in 1949, the Federal Government did not create the States. The States created the Federal Government. The States put into the Constitution the requirement that the Senate is to be composed of an equal number of Senators—two—from each State, wholly without regard to the ratio of the population of the State to the total population of all the States.

The primary function of the Senate, said the senior Senator from Georgia, "is not legislation in the strict sense."

Its primary and main function, indeed, in certain important matters, partakes of the nature of conference and negotiation between sovereignties.

The States cannot be deprived of their right to equal representation with other States, in the Senate, even by a constitutional amendment. Our Constitution is designed to insure that the States are no whit less important than the Federal Government.

It is our proud boast that the National Government is primus inter pares, first among equals. No authority exists in our Constitution which can put limits on the opinions of a Senator from a sovereign State, unless the Senate is prepared to expel him.

We want no leadership government in the United States, in which opinions are decided at the center and allowed to trickle back to the States and the people.

We want no pyramidal government, in which those nearest to the seat of power in Washington, or those highest in the official hierarchy, lay down a party line for the rest to follow.

We want no monolithic government in the United States, in which opinions, once decided by a majority, or a favored few, are then imposed on the rest of the Nation, as is the way in totalitarian systems.

Under our form of government the people of each State speak on national affairs with their own voice, through their chosen spokesmen, the Senators and Representatives from their sovereign States. In our country, as in any true representative system, public opinion and political power are a composite of the whole people, with all their varieties of opinion and judgment. Agreement is not imposed by anyone. It is arrived at by full and free debate.

Representatives of any part of the Nation are and must be free to try to win over their colleagues by fair and open argument, at any time. That means that the Senate of the United States must, at all costs, preserve and protect the right to dissent.

We take our stand based on the rich historic experience of Western Europe, from classical times to our own, which teaches us that there is no monopoly of wisdom in those momentarily in the majority, or at the top of the pyramid. We know that life is subject to incessant change, and that the crystallized wisdom of today may be the error of tomorrow. The unpopular minority, or the lone dissenter, may be the source of our security in the next crisis approaching over the invisible ocean of time.

It is the great pride of this body that it is the last refuge of complete freedom of debate left in this world. No Member of this body is bound by any commitment to anyone or anything above his oath to support the Constitution, as his conscience dictates.

We have none of the party discipline which has wrecked representative government in Britain and the Continent.

We have no executive supremacy. We permit no power in the majority to bind the minority.

Even to our constituents our duty is, first of all, as Edmund Burke put it so beautifully in A Letter to the Sheriffs of Bristol, not obedience to their wishes, but our best judgment on the problems they face.

We live by the great principle, stated by John Stuart Mill, in On Liberty, that—

> If all mankind minus 1 were of one opinion and only 1 person were of the contrary opinion, mankind would be no more justified in silencing that 1 person, than he, if he had the power, would be justified in silencing mankind.

The Members of this body, speaking as ambassadors from sovereign States to the ambassadors from their sister States, cherish deeply their tradition of freedom of speech and of opinion.

We cannot censure a fellow Member unless we must. We cannot impose on any Member of this body standards which we would not impose on all present and future Members of the Senate. We cannot impose on the representative of the sovereign State of Wisconsin any limitations which we would not readily impose on the sovereign people of Massachusetts, Georgia, Texas, or Nevada.

We cannot permit the approval, by indirection, of any shadow of majority control over Senators from any State. We must approach the question of censure, fully aware that it is interwoven with all the problems of how to preserve truly representative government, under a Federal system of divided powers, as laid down in the Constitution we love so well.

The Senate, conscious of the heavy responsibilities imposed upon it by the Members who brought up the censure issue, voted last summer to refer the resolutions to a select committee of this body.

The report of the Senate select committee is now the matter before us. In thus referring the question for a preliminary inquiry to a special committee, the Senate was adhering to one of the most important principles of justice among English-speaking people, one we do not need to think much about, because we are so confident this right will always be granted.

This is the right to have a grand jury of freemen investigate the charge of wrongdoing, before one can be required to defend himself. It is the duty of the grand jury to inquire into the question whether the evidence is sufficient to subject the accused to a trial.

The grand jury preserves the right not to be accused, not to be forced to the cruel and costly task of defending oneself, unless the accuser can satisfy an impartial body—in this case the Senate—that reliable evidence of guilt can be produced.

We think of the grand jury as concerned principally with indicting criminals, so they can be tried before a petit jury.

It is easy to forget the protection the grand jury affords to those who are freed, because the accusers could not bring forward evidence to prove reasonable possibility of guilt.

The accused persons who are freed after a grand jury investigation are no measure of how many people escape persecution because of this noble instrument of a free people.

The knowledge that a grand jury will sift accusations to find out the facts and the law is protection against attempts at harassment.

Even the Government of the United States cannot accuse anyone of crime and compel him to stand trial, unless a grand jury of private citizens is convinced there is a proper charge.

We can imagine what might happen if the innocent could be subjected by their enemies to the humiliation of a trial for misdeeds without substantial evidence that a misdeed had occurred.

Under our concept of justice, no invidious neighbors, hateful relatives, angry opponents, or overbearing officials can subject a man to the cost and worry of defense in court, unless they can first convince an impartial grand jury that such a trial is in the public interest.

Without the principle of the grand jury, without the painstaking, devoted work of our citizens serving on grand juries, year after year, all over this country, we should have an open door to harassment and persecution by evil or embittered men who could accuse their opponents of crimes against the law and the public interest, to satisfy a personal quarrel, or punish a political enemy.

Without this safeguard, we would make the vendetta a legitimate weapon for private or political vengeance.

The Senate invoked this principle of the need for an impartial verdict on the weight of the accusations, when it appointed the select committee to investigate the resolutions for censure of the junior Senator from Wisconsin.

The problem before the select committee was to decide whether there was sufficient evidence of misbehavior to subject the Senator from Wisconsin to a "trial" by a jury of his peers.

The committee had to decide whether there were sufficient grounds for indictment.

We cannot proceed to vote on the recommendations of this committee, that is, on the counts in the indictment, until we satisfy ourselves that the "grand jury" has considered the entire case, and brought in a true bill.

The question whether the indictment is a proper one must precede any vote on the charges in the indictment.

I state, here and now, Mr. President, that the select committee, charged with investigating the censure resolutions, did not consider the question assigned, and did not bring in a true bill. We cannot vote for, or against, the charges in the indictment, because the indictment is in error.

I wish to state, Mr. President, that the most important evidence on the question was not considered by the select committee. The evidence which does not appear in the committee proceedings is the all-important evidence that the junior Senator from Wisconsin was fighting a conspiracy.

A misdeed by an individual against an individual is one thing. The struggle of an individual against a conspiracy is quite another matter, in law and in fact.

To bring in a censure resolution against a Senator, while ignoring a conspiracy against him, is like bringing in an indictment for murder against a private citizen, while ignoring the evidence that a goon squad had made nightly attempts to murder him and his wife and his children.

I have made some inquiries into the law of conspiracy, Mr. President.

Like so many legal problems of today, the doctrine of conspiracy requires deeper inquiry in our time than was needed in the era of political stability we enjoyed for nearly 200 years.

Conspiracy is not a serious problem, where law and order prevail and sovereignty is unchallenged. Conspiracy is a problem of deadly seriousness, where the rule of law is challenged, or sovereignty is threatened, by groups working to destroy the Nation.

We are face to face with the problem of conspiracy as it was understood in the long centuries in which political order was uncertain, and no one could take the rule of law for granted.

The principle of conspiracy is that when two or more persons agree to act in a way which is injurious to others they are guilty of a crime.

A conspiracy is defined as—

> A combination of two or more persons, by concerted action, to accomplish some unlawful, oppressive, or immoral action, or to accomplish some purpose, not of itself unlawful, oppressive, or immoral, by unlawful, oppressive, or immoral means. (*Commonwealth* v. *Hunt*, 4 Metcalf (Mass.) 111, 1892.)

As Dr. Edmund E. Witte says, in Government in Labor Disputes, the doctrine of conspiracy—

> Rests upon the proposition that the many acting in combination have a power for evil far greater than that of any one individual.

The American courts have held that—

> A combination of men is a very serious matter. No man can stand up against a combination; he may successfully defend himself against a single adversary, but when his foes are combined, and numerous, he must fall. (*People* v. *Wilzig*, 4 N. Y. Crim. 403, 1886.)

Justice Harlan states, in *Arthur* v. *Oakes*, (63 Fed. 310, 1894):

> Because of the great power of combinations, the law inquires into the purposes of those who combine.
>
> If the purpose is one which the law condemns, the very combining is illegal.
>
> The crime of conspiracy is complete when a group of men agree to do something unlawful, before they have done anything more to carry out their purpose. * * *
>
> The unexecuted intent to do wrong is itself criminal.
>
> Again, much that individuals may lawfully do becomes illegal when done by many in combination.

So great is the power of conspiracy deemed to be, that once a combination to effect some unlawful purpose has been formed, every act done in pursuance thereof is illegal, although such an act is of itself innocent.

All those who engage in combination to accomplish an illegal purpose, moreover, are responsible for the acts of any of their number which are done to carry out the common intent.

Conspiracy is a crime whose origins lie in the mists surrounding the rise of the common law.

The ordinance of conspirators of 1305, defined conspiracy as:

> Confederation or alliance for the false and malicious promotion of indictments and pleas.

Modern critics challenge this doctrine of the common law origin of conspiracy, from analysis of written records alone, without carefully considering the nature of the society they are describing.

Absence of a body of higher court decisions on conspiracy in the earlier centuries is not proof of the absence of a doctrine of conspiracy. It is rather proof that the doctrine was so widely accepted that the problem was local enforcement, not establishment of legal principles.

Conspiracy is a threat so serious that conspiring to do something has been declared a crime, even if the act to be done is not a crime, or even if no overt act has been committed.

Let us stop for a moment to examine why conspiracy should be considered so great a threat to public order.

Here I must work without authorities. There is very little evidence.

The threat was real in early centuries, and so presumably no legal theory was needed.

The threat disappeared in the 19th century, and so no legislative action was needed.

The political earthquakes which shake the world today have brought the problem back to the center of the stage.

We shall hear much of this doctrine of conspiracy, before we can take public order and the rule of law for granted once more.

I must stop here for one apparent digression.

The doctrine of conspiracy does not, in itself, constitute any threat to labor unions.

The common law regards all restraints on freedom of trade as illegal.

Early court decisions against combinations in England and the United States denounced combinations of tradesmen and combinations of laborers with impartiality.

The British Parliament, in 1779, denounced combinations among manufacturers as "publick nuisances."

In the famous case of the Journeymen Tailors, in 1720, the court objected to combination because it "manifestly tends to the prejudice of trade, to the encouragement of idleness, and to the great necessity of the poor."

The Sherman Antitrust Act is a statutory development of the common-law doctrine opposing combinations in restraint of trade. American wage earners benefited greatly.

It is possible to show that the Sherman Act, by closing the door to cartels and pricefixing as a remedy for overproduction, forced employers in this country to compete by cutting costs.

It led our manufacturers to devise the assembly line, the policy of high wages and high volume of production, and falling prices for new inventions like automobiles and electric refrigerators, while millions of European workers, in a cartelized economy, were half starving on the dole.

The question of conspiracy was of importance to industrial wage earners, because they needed to use their numbers as a bargaining weapon.

The common-law doctrine was applied to bar combinations of working men in two periods, first after the Black Death, in the Ordinance of Laborers of 1349, and the Statute of Laborers of 1351, and again, during the early years of the industrial revolution, by court decisions based on the common law.

The British Parliament ended that injustice, by providing, by statute, that labor unions were no longer deemed to be a conspiracy, or held financially liable for illegal acts committed in connection with strikes or peaceful picketing—Combination Acts of 1824 and 1825 and others.

In the United States the doctrine of conspiracy was applied in early labor disputes, but was replaced by use of the injunction.

Then Congress passed legislation limiting the use of injunction in labor disputes.

It was, if I may speculate, accepted as evident that combinations of workers for peaceful purposes raise no threat to the sovereignty of a nation.

There has been no development of the legal principles of true conspiracy in the past century.

Historically, the doctrine of conspiracy is a first of all protection for every law-abiding citizen in a free country, because its purpose is to preserve the rule of law and the integrity of the sovereign power.

Briefly, the reasons why conspiracy is in itself a crime are, it seems to me, implicit in the concept of individual responsibility.

It is the historic belief of the English-speaking people that the end of society is the strengthening of the individual, and that individuals cannot be strong except where they are responsible for taking care of themselves.

This brings us to the point for our day.

If individuals are to direct and manage themselves, the law must protect them against conspiracy, because an individual can deal with other individuals, but he cannot meet, unaided, the opposition of a disciplined conspiracy.

Why? The answer is, I believe, that a conspiracy operates, in fact, like an army.

Obviously our definitions are inadequate here.

People constantly agree to act together, but that does not constitute a conspiracy.

The essential difference is clear enough, if the definitions are not.

Where individuals agree to act together, if the act itself is not illegal, there is no conspiracy, provided the individual members are free to act in conscience, and change their minds.

The group is held together by free choice and voluntary association.

The element of conspiracy which must be stressed in our day, is joint action by a hostile group, which is directed from a single center and which brings the power of several individuals to bear simultaneously, or in series, upon separate individuals, and punishes, or threatens to punish, participants who might like to withdraw.

Such a controlled group acts with the foresight, the discipline, and the strategy of an army. It is, in fact, an army.

Now citizens in a free country are not required to defend themselves against an army. The armies of his own country are forbidden to take military action against him, and the armies of other countries are met by the trained armies of his homeland.

The rule of law is possible only where governments are limited by law, armies are limited by law, and conspiracies are dealt with by law.

All forms of force must be under effective restraint.

There is a second reason why conspiracies are ipso facto illegal. They are not only an army, but they are, in fact, rebellion. They are an attempt to do something which free individuals cannot do alone, and cannot do by open political action, that is, by trying to change the laws. They are a resort to methods which weaken the whole society. The effect of even the smallest, compelling military group is the erosion of sovereignty.

Conspiracy is necessarily, then, a matter of public concern. The individual cannot protect himself.

He must not be required to protect himself.

The authority of the law and the stability of the sovereign nation are in jeopardy. The lawmaking bodies and the law-enforcing agencies must meet the threat.

We cannot leave the individual to meet rebellion alone.

I must leave to other Members of this body, more experienced than I am in constitutional law, the task of restating the doctrine of conspiracy to fit the present.

I wish to emphasize the political problem which gives rise to the need, in our day, for redefinition of the law.

The techniques of conspiracy are the techniques by which the Communist world strategists work to destroy our sovereignty, and to punish any individuals who dare to defy their edicts and serve their own country. The Senate of the United States cannot ignore this new use of conspiratorial methods supported by a worldwide apparatus. We cannot leave it to individuals to protect themselves. We cannot permit Americans to be punished for defying a conspiracy which threatens to break our sovereignty into fragments.

As the lawmakers for the Nation, we are responsible for protecting the individuals threatened by conspiratorial attack. I repeat: We are responsible concretely.

The select committee, by ignoring the activities of a conspiracy against the junior Senator from Wisconsin, comes close to recommending the punishment of a Member of this body for fighting an alien conspiracy to destroy our Nation.

[Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. There must be no applause from the galleries. If the applause continues, it will be necessary to clear the galleries.

The Senator from Indiana may proceed.

Mr. JENNER. Mr. President, the select committee comes close to asking the Senate of the United States to help this conspiracy to punish a public official who has defied it.

I shall not take time to describe the larger attempt by the Communist conspiracy to destroy our sovereignty.

Suffice it to say that the objective of the Communist invasion is to establish bridgeheads on American soil, which are then operated as parts of the Soviet state, in secret, but in deadly rivalry, with American sovereignty.

The Communist conspiracy is working every minute to set up Soviet military government on American soil.

Until we understand this, we shall not understand the danger we are facing from the Soviet fifth column.

I wish we had a kind of political relief map, on which we could mark in red the solid blocks of power which the Communists control in our land today.

If we could map the areas of Soviet power in Government, in the Armed Forces, in the press and publications, radio and television, labor and industry, schools and private agencies, then all Americans could start from the same clear picture of our danger.

We must also remember that the Soviet conspiracy uses every bridgehead to add more territory to the Soviet sphere and reduce the area obeying American sovereignty.

I wish to call attention, briefly, to one phase of the conflict that concerns us first.

From the beginning, one of the objectives of Communist action has been to destroy the lawmaking body in countries under their attack. Sabotage of the legislative arm parallels efforts to sabotage executive action and judicial process, so well illustrated before Judge Medina.

We know the Communists have a battery of lawyers working all the time to sabotage court procedures, quash indictments, interfere with trials, influence the selection of judges and jurors, and even slant the teaching in the law schools.

Those of us, and there are many within the sound of my voice on the floor today, who serve on congressional committees investigating communism, know well the difference between orderly hearings held for peaceable American citizens, and hearings to extract information from witnesses who are making war on our Government with the help of experts in legal sabotage.

It is like the difference between opening the door to be met by the postman, and opening the door to be met by stormtroopers without their uniforms but with revolvers and machine guns.

We have never really studied the Communist attack on our legislative bodies, and I do not mean to limit this statement to the Congress in Washington.

State legislatures and city councils are as much the objects of this conspiracy of destruction as we are.

I shall quote a few excerpts to show how broad and persistent has been the attempt of the conspirators to undermine the legislative process in every free country.

The second congress of the Third Communist International, held in July and August of 1920, adopted the following theses:

> In particular one of the groups or nuclei of the Communists deserves the exclusive attention and care of the party, namely the parliamentary faction, that is, the group of bourgeois representative institutions.
>
> On the one hand, such a tribune has a special importance in the eyes of the wider circles of the backward or prejudiced working masses; therefore from this very tribune, the Communists must carry on their work of propaganda, agitation, and organization. * * *
>
> The Communist Party must be very strict in their attitude toward their parliamentary factions, demanding their complete submission to the control and direction of the central committee of the party.
>
> The international also recommends intensive analysis at party meetings of speeches by Communist members of legislative bodies, to make sure of their "Communist integrity."

Parties asking to join the Third International were required:

> To inspect the personnel of their party factions, to remove all unreliable elements therefrom, to control such factions, not only verbally but in reality, to subordinate them to the central committee of the party, and to demand (from each Communist member of a legislative body) that he devote his entire activity to the interests of real revolutionary propaganda.

The Communist Party of America adopted a constitution and program in 1921. The Communist Party adopts a program every year. This year the main object of their program is to destroy McCarthyism. However, I am reading now from the program which was adopted in 1921:

> The Soviet system of government * * * must do away with the parliament, and take its place * * * The Communist International * * * condemns the attitude of * * * keeping away from parliamentary * * * institutions.
>
> The Communists * * * must make use of the mass organizations and institutions established by bourgeois society, with a view of overthrowing them the more surely and the more speedily.

Do my colleagues need to have the object of the Communists set forth any more plainly than that?

In the same year the Workers Party of America—one of the early names of the Communist Party of America—stated in its program and constitution:

> The work of Communist representatives in parliament will consist chiefly in making revolutionary propaganda from the parliamentary platform. * * *
>
> Our representatives in parliament shall further the ideological unification of the masses who, captivated by democratic illusions, still put their trust in parliaments.

What are we doing here today? I continue to read:

> The Communist Party will utilize parliament as a means of winning especially backward elements of the working masses as tenant farmers, farmworkers, and the semiproletariat. * * *
>
> Communist representatives shall make all their parliamentary activity dependent on the work of the party outside of parliament.
>
> They should regularly propose demonstrative measures, not for the purpose of having them passed by the bourgeois majority, but for the purpose of propaganda, agitation, and organization.
>
> All this activity must be carried on under the direction of the party and its central executive committee. * * *

It is the task of the proletariat to destroy the entire machinery of the bourgeois state, not excluding its parliamentary institutions.

Let us know where we are going; let us know what we are doing.

I. Komar, in a pamphlet, Ten Years of the Communist International, states:

The discussion of the question of revolutionary parliamentarism at the Second World Congress is of great importance to the entire subsequent revolutionary parliamentary work of the Comintern.

This revolutionary parliamentarism is essential for all Communists in countries where the Soviet power has not yet been established.

M. J. Olgin, in a pamphlet, Why Communism? published in May 1935, writes:

We go to the lawmaking institutions, not to tinker them up for the benefit of the capitalists but to be a monkey wrench in their machinery, preventing it from working smoothly on behalf of the masters.

Alex Bittleman, in another official pamphlet, says Communist parliamentary action "must on all issues wage war upon capitalism and the state."

Communism was fairly well eradicated from American life in the twenties, and when it was revived after 1929, it was changed in important ways. The Communists quickly won converts and dupes from every economic class, and their language changed from its proletarian coloration to the far more subtle propaganda of today. But in all essentials the aim of Communist strategy in dealing with Congress is still to confuse, divide, and destroy. The only difference is the ever-increasing skill of the Communists in distortion, propaganda, and brain washing.

With that brief summary of their stated aims, I wish to turn to the evidence of Communist action, specifically directed against the Congress of the United States.

In 1938 the so-called palace guard in the executive branch decided to purge those members of the Democratic Party in Congress who had refused to make their party into a monolithic party, directed from the White House.

The Senators whom they actively opposed or failed to support included Senator Guy Gillette, of Iowa; Senator Frederick Van Nuys, of my own State of Indiana; Senator Bennett Champ Clark, of Missouri; Senator Ellison Smith, of South Carolina; Senator Pat McCarran, of Nevada; Senator Millard Tydings, of Maryland; Senator Alva B. Adams, of Colorado; Senator Augustine Lonergan, of Connecticut; and Senator Walter F. George of Georgia. None of the Senators was defeated.

Two Senators who escaped in 1938 lost out in the next purge of 1944, when the conspiracy determined to end their political lives.

I ask my colleagues to notice the list of States in which Earl Browder and his apparatus campaigned against the local voters, to punish the Senators who had truly represented them.

The States were Iowa, Indiana, Missouri, South Carolina, Nevada, Maryland, Colorado, Connecticut, and Georgia.

In the House, in 1938, the "palace guard" "cold-shouldered" Representatives Hatton Sumners, of Texas; Fritz G. Lanham, of Texas; Howard W. Smith, of Virginia; William G. Driver, of Arkansas; Harold G. Moser, of Ohio; and John O'Connor, of New York.

Representatives Driver, Moser, and O'Connor were defeated.

Most pathetic of the victims, perhaps, was John O'Connor, of New York. Representative O'Connor, at the request of the White House, had used his position in the House to subject William Wirt, of Indiana, to merciless ridicule because Wirt found, in 1933, that the Communists had set up their cells within the executive branch and were using the New Deal emergency powers as a cover for a Communist revolution. Dr. Wirt innocently told the public what he thought concerned them. For that offense he was unmercifully smeared by Congress, and died of a broken heart. Representative O'Connor changed his mind about what was going on; and, as a result, he was driven from Congress in the purge, although he had served his prince more faithfully than he had served his conscience.

We know now—it took a long time for the information to reach us, but we know it now—who directed that attack on the Congress, Representative O'Connor told us before he left. Earl Browder was the head and front of the 1938 purge. He was constantly in and out of the White House, entering and leaving by a side door, so the press could not report to the people who was their real opponent.

Here I must digress again, for a moment. We are not dealing here with a party issue. No Senator can vote on this question as a Democrat or a Republican.

In 1933 the Communists penetrated deeply into our Government and into the councils of the Democratic Party.

But on January 25, 1954, I said to the Rock Creek Women's Republican Club:

The Communists were devoted to the Democratic Party—so long as it was the party in power.

They will be devoted to the Republican Party so long as it is the party in power. * * *

They will dig into the Republican Party, they will attempt to penetrate it, and guide it and confuse it, as they did the Democratic Party, if we are not on guard.

The administration in power from 1933 was the first target of the Communist conspiracy; but even in those years, much of the best work of uncovering the conspiracy was led by the Democrats in Congress.

As I said to the Rock Creek Women's Club:

We must pay full tribute to the work of Democrats like MARTIN DIES, in the House of Representatives, and PAT MCCARRAN and DICK RUSSELL, in the Senate.

We must, in fairness, pay tribute to the Democratic officials like Secretary Byrnes, Secretary Vinson, and others, who recognized the full danger of the FBI memorandums (on Harry D. White and his fellow conspirators) and apparently worked hard to get the servants of the Kremlin out of their important posts in our Government.

There is a host of other good Democrats, men who gave their strength, their health, like Forrestal even their lives, to fight the Communist traitors from within.

In January 1954 I said to the Young Republicans of Indiana:

We must never for a moment relax our vigilance in dealing with communism. * * *

The Hulls, the Garners, the Farleys, the Jesse Joneses, had to be put out of the (Democratic) party, before the Communists could win the victories they won.

Where do you think the Communists are working today? * * *

They are working day and night to worm their way into the highest councils of the Republican Party.

I shall not try to explain why leaders of either of our great political parties think they can use the Communists for political advantage, and then discard them. We know the folly is only too real; and we know that, once the Communists are invited in, they do not leave, except by force.

For reasons I cannot stop to explain, the Communists have never made as much headway in the legislative branch as in the executive. Perhaps I should say the anti-Communists in the legislative branch could not be silenced as they have been silenced in some of our executive agencies.

In the late thirties there was a Communist cell in Congress, but many of its members could be identified and defeated by the voters, because the House Committee on Un-American Propaganda had carefully collated the records of the fronts through which the Communists built their power in those years. Three of them have been identified, under oath, before the House Committee on Un-American Activities.

Former Representative Hugh De Lacy took the fifth amendment on September 15, 1954.

John T. Bernard did the same on September 3, 1952.

ROBERT L. CONDON was identified as being present at closed Communist meetings.

We remember Representative Vito Marcantonio, who for years faithfully voiced the Communist Party line in Congress. He maintained his power, in spite of strong opposition, by inducing thousands of pitiful Puerto Ricans to come and live on relief in New York's worst tenements, to keep up his voting majority. Representative Marcantonio was rising slowly to the top, when a combination of the two constitutional parties defeated his collectivist, political machine.

This is, by no means, the entire list.

Political, rather than legal, evidence is our justification for tying a number of others to the Communist apparatus.

We need full investigations of the record to determine whether or not Members of Congress like Lee Geyer, of California; Savage, of Washington; Adolph Sabath; John Tolan; Glenn Taylor; Samuel Dickstein; John M. Coffee; Ernest Lundeen; Jerry J. O'Connell; and Claude Pepper have given aid and comfort to the conspiracy initiated in Moscow.

The war changed the political balance of power to the great advantage of the Communists.

But in 1942, the voters elected to Congress an especially fine body of men who

were eager to clean up the mess of collectivist and pro-Communist thinking.

In 1943, Sidney Hillman organized a mass political action group to operate in every voting district. It fitted exactly Earl Browder's blueprints for a nonparty mass organization to take the place of the open Communist Party, and to shape postwar policy.

The labor unions were used as a front for the PAC, though they had nothing to do with its conception.

In 1944, MARTIN DIES dared to publish an exhaustive committee report on the PAC, pointing out that Sidney Hillman and Earl Browder were hard at work in the congressional districts, to make sure that the people would elect candidates for Congress and the Presidency who had the approval of the Hillman-Browder organization, and defeat those who opposed it.

Joseph Gaer, a member of Hillman's staff, has recorded for posterity the amazing success of this campaign. In his book, The First Round, he tells triumphantly of the Members of Congress who were defeated in 1944 because they opposed the Hillman committee for political action at the grassroots. Let me read the list he cites:

The Representatives defeated for either nomination or election were: Costello, of California; Starnes, of Alabama; Kennedy, of New York; Kleberg, of Texas; Lambertson, of Kansas; Newsome, of Alabama; and Patton, of Texas.

The Senators defeated for nomination or election were: D. Worth Clark, of Idaho; Bennett Champ Clark, of Missouri; Rufus Holman, of Oregon; and Ellison Smith, of South Carolina. Remember, Senator Champ Clark and Senator Ellison Smith had been on the purge list of 1938.

Again, I ask Senators to look at the list of States in which the Sidney Hillman-Earl Browder combination was strong enough in 1944, to defeat Members of Congress who dared oppose them. Let me read them: California, Oregon, Idaho, Texas, Alabama, Kansas, Missouri; South Carolina, and New York. What do Senators think we are up against?

The principal target was MARTIN DIES, of Texas, chairman of the hated Special House Committee on Un-American Activities. How could it happen that a Member of the House of Representatives from Texas was defeated in 1944 by Sidney Hillman? Mr. Gaer tells us the story—all but one item.

He tells us that Sidney Hillman found out Mr. DIES' winning margin in the 1942 primaries. It was 10,128 votes. The PAC checked and found there were about 40,000 industrial workers in his district in 1940. Somehow, the number of industrial workers in that same district had risen to 50,000 by 1944. Ten thousand war workers with their families represented a sufficiently substantial bloc of new voters to change the vote entirely.

Mr. Gaer does not say, but Senators can guess, that the so-called labor agencies in our Government, guided as they were by Nathan Witt and Lee Pressman, would have had no difficulty in maneuvering, so that a militant group of pro-Communist workers would be added to the voting population of DIES' district in Texas in time for the critical election of 1944.

DIES reports that he retired because he had a near breakdown from Communist harassment, but the leaders of the conspiracy were taking no chances. The Communist bloc also helped defeat Senator Bob La Follette of Wisconsin because, after a bitter experience, he saw through Communist doubletalk. They permitted the election of an unknown Wisconsin judge named JOE MCCARTHY who, they thought, would be easier to handle than Bob La Follette.

Willard Edwards has noted the strange story of how Sidney Hillman went promptly to the leadership in Congress and asked for choice committee assignments for the PAC Congressmen he had helped elect. Hillman was given places on the House Naval Affairs Committee and the Committee on Military Affairs. He was able to place two freshmen Congresswomen on the House Foreign Affairs Committee. That was 10 years ago.

For 10 years or more the pro-Communists have been expert and tireless in planting critical blocs of voters in key districts, or propagandizing resident voters already there, in order to insure the election of candidates for Congress who would consciously or unconsciously serve them, in place of men who would have truly represented the people of their area. There is far more to this story, but I can touch only the high points.

The 80th Congress, elected in 1946, was a militantly anticollectivist Congress, elected by an angry people because the administration insisted on maintaining price control and rationing, especially of meat and of housing materials. Both these programs were high among the demands of the Communists, just as now the demand to get MCCARTHY has high priority. However, the scarcity which resulted caused popular discontent, and American voters knew what to blame.

The 80th Congress ended price controls and rationing, and then went on to an intensive attack on the Communist apparatus which had grown so strong in the war years. That was the Congress which heard Whittaker Chambers and Elizabeth Bentley, Alger Hiss, and Harry Dexter White. It was the Congress which helped Forrestal in his efforts to reverse our foreign policy.

It was the Congress which did much of the pioneering work on the subversive activities control bill, passed several years later. It passed the Taft-Hartley Act, and refused to pass the poll-tax bill.

It reduced taxes and cut back the public housing program, with its pro-Communist masterminds. Cannot Senators guess why the Communists wanted that Congress atomized, as it had atomized the very able Congress elected in 1942?

The experts were almost unanimous in forecasting the defeat of the Fair Deal in 1948. President Truman adopted a wholly new strategy. He created a melodramatic character called the 80th Congress, labeled it a "do nothing Congress," and went up and down the country pummeling it to the crowd's delight.

The Republicans did not say anything. The Fair Deal administration was returned to office, and the complexion of Congress radically altered.

The result of the strange 1948 election was a Congress over which, as Congressman RALPH GWINN said, Sidney Hillman and Lee Pressman's PAC had a stranglehold.

The anti-Communist trend revived in the elections of 1950 and 1952, as a result of the Korean war.

Of the recent election, I shall say only this—in a disturbingly large number of key congressional or senatorial elections, across the country, the local pro-Communist machines operated at a higher efficiency and under more convincing cover, than ever before. We can take no comfort from the 1954 returns. I propose, instead, that we begin at once to establish the political machinery with which to counterattack against the Communist strategy for destroying Congress.

The Communist attack on the membership of the American Congress is a three-pronged attack.

They work unceasingly, in primaries and in the election, to destroy the patriotic and the strong, and to elect the weak, the venal, and the noncontroversial.

Then when Congress is in session, they also work to spread confusion, doubt, and factionalism among the moderates who wish there was no controversy. How many times have I heard that?

The Communist attack on Congress includes also penetration of congressional committees.

In 1935, Alger Hiss, an unknown young lawyer in the Agriculture Department, was named general counsel for the Nye munitions investigating committee, a part of whose work was to smear American industry.

Hiss was suggested for this job by Lee Pressman, chief counsel of the CIO and an admitted party member.

I am speaking about a committee of the Senate.

Charles Kramer, also a party member, was counsel for Senator Wagner's Senate Labor Committee, and practically wrote the Wagner Act, which changed American free trade unionism into a centralized collectivist, state-directed unionism, until the Taft-Hartley Act reversed the trend.

The House Committee on Interstate Migration employed Henry H. Collins, Frederick Palmer Weber, and Charles Flato, as staff members.

Flato has told us how he falsely took the oath to uphold the American Constitution 14 times.

This committee cleverly built up documentary evidence about the "okies" and other migrants whom the Communists had adopted as exhibits of the decay of American capitalism.

The Senate Subcommittee on Civil Liberties of the Education and Labor Committee, had as staff members, John Abt, Allan Rosenberg, Charles Kramer, and Charles Flato.

Senator La Follette publicly disclosed the infiltration of congressional committees, and the vast powers which hidden

Communists could exercise from such a vantage point.

Secret Communists on the staffs gave valuable publicity to friendly witnesses, smeared or smothered unfriendly witnesses, slanted research activities, leaked information to friendly members of the press, slanted the documentary material on proposed legislation, and provided propaganda materials and a forum, for or against legislation, depending on which served the Communist Party. That went on here.

They made changes in the fine print of a bill which might completely alter its character.

They helped to slant congressional policies to fit Communist desires on China policy, German military government, United Nations, demobilization, heavy spending.

They had a perfect spot for espionage through access to confidential documents on military policy, foreign policy, and atomic energy.

In 1950, the House Select Committee on Lobbying Activities set out, under Communist guidance, to search for the names of all contributors to the pro-American, proconstitutional revolt, and to intimidate by inference, those who might give contributions to the 1950 campaign against Communists in Government.

I shall not take the time of the Senate to describe the work of the Tydings Committee, the investigation of the Maryland election, the investigation of Senator McCARTHY's finances, the Mundt committee, which undertook to investigate a United States Senator, on the basis of a complaint by a few civil servants and some left-wing newspapermen, without any formal protest by the responsible heads of the executive branch.

I ask Senators only to evaluate them in the light of the continuous Communist efforts to sabotage the legislative process in the past 16 years.

I know what the liberals will ask the minute I leave the floor. They will ask, "What proof do you have that this is all one Communist war?"

My answer is: "All the proof we can ever get in wartime." In wartime, the enemy does not draw up memoranda on its intentions or call in three witnesses to attest to the record of each secret step. In wartime, it is the nature of the problem that one has only fragments of the story.

The remedy is to develop so clear and full a sense of the enemy's habits of thought and action, that those few facts have meaning, as a doctor must develop so clear a knowledge of the body and its functions that he can make decisions from a few symptoms.

It is a Communist booby trap to say we must have legal proof of conspiracy before we can protect ourselves.

We can have legal proof only of what is past and done.

Of course we shall continue our efforts to get every possible iota of legal proof through sworn testimony before our congressional committees.

Let us not deceive ourselves, however.

In politics, as in medicine, if we cannot get the truth from partial information, we get it from the autopsy.

I am not attempting to insinuate any charge of procommunism against any Members of this body when I say the strategy of censure was initiated by the Communist conspiracy.

There is a long and secret trail from decisions of the top Communist strategists, through many devious channels, before they appear well disguised in the words of loyal Americans.

There are a thousand degrees of relationship between the Communist high command and the many ranks which help it in its work.

I do not need to define exactly the many ways in which the Communist conspiracy has influenced, consciously or unconsciously, the Members of Congress who have done its secret bidding.

But let us not forget where we began. Communism is a conspiracy. Under the doctrine and the fact of conspiracy, every person who participates in a conspiracy, is morally and legally liable for the results of all conspiratorial actions and even of proposed action.

Those who take part in a planned strategy for demolition of our Government, or help carry out parts of the strategic plan for that purpose, are responsible for participation in the entire conspiracy.

No American adult can argue today that he does not know we are dealing with a conspiracy.

Certainly no man who has offered himself as a candidate for Senator, and been elected to guard the interests of the people of his State, can try to tell himself he does not understand.

I believe, Mr. President, a motion should be made to table the report of the select committee because it does not deal with the evidence of a long-time conspiracy against the Congress, without which it cannot decide on censure of an individual Senator, fighting against the conspiracy.

I think we also need a resolution instructing the Senate Internal Security Subcommittee to prepare a draft report giving the available documentary evidence of the Communist attack on Congress, including official documents of Communist Party organs, testimony and reports of the congressional committees, and any other pertinent source material.

I think we need a resolution authorizing the Senate Rules Committee to submit a report of the criteria to determine if and when any Senator-elect should be refused admission to this body because he had been elected as a result of a deal with the Communists.

We need, also, a resolution to establish a small Senate bureau of investigation to prepare for us the evidence we need of possible Communist influence over Senators, staffs of the Senate offices and committees, and nominees sent to us by the executive branch. We are not allowed to see FBI reports with reference to certain nominations.

The purpose of this unit will be not to make investigations but to evaluate the completeness or incompleteness of data sent us from other sources.

It should cooperate fully with the FBI and other agencies of the executive branch. Surely we must all work together.

I can sum up all I have said in one word. That word is "attack."

The Communists are attacking us here in this Chamber. Any man who steps into the shoes of the junior Senator from Wisconsin will receive this same treatment.

They are attacking ceaselessly from morning until night.

They are attacking with only one purpose—to destroy the legislative power and the power of the committees of Congress to investigate new and strange dangers to our security.

We are not counterattacking to save our civilization before it is destroyed.

Senators know the way we wait for the Soviet Union to shoot down our bombers and kill our unoffending citizens, and then defend our rights by writing notes. Each time we almost catch up with the Communists, but that will never deter them.

Too many Americans still think we are spectators at a debate on communism, or the audience at a movie watching the bad men of the frontier burn the settler's house and kill his children.

We know the sheriff will catch the evildoers in the last reel, and the hero and heroine will be safe.

I sometimes think this is the most dangerous of all the Communist booby traps, because it works so well to make us ineffectual.

You and I, Mr. President, are not spectators in this war on civilization the Communists have started. They are trying to burn our homes and kill our sons. There is no sheriff who will come in the last act to make right triumphant. There is no hope of rescue except as we rescue ourselves. There is no defeat for the outlaws except as we stand up and fight.

We in Congress have been exploring Communist power in the State Department, in the Treasury, in the Armed Forces, in Interior, and Agriculture.

By the way, Mr. President, I would ask the junior Senator from Wisconsin if he has ever found out who promoted Peress.

Mr. McCARTHY. I have not.

Mr. JENNER. We have followed the trail of Communists into our colleges, into the United Nations, into our cultural agencies, like IPR, into trade unions, and farming areas. We have looked toward Asia and Europe and South America. But we have done almost nothing to disclose the degree of influence over Congress and the legislative process.

We have no comprehensive studies of the Communist plot to elect their own members of Congress, to punish men who tried to protect our country, to get control of staffs, records, publicity, and confidential information.

There is not a Member of this body—unless he is a secret Communist—who is neutral in this contest. We have each taken an oath to defend our Constitution against all enemies, foreign and domestic. We have pledged our true faith and allegiance to the same. We have said we took this oath with no mental reservation or purpose of evasion. We have sworn we would well and faithfully discharge our pledge.

We cannot avoid for another hour our duty to clear away every vestige of conspiratorial influence over the Senate of the United States, and the Nation we have sworn to serve.

Let us abandon this petty, trivial conflict instigated by our enemies and start again on our proper business, the safeguarding of the United States.

RECESS

Mr. KNOWLAND. Mr. President, it is now my intention to recommend that the Senate stand in recess until the hour of 2 o'clock today. I so move.

The motion was agreed to; and (at 12 o'clock and 49 minutes p. m.) the Senate took a recess until 2 o'clock p. m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. COTTON in the chair).

CALL OF THE ROLL

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Abel	Flanders	Malone
Aiken	Frear	Mansfield
Anderson	Fulbright	Martin
Barrett	Gillette	McCarthy
Beall	Goldwater	McClellan
Bennett	Green	Monroney
Bricker	Hayden	Morse
Bridges	Hendrickson	Mundt
Brown	Hennings	Murray
Burke	Hickenlooper	Neely
Bush	Hill	Pastore
Byrd	Holland	Payne
Capehart	Hruska	Potter
Carlson	Humphrey	Purtell
Case	Ives	Robertson
Chavez	Jackson	Russell
Clements	Jenner	Saltonstall
Cotton	Johnson, Colo.	Schoeppel
Crippa	Johnson, Tex.	Smith, Maine
Daniel, S. C.	Johnston, S. C.	Smith, N. J.
Daniel, Tex.	Kefauver	Sparkman
Dirksen	Kilgore	Stennis
Douglas	Knowland	Symington
Duff	Kuchel	Thye
Dworshak	Langer	Watkins
Eastland	Lehman	Welker
Ellender	Lennon	Wiley
Ervin	Long	Williams
Ferguson	Magnuson	Young

The PRESIDING OFFICER. A quorum is present.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. ERVIN. Mr. President, since I desire to make my statement to the Senate without interruption, I request that all Senators withhold any questions until my statement is completed.

Mr. President, this is indeed a tragic hour in the history of the Senate. For the fifth time in 4 years, Senators of the United States are compelled to put aside consideration of the tremendous international and domestic problems which confront the country, and expend their time, their thoughts, and their energies in studying the conduct of Senator McCARTHY in his senatorial office.

I came to the Senate on June 11. During the 6 years and 4 months preceding that date, I had served as an associate justice of the Supreme Court of North Carolina. The exacting nature of my duties in that capacity prevented me from keeping myself fully abreast of what was transpiring in the life of the Nation. I had a vague impression that a great storm was raging in the country around the activities of Senator McCARTHY. I came to the Senate, however, with the impression that, by and large, Senator McCARTHY was doing a good job in his self-proclaimed role as the symbol of resistance to Communist subversion.

Mr. President, since the 30th day of August, my principal occupation has been that of studying the conduct of Senator McCARTHY in respect to his attitude and conduct toward the Gillette or Hennings subcommittee and his attitude and conduct in respect to the Zwicker incident. The task in which I have been engaged has not been a pleasant one. In addition to my studies as a member of the select committee, I have observed the attitude and the conduct of Senator McCARTHY toward the six members of the select committee since they filed their report. I am constrained to say that my studies as a member of the select committee and my observation of the attitude and conduct of Senator McCARTHY toward the members of the select committee since the report of the committee was filed have entirely altered my opinion in respect to Senator McCARTHY and his activities.

Mr. President, although the work of the select committee was not pleasant, my association during the time of that service with the other members of the select committee and with the committee's counsel and staff proved the truth of Shakespeare's observation that "adversity, like the toad, wears yet a precious jewel in his head."

In the other members of the select committee I found a superb capacity to execute justice in mercy. I pay this additional tribute to the Senator from Utah [Mr. WATKINS], the chairman of the select committee: For one-third of a century I have been actively engaged, either as a lawyer or a judge, in the administration of justice. During that period of time I have had contact with many great jurists. Mr. President, I can say that I have never known a fairer or a more just man than the chairman of the select committee, Senator WATKINS. He presided with the utmost fairness. In my judgment, as a long-time student of the law, all of his rulings were legally correct except those made by him on the several occasions when his compassionate heart prompted him to set aside the strict rules of evidence in Senator McCARTHY's favor.

The arduous task of the committee would have been too burdensome had it not been for the great ability of the committee's counsel, E. Wallace Chadwick and Guy G. de Furia, and the tireless energy of the committee staff, Frank Ginsburg, Ray R. McGuire, John M. Jex, and John W. Wellman.

I deem it not amiss to add at this point that the defense of Senator McCARTHY before the committee by his attorney, Edward Bennett Williams, conformed to the highest traditions of the American bar.

The following story is told in North Carolina: A young lawyer went to an old lawyer for advice as to how to try a lawsuit. The old lawyer said, "If the evidence is against you, talk about the law. If the law is against you, talk about the evidence." The young lawyer said, "But what do you do when both the evidence and the law are against you?" "In that event," said the old lawyer, "give somebody hell. That will distract the attention of the judge and the jury from the weakness of your case."

That is precisely what Senator McCARTHY is doing in his response to the report of the select committee. He does not attempt to meet that report on the merits. He insists that the Senate shall try everybody and everything except the junior Senator from Wisconsin and the issues which the Senate was called into special session to try.

He asserts primarily that the Senate must try Senator WATKINS, Senator JOHNSON of Colorado, and myself, on the ground that we were disqualified to serve on the select committee because we entertained a bias against him.

He declares secondarily that the Senate must then try the select committee as a whole upon his charge that all of its members are unwitting handmaidens, involuntary agents, and attorneys in fact of the Communist Party.

Finally, he contends that in the event it ever gets around to trying him, the Senate must absolve him from all accountability for his disorderly conduct in his senatorial office upon this curious plea: "I am the symbol of resistance to Communist subversion. Since I am the symbol of resistance to Communist subversion, every Senator who disapproves of my disorderly behavior in my senatorial office is doing the work of the Communist Party."

The claim that Senator McCARTHY is being tried before the Senate because he has fought communism has no more substance than the shadow of a dream. Other Members of the Congress have fought communism with as much devotion and with far more wisdom than has the junior Senator from Wisconsin. I cite the names of only a few of them: Vice President Nixon, Senator Karl Mundt, Senator Pat McCarran, Senator Willis Smith, Representative John T. Wood, and Representative Francis E. Walter.

It has never been necessary for either the Senate or the House of Representatives to lay aside the consideration of legislative business to investigate the behavior of any one of those great Senators or Representatives, who have proved their love for America and their hatred for all things Communist.

I can tell the Senate in very plain language the charges which the select committee says the Senate ought to pass upon.

The first charge is that Senator McCARTHY has been guilty of disorderly conduct within the meaning of section 5 of article I of the United States Constitution by flyblowing and obstructing members of a Senate subcommittee in their efforts to perform an official task

imposed upon them by the Senate, namely, the task of determining whether there was any basis in transactions of Senator McCarthy which would justify a resolution for his expulsion. That is the first charge that is pending before the Senate.

The second charge is that Senator McCarthy has been guilty of disorderly behavior in his senatorial office, within the purview of section 5 of article I of the United States Constitution, by baiting, badgering, and browbeating a witness appearing before him in his official capacity as chairman of a Senate committee.

Neither one of those charges has anything whatsoever to do with any question of a Communist conspiracy.

I stated at the outset of my remarks that Senator McCarthy was not meeting this report on the merits. As a matter of fact, since the report was filed he has endeavored to divert the attention of both the Senate and the American people from the report. He asserted, first, that Senator Watkins, Senator Johnson of Colorado, and I were disqualified to serve on the select committee because we were prejudiced against him, and that we fraudulently concealed our prejudice against him from Vice President Nixon and the Senate, so that we might have the inestimable privilege of sacrificing our holidays and absenting ourselves from our homes, our families, and friends to investigate his conduct.

In spreading these accusations abroad, the junior Senator from Wisconsin [Mr. McCarthy] compared us to petit jurors, drawn by chance from the jury box or jury wheel, to try ordinary persons for crimes and misdemeanors.

I do not accept the validity of this comparison. Senators are elected by the sovereign voters of the sovereign States to perform constitutional functions. One of those functions is delimited in these words, in section 5, article I, of the Constitution of the United States:

> Each House * * * may punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

It will aid clarity of comprehension to bear in mind that the Senate itself is the only body on earth which has the power to discipline a Senator for contempt of the Senate, or for misconduct in his senatorial office.

It is nonsense to maintain that when the Senate exercises its constitutional power to discipline one of its Members, Senators are subject to the rules which regulate petit jurors, drawn by chance from the jury box or the jury wheel, to try ordinary persons for crimes and misdemeanors.

The absurdity of the position that a Senator of the United States is disqualified to participate in the disciplining of a fellow Senator if he entertains any opinion of any kind adverse to such fellow Senator is made manifest by a simple illustration. Let us take the supposititious case of a hypothetical Senator. Senator Sorghum is guilty of misconduct, which rightly subjects him to senatorial discipline under section 5 of Article I of the Constitution. As a result of Senator Sorghum's misconduct, the other 95 Senators form the opinion that Senator Sorghum ought to be censured or expelled. The opinion of these 95 Senators is certainly adverse to Senator Sorghum. However, under Senator McCarthy's notion, just as soon as these 95 Senators form this adverse opinion, they automatically disqualify themselves to participate in the censure or expulsion of Senator Sorghum. Hence, the constitutional power of the Senate to discipline Senator Sorghum is nullified and Senator Sorghum can go on his merry way unwhipped of senatorial justice. It thus appears that under this erroneous theory, any Senator can secure for himself total immunity to senatorial discipline by the simple expedient of engaging in senatorial misconduct which is obnoxious to a majority of the Members of the Senate.

However, Mr. President, if Members of the Senate who are called upon to participate in the disciplining of a fellow Senator are subject to the rules which govern petit jurors, drawn by chance from the jury box or jury wheel, then Senator McCarthy has no reason to complain in this case, because his cause was heard by Senators who were able to base their decision solely upon the evidence and their understanding of the relevant constitutional provisions. Under the law in all Anglo-American jurisdictions, a petit juror who has formed an opinion adverse to a litigant is a competent juror if he can say that he can try the cause solely upon the evidence and the law.

I shall not dwell on Senator McCarthy's assertion that Senator Watkins, Senator Johnson of Colorado, and I wanted to have the privilege of serving on the select committee. Every Senator, except Senator McCarthy, knows full well that there was not a single Member of the Senate who desired to have anything whatever to do with the unpleasant task assigned to this committee. Indeed, when the motion to send the resolution to censure Senator McCarthy to the select committee was adopted, all Members of the Senate emulated the example of the persons invited to the great supper mentioned in the 14th chapter of Luke: "They all with one consent began to make excuse."

There is only one explanation as to how it was possible to obtain any Senators to serve on the select committee. The explanation is simply this. When all is said and done, Senators do accept as true Gen. Robert E. Lee's assertion that duty is the sublimest word in our language.

It was not a prerequisite to membership on the select committee that a Senator should have possessed a vacant mind, totally devoid of any opinion whatever in respect to Senator McCarthy. Had such a requirement existed, no Member of the Senate would have been eligible to serve on the select committee. It is doubtful, indeed, that six mental adults could have been found anywhere in the United States who did not entertain some opinion concerning Senator McCarthy and his activities.

In his effort to show prejudice on my part, Senator McCarthy lifted out of context several statements which have a tendency to present my attitude in a false light. One of those statements, to wit, the one lifted from the Greensboro Daily News of August 4, 1954, had no relation whatsoever to the censure charges involved in the investigation now under review.

Senator McCarthy was careful to omit the portion of that dispatch which revealed that this particular statement had reference to a speech made by Senator McCarthy on the floor of the Senate on the night of August 2, 1954, which the reporter himself described as a vicious attack upon the character of other Senators.

I now know that the lifting of statements out of context is a typical McCarthy technique. The writer of Ecclesiastes assures us that "there is no new thing under the sun." The McCarthy technique of lifting statements out of context was practiced by a preacher in North Carolina about 75 years ago. At that time the women had a habit of wearing their hair in topknots. This preacher deplored that habit. As a consequence, he preached a rip-snorting sermon one Sunday on the text Top Not Come Down. At the conclusion of his sermon an irate woman, wearing a very pronounced topknot, told the preacher that no such text could be found in the Bible. The preacher thereupon opened the Scriptures to the 17th verse of the 24th chapter of Matthew and pointed to the words:

> Let him which is on the housetop not come down to take anything out of his house.

[Laughter.]

Any practitioner of the McCarthy technique of lifting things out of context can readily find the text "top not come down" in this verse.

Vice President Nixon formally appointed to membership on the select committee 3 Republicans chosen by the majority leader and 3 Democrats selected by the minority leader. The charge that I concealed anything from anyone is wholly baseless in fact. Before I was appointed to membership on the select committee I was interviewed by four of the most experienced and most highly respected Members of the minority in the Senate who were assisting the minority leader in choosing three Democrats for service on the select committee. These four able and honorable Senators informed me that I was under consideration for appointment to the select committee because of my long service on the courts of my State, and they wanted to know whether I would serve on the select committee if I should be named to it by the minority leader. I explained to those four great Senators my attitude toward the censure proceeding and stated, in substance, everything I had ever said about Senator McCarthy, and I advised them that I would serve on the select committee out of a sense of duty if I were deemed to be qualified and if the minority leader assigned me to the task. They assured me that they considered me to be qualified to act as a member of the select committee.

Upon my appointment to the select committee I prepared a statement which

discloses the state of mind accompanying my service on the select committee. This statement is as follows:

I have received a number of communications from my friends in North Carolina relating to the motion of Senator FLANDERS to censure Senator MCCARTHY. Some of these communications are favorable to Senator MCCARTHY and some of them are adverse to him. I feel that those who have communicated with me on this subject are entitled to know my position on it. For this reason, I have prepared this statement instead of trying to set forth my position in detail in personal letters.

On Monday, August 2, 1954, the Senate by a vote of 75 to 12, sent the Flanders motion and all amendments proposed to it, to a special committee. I voted to send the Flanders motion and the proposed amendments to the committee for these reasons:

1. There is no way in which you can give freedom of speech to wise men and deny it to fools. By the same token, there is no way in which you can give the cloak of senatorial immunity to a Senator whose views are in harmony with yours and deny it to a Senator with whose views you disagree. Since many of the charges against Senator MCCARTHY were based in substance on statements made by him in the Senate, and for that reason are covered by the cloak of senatorial immunity, I felt that all the charges should first be considered in a calm, judicial atmosphere with a view to determining which of them had support in constitutional law. I could not conscientiously vote to sustain charges en bloc when I knew that some of them ran afoul of the principles of constitutional law.

2. A motion to censure a Senator is judicial in nature. It implies a condemnation of the Senator's conduct. The conduct which you are asked to condemn should be specified, and evidence, either oral or documentary, should be taken in some appropriate manner as a basis for determining the truth or falsity of the specified charges. It was not feasible to take such evidence on the floor of the Senate. For this reason, I favored sending the matter to a committee to take evidence and make findings of fact with reference to the truth or falsity of such of the charges as might be adjudged tenable under the Constitution. It is contrary to basic American justice to condemn people on what you read in the newspaper or hear over the radio or hear in private conversations. I feel that the Senate would do a grave injury to our way of life if it should condemn any Senator without first according him due process of law—"a law which proceeds upon inquiry and renders judgment only after a hearing."

When I voted for the motion to send the Flanders resolution and all proposed amendments to a committee, I voted in good faith and in the belief that the committee would do everything within its power to conduct a fair hearing and make an honest report, and that the Senate would then act on the report in a forthright manner. At that time, I did not have the slightest idea that I would be drafted by the minority leader to serve on the committee in question. It now appears, however, that I have been selected as one of six Senators who is charged with initial responsibility in this matter and I can assure you that I expect to act in the premises according to what I believe the law and the evidence warrants.

I can now swear, with a clear conscience, on the altar of Almighty God, that my decision as a member of the select committee was based solely upon the evidence considered in the light of the relevant constitutional principles, and that any assertion from any source to the contrary is wholly without basis in fact.

Perhaps I ought not to have alluded so much to the attack which Senator MCCARTHY saw fit to make in respect to Senator WATKINS, Senator JOHNSON of Colorado, and myself on the question of alleged partiality. That question is an immaterial one.

I respectfully submit that if the report of the select committee is righteous, it is wholly immaterial whether it was made by righteous men. The question before the Senate is the validity of the report.

I submit, further, that if the report of the select committee is unsound, then it is immaterial whether the report was made by a committee whose members were as pure as the aspirations of the angels.

I say these things because I do not believe the Senate ought to be shadowboxing with unrealities.

It must have occurred to Senator MCCARTHY that he could not discredit the report of the select committee simply by charging partiality on the part of Senator WATKINS, Senator JOHNSON of Colorado, and myself. It evidently dawned on him that all six Senators had heard the same evidence and had arrived at the same conclusions on such evidence. It evidently dawned on him that he had no basis for attacking the impartiality of the other three Senators on the committee.

So it occurred to Senator MCCARTHY, apparently, that it was necessary for him to find some basis on which to discredit all six members of the select committee. At that time Senator MCCARTHY fled to his customary refuge, his claim that he "is the symbol of resistance to Communist subversion," and that any Senator who fails to make obeisance to him is doing "the work of the Communist Party."

Senator MCCARTHY did this by spreading throughout the United States an undelivered speech, which he subsequently inserted in the CONGRESSIONAL RECORD. In this undelivered speech he made fantastic and foul accusations against six Senators, whose loyalty to America and hatred of communism are at least the equal of his own. Let me quote from the undelivered speech in which Senator MCCARTHY attempted to assassinate the character of six Members of the Senate. I read as follows from that speech as it was ordered to be printed on page 15953 of the CONGRESSIONAL RECORD of November 10, 1954:

I would have the American people recognize, and contemplate in dread, the fact that the Communist Party—a relatively small group of deadly conspirators—has now extended its tentacles to that most respected of American bodies, the United States Senate; that it has made a committee of the Senate its unwitting handmaiden.

Let me be very clear about this. I am not saying, as I am confident the opposition press will have me saying tomorrow, that the Watkins committee knowingly did the work of the Communist Party. I am saying it was the victim of a Communist campaign; and having been victimized, it became the Communist Party's involuntary agent.

I am aware that many of you listening to me regard this as an unpalatable proposition. I have made similar statements before in other contexts. Such statements never fail to exasperate a good number of loyal Americans. But said they must be if we are to survive, and said they will be.

I regard as the most disturbing phenomenon in America today the fact that so many Americans still refuse to acknowledge the ability of Communists to persuade loyal Americans to do their work for them. In the course of the Senate debate I shall demonstrate that the Watkins committee has done the work of the Communist Party, that it not only cooperated in the achievement of Communist goals but that in writing its report it imitated Communist methods—that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization for advising the Senate to accede to the clamor for my scalp.

But perhaps more important than explaining how the Watkins committee did the work of the Communist Party is the job of alerting the American people to the fact that this vast conspiracy possesses the power to turn their most trusted servants into its attorneys-in-fact.

When the junior Senator from Mississippi [Mr. STENNIS] made reference on the floor of the Senate last week to the undelivered speech of Senator MCCARTHY the junior Senator from Wisconsin stated in substance that he had not called the six members of the select committee traitors; he had merely called them fools. I do not know how the junior Senator from Wisconsin interprets his words that the Watkins committee "in writing its report imitated Communist methods—that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization for advising the Senate to accede to the clamor for my scalp."

My interpretation is that by these words Senator MCCARTHY charged, in the presence of the Senate and in the presence of all America, that the six Senators who served on the select committee were knaves, who distorted and suppressed the truth to satisfy the clamor of the mob for Senator MCCARTHY's scalp.

Mind you, Mr. President, this is the kind of treatment which six Senators received at the hands of the junior Senator from Wisconsin as a punishment for making an honest report to the Senate.

As I stated at the outset of my remarks, when I came to the Senate I had a feeling somewhat favorable to Senator MCCARTHY. I said publicly, in response to inquiries, that I did not favor expelling him from the Senate, and that I did not favor depriving him of his committee chairmanships. I am constrained to say that at this hour I am willing to admit that I have changed both of those opinions. This is true because I am wiser today in respect to Senator MCCARTHY and his activities than I was at the time those opinions were originally given.

I do not propose at this time to urge Senator MCCARTHY's expulsion from the Senate, but I shall make these observations upon the fantastic and foul accusations made by him against the six Senators who served on the select committee:

First, if Senator MCCARTHY made these fantastic and foul accusations against the members of the select committee without believing them to be true, he

attempted to assassinate the character of these Senators and ought to be expelled from membership in the Senate for moral incapacity to perform the duties of a Senator.

Second, if Senator McCarthy made these fantastic and foul accusations against the six Senators who served on the select committee in the honest belief that they were true, then Senator McCarthy was suffering from mental delusions of gigantic proportions, and ought to be expelled from the Senate for mental incapacity to perform the duties of a Senator.

I do not propose to permit Senator McCarthy to try Senator Watkins, Senator Johnson of Colorado, or me on the charge of partiality. I do not propose to permit Senator McCarthy to try the entire membership of the select committee upon his charge that they are the unwitting handmaidens or involuntary agents or attorneys-in-fact of the Communist Party.

I shall insist that the Senate try Senator McCarthy on the real issues. If the report of the select committee is a righteous report, what boots it if some of the members of the committee rendering the righteous report were unrighteous men in the eyes of Senator McCarthy?

If the report of the select committee is unsound, what boots it whether the members of the committee rendering the report were as pure as the aspirations of the angels?

The real issues now before the Senate are these: First, does the evidence taken before the select committee sustain the specific findings of fact made by the select committee?

Second, if so, do the specific findings of fact made by the select committee justify the conclusion of the select committee that Senator McCarthy merits censure?

If both these issues are answered in the affirmative, then Senator McCarthy should be censured by the Senate. If either issue is answered in the negative, then Senator McCarthy should not be censured by the Senate.

We have had an argument presented on the legal aspects of this matter to the effect that Senator McCarthy ought not to be censured, because there is no precedent whereby the Senate in times past had censured a Senator for similar conduct. We ought to thank God for the absence of any such precedent.

As I have said, the fifth section of article I of the United States Constitution provides in effect that the Senate may punish its Members for disorderly behavior.

In response to the argument that there is no precedent on this point, I wish to point out that if such an argument had been accepted as valid when the first murderer, arsonist, rapist, or burglar was brought to trial, there never would have been anybody punished for any of those offenses. We do not need a body of statutory laws to explain what the Constitution leaves to the determination of the Senate. The term disorderly behavior is very plain. The Constitution leaves that matter to the determination of the Senate. When the conduct of a Senator in his office becomes disorderly behavior, only the Senate can determine that matter, according to the Constitution.

Let us take up the first of the charges. If any charge would encompass disorderly conduct to a higher degree, I cannot imagine what it would be. What is the charge? The charge is that Senator McCarthy was guilty of disorderly conduct by flyblowing—that is a strong Anglo-Saxon word, but a very expressive one—and obstructing a committee of the Senate performing a task which the Senate had imposed upon that committee.

Let us consider what the evidence showed took place. The Senate had adopted a resolution which required the committee to investigate all the activities of Senator McCarthy after he became a Member, with a view to determining whether there was any basis for his expulsion from the Senate. Some very drastic accusations had been made. The committee went into the facts.

The evidence before the select committee showed beyond any question that Senator McCarthy never intended to appear before the Subcommittee on Privileges and Elections and submit himself to an examination before it on oath. For 14 months the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration tried to get Senator McCarthy to appear before it, and answer certain questions with reference to the disposition of money given to him to fight communism, with reference to his action under the Corrupt Practices Act of Wisconsin, and his action with reference to whether or not he had participated in violations of the banking laws of Wisconsin.

If Senator McCarthy had appeared before the subcommittee, and made a complete revelation to that committee in respect to the matters in question, the whole matter would have been ended in a day or two. Instead of that, down to this good hour Senator McCarthy has never made an explanation with reference to those matters.

Besides not appearing before the subcommittee, what else did Senator McCarthy do? He first said the subcommittee had no jurisdiction to investigate the matters in question. Of course, that claim fell by the wayside when the Senate voted, 60 to 0, that the subcommittee did have jurisdiction to investigate such matters. After that happened, Senator McCarthy said he would not appear before the subcommittee unless he was subpenaed. He said that the subcommittee did not have the power to subpena him during the session of the Senate. Of course, he knew that the subcommittee was not desirous of functioning after the Senate session adjourned.

In my time I have read many legal decisions stating how one should come to conclusions on facts. One rule, based on decision after decision, is that if a charge is made against a person which he would naturally answer or explain, and such person fails to answer that charge or offer an explanation, the finders of the facts may assume he has thereby impliedly admitted the truth of the charge.

Senator McCarthy did not appear before the Subcommittee on Privileges and Elections. Instead of doing so, he began a systematic attack upon the character of the members of the subcommittee, similar to the attack he has made upon members of the select committee. Senator McCarthy charged them with stealing the taxpayers' money for the partisan purpose of assisting the Democratic Party in smearing McCarthy. Then he said, "You are aiding and abetting the Communist Party and the Communist conspiracy in their No. 1 objective, that is, getting rid of McCarthy." Then he said, "You are dishonest, anyway. I will have nothing to do with you unless you drag me in before you by subpena."

Can any Senator, sitting as the finder of the facts, fail to arrive at the conclusion that Senator McCarthy was guilty of contempt toward that subcommittee, and that he willfully obstructed the functioning of that subcommittee?

The second charge arose out of the General Zwicker incident. The evidence taken before the select committee indicates that General Zwicker cooperated with Senator McCarthy and his staff prior to the hearing in giving the committee information about Maj. Irving Peress; that the McCarthy committee perhaps did not even know the name of that officer until it was given to the committee by General Zwicker; that immediately after General Zwicker got an order from the Adjutant General of the Army to discharge Major Peress, at his own request at any time within the next 90 days, he immediately furnished a member of Senator McCarthy's staff with a copy of that order. When the hearing was held, according to the testimony, General Zwicker had a friendly conversation with Senator McCarthy, in which he told Senator McCarthy that he, too, was a native of Wisconsin, and he called Senator McCarthy's attention to a Presidential order and an extract from the Army regulations which, in effect, prevented General Zwicker from testifying to any matters of a security nature. Senator McCarthy made a statement that he was familiar with the order and regulation.

I wish to say that one thing I noticed about Senator McCarthy is very puzzling to me. It is reflected in all his examinations. He seems to have an incapacity to distinguish between what he thinks in his head and external facts. I do not say this in unkindness. But this characteristic makes it very difficult for one to meet him on the same mental plane.

The evidence disclosed that Senator McCarthy jumped on General Zwicker because of the interpretation General Zwicker placed on certain press releases Senator McCarthy had made. When we read the record, we reach the conclusion that Senator McCarthy became angry at General Zwicker because General Zwicker was not able or willing to assume the correctness of all the statements included in the press releases made by Senator McCarthy or under

his direction. Then Senator McCarthy abandoned a proper type of examination and began to chastise the witness. He said to the witness, as we find set forth on page 75 of the hearings:

Anyone with the brains of a 5-year-old child can understand that question.

Mr. President, I think perhaps I understand it now; but I had to read it 4 or 5 times before I understood it.

Then Senator McCarthy put a number of words into the mouth of the witness. Some of the things General Zwicker said seemed to anger Senator McCarthy. Senator McCarthy wanted General Zwicker to express his opinion that his superiors in the Pentagon acted in an outrageous manner when they issued the order for the honorable discharge of Major Peress. Well, Mr. President, anyone who expects an officer of the Army to criticize his superiors ought not be turned loose to do any questioning. I served in the Army; and I would not dare question an order that even a corporal gave me, much less question an order coming from the Pentagon.

Senator McCarthy asked General Zwicker if he did not think that anyone who had anything to do with ordering Major Peress' honorable discharge ought to be removed from the military. General Zwicker made, in reply, about the only kind of answer any military man could have made; he said:

I do not think he should be removed from the military.

That is all he said about that. But Senator McCarthy put in General Zwicker's mouth some words General Zwicker never said. Here they are:

The Chairman. Then, General, you should be removed from any command. Any man who has been given the honor of being promoted to general and who says, "I will protect another general who protected Communists," is not fit to wear that uniform, General.

Mr. President, I have searched the record in vain to find where General Zwicker ever said "I will protect another general who protected Communists." I do not think anyone can find such a statement on the part of General Zwicker anywhere in the record.

Then Senator McCarthy said:

I think it is a tremendous disgrace to the Army to have this sort of thing given to the public.

I intend to give it to them. I have a duty to do that. I intend to repeat to the press exactly what you said. So you know that. You will be back here, General.

According to the undisputed testimony, Senator McCarthy told the general to return on Tuesday. According to Captain Woodward's testimony, Senator McCarthy said:

General, you will be back on Tuesday, and at that time I am going to put you on display and let the American public see what kind of officers we have.

Then Senator McCarthy said, using one of his most endearing terms, that "General Zwicker was the first fifth-amendment general we have had before us."

Mr. President, Senators can claim that was legitimate cross-examination if they wish to do so; but I call it baiting and badgering and brow-beating a witness. Senator McCarthy gave as his excuse for his conduct in that case that General Zwicker was evasive and arrogant.

General Zwicker came before the select committee. The other day Senator Johnson of Colorado told the Senate what his reaction was to General Zwicker and his testimony. I think virtually all the members of the select committee at first did not even want to consider this charge we accepted as prima facie correct the position taken by Senator McCarthy, and we considered this charge only because all the proposed amendments to the original resolution called attention to this particular matter. I have spent a large part of one-third of a century in court rooms; and I have never seen any witness more free from arrogance than General Zwicker was when he appeared before us, and was subjected to one of the most rigorous cross-examinations I have ever witnessed.

Mr. President, Senators must not stick their heads into the sand like ostriches and thus blind themselves to the realities surrounding them. One tragic truth stands out above all the sound and fury of this sad hour: It is that Senator McCarthy besmirches throughout the length and breadth of this land the reputations of all Senators who dare to oppose his will or to express disapproval of his disorderly behavior in his senatorial office. As a consequence of this practice on the part of Senator McCarthy, every Senator sits in this Chamber under this Damoclean sword: The threat that Senator McCarthy will besmirch his reputation throughout the country if he does anything to incur Senator McCarthy's easily provoked wrath.

Mr. President, many years ago there was a custom in a section of my country, known as the South Mountains, to hold religious meetings at which the oldest members of the congregation were called upon to stand up and publicly testify to their religious experiences. On one occasion they were holding such a meeting in one of the churches; and old Uncle Ephriam Swink, a South Mountaineer whose body was all bent and distorted with arthritis, was present. All the older members of the congregation except Uncle Ephriam arose and gave testimony to their religious experiences. Uncle Ephriam kept his seat. Thereupon, the moderator said, "Brother Ephriam, suppose you tell us what has the Lord done for you."

Uncle Ephriam arose, with his bent and distorted body, and said, "Brother, he has mighty nigh ruint me."

Mr. President, that is about what Senator McCarthy has done to the Senate. As a result of Senator McCarthy's activities and the failure of the Senate to do anything positive about them, the monstrous idea has found lodgment in the minds of millions of loyal and thoughtful Americans that Senators are intimidated by Senator McCarthy's threats of libel and slander, and for that reason the will of the Senate to visit upon Senator McCarthy the senatorial discipline he so justly merits is paralyzed.

The Senate is trying this issue: Was Senator McCarthy guilty of disorderly behavior in his senatorial office? The American people are trying another issue. The issue before the American people transcends in importance the issue before the Senate. The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Senator McCarthy?

Mr. President, the honor of the Senate is in our keeping. I pray that Senators will not soil it by permitting Senator McCarthy to go unwhipped of senatorial justice.

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

Mr. ERVIN. I am glad to yield.

Mr. WELKER. I wonder if my distinguished friend from North Carolina will agree with me that the entire basis for the action taken by the select committee arises out of article I, section 5, of the Constitution of the United States.

Mr. ERVIN. I do.

Mr. WELKER. That is about the only law which would govern us in an action of this kind. In fact, it is the only law. In the light of the Constitution, will the Senator, as one of the able members of the select committee, tell me how he classified himself in the difficult task to be performed by the committee? Did the Senator classify himself as a judge, a member of a grand jury, a member of an investigating body, or a prosecutor? How did the Senator determine what he was supposed to do?

Mr. ERVIN. I classified myself as a Senator of the United States passing on a preliminary question submitted to the select committee by the Senate.

Mr. WELKER. Did the Senator do so in a judicial capacity?

Mr. ERVIN. I did so in a judicial capacity in this sense: That I did not consider anything whatever in connection with this matter except the evidence which was produced before the select committee and my understanding of the meaning of the constitutional provision embodied in section 5 of article I of the Constitution.

Mr. WELKER. Did the Senator and the other members of the committee make it mandatory upon themselves to enter into the deliberations unbiased, and with a free and open mind, to hear all the evidence, and not merely a portion of it?

Mr. ERVIN. I can answer only for myself.

Mr. WELKER. That is true. Perhaps the question should have been directed to the Senator individually.

Mr. ERVIN. I can truly say that when I entered upon my service on this committee I entered upon it with the determination—and with the full consciousness that I could carry that determination into effect—that the only things I would consider would be the evidence before the committee and my understanding of the rules of constitutional law applicable to that evidence.

Mr. WELKER. Was the Senator in anywise biased before he undertook the task given to the committee by the Senate?

Mr. ERVIN. I will say that I had an unfavorable opinion of Senator McCARTHY in one respect, and I had a favorable opinion of him in others. But I will say that I put all my opinions out of my mind and tried this case just as I have tried hundreds of cases, sitting as a trial judge in the courts of North Carolina. That is, I tried it on the evidence, and the law as I saw it. Besides, as did the other members of the committee, I gave Senator McCARTHY the benefit of all doubts, both reasonable and unreasonable.

[Laughter in the galleries.]

Mr. WELKER. Mr. President, may we have order? This is no laughing matter.

The PRESIDING OFFICER. Occupants of the galleries are reminded that the rules of the Senate do not permit expressions of approval or disapproval.

The Senator may proceed.

Mr. WELKER. Will my friend, the distinguished Senator from North Carolina, inform me whether or not he thought his bias should be indicated to Senator McCARTHY or his counsel?

Mr. ERVIN. When I was trying to find some excuse to make to my own conscience for escaping service on the select committee I made the statement that I ought not to serve unless my serving was satisfactory to both pro-McCarthyites and anti-McCarthyites. But after I had considered the question and conferred with four of the most experienced and respected Members of the minority in the Senate I came to the conclusion that the members of the committee should be selected by the Senate, rather than by pro-McCarthyites or anti-McCarthyites.

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

Mr. ERVIN. I yield.

Mr. WELKER. The Senator has indicated today—and I know it of my own knowledge—that he has had a vast experience in the field of law, especially in the judiciary. As I understand, he has handled many criminal cases. I ask my friend from North Carolina this question: In the case of a prospective juror or a prospective judge trying an issue involving a penalty, if the juror or judge showed bias, would it not be proper for the presiding judge to disqualify the juror, or for counsel to file an affidavit of prejudice against a judge who showed bias? Such affidavits are filed, and such requests are granted, in almost every court I have ever heard of in America.

Mr. ERVIN. If I were a judge I would ask the prospective juror a question which I have asked hundreds of jurors, namely, "Notwithstanding any opinion you may entertain about this matter, can you sit in the jury box, hear the evidence from the witnesses and the law as given you by the court in his charge, and return a verdict based solely on the evidence and the law?" If such a juror said "Yes" I would hold him to be a competent juror, as I have done hundreds of times.

Mr. WELKER. Knowing the able Senator as I do, and being familiar with his great success in the field of law, I ask him this question: If he were counsel in a case and the question to a prospective juror were answered in the manner indicated, after the judge had asked the prospective juror whether or not he could remove from his mind any bias he might have, would not the Senator use a peremptory challenge against that prospective juror?

Mr. ERVIN. No; not if I had confidence in his intellectual honesty. If a prospective juror happened to be a person whom I considered intellectually honest, I would rather have him on the jury if he had some adverse opinion of my client, because I know, as a matter of psychology, that he would lean backward and give my client much more lenient treatment than he would accord him if he thought my client were as pure as the driven snow.

Mr. WELKER. Will my friend inform me, then, why there are provisions in the law for filing affidavits of prejudice against a trial judge? A judge might well be as intellectually honest as I am sure my friend from North Carolina is, but a defendant is given a right under the law to file such an affidavit.

Mr. ERVIN. We do not have that practice in North Carolina. I know that many other States have it.

The distinguished Senator from Indiana [Mr. JENNER] compared this committee to a grand jury. In North Carolina—and, so far as I know, in other States—grand jurors cannot be disqualified on the ground of prejudice.

Mr. JENNER. Mr. President, will the Senator yield to me?

Mr. ERVIN. I yield.

Mr. JENNER. I made the comparison on the basis that it was the duty of the select committee to obtain all the evidence. I charged that the select commitee did not obtain all the evidence, because it did not get behind the facts to show a Communist conspiracy working to destroy this country.

Mr. ERVIN. We did not do that.

Mr. JENNER. Of course the committee did not. That is why I say we cannot act on this resolution.

Mr. ERVIN. We did not do that because it was not relevant to the charges we were considering, and because we did not propose to go "rabbit hunting" with Senator McCARTHY or anybody else.

Mr. JENNER. The committee should have obtained all the evidence, so that this body could act intelligently. It did not do so.

Mr. ERVIN. I believe the evidence to which the Senator from Indiana was referring was some committee report, which I would not consider evidence.

Mr. JENNER. If the Senator is trying to establish legal evidence of a Communist conspiracy, it cannot be done. If we do not diagnose this conspiracy, we are going to destroy this country.

Mr. ERVIN. I yielded to the Senator for a question. I will say that in my honest judgment—and this relates to the time when the committee was sitting, as well as to the present time, when the Senate is considering the charges—the allegations that Senator McCARTHY is being tried because he has fought Communists has no more substance than the shadow of a dream.

Mr. JENNER. Does not the Senator realize that any man in the position of Senator McCARTHY, any man who touches the field of communism, is subjected to the same treatment? The same treatment was accorded the Lusk committee, the Dies committee, the Velde committee, the Internal Security Committee, and the McCarthy committee. Any man who has touched this subject has received the same treatment. Therefore the Senator should look behind the conspiracy and find out what is going on.

Mr. ERVIN. I assume that the Senator from Indiana is telling me what his experience has been. However, I will say to him that I served in the House when there were men in that body like FRANCIS WALTER and John Wood and other Representatives who served on the Un-American Activities Committee, which was investigating the very subject under discussion here, and I never heard of their conduct being investigated by the House. I also know that one distinguished Senator from North Carolina, former Senator Willis Smith, did a very excellent job in investigating in the field of communism, but I never heard of his conduct being called into question even once, let alone 5 times in 4 years.

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

Mr. ERVIN. I yield.

Mr. JENNER. Senator Willis Smith was a great American, and he did a great job on the Internal Security Committee. Senator Willis Smith did things in committee that perhaps he should not have done. I remember that one time when I was presiding over that committee Senator Willis Smith wanted to have an attorney who was representing a fifth-amendment Communist take an anti-Communist oath. It was wrong for him to suggest it, of course, and perhaps he could have been subjected to criticism for his suggestion.

I suggest to the Senator from North Carolina that some Senators who have never dealt with this subject do not realize what those who take part in such investigations are up against. The witnesses who appear before us are a part of the conspiracy; they move as an army; they come before our committees with Communist attorneys; they try to sabotage our courts; they work into the legislative and executive branches of our Government.

Mr. ERVIN. Just a moment, Mr. President; I did not yield for a speech. I yielded only for a question.

Mr. WELKER. Mr. President, will the distinguished Senator from North Carolina yield for a question?

Mr. ERVIN. I yield for a question.

Mr. WELKER. I do not believe I made a speech.

Mr. ERVIN. No; the Senator from Idaho was not making a speech. I did not refer to him. The Senator from Idaho is asking questions; he is not making speeches.

Mr. WELKER. As a preface to my remarks I shall make later, either this evening or tomorrow, with respect to the law as I view it, I should like to get the Senator's best judgment as to the capacity in which his committee sat. In other words, was the committee sitting as a

grand jury, as the Senator from Indiana [Mr. JENNER] has indicated?

Mr. ERVIN. I was sitting on the select committee as a United States Senator, with five other Senators, to perform a duty imposed upon us—I might add, against our will—by the United States Senate. I was determined, as I stated, to reach a decision based solely upon the evidence we heard and on the relevant constitutional provisions.

Mr. WELKER. After making a finding, does the Senator from North Carolina feel it was his duty to make an argument in behalf of censuring the junior Senator from Wisconsin, as the Senator did a few minutes ago?

Mr. ERVIN. In reply to that question, Mr. President, I should like to say that I made my speech because I thought it was high time for the Senate to consider the issue, which the American people are debating in their minds, namely, whether the Senate of the United States has enough manhood to stand up to Senator MCCARTHY, who has been investigated 5 times in 4 years. I will say, also, that when I came to the Senate I did not see Senator MCCARTHY, except twice, before I sat on the select committee. I do not have a television set and I saw him only 4 or 5 times on television in the home of one of my neighbors. I performed a task which had been thrust upon me by the Senate of the United States.

I claim that I am a loyal American. I claim that I hate communism just as much as does Senator MCCARTHY. I have been accused in the press throughout the United States and in the undelivered speech inserted by Senator MCCARTHY in the CONGRESSIONAL RECORD of being a handmaiden and an agent and an attorney-in-fact of the Communist Party.

I have also been charged with assisting the other five members of the select committee in distorting and suppressing the truth in order to bring in a false report against Senator MCCARTHY.

If under those circumstances I could take Senator MCCARTHY to my bosom, I would be a strange individual, indeed. I have a reputation to uphold.

Mr. WELKER. May I ask the Senator, if I interrogate him merely on the fundamental issues involved, whether he will answer such questions or whether he will launch into another speech?

Mr. ERVIN. I will say to my distinguished friend, the Senator from Idaho, that I shall be glad to answer any question I can answer that relates to my work on the committee and to the report. If I cannot answer it, I will confess that I cannot do so. However, I would not wish to promise to go quite anywhere to the ends of the earth in debate with the Senator from Idaho, because since the 30th of August I have not done much of anything except to study this subject, and I have become rather rusty with respect to other subjects.

Mr. WELKER. Perhaps I should put this in the form of a question, although it may be that I could question the amount of work the Senator has done on this matter in comparison with the amount of work done by the Senator from Idaho. However, I should like to ask the Senator this question: Does the Senator feel that it was a part of his duty to use language in a nationwide television hookup on the Meet the Press program which certainly did not help to enhance the dignity of the United States Senate in the eyes of the American people, when he referred to the Senator from Wisconsin in rather strong terms, using the word "vile" and similar words?

Mr. ERVIN. I do not believe I used the word "vile."

Mr. WELKER. Or "slush and slime."

Mr. ERVIN. I did not say that. Those words were used by my good friend the Senator from Mississippi [Mr. STENNIS].

Mr. WELKER. I understood the Senator to agree with another member of the select committee in the definition of the character of the Senator from Wisconsin. If I am wrong, I shall proceed to another question.

The Senator, in speaking of the work of his committee, said that he had no precedent to go by, or that no precedent existed on this subject. Does the Senator mean to say that he has not read the two cases which are exactly in point with the pending case?

Mr. ERVIN. Oh, yes; I read the two cases, but they are not similar to the pending case. I believe I have read every case that involved the disciplining of a Member of the Senate or any Member of the House, from the beginning of the establishment of Congress.

Mr. WELKER. Is it not a fair assumption that the Senator was in error when he stated in the forum of the United States Senate that in the absence of precedent, murder, rape, arson, and all the other infamous crimes would go unpunished? Does not the Senator know that those are statutory crimes?

Mr. ERVIN. No; I did not say that. What I said was that when the first man was tried for murder or burglary or arson or rape, if the plea had been accepted that there was no precedent to go by, the man would have been acquitted; no man could ever have been tried for any of those crimes, if in the first instance, the theory had been followed that there was no precedent on which to try him for such crimes.

Mr. WELKER. I assume the Senator has as much respect for a duly licensed attorney at law as he has for the rights and dignities of one who is a brigadier general in the United States Army?

Mr. ERVIN. I can answer that question if the Senator will relate his question to this particular case.

Mr. WELKER. Does the Senator believe that General Zwicker should have been entitled to any more courtesy or leniency in cross-examination or more respect than a member of the bar?

Mr. ERVIN. No; I do not believe so. It does not make any difference what a man's position is. I do not believe that General Zwicker is entitled to any more respect than any other human being. However, I believe that a man who has bared his breast to the bullets of the enemy and has been decorated for gallantry on the battlefield, as in the case of General Zwicker, deserved better treatment than he received at the hands of Senator MCCARTHY.

Mr. WELKER. Does the Senator believe that an attorney who comes before the McCarthy committee, the Jenner committee, or any other committee of the Congress should respect especially that portion of his oath which says:

> I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

Does the Senator believe in that oath?

Mr. ERVIN. Yes; but I am at a little loss to understand its application to the matter under consideration.

Mr. WELKER. I should like to know whether the Senator was prejudiced in favor of one particular individual, namely, General Zwicker, or whether his scruples, which I am sure are the very highest, apply to every person, whether he be a lawyer, a general, or anyone else.

Mr. ERVIN. I was not prejudiced in favor of General Zwicker. As a matter of fact, I originally thought that the committee ought not consider the Zwicker incident as a basis for censure; and the only reason the committee considered it was because of the fact that all three Senators who had proposed amendments to the resolution had mentioned the Zwicker incident, and we thought that under those circumstances it ought to be investigated.

Mr. WELKER. After all, I think we are the jury in this matter. How would the Senator rule in the case of a fellow Senator who is given a job to investigate communism and who loses his temper in argument with a counselor representing a man, whether a Communist or not, and finally has him thrown out of the room? Does the Senator from North Carolina think in such a case his fellow Senator should be censured?

Mr. ERVIN. That is a case about which I know nothing. Not knowing all the circumstances, I would not want to express an opinion.

Mr. WELKER. The Senator would rather have a little testimony?

Mr. ERVIN. I have never tried a case in a vacuum. I must know what all the facts are.

Mr. WELKER. In the General Zwicker case did the Senator give any consideration to the testimony of one Harding, I believe his name is, who is alleged to have called a Senator an infamous name, such as "s. o. b."

Mr. ERVIN. I heard Mr. Harding's testimony which indicated something of that kind. I did not see why very much consideration should be accorded to it.

Mr. WELKER. Will my friend tell me whether he gave any consideration at all to the fact that General Lawton had testified before the committee with respect to some statement made indicating that General Zwicker had been antagonistic to the junior Senator from Wisconsin?

Mr. ERVIN. I remember General Lawton's testimony very well. General Lawton said he did not remember anything that was said by General Zwicker, but he got the impression in his mind from what General Zwicker had said that General Zwicker did not have a favorable attitude toward Senator MCCARTHY.

Mr. WELKER. In other words, the Senator disregarded that conclusion?

Mr. ERVIN. No; I did not.

Mr. WELKER. Did the Senator weigh it along with all the other evidence?

Mr. ERVIN. Yes.

Mr. WELKER. The Senator was not present to hear the original interrogation of General Zwicker, was he?

Mr. ERVIN. No; and I wish I had never heard anything about it.

Mr. WELKER. Will the Senator please answer the question? The Senator was not present there, was he?

Mr. ERVIN. No; I was not. I will strike out that remark. What I meant to say was that I was in the position of a man in North Carolina who qualified as administrator of his father's estate, which was involved in many lawsuits. He said he had so much trouble with them he was almost sorry the old man died. I am almost sorry I ever heard of General Zwicker or anything else about this matter.

Mr. WELKER. I will ask the Senator whether at any time heretofore he has heard of a court, a grand jury, or a quasi-judicial body being permitted to get a retake of the original testimony of a man months after he had given testimony before a committee, and then absolve him of arrogant and contemptuous conduct against the Senator from Wisconsin or any other Senator.

Mr. ERVIN. The only evidence before the committee that General Zwicker was arrogant in the testimony taken at Foley Square was Senator McCARTHY's testimony to that effect. I think, in fairness to General Zwicker, and in fairness to the committee, it had to pass on the question of whether Senator McCARTHY was provoked by General Zwicker's arrogance, and the committee felt it was necessary to bring the general before it to see whether he was an arrogant man.

Mr. WELKER. How did the committee know he was not arrogant many months before that time?

Mr. ERVIN. There is nothing in the evidence that indicates arrogance. He had a Presidential directive and an Army regulation which practically told him to keep his mouth shut, and he did not know when he should open his mouth and when he should not.

Mr. WELKER. If the Senator will be kind enough—I do not wish to tire him; I know he has been working hard. The Senator knows the stock instruction which he has given to juries thousands of times in actions wherein a human being is to be penalized, which I now read:

> You are the sole judges of the credibility of the witnesses and the weight that should be given to all the testimony. With that the court has nothing to do. You may judge the credibility of a witness by the manner in which he gives his testimony, his demeanor upon the stand, the reasonableness or the unreasonableness of his testimony, his means of knowledge, and any facts about which he testifies, his interest in the case, the feeling he may have for or against the defendant, or any circumstances tending to shed light upon the truth or falsity of such testimony. And it is for you at last to say what weight you will give to the testimony of any and all witnesses. If you believe that any witness has sworn falsely to any material facts in the case, you are at liberty to disbelieve the testimony of the witness and disregard it insofar as it is not corroborated by other testimony.

The Senator believes that to be a wise instruction, and has often given that instruction; is that correct?

Mr. ERVIN. Yes. I think that is a very excellent instruction.

Mr. WELKER. How could the Senator from North Carolina or any of the other members of the select committee arrive at a conclusion with reference to General Zwicker's testimony without being present? Certainly the cold black type would not give an idea of his demeanor and manner of testifying, would it?

Mr. ERVIN. I have had experience in several hundred lawsuits where the evidence given in some prior case was offered in evidence. I read many, many times General Zwicker's testimony taken at Foley Square. I found a man whose mouth was almost closed by two orders, one from his Commander in Chief, the President of the United States, and the other by Army regulations. I think most of the examination by Senator McCARTHY would not have been permitted in any court of law, because it consisted mostly of hypothetical questions through which he was trying to find out General Zwicker's attitude toward men in the Pentagon.

I am impressed with the fact that a large part of the trouble at that time was due to the insistence on the part of the junior Senator from Wisconsin that General Zwicker should remember everything which had been said by the Senator, as it had appeared in some newspaper releases, and that he should have accepted all of the Senator's assumptions. So I think, taken by and large, he did very well. General Zwicker, like me, had a rather sweet disposition.

Mr. WELKER. That is, when the Senator from North Carolina heard him testify. Is that a correct assumption?

Mr. ERVIN. Taking the whole matter into consideration, yes.

Mr. WELKER. That is, when the Senator heard General Zwicker on the retake, or the second time, General Zwicker had, in the Senator's opinion, a rather sweet disposition, did he?

Mr. ERVIN. Under the circumstances, I thought remarkably so.

Mr. WELKER. Very well. Does the Senator know what kind of disposition General Zwicker had when he originally testified?

Mr. ERVIN. I could only take the report of the evidence on that occasion. That was all I had to go by. I was not present on the first occasion. I had to take the evidence given on that occasion in order to perform the duty imposed on me by the Senate. That was all I had to go by.

Mr. WELKER. As the Senator knows, having been the able jurist and counselor he was prior to coming to the Senate, what is contained in a printed transcript can be interpreted in 2 or 3 different ways as compared with the interpretation of the oral testimony. Is that correct?

Mr. ERVIN. I will grant to my friend, the distinguished Senator from Idaho, that there is some disadvantage in considering testimony in writing, because when testimony has been reduced to writing, it is often difficult to tell the difference between the testimony of Ananias and George Washington.

Mr. WELKER. That is correct. That is the reason why an appellate court will not reverse a question of fact which has been determined in a lower court. Is not that a correct statement of the law?

Mr. ERVIN. That would depend on whether the question of fact was supported by evidence.

Mr. WELKER. I mean a question of fact which is supported by the evidence.

Mr. ERVIN. In my State, in equity cases, an appellate court can consider evidence again, reverse the findings of the lower court, and make its own findings of fact. That, however, is a matter of practice in my own State.

Mr. WELKER. I wish to ask the Senator a question with reference to his speech made a few moments ago. Did I understand the Senator to say that there was sufficient evidence against the junior Senator from Wisconsin to warrant his being expelled from the Senate of the United States upon the ground of moral incapacity or mental incapacity? I was making notes at the time, and my understanding of the Senator's statement may not be fair to him. I should like to have his observations.

Mr. ERVIN. I can give the Senator, I believe, almost exactly what I said; certainly I can give it to him in substance.

I was speaking in respect to the undelivered speech which the junior Senator from Wisconsin had inserted in the CONGRESSIONAL RECORD, in which he said that the six Members of the Senate who constituted the select committee were the unwitting handmaids, involuntary agents, and attorneys-in-fact of the Communist Party; and in which the junior Senator from Wisconsin said also that the select committee "distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization for advising the Senate to accede to the clamor for my scalp."

When the junior Senator from Wisconsin inserted in the RECORD that undelivered speech, which he had theretofore spread throughout the country by means of the press, either he knew that the statement was untrue, or he believed it to be true. This is my personal opinion. I said if Senator McCARTHY made that fantastic and foul accusation against the 6 members of the select committee without believing it to be true, then he attempted to assassinate the character of those 6 Senators, and he ought to be expelled from the Senate for moral incapacity to perform the duties of a Senator.

I said, further, that if the junior Senator from Wisconsin made that fantastic and foul accusation against the six members of the select committee in the honest belief that such accusation was true, then he was laboring under mental delusions of gigantic proportions and ought to be expelled from the Senate for mental incapacity to perform the duties of the office of Senator.

Mr. WELKER. I certainly agree that many of us, perhaps none of us, would have delivered that speech. No two Senators are alike. But suppose nothing was done to that speech to correct it to the satisfaction of the junior Senator from North Carolina. In that event, on the basis of that speech, would the Senator from North Carolina be willing to submit a resolution to expel the junior Senator from Wisconsin?

Mr. ERVIN. Mr. President, in response to the inquiry of the distinguished junior Senator from Idaho, I do not propose to submit a resolution to expel the junior Senator from Wisconsin, for three reasons:

In the first place, I am the lowest ranking Democrat in seniority in the Senate. Second, I do not think that that kind of resolution would receive a two-thirds vote of the Senate at present. In the third place, I should hope that a resolution of censure by the Senate would have some tendency to cause the junior Senator from Wisconsin to mend his ways and to stop flyblowing, throughout the United States, the character of Members of the Senate who do not approve of his disorderly conduct in his senatorial office.

Mr. WELKER. To hurry along, was the Senator from North Carolina present when two Members of this great body from the Senator's side of the aisle engaged in a debate, one accusing the other of giving aid and comfort to enemy, both of them being great Senators, and both being great friends of mine?

Mr. ERVIN. I have no recollection of any such debate. Being a sort of unwitting person, the debate might have occurred in my presence, and I not have known anything about it. But I have no recollection of it.

Mr. WELKER. The debate occurred in the presence of the other Senator from North Carolina, who is on the floor.

With respect to the first charge, the Senator from North Carolina handled it quite fully. The junior Senator from Wisconsin, in the opinion of the junior Senator from North Carolina and in the opinion of the other members of the committee, should be censured for failure to remember certain things and to answer certain questions. Does the Senator from North Carolina realize that at that time a heated political campaign was in progress, on the outcome of which the future of the junior Senator from Wisconsin in his State was dependent?

Mr. ERVIN. I am not aware that a heated political campaign was in progress in the fall of 1951, when the Gillette subcommittee first tried to get the junior Senator from Wisconsin to appear before it.

(At this point Mr. ERVIN yielded to Mr. MCCARTHY, who called the attention of the Senate to certain court subpenas and submitted a resolution, which, with the ensuing debate, appears in today's RECORD following Mr. ERVIN's remarks.)

Mr. WELKER. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. I yield to the Senator from Idaho.

Mr. WELKER. The Senator has been very gracious, and I dislike to take up so much of his time.

Mr. ERVIN. I am very glad to have yielded so that the exchange between the Senator from Idaho and myself could have taken place.

Mr. WELKER. Before the interruption, I think the Senator from North Carolina stated he did not know there was a political campaign going on in Wisconsin in the fall of 1951.

Mr. ERVIN. That is correct. I do not know whether or not there was a State election in Wisconsin.

Mr. WELKER. My people came from North Carolina. I do not know what persons who come from there call political campaigns. I venture to say that in my State of Idaho some have already started campaigning for the election which will take place 2 years from now. However, I should like to ask the Senator from North Carolina if he heard my discussion on the floor of the Senate, as reported in the August 2, 1954, issue of the CONGRESSIONAL RECORD, when I attempted to state why I resigned from the Subcommittee on Privileges and Elections. My resignation was couched in rather strong language.

Mr. ERVIN. I do not recall hearing the Senator from Idaho.

Mr. WELKER. Did anyone on the select committee or any member of its staff suggest that my remarks respecting my reasons for leaving the Subcommittee on Privileges and Elections be read to the select committee?

Mr. ERVIN. The only thing I saw in reference to the Senator was his letter of resignation, which is in the RECORD. It was very short. I also saw some reference to the resignation of the Senator from Idaho in one of the letters written by Senator MCCARTHY, with his embellishments. I do not recall the Senator's speech. I am sorry.

Mr. WELKER. Did the Senator from North Carolina or anyone else inquire as to why I left the committee?

Mr. ERVIN. I read in one of the letters which Senator MCCARTHY wrote that the Senator from Idaho did not approve the actions of the subcommittee, that he thought it was being devoted to political purposes, or something to that effect.

Mr. WELKER. In view of that statement, did the Senator from North Carolina think it necessary to invite or offer a fellow colleague an opportunity to explain before the select committee his reasons, whether they were valid or otherwise, for resigning from the subcommittee?

Mr. ERVIN. I assumed that Senator MCCARTHY was more familiar with those facts than I was, because I knew nothing about them except what I saw in the printed pages. I assumed that Senator MCCARTHY and his very brilliant counsel, Edward Bennett Williams, would subpena before the select committee the Senator from Idaho or any other witnesses they thought would help Senator MCCARTHY.

Mr. WELKER. In other words, the Senator from North Carolina wanted the man who stood before the bar of justice or the quasi-bar of justice, or whatever it might be called, to produce the witnesses who brought about the citation; is that correct?

Mr. ERVIN. If Senator MCCARTHY had wanted the Senator from Idaho to be there, I would have thought Senator MCCARTHY would have called that matter to the attention of the select committee, and would have requested the Senator from Idaho to come before it. As I have said, I read what Senator MCCARTHY said about the attitude of the Senator from Idaho toward the subcommittee.

Mr. WELKER. Does the Senator from North Carolina recall that by virtue of the action of the Senate, the select committee had been ordered to produce the evidence, to hear all the evidence, to determine the issue, and to decide what it would recommend to the Senate? That is correct; is it not?

Mr. ERVIN. No; the Senate did not instruct us to go into all the evidence in the world. It said for us to get evidence bearing on the issues we were trying; and I did not see anything to indicate that the Senator from Idaho had anything to do with writing the letters which were written by Senator MCCARTHY or the letters which were written by Senator GILLETTE, or Senator HENNINGS.

Mr. WELKER. Does not the Senator from North Carolina suppose there would have been some probative value in having the select committee listen to the testimony of such a colleague? The committee did not need believe it, but it could have listened to it. Will the Senator agree as to that?

Mr. ERVIN. Mr. President, if it had been our duty to wade through all the CONGRESSIONAL RECORD and to see what every Member of the Senate had ever said about any matter connected with any of the committees, this investigation would have been in progress until the last lingering echo of Gabriel's horn trembled into ultimate silence. [Laughter.]

Mr. WELKER. Gabriel could have blown his horn 100 times; but if the Senator from North Carolina were on trial and if he felt that a colleague had had some reason for resigning from a committee criticized by the Senator from North Carolina would not the Senator think it would be an act of fairness to ask that Senator to appear?

Mr. ERVIN. Knowing the distinguished Senator from Idaho as I do, I would say that I am satisfied that if he thought he had any information which would have enabled the select committee to arrive at a correct conclusion, the Senator from Idaho would have notified us of that fact and would have asked for the privilege of coming before us.

Mr. WELKER. I sincerely appreciate those kind remarks; but does the Senator from North Carolina, able counselor and jurist that he is, assume it was the obligation of the junior Senator from Idaho—who had been ordered home for his health, by the Capitol physician—to anticipate when the select committee would reach any portion of the testimony with reference to him or whether the select committee was even considering it? After all, 149 charges were filed, I believe, at the time when I left Washington, to return to my home. But I was not even

given the consideration of being allowed to tell the select committee why I resigned from the subcommittee. I do not believe that is the way things are done in the courts of justice in North Carolina or Idaho.

Mr. ERVIN. In reply to the observation of the Senator from Idaho, I may say I was not put on notice, by anything I saw or read or heard, that the Senator from Idaho was not aware of the fact that the investigation was going on.

Mr. WELKER. Did the Senator from North Carolina have to be put on notice? There was already in the RECORD the letter to the chairman of the full committee, asking him to fill my place on the Subcommittee on Privileges and Elections; but nowhere in the RECORD appears the telegram I sent to the distinguished Senator from Iowa [Mr. GILLETTE], stating my reasons for resigning.

Mr. ERVIN. Mr. President, I do not have that letter, and I never heard of it, except I saw the letter of the Senator from Idaho—let me see if I can find it.

Mr. WELKER. I know what is in it; I think I can state it at this time. It was addressed to the Senator from Arizona [Mr. HAYDEN], the chairman of the Committee on Rules and Administration, and it read as follows:

> This is to advise you that I resign forthwith from the Subcommittee on Privileges and Elections.

And I asked him to fill the vacancy thereon.

Mr. ERVIN. That is the only thing I noticed about any connection on the part of the Senator from Idaho with the subcommittee or in regard to resigning from the subcommittee, except there was a letter in which Senator MCCARTHY stated, I believe, in language just as picturesque as any human being could utter, why the Senator from Idaho had resigned; and I do not know whether the Senator from Idaho could have used any adjectives or adverbs which would have made it any stronger, if he had been there.

Mr. WELKER. In other words, the Senator from North Carolina accepted hearsay testimony, instead of actual testimony from the man who resigned.

Mr. ERVIN. No; it was not hearsay testimony. It was a letter from Senator MCCARTHY, the man whose conduct was being investigated. It was a letter he wrote to the Senator from Arizona [Mr. HAYDEN], I believe.

Mr. WELKER. Would the Senator from North Carolina think the Senate should return to Washington to hear the testimony of a colleague as to the reason why he resigned from the subcommittee?

Mr. ERVIN. I think it would be immaterial as to why the Senator from Idaho resigned.

Mr. WELKER. Even though it might result in censuring the Senator from Idaho?

Mr. ERVIN. I do not think anyone wishes to censure the Senator from Idaho.

Mr. WELKER. If the Senator from North Carolina will read the telegram I sent, he will find used therein rather strong language, and I am afraid it is very close to a violation of the rule adopted by the select committee. I am sorry I did not have an opportunity to appear before the select committee. I invite the attention of the Senator from North Carolina to the August 2 issue of the CONGRESSIONAL RECORD, shortly before I went home.

In conclusion, I should like to have the advice of the Senator from North Carolina, as a fine lawyer, jurist, and Senator, as to what he thinks is the most important thing for a Senator to do: When the Senator from Wisconsin was offered a chance to come before the Gillette subcommittee, should he have accepted it; or would it have been better for him to have received a subpena ordering him to appear before the subcommittee—a subpena he could not escape.

Mr. ERVIN. In replying to the question of the Senator from Idaho, I would say that if I had regarded myself in the way Senator MCCARTHY regards himself, namely, as the symbol of resistance to Communist subversion, and if the committee had asked me for information as to whether any funds collected or received by me and by others on my behalf to conduct certain of my activities, including those relating to communism, were ever diverted and used for other purposes inuring to my personal advantage, I would go immediately before the committee without any subpena or request. As a matter of fact, if I happened to be on the other side of the Potomac River and there were no bridge across it, and the Potomac River were fire instead of water, I would try to cross it to give my testimony before the committee on that subject.

Mr. WELKER. I ask my friend please to answer the questions. What the Senator would have done may not be exactly what the Senator from Idaho or any other person would have done. I ask if it is not a fact that the people of North Carolina sent the Senator to the United States Senate not to be 100 percent right, 80 percent right, or 70 percent right. They asked him to use his own best judgment, whether it be good or bad, until they can have another shot at him at the polls. Is that not a fact?

Mr. ERVIN. I should say "Yes." I will say further that if I were in the position of Senator MCCARTHY and the committee had requested me to come before the committee to give information on a certain point, and I had failed to do so, the people of North Carolina would kick me out of the Senate at the next opportunity, and would be justified in so doing.

Mr. WELKER. That leads me to the next question. Since at least a great portion of the report on count No. 1 of the allegations against the junior Senator from Wisconsin had to do with financial transactions, failure to appear, and so forth, I ask if it is not a fact that a large part of that report was dedicated to discussing Mr. Ray Kiermas, administrative assistant of the junior Senator from Wisconsin. Mr. Kiermas was not permitted to appear before the select committee—he was not subpenaed—nor was he invited to appear before the Gillette subcommittee. Is that correct?

Mr. ERVIN. I do not know about the Gillette committee. He was not subpenaed to come before the select committee. But if I were involved in the matter, and I figured that I would be the logical person——

Mr. WELKER. I am talking about MCCARTHY. The Senator from North Carolina does not have a secretary named Kiermas.

Mr. ERVIN. No; I do not. But I think if Mr. Kiermas could have given any testimony favorable to Senator MCCARTHY in respect to the financial transactions under investigation by the Gillette committee, Mr. Kiermas, as the administrative assistant of Senator MCCARTHY, ought to have gone before the committee and done so. I think my administrative assistant would do that much for me. I do not think he would wait for a subpena.

Mr. WELKER. In other words, it is the Senator's contention that the ball is in MCCARTHY's court to play, instead of that of the Gillette committee or the select committee?

Mr. ERVIN. My position is that when a committee is investigating a matter in which the honor of a Senator and the honor of the Senate itself are at stake, that Senator ought to cooperate with that committee and give it any information in his power which might show that he had not done any dishonorable thing.

Mr. WELKER. While this committee——

Mr. ERVIN. I think the Senator and I had better conclude pretty soon.

Mr. WELKER. I certainly will. I have only two further questions. I am sorry to have delayed the Senator this long.

If the Senator were facing a crucial election in the State of North Carolina would he, the fall before the election, voluntarily appear before a committee which one of his colleagues of opposite political faith had described as a political committee, engaged in an effort to smear him? If the Senator will obtain from the Senator from Iowa [Mr. GILLETTE] the full text of the telegram which I sent him, he will find some other descriptive words. Would the Senator have been happy to appear before such a committee, which might well destroy him politically?

Mr. ERVIN. I did not know Senator HENNINGS, Senator HENDRICKSON, or Senator HAYDEN before I came to the Senate; but having observed those gentlemen, I will say that if they were investigating my financial transactions and I had any evidence upon which they could base a favorable report, I would run to them as fast as I possibly could, because my observation of them leads me to believe that they are men with compassionate hearts, men who would rather acquit a fellow Senator than to convict him.

Mr. WELKER. Does the Senator mean to say that the statement he has just made would be competent evidence in any court in the United States, Mexico, or anywhere else?

Mr. ERVIN. No. The Senator was asking me what I would have done, and I was telling him exactly what I would have done.

If a committee composed of three such fine and fair men as those Senators were investigating my affairs, I would seek a haven of refuge with them, because I think they would acquit me if I had a just case.

Mr. WELKER. Here is a Senator who happens to differ with the Senator from North Carolina. However, he was not given the right or opportunity to appear before the Senator's committee, every one of whose members I respect as my friends.

Mr. ERVIN. Let me say to my friend from Idaho that I did not have any facts upon which to form the opinion that the Senator from Idaho was the only one of the 162 million people of the United States who did not know that an investigation was in progress.

Mr. WELKER. I cannot follow the Senator. I did not hear him distinctly. Does the Senator say that he did not know of any person who was not aware of what was going on?

Mr. ERVIN. No. I said I had no knowledge of any facts which would put me on notice that the Senator from Idaho did not know that an investigation was to be conducted. I thought everyone in the United States knew it.

Mr. WELKER. That is where the Senator happens to be wrong. I will say further to the Senator that I did not know what matters were being investigated. I suppose I should have left a sickbed nearly 3,000 miles away, paid my own expenses, and returned to Washington to find out that the committee was investigating the Zwicker matter, when I knew nothing about it.

Mr. ERVIN. If the Senator had notified any member of the committee that he had any evidence to give on the matter, the committee would have had him subpenaed and would have paid his expenses to come here to testify.

Mr. WELKER. One further question.

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

Mr. WELKER. I have only two further questions, if the Senator will bear with me.

Mr. ERVIN. Let me yield first to the Senator from Utah, the chairman of the commitee.

Mr. WATKINS. In view of the fact that there seems to be some difficulty over the question of an opportunity being afforded the Senator from Idaho to testify, is it not a fact that Senator McCARTHY was notified that he could call witnesses, and that he did call witnesses? He was asked more than once—probably 3 or 4 times—whether he had any evidence or any witnesses he wished to present. The committee even went so far as to ask him if there were any investigations he wanted to suggest that the committee make in his behalf. We said we would send out investigators or call witnesses. Is that not true?

Mr. ERVIN. That is true. The chairman of the committee repeated the offer to call anyone Senator McCARTHY wished to call; and before the evidence was concluded, the chairman asked Senator McCARTHY and his counsel if they had any further evidence to offer, and they said they had not.

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

Mr. ERVIN. I yield.

Mr. WELKER. As I understood the order to the select committee, it was directed to obtain the evidence and present it. Does the Senator know whether or not Senator McCARTHY knew that my telegram to Senator GILLETTE resigning from the Privileges and Elections Subcommittee was not in the files? I never knew about it until yesterday.

Mr. ERVIN. I cannot tell the Senator what Senator McCARTHY knew.

Mr. WELKER. I am quite certain the Senator will agree with me—and I ask him if this is not a logical conclusion—that if the committee had had my full telegram, sent to my friend the Senator from Iowa, there would have been no occasion for me to appear, other than to answer any cross-examination which might have been desired.

My final question is this: Is the Senator familiar with James M. Beck, who is a doctor of laws and an outstanding author?

Mr. ERVIN. I am.

Mr. WELKER. He is the author of the book, The Vanishing Rights of the States.

Mr. ERVIN. He was a great legal scholar and a very fine American. I am familiar with some of his writings. At one time he was Solicitor General of the United States.

Mr. WELKER. That is correct.

Mr. ERVIN. He was a great lawyer and a profound legal scholar.

Mr. WELKER. He wrote the book, The Constitution of the United States, and also the book, The Vanishing Rights of the States.

Mr. ERVIN. I am familiar with his book on the Constitution of the United States. I do not believe I have read the other book.

Mr. WELKER. Certainly he is a great scholar, who is very much beloved and respected by men of the South. Of course, the Senator knows that southern blood flows in my veins, too. I quote from page 50 of that great book, The Vanishing Rights of the States. What is said there is relevant to the first charge, or allegation, in the censure resolution:

> It is, however, equally clear that the act which would justify his expulsion must have taken place since his election. What he did prior to his election and qualification has been passed upon by the people of his State. In a political sense, it is res adjudicata. A candidate for the Senate might have been guilty of embezzlement before his election, but the right of the people of that State to send an embezzler to the Senate, if it sees fit, is clear. Such decision is the sole right of the State.

Does the Senator agree or disagree with Mr. Beck in that conclusion?

Mr. ERVIN. I agree with that statement when it is confined to the precedents on which that statement is based. Those precedents involve cases in which Senators had violated a criminal statute, and after the violation of law, which was known to the public in their States, were elected or reelected to the Senate.

I agree with Mr. Beck on that point. However, I do not agree that that principle applies in the case of an offense against the Senate itself, as distinguished from an offense against a criminal law.

Mr. WELKER. I do not believe the Senator followed me, I am sure, because otherwise he would not have said what he did say. Mr. Beck wrote:

> It is, however, equally clear that the act which would justify his expulsion—

He is going back to article 1, section 5, of the Constitution, which would cover a fist fight on the floor of the Senate, for example.

Mr. ERVIN. Is that what Mr. Beck says?

Mr. WELKER. No; I am ad libbing that, but the Senator, I am sure, as a lawyer, will follow me. He understands that.

> It is, however, equally clear that the act which would justify his expulsion must have taken place since his election. What he did prior to his election and qualification has been passed upon by the people of his State. In a political sense, it is res adjudicata.

Mr. ERVIN. The point I am making is that that statement of Mr. Beck rests upon authorities which involved only a situation in which a Senator had violated a criminal law before his election, and that fact had been known to the people of his State, and he had nevertheless been elected after that fact was known.

There is no case or precedent that I could find on the question before us, namely, a situation in which an offense was committed against the Senate itself, as in this case, as distinguished from a violation of a criminal law.

Mr. WELKER. I shall turn the book over to my distinguished friend the Senator from North Carolina. If he will read the quotation I have read he will find that it does not relate entirely to criminal law. I wish to say to my distinguished colleague from North Carolina that I appreciate the fact that he has been very kind in permitting me to question him. I trust he will listen to the legal discourse I hope to make within the next few days and that he will feel free to interrogate me as fully as I have interrogated him.

Mr. ERVIN. I thank the Senator.

SUBPENA SERVED ON EMPLOYEES OF COMMITTEE ON GOVERNMENT OPERATIONS IN CASE OF UNITED ELECTRICAL, RADIO AND MACHINE WORKERS VERSUS GENERAL ELECTRIC CO.

During the delivery of Mr. ERVIN's speech,

Mr. McCARTHY. Mr. President, I wonder if the Senator from North Carolina and the Senator from Idaho would yield to me, as a matter of privilege. The matter I wish to have considered must be attended to today. It will take not more than 2 or 3 minutes at the most.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wisconsin for that purpose?

Mr. ERVIN. I yield.

Mr. McCARTHY. There was served upon Mr. Walter L. Reynolds, chief clerk

of the Senate Committee on Government Operations, a subpena returnable today, which required the production of various files in the possession of the Special Subcommittee on Investigations.

There was also served upon Mr. C. George Anastos, a subpena requiring him to appear, obviously for the purpose of testifying as to what was contained in those files.

I understand that the subpena directed to Mr. Reynolds is being withdrawn, and that a subpena will be served upon me, as chairman of the Special Subcommittee on Investigations.

It is rather important that there be a consideration of this matter by the Senate. I call the attention of the Senate to Senate rule XXX, as follows:

No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate.

I call attention also to title 2, United States Code, section 72 (D), which reads in part as follows:

All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the Congress. * * * Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee. (Aug. 2, 1946, ch. 753, 60 Stat. 834–835.)

Mr. President, this case concerns an action between the United Electrical, Radio, and Machine Workers of America—which has been expelled from the CIO because of Communist-controlled activities—and the General Electric Co. It does not concern the investigating committee directly. It has to do with activities of the Butler task force. The Senator from Maryland [Mr. BUTLER] was chairman of a committee which had to do with investigating communism in industry. I feel that I must submit a resolution. I am not going to ask that it be passed upon tonight. I should like to have the resolution lie over, and let the minority Members scrutinize it.

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

Mr. McCARTHY. I shall yield, if I may continue for just a moment. The Senate passed upon a matter within the last few days—I believe it was the 10th of November, Mr. President—when a subpena was served upon the Secretary of the Senate, Mr. Trice, and Mr. Trice was ordered not to supply the records of the Senate.

In the question now before the Senate we have the additional problem of what Mr. Anastos can testify to. I think that if there is any evidence which would be valuable to a decision of the case, the Senate should not preclude that evidence from being produced. However, I think I do not have authority, under the rules, to produce evidence, hit or miss, from everything we have in our files.

I may say to the very able majority and minority leaders that I do not submit the resolution as the final step.

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

Mr. McCARTHY. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Is the Senator speaking of the resolution which he reviewed with me earlier in the day?

Mr. McCARTHY. Yes.

Mr. JOHNSON of Texas. The Senator proposes to submit it so that it may be printed, as I understand.

Mr. McCARTHY. And to lie on the table.

Mr. JOHNSON of Texas. And the Senator from Wisconsin plans to call the committee together to consider it prior to having it taken up. Is that correct?

Mr. McCARTHY. Yes. I would like to announce that I am calling a meeting of the committee for 10 o'clock tomorrow morning to consider the resolution. I may say that I hope it will have the attention of the Senate, because we do have an important problem before the committee. I do not think we should preclude the courts from obtaining evidence which we may have in our files. At the same time I think we are bound by the rule which states that a chairman may not present files hit or miss. We are dealing with a union which has been named by the CIO as being Communist-controlled. Therefore, I think we must be doubly careful not to give them any files which will give names of informants and investigative techniques. For that reason I trust the majority and minority Members may give the resolution considerable thought until tomorrow, at which time I shall call it up for action.

Mr. JOHNSON of Texas. Mr. President, I think the Senator from Wisconsin is following the usual course, and I have no objection, so that the resolution may be available for all Members of the Senate.

Mr. McCARTHY. Mr. President, before I leave, I should like to say that I have much work to do. I ask unanimous consent to have the staff memorandum printed in the RECORD, for the benefit of Senators who may then study it.

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

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

STAFF MEMORANDUM, NOVEMBER 13, 1954

On Friday, November 12, 1954, Walter L. Reynolds, chief clerk, Senate Committee on Government Operations, received a subpena duces tecum from the District Court of the United States for the District of Columbia commanding him to appear before the said court on the 15th day of November 1954, at 10 o'clock a. m., as a witness in the case of the *United Electrical, Radio and Machine Workers of America, et al.* v. *General Electric Co.* (Civil Action No. 1037–54) to bring with him the following documents:

"(1) All memoranda, or copies thereof, in the possession of the Special Subcommittee on Investigations of the Senate Committee on Government Operations, of any meetings, conferences, or discussions had from October 1, 1953, to September 1, 1954, inclusive, between Roy Cohn, C. George Anastos, Francis Carr, or any other representative or agent of said subcommittee, and any officer, representative, or agent of the General Electric Co., with respect to the investigation, disciplining or discharge of any employee or employees of the General Electric Co.

"(2) All written communications, or copies thereof, in the possession of said subcommittee, written from October 1, 1953, to September 1, 1954, inclusive, between Senator Joseph R. McCarthy, Roy Cohn, C. George Anastos, Francis Carr, or any other representative or agent of said subcommittee, and any officer, representative, or agent of the General Electric Co., with respect to the investigation, disciplining, or discharge of any employee or employees of the General Electric Co.

"(3) Stenographic transcript of hearings conducted by said subcommittee on November 12 and 13, 1953, in Albany, N. Y."

Mr. C. George Anastos, assistant counsel of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, received a subpena addressed to C. George Anastos, from the District Court of the United States for the District of Columbia, directing him to appear before the said court on the 15th day of November 1954, at 10 o'clock a. m., to give testimony in the case of the *United Electrical, Radio and Machine Workers of America, et al.* v. *General Electric Co.* (Civil action No. 1037–54).

Your attention and that of the Senate is respectfully invited to rule XXX of the Standing Rules of the Senate, which reads in part as follows:

"No memorial or other paper presented to the Senate * * * shall be withdrawn from its files except by order of the Senate."

Title 2, United States Code, section 72 (D), reads in part as follows:

"All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress. * * * Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee. (Aug. 2, 1946, ch. 753, 60 Stat. 834–835.)"

This matter is presented for such action as the Senate in its discretion may see fit to take.

The PRESIDING OFFICER. Without objection, the resolution submitted by the Senator from Wisconsin will be received and printed, and will lie on the table.

The resolution (S. Res. 329) was ordered to be printed and to lie on the table, as follows:

Whereas, in the case of *United Electrical, Radio and Machine Workers of America, et al., plaintiffs,* v. *General Electric Company, defendants,* civil action No. 1037–54, pending in the District Court of the United States for the District of Columbia, a subpena ad testi ficandum was issued upon the application of Joseph Forer, attorney for the plaintiffs, and addressed to C. George Anastos, who is an assistant counsel of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, directing him to appear as a witness before the said court on the 15th day of November 1954 at 10 o'clock a. m., and to give testimony in the above-entitled cause regarding evidence in the possession and under the control of the Senate of the United States: Therefore be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate of the United States is needful for use in any court of justice or before any

judge or such legal officer for the promotion of justice and, further, such testimony may involve documents, communications, conversations, and matters related thereto under the control of or in the possession of the Senate of the United States, the Senate of the United States will take such order thereon as will promote the ends of justice consistent with the privileges and rights of the Senate; be it further

Resolved, That C. George Anastos, assistant counsel to the United States Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, in response to the aforementioned subpena, shall testify to any matter determined by the court to be material and relevant for the purposes of identification of any document or documents provided said document or documents have previously been made available to the general public; but said C. George Anastos shall respectfully decline to testify concerning any and all other matters that may be based on knowledge acquired by him in his official capacity, either by reason of documents and papers appearing in the files of said subcommittee or by virtue of conversations or communications with any person or persons, and specifically he shall respectfully decline to testify on any other matters including, but not limited to, the investigation of, the disciplining, retention, or discharge of, any employee or employees of the General Electric Corp. or the agents or representatives of said employee or employees, or any knowledge concerning same, all of which were acquired by said C. George Anastos in his official position, as such testimony is within the privileges of the Senate of the United States; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. McCARTHY. Mr. President, I wish to thank the Senator from North Carolina [Mr. ERVIN] for yielding to me so that I might submit the resolution I have just sent forward. I intend to leave the Senate floor at this time. I had planned on remaining while the Senator from Utah [Mr. WATKINS] spoke, so I could question him about some contradictions in the report of the select committee. However, he has made a public statement that he will answer no questions propounded by me. Therefore, I feel it would be a waste of my time to sit here and listen to his dissertation. For that reason I shall not remain, unless, Mr. President—though I do not think this request would be granted—I could get unanimous consent. However, since the Senator from Utah has already announced that if I submit questions in writing he will answer them, it would necessitate having stenographers stay here and type out my questions, and then submit them to the Senator from Utah. I do not think that request would be granted; therefore, I do not think I shall even make the request. It would be a departure from the rules of the Senate, as the chairman has previously announced.

ORDER OF BUSINESS

Mr. WATKINS. Mr. President, as I had announced, I intended to make a speech today. I have not given out any advance copies of my speech to the press.

It appears that the distinguished majority leader has prepared a speech which should be made today. It is now within 30 minutes of our usual recess time. For that reason I shall withhold making my speech today, and I ask unanimous consent to have the floor in the morning at the beginning of the session.

The PRESIDING OFFICER (Mr. BUSH in the chair). Is there objection to the request of the Senator from Utah?

Mr. WELKER. A point of order, Mr. President. I did not hear the request.

The PRESIDING OFFICER. The unanimous-consent request is that the Senator from Utah [Mr. WATKINS] who is recognized and has the floor, be allowed to yield to the distinguished majority leader, with the understanding that the Senator from Utah will have the floor at the opening of the session tomorrow, after the usual morning hour.

Mr. WELKER. I have no objection.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, I would be the last Senator to ask the distinguished majority leader to forego making any remarks that he desires to make. Does he plan to recess at 5:30 this evening?

Mr. KNOWLAND. I do not believe that my remarks will take more than 20 minutes, at the most.

Mr. JOHNSON of Texas. It may be that at the conclusion of the majority leader's remarks the Senator from Utah may wish to make his address.

Mr. WATKINS. I shall not be able to finish my remarks in time. It is getting late. I have had a long day, and I had to work all day yesterday.

Mr. JOHNSON of Texas. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

COEXISTENCE AND ATOMIC STALEMATE

Mr. KNOWLAND. Mr. President, recent developments abroad and at home justify, in my mind, interrupting the debate on the pending resolution. At an early date I shall discuss the pending resolution and modifications of it.

Grave problems and dangers confront our Republic, and they are of far greater importance than the pending business before the Senate. We must keep matters in their proper perspective.

Are "coexistence" and "atomic stalemate" synonymous terms? If they are not, just what is the difference? Is the former merely an inevitable prelude to the latter? And what of our foreign policy and our defense policy when such an atomic stalemate takes place? Does not atomic stalemate mean inevitable Communist nibbling aggression, rather than peace in our time? How many years remain when we still have some initiative left? These are some of the basic questions before the Government and the people of the United States.

Certainly they are so important and the results of the decisions made are so far-reaching that the Congress and the American people must be taken into the confidence of the administration.

No matter what the decisions are in the elections of 1956, a Republican administration and a Democratic controlled Congress in the months immediately ahead share a heavy responsibility for the survival of this Republic, and the possibility of a free world of freemen hangs in the balance.

The civilizations that flourished and died in the past had opportunities for a limited period of time to change the course of history. Sooner or later, however, they passed "the point of no return," and the decisions were no longer theirs to make.

Coexistence and atomic stalemate will result in ultimate Communist victory. Unless one believes that the men in the Kremlin have completely changed their long-term strategy of ultimately having a Communist world, and no longer follow the doctrine that, in order to achieve their ends, anything is allowable, including deception and treachery, we must face the fact that the Communist concept of peaceful coexistence means that the United States or other free nations of the world will be allowed to exist only until communism is able to subvert them from within or destroy them by aggression from without.

It is my belief that the Soviet Union is advancing the Trojan horse of coexistence only for the purpose of gaining sufficient time to accomplish what we may term "atomic stalemate." When would they hope to accomplish this objective? The target date is probably between 1957 and 1960.

There is some fallacious thinking that when that point arrives the world will have gained a stalemate peace because neither side will then dare to use or threaten to use its atomic power against the other. At that point, so the reasoning runs, the two great world powers, the United States and the Soviet Union, will checkmate and immobilize each other and a sort of troubled peace will settle down over the balance of the world.

Certainly we must face up to the fact that the superiority the United States has today in a stockpile of atomic weapons and the means of delivering them will be checkmated, and the nations which today are toying with neutralism will be actively proclaiming it.

Let us examine the possibility then of even a troubled peace. It is more likely that at that point, when the free world has become paralyzed and immobilized by the realization that the United States and the Soviet Union could act and react one upon the other with overwhelming devastation, that the men in the Kremlin will see their best opportunity to start with what for the want of a better term I will call "operation nibbling," wherein they will seek to take over the peripheral nations bite by bite.

At that point, through the capitals of what remain of our anxious allies and with loud voices from the neutralists, as well as from sources in our own country, will rise the anguished cry, "Should we risk all-out atomic war for Iran, Sweden, Afghanistan, Yugoslavia, India, Finland, Burma, and so forth?" "For after all," the argument will run, "we have no treaty

obligations to them." Then they will start down through our smaller allies first to soften us up. These will not all be nibbled at once, but will be spaced out so that as each country passes behind the Iron Curtain, it will increase the despair of the other victims and the paralysis of the nations which might be willing to resist.

Since stalemate would put the Soviet Union itself off limits, the intended victim of the aggression could only look forward to a localized war within their own frontiers with the destruction of life and property that would entail. Since there would be no hope of restraining this new type of Soviet aggression by placing the body of the octopus in danger, these nations individually, one by one, might prefer to accept Soviet terms rather than even call on the West for aid.

Before our eyes the people of the United States would see nation after nation nibbled away and when the realization finally dawned that this policy would inevitably result in our country becoming a continental Dien Bien Phu in a Communist totalitarian world, the chances of our winning such a struggle would be so lessened and the Soviet world so extended that they then would be prepared for an all-out challenge to us wherein we would be allowed the choice to surrender or die.

It seems to me that the responsible committees of the Congress should promptly summon the State and Defense officials and the Joint Chiefs of Staff to fully inquire into our foreign and defense policy to find out where in their judgment it will take us and whether this clear and present danger which appears to me to exist is such that a basic change in the direction of our policy is warranted.

Time is running out and I would remind the Senate that in this day and age of the airplane and the atomic weapon, time is not necessarily on the side of the free world.

Mr. DOUGLAS. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. DOUGLAS. In the first place, I wish to congratulate the Senator from California for his very able and penetrating speech. It is along many of the lines which I tried to present in late January 1951 in a speech before this body on this very question.

I hope the Senator from California will not regard the question which I am about to put as being politically motivated, but I should like to ask whether the contention made in the midst of the recent political campaign by many members of a great political party that we will never favor having our troops fight on foreign soil is not a declaration which, if adhered to, would tie the hands of America behind her back and reduce the maximum resistance of the free world to Communist aggression.

Mr. KNOWLAND. I will say to the Senator, without being partisan, because I think when a danger confronts our Nation we should view it as Americans and not as partisans, that there may have been statements made by individuals on both sides which, from a national policy point of view, were not helpful. I have never believed that we should take such a position, but that this Nation should take whatever action our national interests might require at a time when a challenge might be confronting us in the world.

Mr. DOUGLAS. I will say to the Senator that I completely agree with him. It is the standard which I certainly try to follow.

But is there not a real obligation that candidates and parties should not, for the sake of temporary political advantage, take positions which might endanger the security of the country, and, indeed, the security of the entire world?

Mr. KNOWLAND. The Senator is correct. That should apply to both parties, and all persons concerned.

Mr. DOUGLAS. Is there not a further lesson to be learned both from the experience of the past few months and something which I think is implicit in what the Senator has said, namely, that if we reach a state of atomic stalemate, in which each side has available terrible weapons but each side is also afraid to use them lest they precipitate an atomic war, the whole world is exposed to the danger of being involved by the piecemeal extension of communism to outlying areas of the world, but which rapidly eat into the very center.

Mr. KNOWLAND. That is what I was trying to outline on the floor, because that situation makes almost inevitable the Communist conquest of what remains of the free world.

Mr. DOUGLAS. I quite agree with the Senator. Is it not true, therefore, that we should not endanger the strength of our ground forces because it is the great merit of these forces that they can deal with local circumstances, restrain aggression, and yet minimize the danger of the expansion of a local struggle into a worldwide conflict?

Mr. KNOWLAND. In that regard it seems to me that would be a matter to which the Joint Chiefs of Staff and the responsible officers in the Government, including the Congress, should pay attention. I think, whether we speak of ground forces, air forces, or naval forces, we should take into consideration the totals available, consider our present allies, those who are apt to stand up when the chips are down, and what would be available in each category under a given set of circumstances. I do not think we necessarily have to limit it to what is available in the United States of America alone, assuming that we have allies who are prepared to stand with us. I think the further the Soviet Union moves along toward this condition of atomic stalemate the more apt they may be gradually to move some of our present allies—at least, there is danger of it—from a position of toying with neutrality to a position where they would jump over into the neutrality category.

Mr. DOUGLAS. I am not trying to force a confession from the Senator regarding the wisdom or lack of wisdom of recent military policy, but I think the Senator is in general correct, and, in the light of his own proposition, it seems to me it was a great mistake for us to have reduced the armed strength of our ground forces from 20 to 17 divisions. I think we needed all those 20 divisions, and that the reduction of 3 divisions distinctly decreased our striking power and, therefore, led, by the force of example, to a net reduction in the total fighting strength of the free world. I say that without any reflection upon the motives of those who urged this decrease, but since we shall shortly be passing upon a new military budget, and in view of that fact and in view of the general policy which the Senator from California has, I think, stated very well, I think we should build up our armed defense instead of reducing it. Otherwise we are likely to be lulled to sleep.

Mr. SYMINGTON and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. KNOWLAND. I yield first to the Senator from Missouri; and then I shall yield to the Senator from Arkansas.

Mr. SYMINGTON. Mr. President, I congratulate the distinguished majority leader upon his talk this afternoon, which I look forward to studying. No one has been more interested in the national security of the United States since I have been in the Government than has the distinguished senior Senator from California.

Does not the Senator from California believe that as things are now going, this country is, or shortly will be, in the same relative strength as against the Communists as the British found themselves to be against the Nazis in the late 1930's?

Mr. KNOWLAND. I think there is that danger, which neither the Government nor the people of the United States dare ignore, except at their peril.

Mr. SYMINGTON. I thank the majority leader. Will he further yield?

Mr. KNOWLAND. I yield.

Mr. SYMINGTON. With reference to the question of new missiles, atomic mutations, we now are at the point where, so far as I know, all distinguished military leaders believe it would be possible to almost destroy a country within a matter of hours or days. If that be true, would not the distinguished majority leader agree that we must now prepare differently than we did before? Previously we prepared, supported by the two oceans, to win a long war, if such a war was forced upon us.

In that any future war will entail tremendous original destruction, would not the distinguished majority leader agree that we must be so strong in the future that we can prevent any war, instead of trying to be in the old position of being able only to win a long war?

Mr. KNOWLAND. I think the Senator from Missouri is correct because it is entirely possible that when we approach the position of a so-called atomic stalemate, and recognize the utter ruthlessness of the men in the Kremlin, it is possible that the decisive phase might end within 10 days.

Mr. SYMINGTON. In other words, the only chance we have, unless we believe in the good faith and sincerity of the Communist leaders, is to have them

know, if they attack us in this atomic age, regardless of the effect of their atomic attack, we will be so strong that we can get up and in turn destroy them.

Mr. KNOWLAND. That is essential; but I think also it is essential that they be not allowed to expand their present strength to the point where they will have such overwhelming numbers in manpower and resources that they can attack with calculated risk.

Mr. SYMINGTON. Recently I read an article signed by a reputable reporter in a reputable newspaper which said that with respect to the policies of this country vis-a-vis Communist China and Formosa, the Secretary of State and three members of the Joint Chiefs of Staff felt one way, while the fourth member of the Joint Chiefs felt another. The later decision made by the President was to go along with the fourth member.

I do not know if that article is entirely correct, but I do know it was from a reputable reporter—and it said the reason for the opinion of the fourth member of the Joint Chiefs, with respect to not going ahead with a more positive policy, was that the United States Army was too weak to adopt such a policy.

Would not the distinguished majority leader agree that if it be true our Army is too weak to go ahead with what the other three members of the Joint Chiefs of Staff thought proper policy, the situation is indeed very serious, and is one which Congress should face promptly during the next session?

Mr. KNOWLAND. If all the facts in the article were correct—and I am not at this point prepared to say that they were or were not correct—and if the weakness in the ground force was not made up by other strength available in ground troops, I would say the premise of the Senator from Missouri was correct. But I should want to have more facts than I presently have, based upon a newspaper article.

Mr. SYMINGTON. May I send the article to the Senator?

Mr. KNOWLAND. Yes.

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

Mr. KNOWLAND. I yield.

Mr. SYMINGTON. Many people have spoken about the reduction in the appropriation for the Air Force, in 1953, of more than $5 billion, this against the position of the Joint Chiefs of Staff at that time. But few people realize that in 1954 the appropriation for the Army was reduced from some $12.8 billion to some $7.6 billion, which also represents a cut of more than $5 billion.

Mr. KNOWLAND. Again, would not the Senator from Missouri agree, in that regard, that it would depend on where the cuts were made as to what the end result in firepower was; whether the cuts were primarily in service troops or PX troops, or whether they were in combat troops for frontline duty?

I am certain the distinguished Senator, who served as Secretary of the Air Force, rather than as Secretary of the Army, was thoroughly familiar with all branches of the service, and knows that for a good many years there have been many more troops supporting frontline troops than is customary in other countries, and certainly far more than the Soviet Union has in the same category.

Mr. SYMINGTON. I thank the Senator.

As a result of a talk made recently in Miami by the Chief of Staff of the Army about the strength of the Army—and I thought it a very fine talk—I am worried about the strength of the Army.

Just before Korea, in line with the recommendations of the Bureau of the Budget, the final military appropriation was under $15 billion. After Korea, within 2 years, we were appropriating more than $60 billion.

The last administration recommended some $40 billion. That amount was cut in the first year of the present administration to $33 billion plus; then, as a result of the 1954 action by this Congress, to $28 billion plus.

It seems to me that if we are to be effective in our diplomatic policies, which the distinguished majority leader has followed closely and with profound thought, we must negotiate from a base of military strength with that premise.

Mr. KNOWLAND. I may say at this point, if the Senator will permit me to do so, that I fully agree that the Soviet Union will only recognize strength; and to negotiate from any basis other than strength would be to invite diplomatic, if not military, disaster.

Mr. SYMINGTON. I thank the majority leader. Will he yield for a final question?

Mr. KNOWLAND. I yield.

Mr. SYMINGTON. With the premise which the Senator from California has so ably presented in his remarks, and with the premise of the figures stated, before we approve recommendations from the military this time, should we not give full consideration to what negotiating from relative weakness as against relative strength means to the future security of the country?

Mr. KNOWLAND. I think the responsible committees of the House and Senate as rapidly as possible should go into these matters, and certainly everything should be done, considering what I believe to be a present and imminent danger, to be certain that we are operating from a position of strength.

Mr. SYMINGTON. I thank the Senator.

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

Mr. KNOWLAND. I yield.

Mr. FULBRIGHT. I, of course, agree that adequate military preparation is essential. But I wonder why the Senator feels that under what he calls coexistence and atomic stalemate the Communists are bound to win. What leads the Senator to that conclusion?

Mr. KNOWLAND. Reviewing again the remarks made, I think the problem is that there has been no indication that the Communist leopard has changed his spots. If that be correct—and I happen to believe it is, although I realize that men may honestly differ on that point—then it seems to me that the evident policy of the Soviet world is to gain a sufficient amount of time so that with the stockpiling of atomic and hydrogen bombs they can achieve what I have called an atomic stalemate. Once having reached that point, then what I believe now to be a clear superiority on the part of this Government and the rest of the free world will have been lost.

At that point, instead of bringing about a condition of peace, I think, to the contrary, there will have been opened up a vast new opportunity for the men in the Kremlin to pursue what I have called a nibbling operation, because at that point, if the free world would not dare to attack the center of the power, which I have termed the body of the octopus, it would limit any action which they might take to the peripheral countries, which, one by one, would be under attack.

Let us take Sweden as an example. Let us assume that the Russian Ambassador went to Sweden and said, "We demand that you yield to our terms to put in a coalition government. Unless you do, we are going to move Soviet forces across the frontier."

So far as the Soviet Union is concerned, it would be able to proceed on the general theory that it would not be attacked on its own home base, and that any resistance offered by the free world would be offered by the sending of perhaps some Air Force elements and perhaps some ground forces to help Sweden. But from the Swedish point of view, Sweden would be limited to fighting on its own territory, perhaps with tactical atomic weapons, rather than strategic atomic weapons, perhaps with old-fashioned artillery, and the normal dislocations of war. So that Sweden would be faced with the prospect of suffering utter destruction, on a purely limited basis, without help in any effort to destroy the fountainhead of aggression. At that point the Government in Sweden might determine that it would rather risk a Communist government in Sweden than to have its land devastated without any hope of ever regaining its freedom.

That is the difficulty faced by such countries. I believe the men in the Kremlin would press their advantage in countries all around the periphery. I believe it would be found that in the neutralist capitals of the world, in the capitals of our allies, and, indeed, even in the United States, persons in the Government might say, "Why should we become involved in a war when atomic weapons might bring destruction to the United States?" I am assuming this would take place at the time of atomic stalemate, when Russia and the United States would be about in the same position so far as atomic weapons were concerned. People would say, "Why should we take that risk for a country which is 10,000 or 15,000 miles away from us?"

Each time the Soviet Union succeeded in one of those peripheral adventures, more and more it would break the morale of the countries on the periphery, so that the next time they would be less likely to resist. In fact, they might even become so paralyzed that they would not even ask for the West to come to their assistance.

Perhaps if the nibbling process were to be so spaced that it would not be too big a challenge to the United States and what was left of the free world, we might find that piece by piece the other na-

tions were being taken away from the free world, so that we would be left with what would be the continental Dien Bien Phu of the rest of the free world.

At that point, when Russia had expanded its manpower, resources, and industrial productivity, having reached the atomic stalemate position, Russia might then determine that it could risk an all-out Pearl-Harbor type of attack on this country, and if we responded in kind we would at least be thoroughly limited to the Soviet Union itself. In the meantime the Soviet Union would have gained the industrial potential, not only of the satellite nations which Russia now controls, but of other nations in Europe as well.

That is a possibility which I think should be given consideration by all persons having positions of responsibility in the legislative and executive arms of the Government, as well as by the American people as a whole.

Mr. FULBRIGHT. I agree with the majority leader that those persons should give consideration to the problem. I had assumed that the present administration had given consideration to it. I know the matter has been very much in the minds of all of us in the Committee on Foreign Relations. It would seem to me, in view of what the Senator from California has said about the atomic stalemate, that he assumes that this country now has superiority, and that he is suggesting that perhaps we should use that superiority by attacking Russia now.

Mr. KNOWLAND. No; I have not suggested that.

Mr. FULBRIGHT. What is the alternative? I cannot see any other.

Mr. KNOWLAND. I think the alternative is for this country to make it clear that we cannot and will not stand for any further Communist expansion, and if Russia makes the challenge of expansion, then I think we must face up to the full repercussions of deciding whether we should merely try to stop Russia on a purely local basis, or whether the body of the octopus should be brought under attack.

Mr. FULBRIGHT. If I may pursue for a moment the question of expansion—the Senator from California realizes that Russia can expand by ways other than overt military aggression. I think we have made it fairly clear in Korea that we would not stand for any overt aggression. The policy was made clear to the world that we would not stand for any Communist overt aggression.

Mr. KNOWLAND. If the Senator will permit me, I should like to interrupt at that point. I repeat that I do not wish to get into a partisan discussion of the question, because it is too big a problem for that. People may honestly differ on the question, about what should have been done, and I know many persons who held positions of responsibility under the last administration felt the same way, but I say most respectfully that I think one of the great mistakes in history may have been that we limited our action to Korea, did not make use of the effectiveness of our strategic air arm, and left the munitions centers, the arsenals, the troop concentration points, the rail networks, and the supply depots which were just across the Yalu in a sanctuary. We limited our activity to the area between the Yalu and wherever the point of combat happened to be, whether it was at the 38th parallel or at the Pusan perimeter.

I am sure none of us want to see our country engaged in war, but in my opinion we must determine our policy. This is something which the people of the United States, as well as the Congress and the Executive, must think out well in advance. We must not have a policy which will engage us in a series of peripheral wars, limited entirely to countries which are the victims of aggression, whereas the aggressor could maintain himself in privileged sanctuaries, whether they were in Communist China or Communist Russia.

Mr. FULBRIGHT. The point I was trying to make was not as to the policy or strategy we should adopt. We certainly gave a warning to the Soviets about the adoption on their part of a policy of overt aggression. The problem that concerns me so much is that there can be expansion by other means than by aggression, such as winning an election, or subversion in neutralist countries, if one likes that term, which is the term used by the majority leader, or anywhere else where people have not made up their minds. I guess "neutralist" is as good a word to use as any. Such a policy as has been proposed would not reach people in those countries at all, and I think many persons feel there is a greater danger of Soviet expansion in that manner than there is of overt military expansion by force.

Mr. KNOWLAND. I think the danger exists in both categories. For instance, Czechoslovakia is just as much behind the Iron Curtain, although she was taken over by the Communists by a coup d'etat, even though the Communists did not comprise as much as 20 percent of the population, if that much, as if Russian divisons had crossed the frontier and seized the country. I happened to be in Czechoslovakia just before that country lost its freedom. The pattern that was followed there was exactly the same pattern that had been followed earlier in Poland. In order to intimidate the people of the country, the Soviet Union had had maneuvers of their armored divisions along the Czechoslovakian-Polish frontier. Russia did not move a single tank across the frontier, but at precisely the time the local Communists were taking over Russia was holding maneuvers, and the clear intimidation and blackmailing effect of those maneuvers were that if the local Communists did not succeed in their coup d'etat the Communist forces would be prepared to move in and take over.

So I quite agree with the Senator from Arkansas that subversion from within may destroy freedom just as much as may aggression from without. I do not know that we have the final answer to that question, but I think we must face up to the problem. Otherwise we could lose all the countries on the periphery by the same method.

Mr. FULBRIGHT. It seems to me it would be unwise to leave the impression that we would favor engaging in a so-called preventive war, because that would be disastrous to our relations with the rest of the world.

Mr. KNOWLAND. No; I think there is a difference between a preventive war and an act whereby a nation, without justification, without an act of aggression having been committed against it, engages in a Pearl Harbor type of attack. I think there is a big difference between the latter and saying that the Communists cannot expect to have the hands of the free world tied with an assurance that if an aggression is committed by the Communists, our actions will be limited to the ground or territory of the victim of the aggression. We might or might not determine that it was in the interest of maintaining a free world of freemen to take certain other action. Certainly we would not tell them in advance what the action would be. But Russia should not be allowed to proceed with any other aggression, either direct or indirect, with any feeling of security that our counteraction would be limited to the victim of the aggressor.

Mr. FULBRIGHT. I was under the impression that that was the policy of the present administration. That is what I understood the Secretary of State to mean when he talked about massive retaliation. It was with regard to any further overt aggression.

Mr. KNOWLAND. Yes; but the Senator from Arkansas was not referring to overt aggression. I think the picture as regards overt aggression has been made fairly clear. The Senator had departed from the picture of overt aggression and had begun talking about subversion from within. I had said that a country could lose its freedom just as much by subversion from within as by overt aggression from without.

Mr. FULBRIGHT. I do not quite understand the Senator. Would he go any further than the present administration's policy, expressed by Secretary Dulles—I assume with the approval of the President—with regard to the matter of massive retaliation? Perhaps the Senator does not like that term. I understood the Senator to refer to a policy of warning potential aggressors that if any further aggression occurred we would hit them with our atomic bombs. Would the Senator go any further than that?

Mr. KNOWLAND. Not unless they read into the statements of Mr. Dulles the interpretation that we would translate "massive retaliation" into atomic warfare. I do not think that necessarily follows. I think we will take whatever steps are necessary in the national interest, and to make sure that this Nation does not lose its freedom and that we do not lose the free world. But we do not necessarily use an elephant gun in hunting rabbits. I think it all depends on what the situation is and what the determination of the Joint Chiefs and the responsible authorities is.

The only point I have been making is that among some people abroad—and it

may be true also of some in this country—there is the impression that a condition of peaceful coexistence will guarantee, in effect, a period of peace with the Soviet Union, or that a period when there is an atomic stalemate will assure that there will be no further Soviet aggressions. I merely wish to point out for the consideration of the Senate and the country that that will not necessarily mean that Soviet aggressions will stop at that point. On the contrary, I think it will open up to the Soviets an entirely new series of potential aggressions to which we must face up. We must not be living under the false impression that that period will bring about a number of years of peaceful coexistence.

Mr. FULBRIGHT. On the other hand, if we concentrate all our efforts on the military, to the exclusion of the other steps, and the Soviets should be smart enough not to engage in military expansion, but undertake expansion through peaceful means, such as a so-called point 4 program, we would be in a bad way. I understand they are now adopting our idea of the point 4 program, and offering to do the things we did under point 4 in many nations. If they do that, it seems to me that we shall be in a very bad way without any war at all.

Mr. KNOWLAND. It all depends. I think, as I stated earlier, that we have not necessarily yet found the solution. I do not think the previous administration found it. Perhaps this administration has not found out how to meet the problem of internal subversion.

Various suggestions have been made. I do not know that anyone has the complete solution. One policy we have followed is that, regardless of aggressions, for example, upon our planes or in certain other directions, we would still continue our normal diplomatic relations with the countries committing the aggressions. I think that policy ought to be reviewed.

The argument made is that if we withdraw our Ambassador and send the Communist Ambassador home, so far as our Ambassador is concerned, we would lose a window in the other country. I think that factor must be weighed against the fact that the Communist embassies in our country, and in other countries of the free world, as has been shown by the Guzenko case in Canada, and as has been shown by some of the espionage cases in our country, are used as centers of espionage. So I think the breaking off of relations would be of greater disadvantage to the Soviets than to us. However, that is an arguable point.

Secondly, I think there is a certain amount of restlessness within a number of the satellite nations. It would certainly be to the advantage of the free world if those satellite nations could break away, one by one, from the Communist orbit. It might well be that with the breaking of relations with some of the nations which have given us ample reason for breaking relations, we would instill hope in the hearts of the once free people of Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and other countries, that someday they might again be free. Regardless of whether or not some people believe that recognition places the stamp of approval on a government, nevertheless, it does in fact give them a certain standing and prestige which the withdrawal of recognition would remove. It would have the reverse effect.

For that reason I think we must examine our entire policy and determine whether we are to sit back and do nothing in that regard, or find some new formula to help to resist the constant encroachment of the Communist world.

Mr. FULBRIGHT. I thank the Senator.

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

Mr. KNOWLAND. I yield.

Mr. LEHMAN. I cannot possibly conceive of this country engaging in a preventive war. But if the prediction made by the distinguished majority leader, to the effect that during the next few years we shall reach an atomic stalemate, is correct—and I have no doubt that it is—will he not agree with me that we cannot afford to wait, in regard to making adequate provision to strengthen ourselves and our allies, until the time of that atomic stalemate arrives?

Mr. KNOWLAND. I quite agree with the Senator that the entire subject must be reviewed in the light of the present danger, and the potential dangers which confront us.

Mr. LEHMAN. Mr. President, will the Senator yield for another question?

Mr. KNOWLAND. I yield.

Mr. LEHMAN. The Senator has stressed the pressure to which the peripheral nations may be subjected as a result of this atomic stalemate, or even before that stage is reached. Will he not agree with me that the very drastic reductions we have made in appropriations for the Air Force, for the Army, and possibly for the Navy, thus reducing our proposed air strength from 143 wings to substantially less than that, reducing our ground forces from 20 divisions to 17 divisions, and reducing our naval strength, must serve as a very great discouragement to the peripheral nations and the nations behind the Iron Curtain, as well as to our allies? Will he not agree that these actions on our part help inspire the belief abroad that we are not going to be strong enough to deal from strength, and that we are willing now to accept a position of weakness in dealing with the Soviets?

Mr. KNOWLAND. That would depend upon what the full facts were. For instance, I think we could have a lesser number of wings and still could have a stronger bombing potential, so that 1 or 2 planes could do what 150 or 500 planes might have done during World War II.

So far as the Army is concerned, I think it would depend upon what the situation was in regard to the firepower of the artillery, the infantry, and the armored divisions, in relation to the firepower previously existing, and whether some of the reductions had largely been in the supply forces and in the behind-the-line troops, and whether we could improve that situation, so we would not need as many men behind the lines, supporting the men in the front lines. I think we need to take all those factors into consideration.

I believe we have to consider what in the way of airpower we have, not only in the other services—the Navy and the Marines—but also among our allies, in terms of the common contribution, just as we have to consider what potentials there are in ground forces both in Europe, Asia, and the Americas.

Of course, all those things have to be taken into consideration before a categorical answer can be given to the Senator from New York. But I believe the overall strength needs to be maintained. We might have the desired strength; but if as a matter of national policy the American people were not prepared to support the use of that strength, even after having doubled its amount, that strength on our part would not necessarily constitute a restraining influence upon the Soviets.

Mr. LEHMAN. Mr. President, will the Senator from California yield for another question?

The PRESIDING OFFICER (Mr. HICKENLOOPER in the chair). Does the Senator from California yield further to the Senator from New York?

Mr. KNOWLAND. I yield.

Mr. LEHMAN. Will not the majority leader agree with me that there should be a careful reappraisal—on a bipartisan basis—of the results of the cuts in the appropriations for our military from $40 billion to, I believe, less than $28 billion in the past 2 years, involving a cut in our Air Force, from 143 wings to a lesser number, and a cut from 20 divisions to 17 divisions in our ground forces?

Mr. KNOWLAND. Of course the Senator from New York is making a statement that I would not wish to be understood as accepting. I believe it depends in both instances on whether we are taking about paper wings or wings actually in being. I think the Senator from New York will find that the proper congressional committees, including the Armed Services Committee, the Foreign Relations Committee and the Appropriations Committee, can delve into the question of whether there has been an actual reduction in firepower, or whether some of the reductions have been in types of planes which could very well be done without while we were concentrating upon building up the wings in being in both the tactical and the strategic air arms.

So the mere fact that there has been a change in the so-called paper wings does not necessarily mean—although I do not wish to argue the point now—that there has been a reduction in striking power.

Mr. LEHMAN. I suppose there is logic in what the majority leader has said. But from all the reports I have received in the past 2 or 3 years, I judge there has developed a very definite gap between the military strength of ourselves and that of Russia. I am not talking now about atomic strength; I am talking about the air forces and the ground forces.

I have also been told by excellent authority that this gap has actually widened instead of being narrowed, within

the last year or two. I wonder whether the Senator from California can give me any information on that subject.

Mr. KNOWLAND. No; I am not in a position to do so at this time.

Mr. LEHMAN. I thank the Senator from California.

Mr. SALTONSTALL. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. SALTONSTALL. In the interest of trying to be helpful in this connection, I should like to say that a reduction from 143 wings to 100 wings has not actually occurred; it is not correct to say there has been such a reduction. In my opinion the reduction is from 143 wings to an ultimate goal of 137 wings. Furthermore, there is a difference in the spread of those wings. For instance, some of them are training or transport wings that can be eliminated.

Actually, the number of wings in existence last July, when I last checked the figures, was greater than the number we had a year before, and at least as many as were contemplated by the previous administration at that time.

I may also say to the Senator from New York and the Senator from California, that when the Senator from New York says we have reduced our ground forces from 20 divisions to 17 divisions, that statement also is not strictly correct, because not included in those divisions are the so-called combat teams, which, as I understand, are composed of artillery, infantry, aircraft, and so forth, and are in addition to the 17 divisions. Of course, we are equipping the 20 divisions that are in Korea today, and are composed of Koreans. So, strictly speaking, we have not reduced the size of our Army to the extent that the statement of the Senator from New York would seem to indicate, when he referred to a reduction from 20 divisions to 17 divisions.

I should like to ask a question of the Senator from California, who formerly was a member of the Armed Services Committee: Is it not true that it will always be impossible for us to have as large a standing ground force as the Russians have? What we have to depend upon and what we need so badly today is an improved Reserve training program. Is it not equally true that the President of the United States has stated to the American Legion that in January he intends to submit to Congress, as one of the first measures he will suggest at the new session, a bill calling for a Reserve training program? I ask that question because at five different times last year I, as chairman of the Armed Services Committee, tried to get such a program submitted, but those in authority could not get together on a recommendation or plan.

Mr. KNOWLAND. Of course, an adequate Reserve program is essential because neither our economy nor our general history and tradition would support, nor would we wish to support, an army in being as large as the army the Soviet Union has. We would immediately have to curtail our production of planes, tanks, equipment, and so forth, to the extent required to keep any such force mobilized.

So I believe we need an adequate and efficient Reserve training program, and I think we need equally as much to consider the contributions of our several allies.

As the Senator from Massachusetts well knows, when the so-called ROK divisions—the divisions of the Republic of Korea—had proper training and proper equipment, they turned out to be among the finest divisions that fought in the Korean war. Certainly there is no reason why the troops of the Republic of Korea, in the defense of their own country, should not be equipped and trained to protect their own country, and certainly there is no reason why we necessarily should have to tie up 2, 5, or 10 United States divisions in Korea.

A similar situation exists in other areas of the world. I believe that the other nations, our allies, could themselves supply many divisions for the cost of equipping and maintaining one United States division. For instance, it has been estimated that anywhere from 10 to 15 Korean divisions can be equipped for the cost of equipping 1 United States division. A similar situation exists in the case of certain other countries, although perhaps not in so great a degree. Certainly our allies and associates should be prepared, in the common defense, to carry their fair share of the burden.

Mr. SALTONSTALL. Mr. President, I should like to ask one more question, and perhaps make a brief statement, also. What the Senator from California says about the Reserve training program is true; and I believe that the enactment of a measure bringing about such a Reserve training program is the most fundamental legislative improvement that lies within our power today.

Second, of course, we should reappraise, every year, the appropriations for our military equipment.

The other question I should like to ask the distinguished majority leader is this:

The former chairman of the Joint Chiefs of Staff, Gen. Omar Bradley, made a statement which has always appealed to me. He said that if we are to send ground troops into any situation, we should choose, to the best of our ability, where those ground troops are to go, and not be forced to send them somewhere as the result of action taken by some other country. I assume that is the same feeling which motivated General Ridgway in his testimony. I believe such a concept is fundamental to our future security. We should keep our ground forces mobile and send them to places of our own choosing.

Mr. KNOWLAND. I believe that statement is correct. However, we should understand that making that statement does not solve the problem, as I am sure the Senator did not mean to imply. For example, I believe it to be entirely sound policy to withdraw American divisions gradually from Korea and to replace them with Koreans in the defense of Korea. In that way the American divisions can be put into a mobile reserve.

I believe the same policy should be followed in Japan and in other areas of the world.

However, it is not possible precipitantly to withdraw those divisions unless at the same time we make sure that the withdrawal of the troops does not in and of itself encourage Soviet aggression. That is why I believe the policy of building up the ROK divisions in Korea is a necessary corollary to the withdrawal of American troops.

Mr. SALTONSTALL. I had in mind sending our troops into some places, such as the Senator from Arkansas and the Senator from Missouri mentioned.

Mr. KNOWLAND. I quite agree that neither in our military policy nor in our foreign policy should we be placed in the position of merely reacting to Soviet moves, and to make it possible for them by their moves to determine what we will do, because that in effect would make us a captive of their policy. I do not believe that we should do that.

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

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. Mr. President, I appreciate very much the distinguished majority leader's frank approach, as always, to these troublesome problems. I am not sure that I fully comprehend all the implications that may flow from the distinguished Senator's statements.

I have not had an opportunity to study his words. I shall certainly do so during the evening. I do wish to ask a question of the distinguished majority leader.

First, I wish to say that I share the Senator's very deep concern about the state of our Nation's defenses and about the necessity of our negotiating from a position of strength. As the Senator will recall, many years ago we were among 6, 7, or 8 Members of the Senate who insisted that adequate funds be appropriated to maintain what we considered to be our essential defenses.

With reference to the present time, what does the Senator believe we should add to the proclamations already made by the President and the Secretary of State insofar as warning Russia is concerned? Would he extend those proclamations? Would he go further?

At this time, does he believe that we have not studied the situation enough? Would he precede any announcement with a study, or would he make the announcement and then make the study? Would the Senator elaborate on that point?

Mr. KNOWLAND. I would say to the Senator from Texas that what I primarily had in mind in the remarks I made today was that throughout the world there has been an obvious development in the thinking of some of our allies and some of the neutral countries that the doctrine of peaceful coexistence, merely because it has been expressed by the Soviet Union, can be relied on. I believe it to be a wrong premise. I do not believe that we can trust the Soviet Union today any more than we could trust the Soviet Union under Stalin or under Lenin.

I believe the historic Soviet doctrine is still precisely what it was before, and

that is to destroy the free world whenever the Soviet Union has an opportunity to do so. It may take some considerable time. They may try to do it in a piecemeal fashion. They may await for an opportunity when it would be possible for them to do it more aggressively and in a whole-hog fashion. However, I do not believe that their basic policy has changed.

The mere fact that they say "We are now good" does not mean that we should accept that statement at face value. We should not do so, because the Soviet Union has violated every nonaggression pact it ever entered into, including the ones with Finland, with Poland, with Latvia, with Lithuania, and with Estonia, and the agreements with Nationalist China.

Mr. JOHNSON of Texas. What would the Senator from California recommend doing or not doing?

Mr. KNOWLAND. I would say to the Senator from Texas that, first, the administration should, as I hope it will and as I believe it will, call in the leaders of both parties during this session—and such a conference has already been called—and certainly during the next session, when the party of the Senator from Texas will be in control of the Senate and of the House of Representatives, in order to work together on some of the grave problems that face our Nation.

Mr. JOHNSON of Texas. With that recommendation the Senator from Texas is in hearty accord.

Mr. KNOWLAND. Secondly, I believe it is equally important that before some of our friends abroad get the false impression that peaceful coexistence, as the Soviets use the term, or atomic stalemate, when it comes, will mean that they will be free from worry, we should at least point out to them some pitfalls in that policy. I have mentioned some of them today. We should point out those pitfalls before they commit themselves to the policy of the Soviet Union without realizing the full implications of that policy.

Mr. JOHNSON of Texas. I want the Senator from California to understand that I agree with him wholeheartedly in the view that our foreign policy and our military policy need to be reviewed and strengthened.

I merely want to get a little more clearly what his ideas are and what he believes should or could be done. I believe the President has acted very wisely and considerately in arranging for a meeting on Wednesday of this week. I cannot anticipate what that meeting will produce. I am hopeful that some of the things the Senator has mentioned will be placed on the table as frankly as the Senator has placed them before the Senate today.

I am concerned, however, about the distinguished majority leader's statement, if I understood it correctly—I may not have understood it correctly—that he was recommending a study of the subject by committees of Congress at the present session. Is that correct?

Mr. KNOWLAND. No; not necessarily so. I purposely did not say that it should be done at the present session of Congress. However, I do think that time is of the essence. I believe that the year 1955 may be one of the most crucial years in the entire history of our Nation. Actually it may be a year such as faced the Roman Empire at one time, when it had the power to make decisions which might have saved it, but when they passed the "point of no return." From there they were no longer in control of the situation.

Therefore I merely say, on my own responsibility as a Senator, that the problem is of such magnitude and of such importance that there should be no center aisle dividing us in trying to find a solution which will preserve our Republic and make it possible for us to hand it to our children and grandchildren as strong as we received it from those before us. That is basically what I am trying to say.

Mr. JOHNSON of Texas. I commend the distinguished majority leader for that statement. I certainly share his viewpoint on the necessity for uniting all America in a common determination to preserve our country.

I assume, then, that the majority leader does not contemplate any unilateral study of the subject by Senate committees during this special session of the Senate?

Mr. KNOWLAND. No; I do not have that in mind. Of course I have no doubt that I am not the only one who has been worrying about this problem. At least I have expressed a point of view I wished to get before the Senate while the Senate was in session at this time and while we are preparing for the next session of Congress, as well as while distinguished representatives of foreign countries are visiting us.

In that way at least some thought will be given—as I know it is being given—in various countries, and by the public as a whole, to the question of what the full implications of the so-called policy of peaceful coexistence and atomic stalemate may mean.

Mr. JOHNSON of Texas. Mr. President, I wish to thank the distinguished majority leader for the frankness of his statement this evening. I now have a much clearer view about the plans for this Senate session than I had when he began to deliver his statement because I thought the implication of a recommendation for study meant that perhaps the committees would start on this problem while we are trying to pass on the pending resolution. I certainly hoped the majority leader did not feel that the matter was of sufficient urgency to displace the pending business.

Mr. KNOWLAND. No. I will say to the Senator from Texas that I had no such intention. But I wish to point out that while we have 96 Members from 48 States engaged in the consideration of a matter which is of some importance to the Senate, other vital questions which may affect the life of the Republic are still arising in the outer world, and I hope that we will not become so deeply engrossed in the pending resolution that we will lose sight of other important matters.

Mr. JOHNSON of Texas. I commend the Senator for bringing the matter to our attention, and I also congratulate him for not intending that the present business be set aside.

I think the most important job the 84th Congress will have is not only to examine and attempt to strengthen our foreign policy to give this Nation the initiative, but to be sure that the people of this country, as far as possible, are united behind our foreign policy. I think it is extremely urgent that we reexamine our defense policy and our military strength. It is my personal view that it will be absolutely necessary, in view of what the Senator has said, and in view of what we know to be the facts, to make this Nation as strong as is possible. I am afraid that today we are weaker than we should be.

I know, from my experience with the Senator in our respective leadership roles and on the Armed Services Committee and the Appropriations Committee, that this is not an issue that will be determined by partisan considerations. We all love this Nation, and we are going to march forward together and attempt to make this country so strong that no one will dare attack it.

Mr. KNOWLAND. I thank the Senator.

Mr. FERGUSON. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I appreciate what coexistence means. I have always thought that a cartoon I once saw showing a birdcage containing a fat cat and with no bird in the cage was an indication of what would happen under coexistence.

Mr. KNOWLAND. When I was in China in 1949 and was at Chungking the day before the Communists took that capital, one of the elder statesmen of the Republic of China said to me, "You know, Senator, we have an old expression in China that you cannot have coalition or coexistence with a tiger unless you are inside the tiger."

Mr. FERGUSON. That is the same idea which I expressed. But my question is this: I was under the impression that the Defense Department and the administration were studying our military situation from day to day and had made announcements. I think the settlement which was made in Korea was an indication of what we could expect if no determinations were reached.

Does the Senator wish to leave the impression that the administration today is not studying the questions which have been raised not only from the military angle but from the State Department angle?

Mr. KNOWLAND. Oh, no. I hope the Senator will read no such implication into my statement, because I am sure that almost daily the Joint Chiefs of Staff are sending papers to the Security Council, and the Security Council, under its responsibilities, is making determinations dependent on what happens in the world and what changes have taken place. But in the past several weeks there has seemed to be a growing feeling in the capitals of Europe that once they accept the Soviet theory of coexistence it will solve the problem; that that may make it unnecessary finally to rearm Western

Germany; that the Soviet Union then is going to change from a lion to a lamb, and is going to be easier to get along with. I do not happen to "buy" that theory. I think we are going to see an increasing opinion being built up in some of the capitals of Europe and in some of the neutral nations, such as India, that if we would only accept the Soviet commitments and words at face value we could live in security and without fear of the possibility of an overt aggression from without or subversion from within. It is for that reason that I felt it was important to make the statement which I have made.

Mr. FERGUSON. I am glad to have that answer, because I feel we are doing our job on a daily basis with reference to the problem. I share the view that some nations are not aware of what penetration by communism can mean.

I think that in the near future one of the jobs of America, of this Congress, and the administration, is to create in the minds of leaders of other nations, our allies, an awareness of what can be accomplished by the penetration and infiltration of communism, and what would follow under the so-called definition of coexistence. It would take them all over, and we might stand alone if they do not realize that Communist penetration and infiltration are a means of destruction. I understood that the treaty with reference to the South Pacific, which we are now studying is an indication that we recognize two forces, one, military, and the other, which is of great importance, that of penetration and infiltration.

Mr. KNOWLAND. I may be mistaken, but as a matter of fact, I think the Manila pact is the first pact in which the free nations of the world ever sought to meet specific problems dealing with internal subversion and realized the importance of consultation together in the event of subversive activities in any of these nations affected.

Mr. FERGUSON. I think the sixth section of the Rio pact is framed in almost the same language.

Mr. KNOWLAND. That is correct.

Mr. FERGUSON. I wanted to have the RECORD clear as to the Senator's thinking on that point.

Mr. SYMINGTON. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. SYMINGTON. With reference to the joining of the question of adequate armed strength and preventive war, does not the Senator from California agree that the way to prevent any war is to have adequate military strength?

Mr. KNOWLAND. I think the best chance we have of maintaining the peace of the world is to keep ourselves and our associates in the free world so strong that the very realistic men in the Kremlin will figure that their calculated chances of winning are so much less than their chances of losing that they will not precipitate a war or encourage any of their associates to precipitate a war. I think the greatest danger to peace is to operate from a position of weakness so that the contrary would be true, that they would figure their calculated chances of winning were much greater than their chances of losing. That would be our hour of greatest danger.

Mr. SYMINGTON. In other words, is not adequate military strength one of the greatest ways of preventing any war?

Mr. KNOWLAND. I am certain the Senator from Missouri agrees with me that it is not only necessary to maintain military strength, but also economic strength to support the military strength.

Mr. SYMINGTON. I do agree.

Mr. KNOWLAND. But keeping in mind national strength in all of its broad aspects, we must maintain a strong America and a strong free world.

Mr. SYMINGTON. In other words, in the search for peace, it is of the utmost importance to have adequate military strength; is it not?

Mr. KNOWLAND. That is correct. There is no question about it.

Mr. SYMINGTON. I do not know whether the majority leader is acquainted with the recent bipartisan report of the National Planning Association, which says America could spend more than $10 billion additional on military strength and, at the same time, increase our standard of living and reduce our taxes. It says we probably could spend $20 billion more and do the same thing; that we would only get into trouble if we got up to around $33 billion more.

Does not the majority leader agree that we must have whatever is necessary for adequate military security, as we face the great and growing dangers of Soviet communism?

Mr. KNOWLAND. When we live in a world in which if there is any relaxation on the part of the free nations we shall have our jugular vein cut, we must maintain alertness and strength.

Mr. SYMINGTON. I thank the distinguished majority leader. Achieving what might be called a policy of strength through weakness, which has resulted in——

The PRESIDING OFFICER. What is the parliamentary situation? Has the Senator from California yielded the floor?

Mr. KNOWLAND. I assumed that the Senator from South Dakota wanted the floor.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Missouri is speaking in his own right, after the Senator from California had yielded the floor?

Mr. KNOWLAND. I thought I had yielded the floor.

Mr. CASE. Before the Senator from California yielded, I hoped he would yield to me, merely to permit me to ask unanimous consent for certain insertions in the RECORD.

Mr. SYMINGTON. May I address one more question to the majority leader?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. KNOWLAND. I have no desire to hold the floor, but, as a courtesy, I yield to the Senator from Missouri. Then I shall be glad to yield for insertions, following which I shall be prepared to move that the Senate recess until 11 o'clock tomorrow morning.

Mr. SYMINGTON. I thank the majority leader for his typical gracious courtesy.

It seems to me that this policy of strength through weakness, which has resulted in reducing appropriations for our national defense somewhere between $11 billion and $12 billion, is one which seriously affects the future security of the United States. It also affects adversely any chance of handling what the majority leader, in his fine talk this afternoon, has presented as a problem for the United States.

I agree with our distinguished minority leader, when he said that the most important problem to come before the Senate at the next session will probably be what we must do to negotiate from a position of strength. We must negotiate our diplomatic problems from a position of military strength as against weakness if the former are to be taken seriously by any possible enemy.

Mr. HUMPHREY. Mr. President, I desire to ask 1 or 2 questions of the Senator from California. I did not have the opportunity to hear all of the Senator's comment, but I gathered the burden of his remarks, for which I commend him.

I ask the Senator, first, if it is not his belief that the present developments in Soviet foreign policy, in respect to what might be termed a softer attitude or a more conciliatory attitude, so far as Western Europe is concerned, and even the United States, as well, relate directly to the integration of the forces of West Germany into the whole Western Defense Community?

Mr. KNOWLAND. I think it is purely a tactical move in the long-term Soviet strategic objective.

Mr. HUMPHREY. Is it not to be borne in mind that while there seems to be, on the surface, a lessening of the tensions in certain areas of Europe, nevertheless, while that is going on there is gross violation of the truce agreements in Korea and in Indochina? For example, in Indochina, where there is supposed to be a free movement of people between the Red- or Communist-controlled area and the rest of Vietnam, the movement literally has been stymied, and despite the protests of the truce commission nothing has taken place in respect to the protests.

Mr. KNOWLAND. I have likewise been concerned with the violations of the armistice and truce agreements in both Korea and Vietnam. At the meeting of the Committee on Foreign Relations, when Mr. Dulles appeared before the committee to give some preliminary testimony on the Manila pact, I specifically asked that the Committee on Foreign Relations be furnished forthwith with information in the hands of the Government of the United States relative to such truce violations, so that it might be available to the Committee on Foreign Relations.

I again spoke today to the staff of the Committee on Foreign Relations, and asked them to expedite the delivery of that information to the Foreign Relations Committee, and then, if they have subsequent information which they desire to send us, to do that. However, I

am very much concerned about the violations that have been reported to have taken place.

Mr. HUMPHREY. We owe the Senator from California an expression of thanks for his initiative in the matter, because I think it is very important. If I may make one statement, I think what we have to point out for the information of all the people is that while there is an apparent facade of trying to approach understandings between the Soviets and the Western European countries, particularly, we must keep in mind that the policy of the Soviet Union for a considerable time has been one of pernicious attrition, of using truces, armistice agreements, and the philosophy of coexistence to penetrate certain areas without military aggression.

Mr. KNOWLAND. If I am not mistaken, it is a fact, and I think the Senator from Minnesota will recall it, that just prior to the aggression in Korea on the 25th of June 1950, there took place the big Communist-sponsored peace rally, known as the Stockholm peace conference, at which rally statements were made to the effect that everything was going to be peaceful between the Communists and the free world.

There are some people, who have had more and closer experience with the Communists than we have had, who really begin to worry when Communists start talking about peace, fearing that it may be a sign of an additional Soviet move.

Mr. HUMPHREY. Mr. President, I wish to thank the Senator from California.

Mr. KNOWLAND. Mr. President, I now yield to the Senator from South Dakota.

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of a letter which I have written under date of November 15, 1954, to the Honorable ARTHUR V. WATKINS, chairman of the select committee to study censure charges.

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

UNITED STATES SENATE
SELECT COMMITTEE TO STUDY
CENSURE CHARGES PURSUANT
TO SENATE ORDER ON
SENATE RESOLUTION 301,
November 15, 1954.

The Honorable ARTHUR V. WATKINS,
Chairman, Select Committee To Study Censure Charges, United States Senate.

MY DEAR MR. CHAIRMAN: The letter which Secretary Stevens wrote late Saturday, and which you delivered to me yesterday (Sunday) afternoon responding to the questions which I asked him at the conference in your office earlier Saturday afternoon, considered with the material in the two letters which he brought to your office, together with the prior evidence in the matter, convinces me that it would be wrong to censure Senator MCCARTHY on the second count—the Zwicker affair.

Therefore, I shall not vote for it.

You recall that after reading the McCarthy letter which Secretary Stevens brought in Saturday, I asked: "When was the letter actually received?" and, "What consideration was given to it?"

After the conference, I reread not only the testimony before our committee on the Zwicker matter but also the original Peress testimony before Senator MCCARTHY in New York City. That hearing ended in New York City at noon on Saturday, January 30 on a quiet and sort of incidental question by Senator MCCARTHY, "You haven't been asked to resign, have you?"

A short exchange apparently alerted both parties and then a foot race began—by Peress on Monday, February 1, to get immediate action on his discharge, by MCCARTHY to get a court-martial instituted before Peress got out of the jurisdiction of the Army.

Secretary Stevens gives the first positive evidence as far as I know that Senator MCCARTHY's letter of February 1, was delivered to his office by messenger that same Monday, and made known "to the responsible Army staff."

Further, that it was reviewed—presumably against the information which General Zwicker relayed through his immediate superior, Chief of Staff, First Army, New York, the same Monday that Peress had asked for immediate discharge instead of the previously agreed upon date.

Mr. Stevens' reply to my second question is that the McCarthy letter was then reviewed and that "it was concluded that there was no additional evidence to require modification of the prior determination of the Peress case * * * and that the best interests of the United States would be served by his prompt separation."

So, the discharge was executed and Peress was released Tuesday afternoon, February 2. Mr. Stevens arrived in Washington on his trip back from Japan late on the afternoon of February 3.

This proof that an Army staff at the Pentagon did decide to let Peress slip out of their grasp after the issue was directly and timely raised throws into new focus a whole set of dates and events prior to the Zwicker hearing. It goes far toward explaining Senator MCCARTHY's conduct on February 18 when Brigadier General Zwicker, the representative supplied by the Army under wraps was unable to pinpoint the persons responsible for giving more consideration to a request from a false-swearing Communist seeking to flee from the Army's jurisdiction than to a suggestion from the chairman of a Senate investigating committee that "court-martial proceedings be immediately instituted."

Heretofore, the only evidence in our record, as far as I recall, that the issue might have been timely joined before the Pentagon board was Senator MCCARTHY's observation that he made his letter of February 1 public. (Senator MCCARTHY: "I do not recall the date the letter was dispatched. It was made public, as I recall, on February 1." P. 185, printing hearings.)

Why the text of his February 1 letter was not brought to the attention of the committee I do not know, especially since the Stevens reply of February 16 was entered in full. But the reading of Senator MCCARTHY's letter when Secretary Stevens brought it in Saturday afternoon makes clear that the choice was squarely presented to the Army. It is unfortunate that General Zwicker, who took pains to advise First Army Headquarters, next above him in chain of command, that Peress had asked for the speed-up of his discharge should have borne the brunt of Senator MCCARTHY's remarks at the February 18 hearing. We can all agree on that. This new evidence, however, from Secretary Stevens that the letter was actually received and reviewed and a decision reached before the discharge was issued convinces me that formal censure should not rest on the conduct of the chairman of a Senate committee in this instance.

I regret to have to write this letter or to in any way add to the heavy burden under which you are laboring at this time. I am sure, however, that none of us want to do an injustice to anyone.

The whole record, including this new evidence, may appeal differently to other members, but that they all may know how it appeals to me I am sending each of them a copy of this letter—and because of the implications for other Members of the Senate as the issues are being resolved in this affair, I am placing a copy on the desk of each Senator and making it public.

I think we are all indebted to Senator CARLSON for his suggestion last week that we call on Secretary Stevens for further clarification in the whole Zwicker-Peress matter.

With warmest personal regards, I am,
Sincerely yours,

FRANCIS CASE,
South Dakota.

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, for the convenience of the Senate, a portion of pages 117 and 118 of the hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations, part 3, on January 30, 1954.

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

The CHAIRMAN. * * *

In case any questions arise, have the record show that the major has the material in his hands and will turn it over to his lawyer and he will produce it.

You haven't been asked to resign, have you?

Major PERESS. Yes, I have.

The CHAIRMAN. Who asked you?

Major PERESS. Colonel Moore. I am not sure of that name. It might be some other name.

The CHAIRMAN. Did you refuse to resign?

Major PERESS. No, I accepted the request. I have a day of termination.

The CHAIRMAN. What date are you due to resign?

Major PERESS. It is no later than the 31st of March, but I can move it up if I so desire.

The CHAIRMAN. You are being given an honorable discharge?

Major PERESS. I haven't been given——

The CHAIRMAN. So far as you know, you are being allowed to resign with no reflection on your record?

Major PERESS. There was no discussion of that.

The CHAIRMAN. Why were you asked to resign?

Major PERESS. They wouldn't tell me the reason.

The CHAIRMAN. Did you ever refuse to resign?

Major PERESS. No, I was never requested to before.

The CHAIRMAN. When were you requested to resign?

Major PERESS. A week ago today.

The CHAIRMAN. In other words, you were asked to resign after you were ordered to appear before this committee?

Major PERESS. I was ordered to come before this committee yesterday morning.

Mr. COHN. That was the first time you had ever been asked to resign?

Major PERESS. The first time was a week ago this morning at 11 o'clock.

The CHAIRMAN. O. K., you may step down.

(Whereupon, the hearing adjourned at 11:30 a. m.)

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, for the convenience of the Senate, a portion of the printed hearings of the select committee, on pages 482 and 483, giving the testimony of General Zwicker in response to questions of the chairman regarding requests for discharge having been made by Major Peress.

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

The CHAIRMAN. Did he make the request?

General ZWICKER. Yes, sir; he did.

The CHAIRMAN. What did he say?

General ZWICKER. He made two requests for discharge, Mr. Chairman. The first request was to the effect that he be discharged 60 days after receipt of the order, which would have made it the last day of March 1954.

Immediately subsequent to his appearance before Senator McCARTHY's meeting, and the morning of February 1, 1954, he came to me in my office and requested then that he be immediately discharged.

I had no alternative, in accordance with the order which is in your hands, but complying with his request for an immediate discharge.

The CHAIRMAN. And that is what you told him you would do?

General ZWICKER. That is right, sir.

The CHAIRMAN. And did you follow through and immediately discharge him?

General ZWICKER. I did. He was discharged on the afternoon of the 2d of February 1954.

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a portion of page 485 of the printed hearings of the select committee.

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

Mr. WILLIAMS. But your testimony is you did talk to somebody on February 1; is that right, about this discharge?

General ZWICKER. Yes, sir; and I will be very happy to clear the whole matter for you——

Mr. WILLIAMS. All right.

General ZWICKER. In very short order.

Mr. WILLIAMS. That is what we want, sir.

General ZWICKER. I called the Chief of Staff, First Army, who is my immediate superior, and informed him that I was going to comply with this directive and discharge Peress because he had so requested as soon as possible.

That is the only conversation that I had with anybody.

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of a letter dated February 1, 1954, from Senator McCARTHY to Secretary of the Army Robert Stevens. I might state, as a matter of identification, that this is the letter to which Mr. Stevens replied on February 16. The reply of Mr. Stevens under date of February 16 appears in the printed hearings, but the letter to which it was a response was never presented to the committee and does not appear in the printed hearings. It should have been, in my judgment, and therefore I ask to have it printed in the RECORD.

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

UNITED STATES SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
February 1, 1954.

Hon. ROBERT STEVENS,
Secretary of the Army,
Washington, D. C.

DEAR BOB: Weeks of investigation by the Senate Investigating Committee uncovered what appears to be very conclusive proof of Communist activities on the part of a major now on active duty at Fort Gilmer. He had been assigned to duty near Yokohama, Japan. However, when he arrived at the port of debarkation, those orders were canceled upon his request and he was subsequently assigned to Camp Gilmer. The only reason given for this change of orders was that his wife and daughter were visiting a psychiatrist whose name he cannot even remember.

There are convincing indications that he has been recruiting soldiers into the Communist Party, that he has attended a Communist leadership school, and that he may have personally organized a Communist cell at Fort Gilmer. He was called before the committeee in executive session and given an opportunity to deny under oath the evidence that he was an active participant in the Communist conspiracy. He refused to answer all questions about his Communist Party activities, e. g., as to whether Communist meetings were held at his home, whether he organized a Communist cell at Fort Gilmer, whether he was successful in recruiting soldiers into the Communist Party, whether he attended a Communist leadership school, whether a Communist helped him obtain a desired change in his orders, and so forth.

The evidence shows that last August the Army submitted to him a questionnaire in regard to his alleged Communist activities and that he refused to answer the questions on the ground that his answers might tend to incriminate him. Nevertheless, a few months thereafter he was promoted to the rank of major. It was only after our committee became active in the case that he was asked to resign. He has indicated that he plans on resigning some time prior to March 31 of this year. Having discussed with you a number of times what I consider a most dangerous and successful penetration of our military by the Communist conspiracy over the past 20 years, I fully realize your great and intelligent interest in this matter and that you realize the danger and are as eager to remove Communists from the military as any one on my committee. It would seem therefore that this offers an excellent opportunity to set an example and to blaze an encouraging and healthy new road in this administration's attempt to fulfill our campaign promise of removing all Communists from Government. I therefore make the following suggestions:

(1) That court-martial proceedings be immediately instituted against the major. It would seem that the very least charge of which he would be found guilty as a matter of course would be "conduct unbecoming an officer."

(2) A thorough investigation by your Department would disclose the names of those responsible officers who had full knowledge of his Communist activities and either took no steps to have him removed or were responsible for his promotion thereafter. They also, of course, took an oath to protect this country against all enemies, foreign and domestic. Aiding in the promotion of or the failure to expose the Communist activities of a fellow officer is a violation of that oath and without question should subject them to a court-martial.

(3) As above stated, when this officer was assigned to a duty stationed at Yokohama, he succeeded in getting those orders changed and being assigned to a duty station in the United States merely on the grounds that his wife and daughter were visiting a psychiatrist. As you and I well know, a vast number of young men with much more aggravated hardship stories of sickness in the family, etc., who request deferment from foreign service are of necessity required to serve their usual time out of this country. In view of his refusal to state whether a Communist aided him in having his orders changed, I would strongly urge a complete investigation, preferably by the Inspector General's Office, to determine who was responsible for the change in his orders and why; again having a court-martial in mind if this were improperly done.

I very strongly feel that prompt and vigorous court-martial proceedings against all those involved in this case of failure to remove, promoting, and obtaining special favors for a man known to them to be part of the Communist conspiracy, can do more than any one thing to serve notice on every other officer in the Army that under your administration of the Army a new day has really dawned in which every officer will be held strictly accountable to his oath "to defend this Nation against all enemies, foreign and domestic," and that a failure to report and take action against Communists will result in court-martial.

I realize that this letter will be interpreted by the leftwing elements of press, radio, and television as "a fight with Secretary of the Army Stevens." Therefore, let me try again to make it clear that I have great respect for you both as an individual and as Secretary of the Army. I feel that you have served tremendously well in a most thankless job.

In closing, let me suggest that if you decide to follow the above suggestions, our committee will be available to help you in every way possible.

Sincerely yours,

JOE McCARTHY.

Mr. CASE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of a letter dated November 13, 1954, addressed to the Honorable ARTHUR V. WATKINS, and signed by Robert T. Stevens, Secretary of the Army, which embraces the response of Mr. Stevens to certain questions which I put to him last Saturday afternoon.

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

NOVEMBER 13, 1954.

Hon. ARTHUR V. WATKINS,
United States Senate,
Washington, D. C.

DEAR SENATOR WATKINS: In response to the questions raised by Senator CASE in your office this morning [1] regarding the receipt and processing of the letter from Senator McCARTHY dated February 1, 1954, I have investigated the records of my office and find that this letter was hand carried to my office sometime during the day on February 1. As you will recall, I had not yet returned from a trip to the Far East on this date. The letter, therefore, was transmitted to Mr. John G. Adams, department counselor, since Mr. Adams had been designated by me to make all contacts with the Permanent Subcommittee on Investigations.

[1] It was about 1:45 p. m. when I was called to Senator WATKINS' office, but I think the Secretary had been there for some period of time prior to that.—FRANCIS CASE.

Mr. Adams made known the receipt of the letter to the responsible Army staff. After review of the letter, it was concluded that there was no additional evidence to require modification of the prior determination in the Peress case which had been based on all the available information known at that time, and that the best interests of the United States would be served by his prompt separation, a matter which was about to be consummated. In view of my imminent return Mr. Adams then decided to delay the preparation of the reply until my actual arrival. I arrived back in Washington late on the afternoon of February 3. I spent February 4 being briefed on matters most urgent to the national defense. Mr. Adams reviewed Senator McCarthy's letter with me on the following morning, February 5. At that time I directed that a full investigation of the Peress case be made by the Inspector General and initiation of a draft of my reply to Senator McCarthy, which culminated in my letter of February 16, 1954.

Trusting this is the information desired, I am,

Sincerely yours,

Robert T. Stevens,
Secretary of the Army.

Mr. CASE. Mr. President, I think that makes the record complete. I think all these matters will be of interest to the various Members of the Senate.

RECESS TO 11 A. M. TOMORROW

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess until 11 o'clock tomorrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, November 16, 1954, at 11 o'clock a. m.

SENATE

Tuesday, November 16, 1954

(Legislative day of Wednesday, November 10, 1954)

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

Dr. Emory S. Bucke, Nashville, Tenn., offered the following prayer:

Our Heavenly Father, we pray for the spirit of hope in a day when men have lost hope. We pray for faith in each other that we may learn from that faith in ourselves and thus faith in Thee.

Bless this day and all its doings. May we begin it and end it in Thee. May our hearts be humble, but confident in Thee and in Thy way for us.

Guide our Nation, forgive us our sins, and unite us heart to heart in the doing of Thy will, for "Thine is the kingdom, the power, and the glory, forever." Amen.

THE JOURNAL

On request of Mr. Knowland, and by unanimous consent, the reading of the Journal of the proceedings of Monday, November 15, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

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

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

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Abel	Capehart	Duff
Aiken	Carlson	Dworshak
Anderson	Case	Eastland
Barrett	Chavez	Ellender
Beall	Clements	Ervin
Bennett	Cooper	Ferguson
Bridges	Cotton	Flanders
Brown	Crippa	Frear
Burke	Daniel, S.C.	Fulbright
Bush	Daniel, Tex.	Gillette
Butler	Dirksen	Goldwater
Byrd	Douglas	Green
Hayden	Kuchel	Potter
Hendrickson	Langer	Purtell
Hennings	Lehman	Robertson
Hickenlooper	Lennon	Russell
Hill	Long	Saltonstall
Holland	Magnuson	Schoeppel
Hruska	Malone	Smith, Maine
Humphrey	Mansfield	Smith, N. J.
Ives	McCarthy	Sparkman
Jackson	McClellan	Stennis
Jenner	Monroney	Symington
Johnson, Colo.	Morse	Thye
Johnson, Tex.	Mundt	Watkins
Johnston, S. C.	Murray	Welker
Kefauver	Neely	Wiley
Kilgore	Pastore	Williams
Knowland	Payne	Young

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. Bricker] is absent by leave of the Senate.

The Senator from Oregon [Mr. Cordon] and the Senator from Colorado [Mr. Millikin] are necessarily absent.

The Senator from Pennsylvania [Mr. Martin] is absent on official business.

Mr. CLEMENTS. I announce that the Senator from Georgia [Mr. George] and the Senator from Oklahoma [Mr. Kerr] are necessarily absent.

The Senator from Tennessee [Mr. Gore] and the Senator from Florida [Mr. Smathers] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. Kennedy] is absent by leave of the Senate because of illness.

The PRESIDENT pro tempore. A quorum is present.

Routine business is now in order.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—SUMMARY OF PERSONNEL AND PAY REPORTS ON CIVILIAN EMPLOYMENT

Mr. BYRD. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a summary of monthly personnel reports on civilian employment in the executive branch of the Federal Government issued since the recess of Congress in August. The reports were concerned with employment and payrolls during the period June–September 1954, inclusive.

In accordance with the practice of several years' standing, I request that the summary be printed in the body of the Record, as a part of my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of personnel and pay reports, June through September 1954

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In September numbered—	In June numbered—	Increase (+) or decrease (−)	In August was—	In May was—	Increase (+) or decrease (−)
Total [1]	2,317,565	2,333,894	−16,329	$774,464	$751,688	+$22,776
Agencies exclusive of Department of Defense	1,174,985	1,185,068	−10,083	401,749	392,336	+9,413
Department of Defense	1,142,580	1,148,826	−6,329	372,715	359,352	+13,363
Inside continental United States	2,128,115	2,149,954	−21,839			
Outside continental United States	189,450	183,940	+5,510			
Industrial employment	712,787	713,884	−1,097			
Foreign nationals	384,239	404,083	−19,844	25,452	26,061	−609

[1] Exclusive of foreign nationals shown in the last line of this summary.