acquiring and acquired corporation are in excess of $10 million. This figure was recommended by the Department of Justice and the Federal Trade Commission and would probably cover most mergers that have a significant economic effect. Of course, there may be mergers which have a substantial effect on competition, where the aggregate capital structure is less than $10 million. It is clear, however, that the possibility of such transactions having a substantial competitive effect does not justify burdening all corporations with notification and reporting requirements, especially since the antitrust authorities would not, in any event, be foreclosed against taking action against an indicated violation.

Further, minimizing the possibility of hardship, the bill authorizes the enforcement agencies to waive the 90-day period in appropriate cases. For example, if a corporation is in bankruptcy and a quick sale of the assets is proposed, no good purpose would be served by requiring a waiting period of 90 days, assuming the transaction will have no competitive significance. Undoubtedly, there will be a wide variety of other transactions where no possible antitrust implication is involved and where a waiver of the waiting period would be entirely appropriate.

FTC AUTHORITY TO SEEK PRELIMINARY INJUNCTION

Equally as necessary as premerger notification is the provision giving the Federal Trade Commission authority to seek a preliminary court injunction to prevent consummation of mergers, or after consummation, to preserve the status quo until completion of administrative proceedings before the Commission.

The authority so provided is similar to that which the Federal Trade Commission now has in certain cases under section 13 of the Federal Trade Commission Act. It is also similar to the authority of the Department of Justice under section 15 of the Clayton Act, which authorizes the Attorney General to seek injunctive relief in the Federal courts to prevent and restrain violations of the Clayton Act, section 7 (the Antimerger Act).

Since the Federal Trade Commission has concurrent responsibility with the Attorney General to enforce that act, logic and policy dictate that the Commission have coextensive authority to invoke the injunctive powers of a district court upon an appropriate showing of necessity. The anomalous situation existing now is that the Commission lacks authority which even private parties have to petition a Federal district court to enjoin the consummation of a reasonably probable illegal merger in order to avert irreparable injury.[13]

Lack of such a provision enabling the Commission to prevent mergers prior to consummation or after consummation, to take action to preserve the status quo until completion of proceedings, has created a serious loophole indeed in the Antimerger Act. It has allowed companies to obtain the benefits of a completed merger even though the legality of the transaction has been challenged by the Federal Trade Commission and notwithstanding the fact that pending final disposition of the complaint, the merger may have caused the very damage to the competitive structure of the industry which the Antimerger Act was intended to safeguard. Furthermore, in many mergers the acquired competitor is completely swallowed up and disappears as an identifiable entity. This makes it practically impossible thereafter to restore completely the preexisting competitive situation.

Consequently while premerger notification is a necessary preliminary step, it is just as important to provide the corollary power to seek an injunction preventing the commingling of assets, management, and productive facilities to a point where they cannot be effectively unscrambled.

I would make it clear the preliminary injunction provision may well benefit the business community itself. Representatives of numerous merging companies believe, in fact, that disruption of business plans is lessened by agency action before merger consummation; some companies point out that if the agencies are to proceed at all they should sue before completion of the merger itself.

[13] See *Hamilton Watch Co.* v. *Benrus Watch Co.* (114 F. Supp. 307 (D., Conn. 1953) affirmed 206 F. (2d) 738 (2d Cir. 1953)).

SENATE

FRIDAY, MAY 25, 1956

(Legislative day of Thursday, May 24, 1956)

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

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

Our Father God, in the heat and burden of days that drain our strength and demand our best, we would find the springs by the wayside—that living water whose elixir alone can refresh and restore our bodies and spirits, saving us from physical exhaustion, from spiritual impoverishment, from the numbness of routine and from cynicism and bitterness of heart. Through the sincere expression of differing appraisals in this Chamber, may the final wisdom that charts the Nation's course in these perilous days be higher than our own.

"Set our feet on lofty places,
Gird our lives that they may be
Armored with all Christlike graces
In the fight to set men free;
Grant us wisdom, grant us courage
That we fail not man nor Thee."

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

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 24, 1956, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8636. An act to continue until the close of June 30, 1957, the suspension of duties and import taxes on metal scrap, and for other purposes; and

H. R. 10542. An act to liberalize certain criteria for determining eligibility of widows for benefits.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H. R. 8636. An act to continue until the close of June 30, 1957, the suspension of duties and import taxes on metal scrap, and for other purposes; and

H. R. 10542. An act to liberalize certain criteria for determining eligibility of widows for benefits.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. KNOWLAND was excused from further attendance on the session of the Senate today after 2:30 p. m.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Permanent Subcommittee on Investigations of the Committee on Government Operations and the Subcommittee on the Air Force of the Committee on Armed Services were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up nominations on the Executive Calendar under the heading "New Reports."

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

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar under the heading "New Reports" will be stated.

NATIONAL SCIENCE FOUNDATION

The Chief Clerk proceeded to read sundry nominations in the National Science Foundation.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations in the National Science Foundation be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc, and, without objection, they are confirmed.

PUBLIC HEALTH SERVICE

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations in the Public Health Service be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc, and, without objection, they are confirmed.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the nominations in the Navy be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc, and, without objection, they are confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified immediately of the nominations today confirmed.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour for the transaction of routine business, with a 2-minute limitation on statements.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

GREAT PLAINS CONSERVATION PROGRAM

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act of 1938 to provide for a Great Plains conservation program (with an accompanying paper); to the Committee on Agriculture and Forestry.

AUTHORITY TO DISPOSE OF CERTAIN VESSELS

A letter from the Under Secretary of the Navy, transmitting a draft of proposed legislation to authorize the Secretary of the Navy to dispose of certain vessels, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED LEGISLATION TO LOAN CERTAIN NAVAL VESSELS TO GOVERNMENTS OF GREECE, GERMANY, PORTUGAL, AND SPAIN

A letter from the Under Secretary of the Navy, transmitting drafts of proposed legislation to authorize the loan of certain naval vessels to the Governments of Greece and the Federal Republic of Germany; to authorize the loan of 2 destroyer escort vessels to Portugal, and to authorize the loan of 2 destroyers to the Government of Spain (with accompanying papers); to the Committee on Armed Services.

PROPOSED CONCESSION PERMIT, CAPE HATTERAS NATIONAL SEASHORE

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession permit on the south side of Oregon Inlet, Cape Hatteras National Seashore (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of Michigan; to the Committee on the Judiciary:

"House Resolution 40

"Resolution relative to the centennial of the birth of Booker T. Washington

"Whereas on April 5, 1856, just 100 years ago, there was born to slave parents in a hut on a farm in the State of Virginia, a son then destined to life-long drudgery in slavery, with education denied to him by law; and

"Whereas when that boy, Booker T. Washington, was 9 years old he was emancipated by the triumph of Lincoln's armies and opportunity in life began to beckon the freed boy; and

"Whereas that Booker T. Washington grew to be a great educator, a gifted leader of his race, then started on the great highway to fullness of life and an inspiration to those who struggle to success despite tremendous handicaps, overcoming high racial barriers with great benefit to the Nation; and

"Whereas, well signalizing the 100th anniversary of that slave boy who came to lead a people and bless a nation, the United States Congress, by unanimous action in each House, has just sent to the President the bill creating the Booker T. Washington National Monument, comprised of the old plantation where he was born; and

"Whereas the State of Virginia by appropriation completed the purchase of the lands of the old home and birthplace, thus giving full recognition of worth, even though in a black skin: Now, therefore, be it

"*Resolved by the house of representatives*, That this house commends the unanimous recognition by the Congress of this great educator and national leader a century after his slave birth in surroundings of ignorance, and cherishes the hope that the coming century may well obliterate the racial prejudices which tend to handicap the fullest development of our people and their fullest usefulness to the Nation; and be it further

"*Resolved*, That a copy of this resolution be sent to each House of Congress, to the secretary of state of Virginia, to the President of the Tuskegee Institute, Tuskegee, Ala., and to the Director of the National Park Service.

"Adopted by the house April 4, 1956.

"NORMAN C. PHILLES,

"*Clerk of the house of representatives.*"

Resolutions of the House of Representatives of the State of Massachusetts; to the Committee on Finance:

"Resolutions memorializing the President and the Congress of the United States against accepting or taking action upon the findings and recommendations of the President's Commission on Veterans' Pensions

"Whereas the President's Commission on Veterans' Pensions established on January 14, 1955, under Executive Order 10588, submitted its final report, including findings and recommendations to the President of the United States on April 23, 1956; and

"Whereas the findings and recommendations of said Commission are detrimental to the best interests of all veterans; and

"Whereas any action taken favoring the recommendations as submitted by said Commission would be unfair, unjust, inequitable, and contrary to the concept of benefits to veterans: Therefore be it

"*Resolved*, That the House of Representatives of the General Court of Massachusetts respectfully urges the President of the United States to take no action upon the report of the Commission on Veterans' Pensions; and be it further

"*Resolved*, That the Congress of the United States reject any legislation submitted to it based upon the report of the President's Commission on Veterans' Pensions; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth."

A resolution adopted by the Citizens' Councils of the New Orleans, La., area, favoring the enactment of legislation to prescribe minimum qualifications for Justices of the United States Supreme Court; to the Committee on the Judiciary.

A resolution adopted by the City Council of the city of Quincy, Mass., relating to the restoration of the portraits of John Adams and John Quincy Adams upon 2- and 6-cent postage stamps; to the Committee on Post Office and Civil Service.

RESOLUTIONS OF NORTH DAKOTA BANKERS ASSOCIATION

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by the North Dakota Bankers Association relating to spring wheat acreage allotments, and so forth.

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

Whereas there never has been, and there is not now, a surplus of high quality hard spring wheat; and

Whereas it is uneconomical to grow wheat in small acreages; and

Whereas there is an unfair discrimination against the small spring wheat farmers of North Dakota in acreage allotments, as compared with the large winter wheat farmers in other States: Now, therefore, be it

Resolved by the North Dakota Bankers Association, That Congress, the President, and Secretary of Agriculture of the United States are hereby urged and requested to take steps to provide a suitable premium on milling grades of hard spring wheat and to allocate a hundred acres as a minimum to any spring wheat farmer who has had a hundred-acre allotment in any year during the past 6 years and in no event should the allotment of any spring wheat farmer with less than a hundred-acre allotment ever be reduced; be it further

Resolved, That we continue to support the agricultural short course and the junior bankers course, and urge all member banks to cooperate to insure the continued success of these activities; be it further

Resolved, That we do everything possible to encourage the Federal Government to continue to exert every effort to eliminate waste and extravagance and reduce Federal expenditures to the point where the national budget will remain in balance and build a surplus for reasonable debt retirement; be it further

Resolved, That Congress be urged to liquidate the postal savings department, as it is no longer necessary or desirable, since we have Federal deposit insurance and savings bonds to fit the requirements of all types of investors and savers, and the elimination of postal savings would help cut down the deficit of the Post Office Department; be it further

Resolved, That the FHA title I terms presently in effect are adequate and should not be changed, and by all means should not be made permanent; be it further

Resolved, That we go on record as favoring the Hoover report recommending the merging of the Production Credit Association and the Federal intermediate credit banks, and

that the free capital be returned to the United States Treasury, together with the surplus earned by such capital as soon as practical; be it further

Resolved, That the North Dakota bankers continue their good effort of the past in promoting the sale of United States savings bonds, and thus continue to keep the public debt widely distributed among our citizens and promote the habit of thrift.

FRANKLIN PAGE,
Chairman, Resolution Committee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H. R. 6376. A bill to provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes (Rept. No. 2053).

By Mr. BYRD, from the Committee on Finance, with additional amendments:

H. R. 10660. A bill to amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuels, tires, and trucks and buses; and for other purposes (Rept. No. 2054).

By Mr. LEHMAN, from the Committee on Labor and Public Welfare, without amendment:

H. R. 7679. A bill to provide for the conveyance of certain lands by the United States to the city of Muskogee, Okla. (Rept. No. 2056);

H. R. 8490. A bill authorizing the Administrator of General Services to convey certain property of the United States to the city of Bonham, Tex. (Rept. No. 2057);

H. R. 8674. A bill to provide for the return of certain property to the city of Biloxi, Miss. (Rept. No. 2058);

H. R. 9358. A bill to require the Administrator of Veterans' Affairs to issue a deed to the city of Cheyenne, Wyo., for certain land heretofore conveyed to such city, removing the conditions and reservations made a part of such prior conveyance (Rept. No. 2059); and

H. R. 10251. A bill to authorize the Administrator of Veterans' Affairs to deed certain land to the city of Grand Junction, Colo. (Rept. No. 2060).

By Mr. LEHMAN, from the Committee on Labor and Public Welfare, with amendments:

H. R. 8123. A bill authorizing the Administrator of General Services to convey certain property of the United States to the city of Roseburg, Oreg. (Rept. No. 2061).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 3857. A bill to clarify section 1103 (d) of title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act, 1936, as amended (Rept. No. 2062).

REPORT ENTITLED "MOTION PICTURES AND JUVENILE DELINQUENCY" (S. REPT. NO. 2055)

Mr. LANGER. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 173, 84th Congress, 2d session, I submit a report entitled "Motion Pictures and Juvenile Delinquency," which contains an interim report of the Subcommittee To Investigate Juvenile Delinquency. I request that the report be printed.

This report culminates a year of intensive study during which time we have had the full cooperation of the movie industry, including the Motion Picture Association of America and its president, Mr. Eric Johnston. The development of this report was greatly aided by professional people from the fields of psychiatry, psychology, criminology, education, and the large field of the effects of the communication media on their audiences.

Once the movie industry realized that we were not concerned with the entire motion picture output, but only those pictures that dwelled on brutality, violence, sadism, and crime, they quickly joined with us in taking a critical look at this portion of their product. While the major part of the report deals with the harmful effects of these pictures on children, recognition is given to those who have made excellent contributions in the fields of education and children's entertainment.

The recommendations made in the report are sound ones. They are based upon the expert knowledge and opinions of recognized authorities in the fields of abnormal juvenile behavior and the effects of the mass media. They were made in an attempt to improve the social climate that our children are growing up in, to make them more knowledgeable, and to help them solve the many problems that are now facing them.

The VICE PRESIDENT. The report will be received and printed under the rule.

BILLS INTRODUCED

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

By Mr. IVES:

S. 3924. A bill for the relief of Erwin Widenhofer; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 3925. A bill to provide for the modification of the existing project for Salem Harbor, Mass.; to the Committee on Public Works.

By Mr. MURRAY (by request):

S. 3926. A bill to authorize the Secretary of the Interior to charge for special services to purchasers of timber from Indian lands; and

S. 3927. A bill to authorize the Secretary of the Interior to convey to Indian tribes certain federally owned buildings, improvements, or facilities on tribal lands or on lands reserved for Indian administration; to the Committee on Interior and Insular Affairs.

By Mr. KNOWLAND:

S. 3928. A bill for the relief of Blanca G. Hidalgo; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3929. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. LANGER:

S. 3930. A bill to authorize certain enlisted personnel retired with less than 30 years service to credit for retirement pay purposes all service credited for longevity pay purposes; to the Committee on Post Office and Civil Service.

S. 3931. A bill to provide for loans to individuals for the purpose of enabling them to obtain a college or university education; to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON:

S. 3932. A bill to provide for the establishment of the Bureau of Older Persons within the Department of Health, Education, and Welfare; to authorize Federal grants to assist in the development and operation of studies and projects to help older persons, and for other purposes; and

S. 3933. A bill to extend the authority of the National Science Foundation with respect to awarding scholarships and fellowships; to the Committee on Labor and Public Welfare.

By Mr. IVES:

S. 3934. A bill for the relief of Han Hong Wang and An-Yin Chen Wang; to the Committee on the Judiciary.

By Mr. JENNER:

S. 3935. A bill to amend the act of September 3, 1954; to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3936. A bill for the relief of Jeannine Therriaud Grantham; to the Committee on the Judiciary.

STUDY OF FOREIGN SERVICE INSTITUTE

Mr. SALTONSTALL. Mr. President, I should like to speak very briefly in support of a resolution which I wish to submit, and which proposes the undertaking of a study into the advisability of either improving and implementing the program and facilities of the existing Foreign Service Institute or, as an alternative, establishing a new Foreign Service Academy.

I am submitting the resolution because I think the subject deserves study.

Last fall, Mr. President, I had the opportunity of taking a 2-month trip around the world in company with Mrs. Saltonstall. In the course of that trip, we visited a sizable number of this country's diplomatic and military installations in various parts of the world. I was impressed throughout the trip by the generally high level of caliber and competence of our people in the Foreign Service. I was equally concerned, however, by the clear indication, in too many instances, of the fact that there is room for marked improvement in our method of recruiting and training young men and women for the Foreign Service in order that we might, in the years ahead, assure our country of adequate numbers of diplomatic personnel who have been just as well trained and encouraged as we can possibly train them for their important posts.

On my return home from that tour, I had occasion, in Boston, to suggest the advisability of a study of this particular problem with an eye toward focusing attention upon it. The response I received from these remarks was such as to encourage me to submit this resolution.

By means of Public Law 724 of the 2d session of the 79th Congress, the Foreign Service Institute, as we know it today, was established to achieve just such a purpose as that to which I now refer. Unfortunately, by admission of those in authority as well as in the opinion of interested observers, that purpose has

not been achieved. Most recently the Secretary of State's Public Committee on Personnel, known as the Wriston Committee since its Chairman was Dr. Henry M. Wriston, then president of Brown University, conducted a broad survey of the Department of State with particular reference to its personnel problems. That Committee—in its report to the Secretary of State on May 18, 1954—criticized quite strongly the failure to realize and achieve the purposes of Congress as expressed in Public Law 724.

This has been but one of a number of critical observations made of the Foreign Service Institute and its efforts to achieve the objectives set forth in that legislation. Those now in authority in the Foreign Service Institute have been among the very first to admit freely and frankly that it has not yet by any means achieved the goals it seeks.

I submit this resolution because the training and encouragement of young people to enter the Foreign Service for their lifework and their ability to represent us properly in the different countries to which they may be assigned and at the level in the Service where they may be is increasingly important to us in the United States and to every free nation in the world. We depend on these people not only to serve our Government but to sell our ideals and our ideas. I do not pretend to make recommendations as to just what should be done. But I do feel that a constructive concentration upon the purposes, program, and objectives of the Foreign Service Institute is a most desirable approach to make to this problem. It may be that the recommendation of the Wriston Committee to improve and broaden the recruitment methods of the Foreign Service, utilizing, among other things, a nationwide system of competitive scholarships, deserves development or, conceivably, serious thought may be given to the establishment of a separate and distinct Foreign Service Academy comparable, though on a graduate school level, with the purposes of such institutions in the Military Establishment.

Since last November, Mr. President, when I came home and broached this subject, I have carried on a correspondence with the members of the Wriston Committee, with officials of private institutions who administer, among other things, curricula for Foreign Service training, with Foreign Service officers of various levels in both an active and retired status and with interested and informed private individuals, whom I have approached for their opinions or who have, on their own initiative, written me. I have also talked, as have members of my staff, with Mr. Hoskins, Director of the Foreign Service Institute, and with Dr. Franklin, dean of that institution, who have been most helpful and most objective in discussing this problem.

Let me repeat, Mr. President, that my single purpose in submitting this resolution is to highlight the need for more widespread and yet more concentrated thought upon this important question of the improved recruitment and more thorough training of young men and women of high caliber in preparation for their careers in the foreign service of our country.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a memorandum which shows Foreign Service Institute appropriations from the year 1947 to the estimated appropriation for the year 1957.

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

Foreign Service Institute appropriations

Year:	*Amount*
1947	$501,404
1948	598,071
1949	782,512
1950	964,221
1951	1,181,400
1952	1,368,371
1953	1,245,834
1954	768,451
1955	907,143
1956	2,103,962
1957 (estimated)	3,759,717

Figures submitted to Senator SALTONSTALL by Harold Hoskins, Director, Foreign Service Institute, Department of State, verified by Harold Merrick, Senate Appropriations Committee.

Mr. SALTONSTALL. Mr. President, I should like to add that the Foreign Service Institute appropriations in the past 11 years indicate a need for further consideration of this important subject because of the varying amounts. They vary from $501,404 to $3,759,717. They vary from year to year, which shows the difficulty under which an institute of this kind is operated.

So, Mr. President, I submit, for appropriate reference, a resolution providing for a study of the Foreign Service Institute, the study to be conducted by the Committee on Foreign Relations, or any duly authorized subcommittee thereof.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 272), submitted by Mr. SALTONSTALL, was received, and referred to the Committee on Foreign Relations, as follows:

Whereas the recruiting and training of young men and women for the Foreign Service of the United States has become increasingly significant and important in view of the prevailing international tensions, and the varied problems which face this country today in its relations with other nations; and

Whereas there is clearly room for improvement in our Foreign Service recruiting methods and training program, despite the excellence of the work generally being done by our diplomatic forces abroad; and

Whereas the Foreign Service Institute, created by the Foreign Service Act of 1946, has not been able thus far to achieve the purposes intended by that act; and

Whereas the origin, activities, and potential of the Foreign Service Institute deserve careful reassessment; and

Whereas, after such careful reassessment in the light of present needs, the alternative of a separate and distinct Foreign Service Academy, of graduate-school level and having a more academic emphasis than that of the Foreign Service Institute, might be indicated: Now, therefore, be it

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of ways and means by which personnel of the Foreign Service of the United States may be more effectively recruited and trained with particular reference to the desirability of improving and implementing the program and facilities of the existing Foreign Service Institute, or, as an alternative, the establishment of a new Foreign Service Academy. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem advisable.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. ANDERSON. Mr. President, the Joint Committee on Atomic Energy has just completed public hearings on legislative proposals for a governmental indemnity or insurance program to supplement private insurance covering reactor hazards to the public. Considerable information and recommendations were submitted, probably for the first time on an organized basis, on the various facets of the problem.

As a result of the hearings, I am today introducing a bill which I hope will prove satisfactory, as a basis for study and eventual action. This bill, which was prepared by the joint committee staff, incorporates the three features set forth in my open letter dated April 26, 1956, to the atomic power industry and insurance industry as well as certain suggestions made at the hearings.

In brief, the bill provides the following coverage:

First. A governmental indemnity over and above a reasonable amount of public—third party—liability insurance provided by the private insurance industry or other financial protection. The AEC would be delegated the responsibility for determining the amount of basic private insurance or other financial protection required of the licensee as a condition of its insurance of each facility license. The cost of private insurance would be one of the factors considered in fixing this level at which the Government indemnity begins to operate.

Second. The liability of reactor operators and equipment manufacturers would be limited to the amount of private insurance coverage or other financial protection required by the AEC, together with the sums made available by the Government for the third party claims under the indemnity arrangement.

Third. The Government would make a minimum charge per year per reactor for its indemnity coverage with the proceeds to be devoted to the AEC's research and development program on atomic safety.

Fourth. AEC is authorized to enter into the same type of indemnity agreement with its prime contractors and subcontractors, including lump sum as well as cost type contracts, and including arrangements where AEC finances only part of the project. This authority is in addition to AEC's existing authority to enter into indemnity agreements. Normally AEC has made its contractual indemnities subject to the availability of funds. It has used these indemnities sparingly in subcontracts and in jointly financed projects with other Federal agencies or private organizations. This bill would authorize AEC to treat its

contractors and licenses on a more consistent basis.

Fifth. Procedures and standards for the settlement of claims have been established to broaden the protection of the public, and at the same time protect the Government against excessive settlements.

This bill, like the principles outlined in my April 26 letter, should be regarded merely as a basis for careful review and suggestions, both from the standpoint of substance and of drafting. Any comments on the bill would therefore be welcomed.

The committee intends to hold brief hearings on the bill, as well as the AEC legislative proposal, which was introduced by Representative COLE as H. R. 11242, in the next few weeks. Thereafter I hope we can report a committee bill.

Therefore, I introduce, for appropriate reference a bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes. I ask unanimous consent that the bill, together with an introductory statement which was made by me when the committee began the hearings on Senate bill 2725, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and introductory statement will be printed in the RECORD.

The bill (S. 3929) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, referred to the Joint Committee on Atomic Energy, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 2 of the Atomic Energy Act of 1954, as amended, is amended by adding a new subsection to read as follows:

"i. In order to encourage the development and operation of production or utilization facilities, the United States may assume liability for a portion of the damages suffered by the public in connection with the design, construction, or operation of such facilities, and may limit the liability of those persons responsible for such losses."

SEC. 2. Subsection 53 e. (8) of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"(8) except to the extent that the United States shall have granted indemnity as provided in section 170 of this act, the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee."

SEC. 3. The Atomic Energy Act of 1954, as amended, is amended by adding thereto a new section, with the appropriate amendment to the table of contents:

"SEC. 170. Indemnification and limitation of liability.

"a. Each license for the operation, possession, or use of a production or utilization facility shall have as a condition of the license a requirement that the licensee have financial protection of such a type and in such amounts as the Commission shall determine to be reasonably adequate to cover public liability claims arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct materials used in or resulting from the construction or operation of the facility. Such financial protection may include private insurance, private contractual indemnities, self insurance, or a combination of such measures.

"b. In determining the amount of financial protection to be required, the Commission shall take into consideration the following: (1) the total amount of insurance available from private sources, (2) the cost of such insurance, (3) the type, size, and location of facility involved, and (4) the type of ownership of the facility, whether the ownership is (a) private, (b) public, (c) profitmaking, or (d) nonprofit.

"c. The Commission shall, until August 1, 1966, agree to indemnify and hold harmless the owner, operator, manufacturer, designer, or builder of a production or utilization facility and each supplier of equipment, material, or services for such facility, as their interests may appear, in the event of claims arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct materials used in or resulting from the construction or operation of the facility constructed or operated under license from the Commission, against that liability to members of the public for bodily injury or death or property damage, including loss of use, which is in excess of the amount of financial protection required, but not to exceed $500 million in the aggregate for each facility within the United States, and for each incident. The Commission shall execute such a contract of indemnification with the licensee, covering the liability of all indemnities arising out of, or resulting from, the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct materials used in or resulting from the construction or operation of the facility because of activities of the indemnitee during the period of the license.

"d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1966, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities for the benefit of the United States, in which the Commission may require its contractor to provide financial protection of such a type and in such amounts as the Commission shall determine to be reasonably adequate to cover public liability claims arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct materials used in or resulting from the construction or operation of the facility because of activities of the indemnitee during the period of the contract and to indemnify the contractor against such claims for such sums above the amount of the financial protection required, but not in excess of $500 million. Such agreements shall be for activities performed within the terms of the contract and shall include the liability of subcontractors and suppliers and be applicable to lump sum as well as cost-type contracts and to contracts financed in whole or in part by the Commission.

"e. The owner, constructor, or operator of a production or utilization facility and all other parties set forth in subsections c. and d. above shall not be liable for damages arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct materials used in or resulting from the construction or operation of the facility in an aggregate amount of more than the amount of the financial protection required by the Commission to be obtained, together with the sums set forth in subsections c. and d. above, and any other sums which may be made available by the Congress for the payment of such damages. In the event that such damages exceed this aggregate sum, any indemnitee may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the facility, for an order limiting the liability of all indemnitees, including all contractors and subcontractors in accordance with the provisions of this section, and for further orders, as appropriate, apportioning the payments to be made to such claimants upon appropriate proof of damage and permitting partial payments to be made before final determination of the total claims.

"f. The Commission is authorized to charge for the right of indemnification given by this section to licensees of production and utilization facilities. This charge shall be $10,000 per year for facilities licensed under section 103. For facilities licensed under section 104, the Commission is authorized to reduce the charge set forth above, taking into consideration: (1) The type and location of facility involved, (2) the amount and type of fuel, (3) the purpose for which the facility is built, and (4) the ownership of the facility, whether (a) private, (b) public, (c) profitmaking, or (d) nonprofit. All sums collected by the Commission pursuant to this subsection shall be made a part of and be merged with appropriations to be used by the Commission for research and development.

"g. In the administration of indemnity agreements entered into hereunder, the Commission shall use, to the maximum extent practicable, the facilities and services of private insurance companies and established insurance adjustment organizations and the Commission may contract to pay a reasonable compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Commission that advertising is not reasonably practicable.

"h. Where it appears that there may be damages arising out of any incident for which the United States shall be required to make an indemnification under this section, the Commission shall be authorized in the agreement of indemnification to approve the payment of any claim and to appear through the Attorney General on behalf of the indemnitee in any action and to settle or defend any such litigation or claim and to represent the indemnitee in or take charge of any such proceedings. The Commission shall have authority to settle or approve the settlement of claims without regard to the rules of legal liability in the State of the accident, and regardless of whether liability has been established by the judgment of any court.

"i. After any incident which may require payments by the United States under this section, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the joint committee. Such reports shall also be made available, to the extent that the provisions of chapter 12 or any other law or Executive order permit, to the public, to the parties involved, and to the courts. The Commission shall report to the joint committee every 3 years on the operations under this section.

"j. The Commission, in administering this section, may make contracts in advance of appropriations and incur obligations without regard to section 3679 of the Revised Statutes, and any appropriations presently or hereafter made available to the Commission shall be available for the payment of obligations under indemnity agreements entered into under this section."

The statement presented by Mr. ANDERSON is as follows:

MAY 23, 1956.

STATEMENT BY SENATOR ANDERSON

Today we begin hearings on proposals to accelerate the civilian reactor program, including consideration of S. 2725 introduced by Senator GORE and H. R. 10805 introduced by Representative HOLIFIELD.

As you know we have just concluded hearings on legislative proposals for Governmental indemnities or insurance to protect

the public and reactor operators against reactor hazards. In those hearings we identified some of the other possible roadblocks, primarily legislative or administrative, to private atomic development.

In a floor statement on May 9, I attempted to place the two sets of hearings in proper perspective and would like to insert this statement in the record at this point as a means of providing a partial framework for the hearings.

In my opinion there are three basic questions with which the hearings should be concerned:

1. What is the true nature of world leadership in the field of atomic power, and of America's role in it? Does it consist primarily in developing the technology to provide the basis for eventual construction of prototype and commercial plants, or does it consist in building such plants on an accelerated scale to obtain experience and achieve kilowatt production goals?

2. Is it important that we maintain our world leadership in civilian atomic development? Does America's role with the peacetime atom have a psychological significance in our competition with the Soviets and our friends in the United Kingdom and Europe far greater than merely to achieve economic atomic power at a normal industrial rate? Will the progress of our own domestic atomic energy industry depend to a considerable extent on the foreign market for American atomic powerplants and their components? I think the answer to these questions is "Yes."

3. If so, the third basic question is how do we maintain this leadership? Through an independent effort by private industry? Through a private demonstration program supported in part by the Government? Through construction of Government demonstration plants? Or do we do it by some combination of the three?

The nub of the problem we are concerned with today, it seems to me, is the pace of atomic development. Who is determining that pace, and who should be determining it? Whose task is it to keep the program moving?

As you know, it has been alleged that the pace of our development is lagging. Attention has been drawn to the fact that we will have only one prototype in operation in this country until at least 1960, and possibly later. No commercial types have been planned. England and Russia, on the other hand are going full steam ahead with the construction and operation of full-scale central-station atomic powerplants.

It seems to me that the real policy issue involved—the pace of our atomic development—was set forth clearly in the Commission's statement dated May 18, 1956, of its position on S. 2725, the Gore bill. On page 2, the AEC stated it succinctly as follows:

"The Commission takes the view that while it must take the lead and carry most of the burden of developing nuclear power reactor technology, industry should take the initiative and assume the major responsibility for full-scale prototype reactors."

Mind you, the Commission is talking about uneconomical demonstration power plants, still in the prototype stage. It raises a fundamental question of whether AEC has abdicated some of its responsibilities to private industry. Can we expect these uncoordinated groups still in a developmental stage to provide the direction and accomplishment necessary to maintain our world leadership?

In addition to these basic questions, there are a number of other questions which should be appropriately explored in these hearings. Among them are the following:

1. What are the technical roadblocks in the civilian atomic energy program?

2. Does it appear that the private atomic groups will achieve their schedules for prototype development set for 1960–62?

3. If the Congress authorized 6 or even 3 reactors for construction, which types should be built and where?

I believe we should be particularly interested in atomic power plants which would serve the emerging needs of the friendly countries of the West, as well as help in achieving economic atomic power in this country.

Undoubtedly many other relevant questions will be explored.

FEDERAL-AID HIGHWAY ACT OF 1956—AMENDMENTS

Mr. BUSH. Mr. President, I submit two amendments, intended to be proposed by me to the bill (H. R. 10660) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes, which is shortly to be considered by the Senate. I request that the amendments be printed and lie on the desk.

The VICE PRESIDENT. The amendments will be received, printed, and will lie on the table.

Mr. MAGNUSON submitted amendments, intended to be proposed by him to House bill 10660, supra, which were ordered to lie on the table and to be printed.

Mr. MAGNUSON. Mr. President, I understand House bill 10666, the road bill, will probably be before the Senate on Monday. I have very important amendments which involve the question of logging roads and logging trucks, and the use of fuel and trucks by those vitally interested in the subject in the Pacific Northwest and throughout the country. Because there is such a wide interest in the amendments, I submit them now, so that they may be printed and lie on the desk, with other amendments. I ask unanimous consent that a statement regarding the purposes of the amendments be printed in the RECORD at this point.

The VICE PRESIDENT. The amendments will be received, printed, and will lie on the table; and, without objection, the statement will be printed in the RECORD.

The statement, presented by Mr. MAGNUSON, is as follows:

STATEMENT BY SENATOR MAGNUSON ON AMENDMENTS TO H. R. 10660

The amendments that I am proposing to H. R. 10660 provide in effect for a refund of the fuel tax increases of 1 cent a gallon on gasoline and diesel fuel, and for a similar refund of the 3 cents a pound increase in the tire tax and the 3 cents a pound tread rubber tax, to the extent that highway vehicles are used on any road, thoroughfare, or property in private ownership. There is also included a provision for refund of the use tax imposed by the new section 4481 of the code for that portion of the vehicles use which is on nonpublic highways.

The increaed taxes provided for by H. R. 10660 are imposed with the intent of making the expanded highway program self-financing, and on the theory that the highway users, as the major beneficiaries of the program, should pay the costs.

The added tax burden is inequitable, however, in the case of the logging industry to the extent that it uses the tremendous network of privately owned, privately built, and privately maintained roads. It has been conservatively estimated that logging trucks use as much as 250 million gallons of fuel a year, and that more than 800,000 new tires and recaps are mounted annually by the logging industry, not including those on the 30,000 new trucks which are purchased each year by such industry.

To the extent that highway vehicles used by the logging industry are operated on the public highways, the increases in the fuel, use, and rubber taxes would, of course, be applicable as in all other cases, together with the taxes which are now in force.

In many instances, however, the use of the public highways is a minor part of the overall logging operations, and my amendments recognize this fact and seek to remove a discriminatory and inequitable tax burden in the case of nonhighway use by an industry which is the economic mainstay of many regions of the country.

AUTHORITY FOR COMMITTEE ON FINANCE TO SUBMIT REPORTS DURING RECESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to submit reports following the recess or adjournment of the Senate today.

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

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

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

By Mr. LEHMAN:

Address delivered by him at the Electric Consumers Conference, Washington, D. C., on May 20, 1956.

Address delivered by him at the convention of the Amalgamated Clothing Workers of America, Washington, D. C., on May 24, 1956.

By Mr. BRIDGES:

Article by Senator COTTON concerning the highway program and how it affects the State of New Hampshire.

NOTICE OF HEARING ON NOMINATION OF FREDERICK O. MERCER, TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF ILLINOIS

Mr. DANIEL. Mr. President, on behalf of a subcommittee of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 7, 1956, at 10 a. m., in room 424, Senate Office Building, on the nomination of Frederick O. Mercer, of Illinois, to be United States district judge for the southern district of Illinois, vice J. Leroy Adair, deceased.

Prior to the above-mentioned date all persons interested in the above nomination should file with the committee such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Illinois [Mr. DIRKSEN], and myself, chairman.

FAIRER FARM PRICES

Mr. MURRAY. Mr. President, I received today, as did all of my colleagues, a letter from Mr. Clarence Poe, editor and board chairman of the Progressive Farmer, published at Birmingham, Raleigh, Memphis, and Dallas. Mr. Poe encloses an editorial from his June issue, entitled "The Fight for Fairer Farm Prices Must Go On."

Mr. Poe says in his letter to us:

We hope that Congress will not adjourn without more positive help for the man at the bottom.

Mr. Poe's letter and editorial deserve the personal attention of every one of us. Because so much of this type of mail comes to our offices, and cannot all be given personal attention, I am fearful this mailing may not receive the attention it deserves. Therefore, I ask unanimous consent to have Mr. Poe's letter and his June editorial printed in the CONGRESSIONAL RECORD, in the hope every Senator will read it.

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

THE PROGRESSIVE FARMER,
Birmingham, Ala.

To Our Senators and Representatives in Congress:

DEAR FRIEND: The farm problem is going to be with us all through the coming months of 1956—and into 1957 if conditions do not change.

In the enclosed article and illustration we have presented some aspects of the situation that have been too often overlooked.

1. Note how steadily prices received by farmers have declined while prices paid by farmers held almost steady at 279. This is still true in 1956.

2. Note that even with parity prices the average farm income is only half that of industrial workers.

3. Note that while industry can quickly adjust production to demand, the farmer can never be sure whether his yields will be 50, 100 or 150 percent.

4. Please note especially item VIII on the serious need for more help for small farmers and that when farm prices fall, it is not necessarily the efficient farmer who survives. Many small farmers whose operations are highly efficient are nevertheless being bankrupted by causes we set forth.

We hope Congress will not adjourn without more positive help for the man at the bottom.

Yours sincerely,

CLARENCE POE,
Editor and Board Chairman.

THE FIGHT FOR FAIRER PRICES MUST GO ON

(By Clarence Poe)

The farmers have lost one fight. But now they must make another. The farm bill the President vetoed clearly had some unsound features, but most of these could have been corrected now or later. We lost because neither the President himself nor enough farmers, townspeople, or Congressmen fully understood the farm situation. As we start a continuous battle to get fairer prices for farmers, let's first of all see what misconceptions brought loss in this recent fight and how to win the next one.

I

"It's just a bill to help farmers," was the feeling of the general public. Actually, of course, the manufacturers, merchants, laborers, and all classes of people with whom the farmer spends his money almost as soon as he gets it would have benefited almost as much as farmers. All, too, will suffer by reason of the bill's defeat.

II

"I just don't understand parity," many said, and all too few tried to understand it. As everyone should know, a parity price means a price which will enable a given quantity of cotton, tobacco, corn, pork, milk, eggs, or any other farm product to buy 100 percent as much goods as that quantity would have bought in some base period of years when farm prices were supposed to be fair. Originally, this was the 5 years 1909–14 for all crops. While this has been raised in recent years, the period is still one regarded as fair to farmers and the public.

III

Many voters have thought 90 percent parity would virtually mean riches for the farmer—"all this and heaven, too." No sooner had this Congress started than a distinguished magazine, usually very fair, spoke of farmers as riding around in Cadillacs while begging for more price supports. The facts are that in 1949 farmers had 99 percent of parity, and in 1951, 107 percent of parity—and yet the average 1951 net income of farm workers and industrial workers compared as follows:

For farm workers	$1,718
For industrial workers	3,416

Actually, 100 percent parity would give farmers only a fairly decent income. And the term "90 percent" on its very face indicates not an increase but a decrease in some desirable goal. It takes a parity price—which is itself only fair—and then makes a straight, full 10-percent cut before the farmer gets it as a guaranty. On products for which any "variable price-support formula" is set up, it should be at 85 to 95 percent of parity—not 75 to 90.

IV

The two-way character of our farm program of recent years was all too often overlooked or ignored. Chairman HAROLD COOLEY said that Secretary Benson never seemed to realize that (1) in return for a guaranty of reasonable prices; (2) the farmer was expected to cut his acreage or production to fit market demands. This two-way requirement has not been observed in all cases, but should be. Of course, the farmer can never be sure when he plants a crop whether he will get 50, 100, or 150 percent of a normal yield. Still, the price supports the farmer receives should be offset by programs which over the years might reasonably be expected to keep production in line with demand.

If farmers follow such programs as set forth by Government and burdensome surpluses nevertheless occur, should they not receive just and reasonable price supports until the surplus can be gotten rid of? Frequently, of course, this may not take just one year but several years. If this two-way feature of the program has been imperfectly carried out in the past, we should not end the program, but mend it. Last year's bumper cotton crop, for example, was in no way due to overplanting by the farmers. The farmers did what the Government asked, but the bumper crop came from record-breaking acre yields given by the Almighty.

V

The Department of Agriculture and some farm organizations seemed at times to be willing to see how little could be given the farmer and still keep him satisfied. To them the doctrine, "What is good for the country is good for the farmer," seemed sound, but didn't seem to work both ways. We never expect to see the Department of Labor trying to see how small a wage labor can be made to accept. Nor do we ever expect to see the National Association of Manufacturers trying to see how much tariff reduction manufacturers can possibly stand. Certainly now, at a time when labor's wages are the highest ever and the manufacturer's profits the biggest ever, the Secretary of Agriculture and our farm organization leaders should be the farmer's retained attorneys to fight for his full share of the country's prosperity.

VI

Whether or not he was badly advised and however good the intentions we give him credit for, we cannot escape the feeling that President Eisenhower himself should have consulted with plain, often hard-hit farmers. They would almost certainly have reminded him of his pledge as given in 1952 and in these exact words at Brookings, S. Dak., on October 4: "The Republican Party is pledged to the sustaining of the 90-percent parity price support, and it is pledged even more than that to helping the farmer obtain his full parity, 100-percent parity, with the guaranty in the price supports of 90." Furthermore, without questioning the highly religious character of Secretary Benson, we cannot escape the feeling that he should have strictly supported the explicit pledge which the President gave.

VII

The lack of unity on the part of farm organizations hurt. Even though they could not have agreed on a general farm policy, we believe they should have made much greater efforts to find areas of agreement. We also think that there is too much demand on the part of some top farm organization leaders for uniformity of thought and action by the general membership. North Carolina, South Carolina, Georgia, and Texas Farm Bureau members for example, strongly favored 90-percent price supports for cotton, but the appeal for uniformity kept most of them silent to their own hurt. As we have said before, "We believe it is equally the duty of a farm organization member to support it when it is right and try to correct it when it is wrong." A healthy and outspoken, conscientiously questioning minority is a fine thing for a farm organization—as it is in State or National Government—and frequently in our churches.

VIII

Finally, the plight of the small farmer, the little man, should have more attention. We hope we did not misjudge him, but we heard a nationally known farm leader say, in substance, "If farm prices go down, I can stand it until they come back again. The efficient farmers will survive and be better off with less competition." Unfortunately, however, we cannot even be sure that it's always the efficient farmers who survive. Does the man who survives always do so because of his superior efficiency? Or may it not often be because he is more fortunate in his inheritances, marriage, investments, or friendliness of financial connections? Or that income tax opportunities enable him to charge off his farm losses? On the other hand, are not many young farmers who are producing as efficiently as larger farmers nevertheless being bankrupted by low crop and livestock prices, and especially by mortgages and debts they incurred when such purchases of land or equipment seemed justified? They have simply had the rug pulled out from under them. More such struggling young farmers and small farmers should be put in places of leadership in farm organizations. Also, more farm leaders and farm organizations should get religion and acquire more concern for the man at the bottom—for "the needy when he crieth, the poor also, and him that hath no helper."

THE EMERGENCY FARM LOAN SITUATION

Mr. LANGER. Mr. President, I ask that a statement which I send to the desk be read by the clerk, in view of the

physical disability to my eyes from which I am suffering temporarily.

Mr. JOHNSON of Texas. Is the statement the Senator's personal statement?

Mr. LANGER. Yes.

Mr. JOHNSON of Texas. The Senator from North Dakota does not feel that he can read the statement himself; is that correct?

Mr. LANGER. I regret to say that the doctors advise me that at this time I should not attempt to read very much.

The VICE PRESIDENT. Without objection, the statement will be read.

The legislative clerk read as follows:

Mr. LANGER. Mr. President, I should like to say a few words relative to the present emergency farm loan situation.

There are under consideration at this time, by a subcommittee of the Senate Agriculture Committee, some 13 emergency farm credit bills. The earliest one was introduced on February 23, 1955, the latest on May 14, 1956.

I invite especial attention to Senate bill 3559, introduced on March 29, 1956, which would release funds for emergency loan purposes to farmers on July 1, 1956.

There has been a widespread rumor throughout the Middle West that $50 million, payable now when it is needed, would be included in the final version of the farm bill. It now appears that this was little more than wishful thinking on the part of many small farmers in desperate need of such assistance.

As I believe I have made clear on other occasions, I am more than a little sick of these unceasing efforts to crowd the small farmers of the Nation out of the picture.

What is the basis for this indifference to the problem? Is it because of a feeling that the trouble exists on a small and unimportant scale? The Department of Agriculture has just advised me that emergency loans of some type are presently authorized to 40 States.

North Dakota was declared a disaster area early in February of this year and our State director of the Farmers' Home Administration states he now has on hand approximately 300 approved loan applications that cannot be fulfilled due to this lack of funds. These applications are coming in at the rate of about 50 a week. They average about $700 each. A total of $200,000 is needed—not next July, but right now—in North Dakota.

The problem is by no means confined to the farmers, as this letter from one of North Dakota's leading seed dealers will indicate:

MAY 22, 1956.

Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.

DEAR SENATOR: Quite a number of farmers who were up against it for securing money to plant this year's crop back in February and early March made applications to the Farmers Home Administration's local office for disaster loans. These loans were approved and put on record. The farmers were told that the money would be forthcoming. On the strength of that we have furnished quite a number of farmers at Gardner, Grandin, and Hillsboro seed grain for planting this year's crop.

Now we are told by the local office that no funds are available to pay these loans, and the local office does not know whether additional funds will be made available to them or not. Some of these farmers still have flax and soybeans and corn to plant. We have already furnished them oats, barley, and wheat in amounts over and above what we could furnish them had we not been assured of the farmer getting his FHA money. We certainly cannot afford to supply these farmers with additional seed unless there is some assurance that this money will be furnished the local FHA office to take care of these approved loans.

It seems to us that this is very misleading to these farmers and also to the elevators that have been supplying seed grain. We trust that you will look into this situation and see if some assurance can be given that this money will be forthcoming promptly. Delay on the part of the farmer planting his flax and beans can be rather serious.

Yours very truly,
R. F. GUNKELMAN & SONS,
By R. F. GUNKELMAN, Sr.

When Mr. Gunkelman says that delay on the part of the farmer in planting his flax and beans can be rather serious, he is only saying that the farmer, forced into such a delay, could face failure. What good is a release of loan funds in July when about all they would do would be to pay up the bills left by these small farmers who found themselves bankrupt in June?

The majority of normal lending sources are apparently not too inclined to make loans on any farms consisting of less than a half section of land. With no funds in sight before July 1, I call upon every Senator to help get this bill out of committee and onto the floor so we can vote these distressed farmers some help now.

NEW APPROACH IN CANCER RESEARCH

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a most illuminating editorial from the New York Times of May 24, entitled "New Approach to Cancer." The editorial describes the experiments in cancer research to which certain courageous convicts in Ohio are willing to subject themselves. These men, whatever may be their earlier sins against society, deserve great credit for their valor.

Mr. President, I believe this further experimentation in the realm of cancer research serves to support the enlightened proposal of the senior Senator from Maine [Mrs. SMITH] that our Government invest far more funds and effort annually in the entire field of medical research, with special emphasis on investigation into this most sinister and dangerous of diseases.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

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

NEW APPROACH TO CANCER

Ninety-six convicts in the Ohio State Penitentiary have volunteered to serve as guinea pigs in a daring experiment that is being carried out by the Sloan-Kettering Institute of Memorial Hospital and the department of medical research of the Ohio State University. Twenty-five are to receive injections of live material from malignant tumors. Newspaper readers must have been relieved to learn that the experiment is fraught with no great risk—that if cancer is incited it can be eradicated in its early stages at the site of injection.

There is more than idle curiosity behind this experiment. The purpose is to find out, if possible, why it is not only difficult but often impossible to start a cancer in a healthy organism. What is the mechanism of resistance? It may be that in the answer lies new hope for the successful treatment of cancer.

For many years research biologists have focused their attention on the cell, which is where cancer starts. Much research has been conducted in trying to find out why it is that normal cells organize themselves into organs and tissues of the right size and then put them in the right places. Thus considered, the problem of cancer is the problem of growth, normal and abnormal. Now the problem is to be approached from the standpoint of resistance. Financially suported by the American Cancer Society, scientists in half a dozen university medical schools have been working along these lines with experimental animals. But what holds good for rats and mice does not always hold good for man. Hence the daring study that is under way in Ohio.

This is not the first time that convicts have voluntarily contracted diseases in the interest of medicine. Nevertheless, there is nothing but admiration for men who are regarded as enemies of society yet are fully aware of the contribution that they can make to medicine by willingly subjecting themselves to tests from which most men and women would shrink even though assured that risk of death is negligible.

ANIMAL DISEASE LABORATORY AT BELTSVILLE, MD.

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared relating to the Department of Agriculture appropriation bill for the fiscal year 1957, with reference to a request by the Department of Agriculture and the Bureau of the Budget for $18,915,000 to build an animal disease laboratory at Beltsville, Md.

I also ask unanimous consent to have printed in the RECORD, following my statement, a copy of the letter, written under date of May 25, 1956, to the Senator from Louisiana [Mr. ELLENDER], chairman of the Committee on Agriculture and Forestry of the Senate, and a copy of another letter, dated May 25, 1956, addressed to the Senator from Arizona [Mr. HAYDEN], chairman of the Committee on Appropriations of the Senate.

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

STATEMENT BY SENATOR HENNINGS

On Tuesday, May 22, during the debate in the Senate on the Department of Agriculture appropriation bill for the 1957 fiscal year, the Senate voted to provide no funds for a request by the Department of Agriculture and the Bureau of the Budget for $18,915,000 to build an animal disease laboratory at Beltsville, Md. The House of Representatives had earlier provided $10 million for this item. The bill is now in conference between the two Houses. During the debate on Tuesday in the Senate, it became clear that most Senators are in favor of this appropriation item to establish an animal disease research laboratory, but that they are likewise opposed to the location of this research center at Beltsville for various logical reasons. In the first place, the laboratory as

located at Beltsville would be near the large metropolitan center of Washington, D. C., and would inevitably create a health hazard, particularly in the event of bombing during a war. The Department of Agriculture, having in mind the hazards in this location at Beltsville, even provided for nearly a million dollars, as I understand it, to erect special protective walls in case of bombing. Another reason for the opposition to locating the laboratory at Beltsville is that such a location is far removed from the center of livestock and dairy industries. I have an appointment at my office with the Under Secretary, the Honorable True D. Morse, on Tuesday to present this matter to him as fully as I can for his consideration.

Having in mind the considerations which moved the Senate to reject the appropriation request for the construction of this much-needed laboratory, I today sent a letter to Senator HAYDEN, chairman of the Senate Committee on Appropriations, urging the members of the Appropriation Committee to consider providing the money to build a laboratory and to locate it at St. Joseph, Mo. I wrote a similar letter to Senator ELLENDER, chairman of the Senate Committee on Agriculture and Forestry. Mr. President, I ask unanimous consent to insert a copy of each of these letters in the CONGRESSIONAL RECORD at the end of my remarks. The regular 1957 appropriation for the Department of Agriculture is now in conference. I hope the conferees will include at least $10 million for the construction of this laboratory so that work on it may proceed. Supplemental funds would be provided later, and I hope further that the conferees agree that the logical location of the laboratory is at St. Joseph, Mo. If the conference committee fails to provide for the construction of this laboratory, I shall urge the two committees concerned with this item to provide for it in the first deficiency appropriation bill which they consider later in this session.

The reasons why St. Joseph, Mo., is the logical location for this laboratory are quite fully set forth in the letters which I sent to Senator HAYDEN and Senator ELLENDER earlier today. For this reason I shall not elaborate on them at greater length now. If the 1957 regular appropriation bill does not include an item for the animal disease laboratory, I shall submit an appropriate amendment to any supplementary or deficiency appropriation bill to provide for the nearly $19 million needed for construction of the laboratory, with a direction that it be built at St. Joseph, Mo.

MAY 25, 1956.

The Honorable ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, United States Senate, Washington, D. C.

DEAR SENATOR ELLENDER: In the budget request for the Department of Agriculture's 1957 appropriation, there is an item in the amount of $18,915,000 to build new facilities for an animal disease laboratory of the Agriculture Research Service to be located at Beltsville, in nearby Maryland. As you know, the 1957 agricultural appropriations bill is now in conference.

The House of Representatives reduced this item to $10 million and the Senate provided no funds. The debate in the Senate on Tuesday, May 22, on this subject made it very clear that Senators generally are in favor of providing the necessary funds for adequate research facilities to study animal diseases, but that they are also generally opposed to establishing the laboratory at Beltsville. While various suggestions have been made concerning the possible location of this laboratory, the general sentiment did not appear in favor of any particular locality as long as it was not Beltsville and was situated in a place more centrally located with respect to the livestock and dairy industries.

During the course of his remarks on the subject on Tuesday, Senator RUSSELL said that if the Department of Agriculture would indicate its willingness to locate the laboratory at a point more suitable than Beltsville, he was sure that the Appropriations Committee and the Senate would provide the funds necessary for this work in the first supplemental or deficiency appropriation which the committee and Senate hereafter handle, provided the Department of Agriculture gave the proper assurances concerning the location of the laboratory. Senator RUSSELL also indicated that the Appropriations Committee would follow the lead and suggestions of the Committee on Agriculture and Forestry concerning a proper location for the laboratory. I am sure that Senator RUSSELL is correct in his estimate of the general sentiment of the Senate on the subject.

At this time, I wish to suggest that the laboratory be located in St. Joseph, Mo. I think this Missouri city would be most suitable for the site of the laboratory. St. Joseph is in the geographical center of the United States, and has the largest livestock yards in the State of Missouri licensed by the United States Government. It is situated approximately 120 miles from each of 3 veterinarian colleges located, respectively, at the University of Missouri, in Columbia, Mo.; Kansas State College, in Manhattan, Kans.; and at Iowa State College, in Ames, Iowa. In addition, the University of Nebraska, at Lincoln, is suitably near.

If the laboratory were located at St. Joseph, it would enable the Government scientists working at the laboratory to have easy access to land-grant colleges for the purposes of consultation with other scientists located in each of these great institutions. This central location would have an advantage over a location close to only one such land-grant college.

If the laboratory were located in St. Joseph, the acquiring of animals for the purpose of testing would be greatly facilitated. Also, if any large field trials of animals were necessary, they would be easily accessible to the laboratory at St. Joseph, which lies in the heart of the livestock area. St. Joseph can offer a plentiful supply of labor available for all types of jobs to be filled at the Government laboratory. All utilities are more than adequate and an abundant supply of water is available from the Missouri River. I am informed that a suitable 200-acre tract of land can be selected from several locations near the city of St. Joseph. Such a tract would be offered to the Federal Government free of cost if the laboratory would be located there.

With these facts in mind, I want to strongly urge the members of the Senate Committee on Agriculture and Forestry to give favorable consideration to locating the laboratory at St. Joseph and providing the necessary funds either in the 1957 appropriations bill or in the first supplementary appropriation which the committee considers hereafter in this session.

I shall be very glad to furnish any additional information which the Committee on Agriculture and Forestry might desire. I am also taking up this matter with Senator HAYDEN, chairman of the Senate Committee on Appropriations.

Sincerely yours,

THOMAS C. HENNINGS, Jr.,
United States Senate.

MAY 25, 1956.

The Honorable CARL HAYDEN,
Chairman, Committee on Appropriations, United States Senate, Washington, D. C.

DEAR SENATOR HAYDEN: In the budget request for the Department of Agriculture's 1957 appropriation there is an item in the amount of $18,915,000 to build new facilities for an animal disease laboratory of the Agriculture Research Service to be located at Beltsville, in nearby Maryland. As you know, the 1957 agricultural appropriations bill is now in conference.

The House of Representatives reduced this item to $10 million and the Senate provided no funds. The debate in the Senate on Tuesday, May 22, on this subject made it very clear that Senators generally are in favor of providing the necessary funds for adequate research facilities to study animal diseases but that they are also generally opposed to establishing the laboratory at Beltsville. While various suggestions have been made concerning the possible location of this laboratory the general sentiment did not appear in favor of any particular locality as long as it was not Beltsville and was situated in a place more centrally located with respect to the livestock and dairy industries.

During the course of his remarks on the subject on Tuesday, Senator RUSSELL said that if the Department of Agriculture would indicate its willingness to locate the laboratory at a point more suitable than Beltsville, he was sure that the Appropriations Committee and the Senate would provide the funds necessary for this work in the first supplementary or deficiency appropriation which the committee and Senate hereafter handle, provided the Department of Agriculture gave the proper assurances concerning the location of the laboratory. I am sure that Senator RUSSELL is correct in his estimate of the general sentiment of the Senate on the subject.

At this time, I wish to suggest that the laboratory be located in St. Joseph, Mo. I think this Missouri city would be most suitable for the site of the laboratory. St. Joseph is in the geographical center of the United States and has the largest livestock yards in the State of Missouri licensed by the United States Government. It is situated approximately 120 miles from each of 3 veterinarian colleges located respectively at the University of Missouri in Columbia, Mo., Kansas State College in Manhattan, Kans., and at Iowa State College in Ames, Iowa. In addition the University of Nebraska at Lincoln is suitably near.

If the laboratory were located at St. Joseph it would enable the Government scientists working at the laboratory to have easy access to land grant colleges for the purposes of consultation with other scientists located in each of these great institutions. This central location would have an advantage over a location close to only one such land grant college.

If the laboratory were located in St. Joseph, the acquiring of animals for the purpose of testing would be greatly facilitated. Also if any large field trials of animals were necessary they would be easily accessible to the laboratory at St. Joseph which lies in the heart of the livestock area. St. Joseph can offer a plentiful supply of labor available for all types of jobs to be filled at the Government laboratory. All utilities are more than adequate and an abundant supply of water is available from the Missouri River. I am informed that a suitable 200-acre tract of land can be selected from several locations near the city of St. Joseph. Such a tract would be offered to the Federal Government free of cost if the laboratory would be located there.

With these facts in mind I want to strongly urge the members of the Senate Appropriations Committee to give favorable consideration to locating the laboratory at St. Joseph and providing the necessary funds either in the 1957 appropriations bill or in the first supplementary appropriation which the committee considers hereafter in this session.

I shall be glad to furnish any additional information which the full committee or the Subcommittee on Agricultural Appropriations might desire. I am also taking up this matter with Senator ELLENDER,

chairman of the Senate Committee on Agriculture and Forestry.

Sincerely yours,

THOMAS C. HENNINGS, Jr.,
United States Senate.

PROBLEMS OF INDEPENDENT MEMBERS OF THE GASOLINE TRADE

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Retailing, Distribution, and Fair Trade Practices of the Senate Small Business Committee, I have recently spent a good deal of time on the problems faced by the independent members of the gasoline trade in an attempt to avert the destruction facing many independent business establishments in the gasoline servicing industry. Mr. George Burger, vice president of the National Federation of Independent Business, has recently written a letter to the editor of Service Station News, St. Louis, Mo., dealing with one aspect of this general problem.

I ask unanimous consent that Mr. Burger's letter be inserted at this point in my remarks.

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

MAY 16, 1956.

EDITOR, SERVICE STATION NEWS,
St. Louis, Mo.

DEAR SIR: In reviewing the May issue of your publication I noted with considerable interest the front page story NCPR (National Congress of Petroleum Retailers) Files Application for Trade Practice Conference.

Not being unduly critical of the action planed, we are just wondering whether such planning will bring about the long overdue relief to the many thousands of independent filling station operators throughout the 48 States. It's a matter of public record as to the plight facing the efficient independent filling station operators due to what appears to be the control exercised over their independent operations to serve the public.

This statement is confirmed by the actions of the Small Business Committees of both the House and the Senate in due public hearings during the past year, and the entire proposition was exposed in the first instance by the Senate Small Business Committee early in 1941, so it is our honest opinion that if the independent filling station field is to get the long overdue and immediate relief, Trade Practice Conference through the Federal Trade Commission will not solve their basic problems.

The writer has had some experience with these Trade Practice Conferences as it applied to the rubber tire industry. Although those rules were instituted in October 1936, here some 20 years later we find no attempt upon the part of the Government agency to vigorously enforce those rules.

Wholly in the interest of independent business of all descriptions, which would certainly include a substantial membership of independent filling station operators in the federation, and merely as a help to them, it would strike us that all efforts should be used to bring about immediate relief so that the free enterprise system can actually operate in the independent filling station field through:

1. Similar action to be instituted individually by gasoline suppliers filing their prices under the Fair Trade Acts, as has recently taken place by certain leading companies in the State of New Jersey. Such action, we repeat, must not be by collusion, but by the individual action of the suppliers.

2. Due to the disclosures made through congressional committees beginning in 1941, and more recently through the splendid actions of the Small Business Committees of the Senate and the House on this problem, it would strike us that the only permanent correction for the protection of independent filling station operators is the complete divorcement of the gasoline supplier operating in the retail field through their own setups.

Bear in mind that the federation is committed by its nationwide membership of 100,000 or more for all out vigorous enforcement of the antitrust laws. In fact that is the principal and main objective of the federation to protect independent business, and in view of this we make this suggestion as to the proper approach in correcting the cancer that is slowly but surely destroying independent establishments where certain large interests in the production field are operating in the retail field through their own setups.

These comments are made wholly for the best interests of the people your publication serves.

Sincerely yours,

GEORGE J. BURGER,
Vice President.

MINNESOTA'S SINGULAR TRAFFIC SAFETY RECORD

Mr. HUMPHREY. Mr. President, as the Memorial Day weekend approaches, with the grim prospect of another burst of slaughter on the highways, it behooves every citizen to give careful thought to what he or she can personally do to keep down the staggering toll of dead and injured. For 13 consecutive months, the national traffic death toll each month has exceeded the same month's toll for the preceding year. Unless we act now to do something about it, we are going to find ourselves with 40,000 dead and more than a hundred thousand persons totally disabled on our highways again this year.

This situation has reached the dimensions of a national disaster. I should like to call the attention of the Senate again to the highway traffic safety amendment to the highway bill which I introduced last week. It is absolutely vital that action be taken by the Federal Government to study the problem of traffic safety in all its ramifications. This amendment would direct the Secretary of Commerce to cause a comprehensive study to be made, to be followed by a report and recommendations no later than June 30, 1959.

In the meantime, Mr. President, I wish to call the attention of the Senate to a remarkable example of governmental leadership at the State level.

This morning the wire services carried an announcement from the National Safety Council that of all the 48 States in the Union, only Minnesota qualified during the past year for the council's award of merit by scoring 70 percent in all sections of the council's traffic safety award program.

Also this morning, I sent the following telegram to Gov. Orville L. Freeman, of Minnesota:

Warmest congratulations on the splendid quality of your leadership which has resulted in the announcement this morning by the National Safety Council that Minnesota is the only State in the Nation to qualify for the award of merit in the council's traffic safety-award program. Minnesota again leads the ways.

HUBERT H. HUMPHREY.

Mr. President, I cannot deny that I am proud of Minnesota's singular safety record during the past year. And I am hopeful that Minnesota can continue its leadership during the coming year.

Yet there were many Minnesotans killed on our highways; there were too many Minnesotans maimed and disfigured for life in automobile accidents during the past year. Minnesota can do better, and intends to do better.

We all must do better. I was greatly impressed yesterday by the brilliant remarks of the distinguished Senator from Illinois [Mr. DOUGLAS], on the subject of traffic safety, and I wish to express my strong support for his resolution—Senate Resolution 270—to authorize and direct the Senate Committee on Labor and Public Welfare to make a full and complete investigation and study of the entire field of automobile accidents, automotive engineering and design, possible legislation to establish uniform safety standards, and other matters relating to the problem of automobile accidents and accident prevention.

Frankly, Mr. President, I do not know whether to be proud or sad when I contemplate the fact that Minnesota was the only State to qualify for the merit award of the National Safety Council. I think that I am a little of both. As a Minnesotan, I am proud. As an American, I am deeply and desperately distressed.

I hope when we come to discuss the highway bill, at some point in our deliberations attention will be paid to the importance of traffic safety, and not merely the importance of concrete highway construction itself. This is a problem which will require more and more attention on the part of the Congress.

The VICE PRESIDENT. Is there further morning business? If not, the morning hour is closed.

TRANSFER OF CERTAIN LAND TO SCHOOL DISTRICT NO. 8, MOHAVE COUNTY, ARIZ.

Mr. O'MAHONEY. Mr. President, I ask that the House amendment to the bill S. 2822, be laid before the Senate.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2822) to authorize and direct the Secretary of the Interior to transfer approximately 9 acres of land in the Hualapai Indian Reservation, Ariz., to School District No. 8, Mohave County, Ariz., which was, on page 2, line 7, to strike out "Secretary may" and insert "Secretary shall immediately."

Mr. O'MAHONEY. Mr. President, the bill, which originated in the Senate, was intended to authorize and direct the Secretary of the Interior to transfer approximately 9 acres of land in the Hualapai Indian Reservation of Arizona to a school district.

The House amended the bill by striking out the words in line 7, page 2, "Secretary may" and inserting in lieu thereof the words "Secretary shall immediately."

The amendment is acceptable to the Senate committee.

I move that the Senate concur in the House amendment.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

STATE, JUSTICE, AND THE JUDICIARY APPROPRIATIONS, 1957

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is H. R. 10721.

The Senate resumed the consideration of the bill (H. R. 10721) making appropriations for the Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June 30, 1957, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; and that the bill as thus amended be considered for the purpose of amendment as original text, provided, however, that no point of order against any amendment shall be deemed to have been waived by the adoption of this agreement.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

Under the heading "Title I—Department of State—Administration of Foreign Affairs," on page 2, line 22, after "(22 U. S. C. 287o, 287q, 287r)", to insert "except that members and experts serving without compensation in activities of the National Commission may be paid a per diem in lieu of subsistence at not to exceed the rate provided in section 5 of the Administrative Expenses Act of 1946, as amended;"; on page 3, line 4, after the word "exceed", to strike out "six" and insert "seven"; on page 4, line 22, after the word "advance", to strike out "$90,000,000" and insert "$91,210,000"; and on page 5, line 10, after the word "exceed", to strike out "$3,600" and insert "$5,000."

On page 6, line 2, after "(22 U. S. C. 1131)", to strike out "$700,000" and insert "$1,000,000."

On page 6, line 23, after "(31 U. S. C. 107)", to strike out "$1,000,000" and insert "$1,150,000."

Under the subhead "International Organizations and Conferences", on page 7, line 12, after the word "Congress", to strike out "$33,830,875" and insert "$33,859,285, of which $28,410 shall be for contribution to the Inter-American Radio Office for the calendar years 1951–1955."

Under the subhead "International Commissions—International Boundary and Water Commission, United States and Mexico", on page 9, line 24, after the word "boundary", to strike out "fence or."

On page 10, line 17, after the word "stations", to strike out "$1,400,000" and insert "$1,463,000."

On page 12, after line 19, to insert:

"PASSAMAQUODDY TIDAL POWER SURVEY

"For expenses necessary to carry out the provisions of the act of January 31, 1956 (Public Law 401), including services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed $100 per diem for individuals; hire of passenger motor vehicles; and expenses of attendance at meetings concerned with the purpose of this appropriation; $935,000, to remain available until expended."

Under the subhead "International Fisheries Commissions", on page 13, line 8, after the word "Congress", to strike out $542,862" and insert "$645,587."

Under the subhead "Educational Exchange", on page 14, at the beginning of line 11, to strike out "$18,170,000" and insert "$20,000,000."

Under the heading "Title II—Department of Justice—Legal Activities and General Administration—Salaries and Expenses, General Legal Activities", on page 18, line 2, after "(31 U. S. C. 529)", to strike out "$10,020,000" and insert "$10,320,000."

Under the subhead "Salaries and Expenses, Antitrust Division", on page 18, line 6, after the word "laws", to strike out "$4,265,000" and insert "$3,526,910."

Under the subhead "Salaries and Expenses, United States Attorneys and Marshals," on page 18, line 20, after the word "ammunition", to strike out "$19,000,000" and insert "$19,225,000."

Under the subhead "Special Temporary Attorneys and Assistants," on page 19, line 10, after the word "law", to strike out "$100,000" and insert "$300,000."

Under the subhead "Immigration and Naturalization Service—Salaries and Expenses," on page 22, line 18, after the word *"Provided"*, to strike out "That the compensation of the five assistant commissioners and one district director shall be at the rate of grade GS–16: *Provided further,"*.

Under the subhead "Federal Prison System—Buildings and Facilities," on page 24, after line 7, to insert:

"For preparation of plans, acquisition of sites, and commencing construction of a maximum-custody penitentiary and a western youth-guidance center, $3,500,000."

Under the heading "Title III—The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services," on page 29, line 14, after the word "for", to strike out "$16,250,000" and insert "$16,701,000."

On page 31, line 2, after the word "case", to strike out "$2,650,000" and insert "$2,793,600."

On page 31, line 11, after the word "elsewhere", to strike out "$700,000" and insert "$753,500."

On page 31, after line 11, to insert:

"Air conditioning courtrooms, offices, and other rooms assigned for the use of courts of appeals and district courts in federally owned buildings: For the purchase and installation of air-conditioning units in courtrooms, offices, and other rooms, assigned for the use of courts of appeals and district courts in federally owned buildings outside the District of Columbia, upon authorization of the Director, Administrative Office of the United States Courts, pursuant to section 604 (a) (11) of title 28, United States Code, $1,150,000."

Under the heading "Title IV—United States Information Agency," on page 34, line 12, after the word "of", to strike out "caps for personnel employed abroad" and insert "uniforms, or allowances therefor as authorized by the act of September 1, 1954, as amended (68 Stat. 1114 and 69 Stat. 49)"; on page 35, line 22, after the word "organizations", to strike out "$110 million" and insert "$115 million"; in line 25, after the word "States", to insert "and of which sum not less than $350,000 shall be available by contracts with one or more private international broadcasting licensees for the purpose of developing and broadcasting under private auspices, but under the general supervision of the United States Information Agency, radio programs to Latin America, Western Europe, Africa, as well as other areas of the free world, which programs shall be designed to cultivate friendship with the peoples of the countries in those areas, and to build improved international understanding:", and, on page 36, line 9, after the word "exceed", to strike out "$50,000" and insert "$100,000."

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

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

Mr. JOHNSON of Texas. Mr. President, I wish to make only a brief statement on the bill, and to mention the major items.

The bill contains the appropriations for two of the most vital instruments of American foreign policy, the Department of State and the United States Information Agency. It also includes the appropriations for the two branches of the Government concerned with the enforcement of law, the Department of Justice and the Judiciary.

The total amount of funds for these activities, as reported to the Senate, is $556,271,517. This is $42,833,303 less the estimates for 1957. However, it is $57,998,282 over the appropriations for 1956. The Senate committee has increased the House version of the bill by $14,904,145.

The subcommittee worked very diligently on this measure; heard all the witnesses who desired to be heard; obtained complete, thorough, and accurate reports, we believe, from the departments concerned; and voted to report the bill in substantially its present form to the full committee. The full committee made one minor amendment to the subcommittee bill, by increasing by about $53,000 to provide $102,725, the full amount requested restored for the Fisheries Commission. The full committee reported the bill to the Senate unanimously.

The sum of $4,619,135 has been added for the State Department. Perhaps the item which will interest the Senate most is the increase of $1,830,000 for the International Educational Exchange Program—which, I may add, restores that item to the amount requested by the Bureau of the Budget.

One billion two hundred and ten thousand dollars has been added for salaries and expenses of the Department and the Foreign Service.

The House made a $25 million reduction in the estimate for the United States Information Agency. The committee had recommended $5 million of this be restored, but that none of this particular increase is to be used for expanding activities in the European area or for the aircraft carrier Cinerama project, which would cost $3,800,000. On the basis of the feeling of the committee members, the testimony the committee heard, and the very sincere representations made by the United States Information Agency, we felt that we were justified in recommending the additional

$5 million. We hope the Members of the other body will agree to go along with us in regard to that amount, and we are prepared to urge most strenuously that they do so.

Your committee has added about $1,800,000 for the Judiciary, of which $1,200,000 is for air-conditioning of court rooms and chambers of Federal judges, so that those facilities may be used during the summer months.

The balance is to strengthen the probation system of the courts, with a small additional item for the Administrative Office of the United States Courts.

Three million five hundred thousand dollars has been added to the Justice Department, primarily for planning and acquisition of sites for two new prison facilities. There has been an additional increase for marshals, temporary attorneys, and assistants.

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

Mr. JOHNSON of Texas. I yield to my friend, the Senator from Arkansas.

Mr. FULBRIGHT. I wish to take this opportunity to compliment the chairman of the subcommittee and the distinguished majority leader and also the subcommittee and the full committee for recommending the $20 million requested by the State Department for the international educational exchange program.

I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a statement commenting upon the program and also commenting upon and explaining, I believe, the observations made by the committee relative to concentration of students in foreign countries, and other observations the committee made. I believe the statement will explain for the Senate and for the committee the facts regarding the program.

I certainly wish to compliment and to thank the majority leader for his assistance in restoring the full budget request for this item.

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

STATEMENT BY SENATOR FULBRIGHT

I wish to compliment the Appropriations Committee for recommending the $20 million requested by the State Department for its international educational exchange program. I note that the committee says that there has been a lack of association by American grantees with the local people of the country in which they are residing. The committee also states that group concentration of grantees as practiced in some countries is not in keeping with the intents and the purposes of the program and should be stopped.

I do not know where the committee got these impressions; and, if they were true, I, too, would deplore such a situation. However, as you know, I have been very much interested in this program, have kept in touch with its operation, and I must say I think the picture painted by the committee in its report is decidedly exaggerated.

On the first point—of lack of association with the people of other countries—I have seen many reports and have read hundreds of letters from American grantees which point out how valuable they considered their contacts with the people of the countries they visited and the great numbers of people they met whom they felt to be real friends. Just the other day I read a report from Italy which said that "many an Italian individual and many an Italian family owes its reconstructed picture of America to a personal acquaintanceship with one or more of the 750 American students who have lived in Italy under the exchange program in the past 7 years."

I know that it is the policy of the Board of Foreign Scholarships and the State Department to select Americans who are interested in mixing with the people of their host country. In fact that is one reason they insist, wherever possible, on the candidate knowing the language of the country in which he plans to study or teach. It is also a matter of policy to encourage such contacts in the binational commissions overseas do everything they can to introduce American grantees to the people of the country. But we should also keep in mind that these people go abroad for a serious educational purpose—not a junket—and that if they are to represent us well among foreign scholars, they must devote their main energies to their studies or teaching assignments. Thus many of their most fruitful contacts are made with their professional colleagues. From my observation and experience, I think the record shows that most of the grantees are doing a fine job of balancing their professional and social contacts and making many friends for the United States in the process.

On the second point—of concentration of grantees as practiced in some countries—I think the record will show that this is not a serious problem. Again, the Board of Foreign Scholarships, the State Department, and binational commissions overseas have realized that this might become a problem and have bent every effort to place the grantees as widely as possible. But there are several factors that have to be kept in mind if the program is to be effective. The American grantee should be placed at an institution where he can carry out the specific work he wants to do and he must be placed at an institution that will accept him—just as in our own universities. What is more, educational resources in some countries are more concentrated than in our own country. While it is true that more American grantees go to Paris to study than to other parts of France, we should remember that half the population of French university students is also in Paris. And under the Fulbright program, we have some students in every French provincial university. In England, where more people find the best facilities in London, Oxford, and Cambridge, we also have students and scholars in 20 or more universities in England, Scotland, and Wales, and teachers in 80 or more towns throughout the United Kingdom. In Germany, where universities are much more decentralized, our grantees are spread quite equitably throughout the Federal Republic.

I am sure that the Board of Foreign Scholarships, the State Department, and the commissions will give careful attention to the committee's recommendations on these two points and will do everything they can to improve the situation, but I do not myself think it is a serious problem, although it should certainly be watched.

The committee also joins in the suggestion of the House that the State Department scrutinize more carefully the method of selecting foreign grantees. I believe this suggestion stemmed from the fact that in 1955, 8 grantees had to be returned home on account of mental illness. Since this represents eight-tenths of one percent of all the grantees (about 6,000) selected in that year, it would not seem such a bad record. Emotional stability, as we all know, is a pretty difficult thing to assess accurately. But from what I know of the selection procedures used in this program, a great deal of attention is paid to determining the good health of applicants. Each one has to submit a certificate signed by his doctor and questions are asked about mental health. The people who interview these candidates are also on the alert for any signs of emotional disturbances. I do not know how much more can be done and I think, as I said, that the record is as good as one could reasonably expect in a program of this size in a world of constant tensions.

It seems to me that none of the points raised by the committee are serious enough to detract from the excellent results that are being achieved through the exchange program. I am more convinced than ever that the friendship and understanding we are building through these personal relationships with people around the world are a vital part of our efforts to solve our international problems by peaceful means.

Mr. JOHNSON of Texas. Mr. President, on behalf of the committee, I thank the distinguished Senator from Arkansas for his great interest in this program. He and the Senator from South Dakota [Mr. MUNDT] were both very helpful to the subcommittee in its deliberations. We appreciated his statement very much, and I think it contributed very materially to the decision we finally reached.

As the Senate has been told previously, we felt that it would be extremely shortsighted on our part not to allow the full budget estimate. Some members of the committee, including the chairman, felt that perhaps the Budget Bureau had not recommended enough money; but, in view of the situation which confronted us, and in view of the action already taken by our colleagues in the other body, we felt that we should not go beyond the budget estimate. However, we restored all of the budget estimate. That action was due, in large part, to the very fine, persuasive statement made by my friend from Arkansas, who has done so much for the program.

Mr. FULBRIGHT. I thank the Senator. I wish to make the record clear that I was very much disappointed over the fact that the request of the Budget Bureau was decreased. This is the first time since the program has been under way that the Budget Bureau's request has been decreased. I and the others interested in the program are not satisfied with that action, but, of course, we do not hold the committee responsible for it. I shall certainly make an effort, through other means, to have restored the amount which I believe is necessary to keep the program operating efficiently. That, of course, is another matter.

I wish to compliment the committee on doing what it did. It did all it could do; and we shall have to find some other way to rectify the mistake of the Budget Bureau.

Mr. JOHNSON of Texas. I thank the Senator from Arkansas. So far as the committee is concerned, it is as nonpartisan a group as any with which I have ever served. There was absolutely no politics in any of our deliberations.

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

Mr. JOHNSON of Texas. I yield.

Mr. LANGER. I wish to compliment the committee for recommending an appropriation for 2 additional penitentiaries, 1 for youths.

As every Senator knows, we have been trying for a great many years to abolish the penitentiary known as Alcatraz, off

the shore of San Francisco. That penitentiary was established by Spain 400 years ago. Its closing was recommended by a former Attorney General, Frank Murphy. The present Director of Prisons, Mr. James J. Bennett, who is a most efficient administrator, has also recommended its closing.

I am delighted to see the recommendation for an appropriation for a new penitentiary to deal with adults. I am particularly pleased to note that there is included in the bill an appropriation for an institution for the detention of youths who unfortunately must be confined. I am very proud, as I believe every other Senator is, of the very fine institution which is now maintained at Englewood, Colo., for young boys up to 17 or 18 years of age. It is most efficiently operated. Each of the boys learns a trade. I urge any Senator who is in that vicinity to visit the institution. I know that any Senator who does so will be proud of the rehabilitation of boys of 17 or 18 years of age. A visit to the Federal penitentiaries at Atlanta, Leavenworth, and other places, will disclose that there are comparatively few youths among the prison populations in those institutions—only those who have very bad records. The so-called graduates who have come from the institution at Englewood have made a very fine record. I am glad to see an appropriation recommended by the committee for another such institution.

Mr. JOHNSON of Texas. I thank my friend from North Dakota for his very deep interest in additional prisons. The committee heard excellent testimony on that subject. Mr. Bennett, of the Prison Bureau, testified substantially as the Senator has stated. He testified that the amount which we allowed will not delay the project in any way. The sites have not yet been selected.

The Senator from North Dakota has made reference to the Western Youth Guidance Center. It may be that the Senator can obtain a prison for North Dakota. Two new ones are to be constructed. Mr. Bennett testified that the sites have not been selected. For that reason, he testified that if we would allow $3,500,000, that amount would be sufficient to cover the plans and specifications, as well as the acquisition of the sites.

Mr. LANGER. I am certain that if I could obtain the aid of the distinguished Senator from Texas we could succeed in having one of the new prisons constructed in North Dakota.

The Federal prison farm at Seagoville, Tex., is one of the best operated institutions in the entire United States. I visited it about 3 weeks ago. It is a model prison farm. It is very well conducted. I know that if the Senator from Texas would help me, we might be able to have one of the new prisons located in North Dakota.

Mr. JOHNSON of Texas. There will be an appropriation of $3,500,000 to start the project. The sites are being selected.

Mr. SALTONSTALL. Mr. President, as the majority leader, chairman of the subcommittee, has stated, he conducted a meeting in which there was no partisanship involved. We tried to do the best we could for the State Department and the other services included in this budget. Several of us felt very strongly that the United States Information Service should have more money than was finally decided upon; but we unanimously agreed upon the amount recommended, and the subcommittee agreed to try to hold the $5 million increase in the conference. We felt that by acting unanimously we could do better than by having a division and a debate on the floor of the Senate.

With the permission of the majority leader, I should like to ask unanimous consent to have printed in the RECORD a single sheet containing a table entitled "State, Justice, the Judiciary, and Related Agencies, 1957."

In a very concrete way, this sheet shows what the Budget Bureau's requests were, what the House action was, and the action of the Senate committee. This is the first time I have seen such information shown concisely on one sheet, in connection with any appropriation bill. I ask unanimous consent to have the table printed in the RECORD, with the permission of the majority leader, who is chairman of the subcommittee.

Mr. JOHNSON of Texas. Mr. President, I agree that it should go in the RECORD. I am glad that the Senator made the request. I certainly concur in it.

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Is there objection to the request of the Senator from Massachusetts?

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

State, Justice, the Judiciary, and related agencies, 1957

	Estimates	House bill	Senate subcommittee	Increases over House bill	Total under estimates
State	$182, 142, 285	$171, 506, 737	$176, 125, 872	$4, 619, 135	$6, 016, 413
Justice	235, 880, 000	215, 965, 000	219, 451, 910	3, 486, 910	16, 428, 090
Judiciary	37, 582, 535	35, 395, 635	37, 193, 735	1, 798, 100	388, 800
United States Information	135, 000, 000	110, 000, 000	115, 000, 000	5, 000, 000	20, 000, 000
Refugee relief	8, 500, 000	8, 500, 000	8, 500, 000		
Total	599, 104, 820	541, 367, 372	556, 271, 517	14, 904, 145	42, 833, 303

State (increases):	
Salaries and expenses	$1, 210, 000
Representation allowances	300, 000
Emergencies	150, 000
Contributions to international organizations	28, 410
Boundary and Water Commission	63, 000
Fisheries Commission	102, 725
Educational exchange	1, 830, 000
Passamaquoddy project	935, 000
Total, State	4, 619, 135
The Judiciary:	
Salaries of supporting personnel	451, 000
Travel and miscellaneous	143, 600
Administrative office	53, 500
Air conditioning	1, 150, 000
Total, Judiciary	1, 798, 100
Justice (increases):	
General legal activities	300, 000
Antitrust Division	−738, 090
United States attorneys and marshals	225, 000
Special temporary attorneys	200, 000
Construction of 2 prison facilities	3, 500, 000
Total, Justice	3, 486, 910
U. S. Information Agency: Salaries and expenses	5, 000, 000

The bill is over the House bill in the amount of $14,904,145.

The bill is over the 1956 appropriations in the amount of $57,998,282.

The bill is under the 1957 budget estimates in the amount of $42,833,303.

Mr. MUNDT. Mr. President, first of all, I wish to associate myself with the remarks of my colleagues who have spoken on the subject. I concur in the verdict that the majority leader, wearing his new hat as chairman of our subcommittee, did an excellent job. However, I was disappointed that the United States Information Service, in respect to certain of its functions, did not receive additional funds. We did, however, increase by $5 million the amount approved by the House.

We also established a subcommittee, of which I believe the chairman of the subcommittee will serve as chairman, to undertake an analysis and study of the expenditures and programs of the United States Information Service. I think it will be a sort of senatorial seminar, and that, as a result, the majority leader will be enthusiastic about the potentialities of the program. I am sure he will have some suggestions to make, as will other members of the subcommittee, as to how the program can be made more effective. As we learn more about it as a group, I believe we can obtain additional funds to carry out this great program to preserve the peace and to acquaint the rest of the world with the highly constructive program sponsored by the Government of the United States. As one of the coauthors of the legislation establishing this program, I am confident it is one of our most important weapons in the achievement of a lasting peace.

Now I should like to speak on another subject. Yesterday, I sent each Member a note regarding the visit of a group of mayors from Brazil. These mayors, accompanied by Ambassador Muniz, of Brazil, will visit the Capitol on Monday, the 28th of May. I should like to read a portion of the letter I sent to each Senator:

The group will be in the District of Columbia committee room from 1 p. m. to 2:15 p. m., Monday afternoon. At that time the Voice of America will record a number of interviews with Senators who stop in to greet these guests. Photographers will be present to take special pictures which some of you may want to use in your State papers.

I urge you to make every effort to meet and greet these representatives from Brazil who are the special guests of our Government.

After leaving Washington, this group will visit New York; Cleveland; Detroit; Chicago; Brazil, Ind.; Kansas City; Nashville; Chattanooga; Atlanta, and Miami.

That visit will give them a good look at a segment of America.

I regret the fact that they will not find time to go into the heartland of America, to the Midwest or to the west coast; but they will at least have an opportunity to see a good bit of our country.

I hope that many Senators will find it convenient to be in the District of Columbia committee room on Monday next between 1 and 2 o'clock in the afternoon.

The visit is a part of the program under the Smith-Mundt Act, which is made possible by appropriations made by Congress, and it is one of the great constructive services which are rendered in the development of improved mutual understanding.

When this distinguished group of mayors comes to the Capitol from a great friendly country like Brazil, I am sure Senators will wish to extend the hand of welcome and to exchange ideas. I hope many Senators will be able to be present on Monday.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

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

UNITED STATES SENATE,
Washington, D. C., May 24, 1956.

DEAR SENATOR: This note is to let you know that on Monday, May 28, a group of 50 mayors and other city officials from some 20 cities in the state of São Paulo, Brazil, is planning a visit to the Capital.

These people are here under the sponsorship of the Department of State in order to study municipal governments and the problems of municipal government in a number of cities in our country.

This group will be in the District of Columbia Committee room from 1 p. m. until 2:15 p. m. Monday afternoon. At that time the Voice of America will record a number of interviews with Senators who stop in to greet these guests. Photographers will be present to take special pictures which some of you may want to use in your State papers.

I urge you to make every effort to meet and greet these representatives from Brazil who are the special guests of our Government.

After leaving Washington, this group will visit New York; Cleveland; Detroit; Chicago; Brazil, Ind.; Kansas City; Nashville; Chattanooga; Atlanta; and Miami.

I hope that the Senators from the States where these people will visit will make a special effort to come to the District of Columbia Committee room next Monday afternoon.

With best wishes, I am,
Cordially yours,

KARL E. MUNDT,
United States Senator.

Mr. KNOWLAND. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield to my friend from California.

Mr. KNOWLAND. First, I wish to join with the other Senators in commending the distinguished majority leader, who has recently taken on in the Committee on Appropriations the assignment and the responsibilities of chairman of the Subcommittee on State, Justice, and Judiciary Appropriations, for the very fine work he has done. He has brought to the floor a bill which has the unanimous approval of the subcommittee and of the full committee. It will certainly have my support on the floor.

I should like to commend the Senator for the action taken by the Appropriations Committee whereby the work of publishing the foreign relations volumes is to be continued. Several years ago Members on both sides of the aisle were greatly concerned to learn that the publication of these volumes had fallen considerably behind, and that it was taking more than 20 years to get the foreign relations volumes published.

As a result of cooperation and support on both sides of the aisle, when it was found that in part the delay was caused by lack of funds, additional funds were supplied, and the time lag has been cut down.

It has not been cut down to the extent to which I believe ultimately it should be cut. I hope that the staff of the committee will continue to keep in touch with the State Department, in order to expedite the publication of these volumes, so that ultimately they can be published within 4 or 5 years of the events with which they deal.

The testimony, at page 605, shows that the State Department was appreciative of the additional funds; that it had cut the time lag by about 3 years, and that a part of the difficulty was getting the necessary clearance from some of the other countries involved.

I believe there has been some unnecessary dragging of feet in this regard. I hope everything will be done by both the State Department and the committee to expedite the program, which was first brought to my attention by the departments of history of several American universities, which were greatly concerned by the time lag that has existed.

Mr. JOHNSON of Texas. I appreciate the interest of my good friend from California, and his helpfulness in getting consideration of the bill. The witnesses who appeared before our subcommittee agreed that the publication of the volumes had been somewhat slowed down, but that they would try to expedite it. We have had some delay in that connection in the Defense Department, and some of the delay was also caused by the necessary clearance that had to be obtained from foreign countries. They promised to do everything they could to expedite the job. When we look at their appropriation requests next year, we hope to find that they have complied with our suggestion.

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

Mr. JOHNSON of Texas. I am delighted to yield to my friend from Montana.

Mr. MANSFIELD. Mr. President, I wish to join other Senators in commending the distinguished majority leader for the fine work he has done in considering the appropriations for the Departments of State and Justice and the judiciary. I also wish to join the distinguished minority leader in expressing the hope that the time lag in the publication of the important volumes to which he has referred will be reduced considerably and that before long we will be able to have access to these volumes within 4 or 5 years after the events, rather than 15 or 20 years, as is the case now.

I am sure that if that is done the atmosphere will be cleared on many matters and the American people and the Congress will have a better idea of what the situation is in the field of foreign policy.

I should like to ask the chairman of the subcommittee a question relative to the allowance of $150,000 over the amount provided by the House for emergencies in the Diplomatic and Consular Service. That means, of course, that there will be an overall reduction of $1,750,000 under the budget estimate for the next fiscal year.

I should like to ask the distinguished chairman of the subcommittee, in the event we establish embassies at places like Rabat, Morocco, and Tunis, Tunisia, and other capitals, what the procedure would be for the State Department to get the necessary funds to enable such embassies to operate.

Mr. JOHNSON of Texas. If the Senator from Montana will look at page 3 of the report, he will note that the amount is $150,000 over and above the House figure. Then we included in our report the statement:

> This amount is specifically denied by the committee since it is felt that should it be found that additional foreign posts must be opened during the year which were not contemplated in the regular estimates, additional sums can be requested from the Congress in the form of supplemental estimates.

If it is necessary to open additional legations or embassies, the State Department can come to us and tell us where they are to be opened, and then we can give thorough and deliberate consideration to such requests in a supplemental appropriation bill.

Mr. MANSFIELD. I thank the Senator very much. I merely wish to say, in conclusion, that I am delighted that Congress is giving recognition to the fact that our State Department, in time of peace—if we can call the present era a time of peace—is our first line of defense. I am very hopeful that morale is increasing in the State Department, and that the officers and employees of the Department know they have many friends in Congress who wish them well and who know that they will do the best they can, as they have always done, in behalf of the foreign policy of the United States.

Again, Mr. President, I want to commend the distinguished senior Senator from Texas for the judicious and vigorous manner in which he conducted the hearings and the officers of the State Department for their cooperation in this matter.

Mr. ELLENDER. Mr. President, I regret that because of the urgent need for enactment of farm legislation to help bail our farmers out of the economic doldrums in which they are caught, I was

unable to attend many of the hearings of the subcommittee dealing with appropriations for the Departments of State and Justice and the Judiciary, and other related agencies. I had hoped to have the opportunity to delve deeply into the operations of our Information Service installations.

As is well known by many Senators, I have made an etxensive study abroad of the operations of our embassies, legations, and other foreign programs, including the United States Information Service. I have stated on many occasions that I do not believe there is a single segment of our Federal personnel which makes greater sacrifices than do those loyal Americans who represent us abroad. I want to make it plain, the criticisms I make today are not directed toward individual representatives who serve us overseas but toward our overriding policies.

Mr. President, I notice that the budget estimates for the USIA for the coming year aggregate $135 million, in contrast to $87,336,630 appropriated for fiscal 1956.

I also notice that the House appropriated $110 million, which, while $25 million under the budget estimate, still represents a $22 million increase over the current year. The Senate committee has seen fit to increase the total to $115 million, or $27 million over and above fiscal year 1956. I wonder if my good friend from Texas can tell us for what purpose the additional sum over last year's appropriation is to be used.

Mr. JOHNSON of Texas. Mr. President, the Senator has correctly stated the fact that the budget estimate was $135 million, and the House appropriated $110 million. The Senate committee did not feel that it could go along with that action. It was extremely critical of certain aspects of the program in England, France, and some other countries. After considerable discussion, the Appropriations Committee felt that by making a lump-sum allowance of $5 million instead of the $25 million for which the Agency was asking, the Agency could distribute among its various activities, such as its motion pictures, its Voice of America, and its operations in Latin America, where it was felt by several Senators, particularly the Senator from Illinois and the Senator from Maine, that there was considerable need of money. For its operations in the Near East and Middle East, it was felt that it was necessary to supplement the funds.

The chairman of the subcommittee did everything he could to keep the amount within reasonable limitations. The Senator from Louisiana will observe that we kept witnesses on the stand for a considerable length of time to probe every item requested. We thought it was the better part of wisdom to allow $5 million, to be generally distributed as the Agency thought best.

Mr. ELLENDER. Can the Senator tell us how much of the increase will be utilized to further expand Information Service activities in Western Europe?

Mr. JOHNSON of Texas. It is the opinion of the committee that none of the $5 million should be used there. It may be that some of the money now being used there is wasted.

Mr. ELLENDER. That is the view which I entertain; I am in complete agreement with my distinguished colleague from Texas.

Mr. JOHNSON of Texas. The Senator gave the committee some very valuable information. We questioned him at length about it, and I may say, as the result of the Senator's explanation, made orally and in memoranda which I received from him, the committee was convinced that we should urge the agency to quit trying to teach the English culture and get on with their job in other parts of the world where there was a greater need.

Mr. ELLENDER. I am glad the distinguished Senator from Texas has taken that attitude. My only regret it that the committee did not see fit to reduce the level of expenditures, rather than increase the appropriation. I have been contending for quite a number of years that it is a waste of money for us to have an information service scurrying around and spending American tax dollars in England, in France, in Italy, and other friendly countries. I can see no reason why our Government should be investing in information programs designed to sell America to the people of those countries.

I made the same statement in the fall of 1954, after I had visited Australia and New Zealand. I do not know of any people in the world more pro-American than are the Australians and New Zealanders; yet, I found our Information Service spending substantial sums of money there in order to sell America to these fine people.

I wish to say that when I voted for the bill authorizing the establishment of an information service, I was under the impression it was to be a temporary activity for the purpose of selling America to the people behind the Iron Curtain. But, as in so many other programs, the Washington planners and empire builders want to make it worldwide in scope and permanent in nature.

Mr. President, last year the State Department asked for $6 million so that we could send some of our orchestras to Europe. This was done despite the fact the people of Europe can teach us much about music. I think it is a pure waste, and absolutely indefensible, for our money to be poured overseas to show the English, the French, the Italians, and others of our European allies, that we are not barbarians.

I understand from the report that the committee has requested that a study be made of the Information Service for next year. Am I correct?

Mr. JOHNSON of Texas. I cannot speak for the other members of the committee, but if I correctly judge the sentiment, the other members generally feel as the Senator from Louisiana feels with reference to our program in western Europe and with reference to the waste of funds in that general area.

I should like to say to my friend from Louisiana that as a result of some of the facts he brought to the attention of the committee, and facts which were brought to the attention of the committee by some of the members of the staff, the committee unanimously adopted a motion by one of its members, which reads as follows:

> I move you that the chairman of the subcommittee, together with the chairman of the full committee and the ranking minority member of the full committee and another minority member from the subcommittee designated by the ranking member constitute a special subcommittee with the power to investigate and check all phases of the work of the United States Information Agency and to report to the full committee prior to the consideration of USIA appropriation for the next fiscal year; that such special subcommittee have sufficient personnel assigned to it and be granted authority to employ such temporary persons as necessary.

I think perhaps that motion, which was adopted by the subcommittee as a result of the testimony we had taken and the evidence which was presented to us, will do a great deal to save the taxpayers' dollars which are now being wasted. That is one of the most encouraging things that came to the consideration of the committee. Next year I hope we can have a thorough study made so that all members can have the facts which the Senator from Louisiana has.

Mr. ELLENDER. Mr. President, as I pointed out last year, there are members of the Information Service, on the Washington level, who have gone so far as to urge that, whenever a building is to be erected abroad to house one of our embassies or legations, quarters also be built to house the Information Service, in the hope that the Service will become a permanent fixture.

Now to be specific, Mr. President, I have no objection to our furnishing data, books, or other types of information to our friends abroad along the lines followed by the English. We could operate modest programs of this kind in conjunction with our embassy and consular activities, and at a reasonable cost. I have found, however, that an effort is being made to make the Information Service a perpetual organization, operating on a grandiose scale—something they hope will become an essential and indispensible part of our foreign relations. I disagree thoroughly with those plans, Mr. President.

It strikes me that most of the money which is being appropriated for the Information Service ought to be channeled in such ways that it will search out and reach the peoples behind the Iron Curtain. Why should the Government spend millions of dollars throughout the world, mostly in countries that are friendly to us, to establish libraries, as I have just pointed out? As I view it, that is an utter waste of money. Another thing, Mr. President: In some of the countries where USIA libraries are established, the rate of illiteracy is about 3 percent. It is obvious that these services are not being used by the people whom we should be trying to reach.

On the other hand, I find, from my studies, that the Information Service is spreading its operating funds around too thinly. In some countries efforts are being made to establish and operate libraries, carry on film services, and all the other programs that are allowed un-

der the law. I have noted that in some places as many as seven different programs were being conducted, and as a result the money allocated for expenditure in those countries had to be spread around so thinly there was no single effective program in the area. In other words, our information was not reaching the people whom it was sought to reach. I have been trying, vainly, it seems, to impress upon our officials in Washington that funds allocated to a country should be limited to one, two, or not more than three of the services—the most effective media being chosen—so that a majority of the people could benefit by their use. I should say that if that procedure were followed, the programs would be of greater value.

As an example of what I have in mind, I might cite our information activities in Japan. There we employ over 350 persons just to disseminate information. The idea seems to be: "You name a medium, we have it." We have in that country a full-scale motion-picture operation, and press services; we publish periodicals, operate cultural centers, finance exchange of persons programs, and in general, engage in all the various types of information activities that are authorized by law. It is my belief that rather than try to carry on an activity in each of the fields of endeavor, we should limit our operations to those activities which can best reach the masses of the Japanese people, in order to acquaint them with our way of life and our democratic principles.

To cite another example: In India much work could be done through moving pictures. Much effective work could be done in other underdeveloped areas also by concentrating our efforts on the use of moving pictures. But in India I found that we are using every form of informational activity, including those designed for use in countries like England, France, and others, where there are different kinds and temperaments of people, and different economic and cultural standards.

It strikes me that the Information Service could maintain itself and perform a commendable job with the same amount of money which was appropriated last year, if only the agency would eliminate many of its services which, in my opinion, are being wasted because they do not reach the people of the host country.

I shall not go into any details this afternoon, but I have before me much information to the effect that the Government spends thousands of dollars in foreign countries in order to pay the rent for libraries. We have operated these libraries long enough, it strikes me, to teach the people the value of libraries. I have been trying to get the Information Service to make a start in the direction of economy by telling the people of the countries where the United States maintains libraries that it is now up to them to assist in maintaining those libraries; that from now on we will confine our efforts to making the books available to them at no cost, but they must operate the libraries. But no; you would think that nobody can operate the libraries except an American. Our Information Service people want the libraries to remain under their supervision rather than be placed under the supervision of the people of the host countries, in spite of the fact that we could thereby save substantial sums each year, and the library program would have a better chance to become an established, integral part of the country's culture.

I do not want to labor the point, Mr. President, but in London, England, we spend $10,575 each year on rentals for library quarters, when that city already boasts 31 public libraries and 502 special libraries. We are spending $6,200 a year just for rental on library quarters in Brussels, Belgium. In Italy we spend $34,500 a year to rent facilities for USIA-operated libraries in 11 cities. We also furnish at least a portion of the staff in these libraries, the cost of utilities, and other items of maintenance. I cite these expenses as an example of the money that, as I evaluate the program, is being spent needlessly and to no good advantage, by our United States Information Agency in its ambitious policy to conduct information activities in every country of the world, regardless of the need for such activities.

Mr. JOHNSON of Texas. The committee brought that matter as forcefully as it could to the attention of the representatives of the Information Service.

Mr. ELLENDER. Yes, but reductions rather than increases in the appropriations should have been made, and money should have been denied to carry on some of these operations. With respect to the library program in particular, it strikes me that we ought to go on record and let Mr. Streibert and the others in the Information Service know that we think it is about time they began to inform the people of foreign lands that if they desire a continuation of the libraries, they will have to assist not only in maintaining them but, also will be expected to make available the housing for the libraries.

Mr. JOHNSON of Texas. The chairman of the subcommittee concurs wholeheartedly in what the Senator from Louisiana has said. The committee cut the amount $20 million below the budget estimate.

Mr. ELLENDER. I understand; but what I am complaining of, I may say to my good friend from Texas, is that with an $87 million appropriation for the current fiscal year, the activities of which I am complaining were carried on. If the committee now intends to increase the Service's funds by some $27 million, my guess is that the Information Service will not only continue these wasteful programs, as it has in the past, but will probably expand them. My thought is that we had better notify them now to reevaluate these programs, streamline some, eliminate others, or face the fact that Congress will take a hand and reduce the appropriations in the future.

Mr. O'MAHONEY. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. O'MAHONEY. I should like to ask the Senator a question or two regarding the report of the committee about the Antitrust Division, as it appears on page 7 of the report. It is apparent from a reading of the report that the reduction which has been made below the budget estimate has been largely designed to eliminate certain personnel positions requested by the Department of Justice to carry out a survey of the activities of the Interstate Compact Commission. I have no objection to that reduction. I wanted to make it clear upon the floor, however, before the bill was finally disposed of, that the Committee on the Judiciary, through one of its subcommittees, is presently conducting a study of the antitrust laws and the antitrust problems. It is already clear that the Department of Justice approves some suggesions which have been made for proposed legislation. At the moment, the Committee on the Judiciary is holding hearings on certain antimerger bills.

Only yesterday the head of the Antitrust Division of the Department of Justice appeared before our subcommittee and endorsed certain proposed legislation which has already passed the House. Judge Barnes suggested certain amendments to the proposed legislation, so it is likely that before the end of the session we may have more antitrust measures to consider.

I wanted, if I could, to have it made clear by the chairman of the subcommittee, the distinguished and amiable majority leader, that the reduction does not reflect any intention upon the part of the committee which is hostile to the enforcement of the antitrust laws.

Mr. JOHNSON of Texas. Not only is the Senator from Wyoming correct, but the chairman of the subcommittee—I can speak only for myself, as the distinguished Senator knows—suggested that the antitrust funds be increased, in view of the fact that 1,200 new complaints had been filed, in view of the fact that mergers were at an all-time high, and in view of the fact that it appeared to the chairman of the subcommittee that this would be a very fruitful field for any additional attorneys who were needed, and that the committee would give the Department all the money it asked for in order to do this type of work.

The chairman of the subcommittee, I think, violates no confidence when he says that he suggested that the committee add several hundred thousand dollars over and above the request.

Mr. O'MAHONEY. I know he did.

Mr. JOHNSON of Texas. In view of the budget estimate, and in view of the fact that the Division was getting all it asked for, except for this compact, we felt we should call to the attention of the Senate and the country the facts as they appear in the second paragraph on page 7 of the report, namely, that the Antitrust Division received 1,200 new complaints charging violations of the antitrust laws; and yet that Division apparently feels its present personnel can carry such a burden, since no additional increase was requested.

We do not suggest that they come forward and ask for the increase. If they can handle those complaints with their present personnel, more power to them. If they cannot, we think any of the additional personnel which are being allowed

could well be assigned to this type of work.

Mr. O'MAHONEY. If the Senator will note the second from the last sentence in that paragraph, it reads:

> The committee is of the opinion that the present personnel in the Division is sufficient to absorb the duties which the Congress has placed on the Department in this respect but has approved $25,000 for this purpose.

I take that to mean that the committee has allowed $25,000 additional for the enforcement of present antitrust laws. So that is an indication that when and if Congress tightens up the antitrust law and gives the Department of Justice some of the additional power which has been requested, nothing done by the committee is to be interpreted as being at all adverse to such action.

Mr. JOHNSON of Texas. The able Senator is eminently correct. The pending bill provides for about 500 employees in the Antitrust Division. If the Antitrust Division determines to go into the mergers which are taking place, or if it needs additional personnel to go into the 1,200 new complaints which have been received from small-business men who are being run out of business, the committee will look with sympathy upon any petition submitted by the Department. I cannot speak for anyone but myself, but as chairman I made that suggestion during the consideration of the bill.

Mr. O'MAHONEY. I want the RECORD to show that the antimerger bill as passed by the House requires prenotification of the Federal Trade Commission and the Department of Justice by companies desiring to merge. If this bill is passed by the Senate, and enacted into law, it will mean that additional work will be placed upon the Department of Justice.

I desire to make it clear in the RECORD by this colloquy with the Senator from Texas that nothing contained in this appropriation for the Department of Justice creates an obstacle against the enforcement of such future antitrust laws.

Mr. JOHNSON of Texas. The Senator is correct. We did not want to put the cart before the horse. As soon as the Judiciary Committee acts, I am sure the subcommittee of the Appropriations Committee will be glad to follow in its footsteps.

Mr. ELLENDER. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield to the Senator from Louisiana.

Mr. ELLENDER. I presume the subcommittee looked into the amounts our Government contributes to the various international organizations. For instance, I notice that the amount for the United Nations for 1957 has been increased by almost $3 million as compared to 1956. I presume that although the budget for the United Nations has been increased, the amount of our contribution percentagewise has remained the same.

Mr. JOHNSON of Texas. Members of the committee were very much concerned about the percentage of contribution the United States was making compared with the number of American personnel employed. As I recall, we disallowed the $3,000 requested, for the Inter-American radio office, but allowed $2,800 because we thought that was a rather important activity.

Mr. ELLENDER. As I scan quickly through the portion of the report on page 4, I think it could be said that the amount of contribution for each organization of which we are members has not been increased materially percentagewise. Is that correct?

Mr. JOHNSON of Texas. That is correct, and the committee was rather critical of the situation which presently exists. That was one of the reasons for its refusal to allow the additional amount.

Mr. ELLENDER. As the Senator well knows, the percentage of the United States contribution to the United Nations has been reduced from 40 percent, as it was when it first came into being, to 33⅓ percent. It is my hope that as these international organizations expand, we can continue to decrease our contributions percentagewise. I think we should pay a just share, but I believe that one-third is too much, and our participation should continue to be reduced until all the other members of the United Nations contribute their just proportion of operating expenses.

Mr. JOHNSON of Texas. I share the Senator's general viewpoint. If he will permit me, I should like to read into the RECORD, for the benefit of all who may care to read it, the following from the committee report, on page 4:

> The committee strongly endorses the recommendation of the House committee regarding the disproportionate number of qualified American personnel on duty in the various organizations in comparison with this Government's contributions, and requests the Secretary of State to take the steps necessary to rectify this situation.

Mr. ELLENDER. The Senator realizes very well that when these organizations were first started, it was expected and perhaps could be justified that we would have to pay a little more money than our neighbors, because we originated the organizations; conditions are materially altered today, however, and the State Department should take notice that the attitude of Congress has also changed, and that we expect further steps to be taken to reduce the percentage of our contributions.

Mr. JOHNSON of Texas. If they read the reports of congressional committees, as I assume they do and hope they do, they certainly will be on notice of Congress' attitude.

Mr. KUCHEL. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, the Senator from Louisiana is a good Senator, and he is my friend, but I want the RECORD to show that I am one Senator who violently disagrees with the Senator's accusations respecting the United States Information Agency.

Last year my wife and I went to Europe. It was not an official trip; it was a vacation. I took the trip as a private citizen, not as a United States Senator. I visited a number of United States information centers. For example, I visited one in Vienna on a Sunday. I met the young men and women who work there for the Government of the United States. I saw the literally hundreds of people of Austria reading and studying in our America House there.

I think our USIA has done a magnificent job.

I do not pretend to hold myself out as an expert on foreign affairs, but I believe I sufficiently understand the hazards of human freedom in this nuclear age to say that if our American way of life is to succeed, as I pray it will and believe it will, its success will rest in great part on the ability of the people and the Government of the United States to pursuade human beings all around the globe that the kind of government and the kind of freedom we have is the best means by which peoples can live in happiness and honor and can sit in judgment on their own lives.

All of us are against waste. If waste can be ferreted out of the budget in Republican administrations or Democratic administrations, I think most of us—I suppose all of us in the Senate—will vote for measures to accomplish such a result.

Mr. JOHNSON of Texas. Mr. President, will the Senator from California permit me to interject at that point?

Mr. KUCHEL. Yes.

Mr. JOHNSON of Texas. What the Senator desires is exactly what the committee sought to do. None of the members of the subcommittee which included the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Washingto [Mr. MAGNUSON], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Kentucky [Mr. CLEMENTS], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Wisconsin [Mr. McCARTHY], the Senator from South Dakota [Mr. MUNDT], the Senator from Maine [Mrs. SMITH], the Senator from Illinois [Mr. DIRKSEN], the Senator from Rhode Island [Mr. GREEN], the Senator from Montana [Mr. MANSFIELD], and the Senator from Iowa [Mr. HICKENLOOPER] were enemies of any particular program. All of them concluded finally, though they may have had some doubts, to go as far as we did go. If we go that far with any other agency of Government, we will not be able to let the party of the Senator from California keep its promise to balance the budget, because we increased the amount of this appropriation from $87 million to $115 million this year. That was a sizable increase. The House allowed $110 million. We allowed an additional $5 million.

Members of the committee were concerned about certain expenditures we were making in certain areas of the world. I do not know how we are going to be successful in our purposes by employing 100 or so personnel in England and by renting Lord Chesterfield's mansion in London so the British people can read books. It may be they can teach us,

as, indeed, they have taught us, much that we ought to follow.

I do not think anyone can create the impression that the committee has not been overgenerous with the Information Service, and I may say more generous than the chairman thought was justified.

Mr. KUCHEL. I will say to the able majority leader that as I sat here and listened to the remarks of the Senator from Louisiana, I thought it was his opinion, as he expressed himself, that the Senate should serve notice on the United States Information Agency to prepare for a period of decline, so far as the Senate was concerned. With that I disagree. I want the RECORD to show it.

Mr. JOHNSON of Texas. Let me state what the Senate committee has done about that matter: The Senate committee unanimously agreed that the Senate should have more information regarding the operation of the United States Information Agency all over the world, and that before the Senate passes another appropriation bill affecting the Agency, a thorough study of all of its activities should be made.

Let me say that the Senator from Louisiana is one of the most diligent and one of the most thorough members of the subcommmittee; and before this work is completed, the Senator from Louisiana may have to assume some of the duties the Senator from Texas has been carrying, because he is carrying more than he should carry.

So I repeat that the full committee unanimously agreed that a thorough study of all the activities of this Agency should be made.

Mr. KUCHEL. I do not disagree with that.

Mr. JOHNSON of Texas. Certainly. I think the Senator from California favors it.

After a thorough study is made, if it is found that additional funds are needed, the Senator from Texas will be the first to say so. On the other hand, if the study shows that reductions should be made in the appropriations for the Agency, I know that the making of such reductions will, under those circumstances, meet with the approval of my friend. We do not favor waste. If libraries are needed, we do not propose that mansions be provided for them.

Mr. KUCHEL. Mr. President, I do not propose to detain the Senate longer in regard to this matter. I merely did not wish the RECORD to indicate that there was unanimity of approval of what I considered to be the tenor of the remarks of the very able Senator from Louisiana. Obviously, everyone should be required to justify the expenditure of public moneys.

But I believe that the United States Information Agency, through its centers around the world, has been of assistance to the people of the United States in strengthening the respect of free peoples for the United States.

Mr. JOHNSON of Texas. We believed it $87 million worth last year, and we are giving the Agency $115 million for this purpose this year.

Mr. KUCHEL. I well remember that a year ago it was the Senate which restored the amounts which had been cut from the Agency's appropriations, after the House of Representatives had voted to make considerable reductions in the appropriations the Bureau of the Budget had recommended for the Agency.

VISIT TO THE SENATE BY A MEMBER OF THE TURKISH PARLIAMENT

Mr. BRIDGES obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New Hampshire yield briefly to me?

Mr. BRIDGES. Certainly.

Mr. JOHNSON of Texas. I should like to call the attention of the Senate and the attention of our guests in the galleries, particularly those in the newspaper gallery, to the fact that at the present time we are very highly honored to have with us a member of the Turkish Parliament, Mr. Ahmet Tokus, who has been visiting with us today and has been observing our procedures.

I wish to ask my new-made friend from Turkey to stand, so that the Senate may greet him.

[Mr. Tokus rose from his place on the floor, and was greeted with applause, Senators rising.]

STATE, JUSTICE, THE JUDICIARY APPROPRIATIONS, 1957

The Senate resumed the consideration of the bill (H. R. 10721) making appropriations for the Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June 30, 1957, and for other purposes.

Mr. BRIDGES. Mr. President, I should like to make a few comments on the bill.

In the first place, let me say that I think the subcommittee headed by the distinguished Senator from Texas [Mr. JOHNSON] has done a good job on the bill. I happen to be the ranking minority member of the subcommittee, and, in turn, of the full committee.

There was a difference of opinion regarding the United States Information Agency. Some members of the committee felt its appropriation should be reduced from the amount voted by the House of Representatives. Some members felt the amount should be increased. We tried to arrive at a common ground—which is so necessary in connection with the legislation—so that we could have some meeting of minds.

The figure decided on had the approval of most of the members as the figure which we could generally agree upon.

As the distinguished Senator from Texas has said, and as the distinguished Senator from Louisiana has pointed out, the investigation in connection with this matter which is authorized by the subcommittee and the full committee is for protection of the Senate and the House of Representatives. If we were to proceed with such an investigation while this appropriation bill is pending, the investigation would have to be superficial at best.

But I hope that before the next appropriation for the Agency comes before us, we can do a good job in scrutinizing the work of the Agency and in determining whether waste can be eliminated and whether the work of the Agency is being properly channeled, so as to attain the end which we seek to attain.

If the Agency is satisfied with its work—and I believe it is—then it should welcome the making of such an investigation. It should have nothing to cover up; and the investigation should be made in a fair manner.

I should also like to comment on the historical division and on what the senior Senator from California has had to say in that connection. I am disturbed at the lag in the preparation by the State Department of the records regarding many of the great historical events of our times. The longer the period which elapses between the occurrence of such an event and the completion of the records on it, the harder it is for the proper records to be made.

I do not think the delay is altogether the fault of the State Department, although the State Department must assume its share of the blame for it. On the other hand, I think some of the delay has been occasioned by the situation existing in the various departments concerned. We hope these obstacles will be removed.

Mr. ELLENDER. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield.

Mr. ELLENDER. I wish to read into the RECORD an excerpt from the fifth report to Congress by the United States Information Agency. On page 1 of the report we find the following:

HIGHLIGHTS OF THE HALF-YEAR

Leading activities of the United States Information Agency during the last half of 1955 included:

Giving the world a clear look at United States policy on the major issues at the Summit Conference and the subsequent Foreign Ministers' Conference (see p. 20).

Launching a major program to dramatize President Eisenhower's proposal for exchange of military blueprints with the Soviet Union and for mutual aerial inspection.

Publicizing intensively the United Nations conference on peaceful uses of atomic energy at Geneva, and redoubling efforts to bring knowledge of the United States' leadership and achievement in atoms-for-peace.

The Senator from New Hampshire well knows that in capitals such as Paris and London, these programs are handled by the press to the same extent that they are handled by the press here. So why should we have a separate agency to gather the information and send it to these foreign press representatives for publication, when they get it through their regular news information channels, such as the INS, the UP, and similar agencies.

I say that money spent for that purpose is money wasted; that wherever there are publications such as the Manchester Guardian and the London Times, and other great newspapers, I believe it is purely a waste to maintain a staff of Americans there, spending considerable time and money in trying to disseminate such information, when it is obvious their work is just a duplication of what is being done by the press of those countries.

Mr. BRIDGES. I thank the Senator from Louisiana.

Mr. President, in the case of the appriations for the Department of Justice, the one item which struck me in the face, so to speak, was that referred to in the colloquy between the distinguished Senator from Texas and the distinguished Senator from Wyoming, namely, the appropriation item for the Antitrust Division of the Department of Justice. The amount requested for it was well toward three-quarters of a million dollars, for the purpose of investigating the interstate compact in oil, which is an interstate compact between various of the States of the Union. The total budget for the compact to spend is $92,000. It seemed to me, at least, to be absurd for the United States to proceed to expend either $681,000 or $762,000, or nearly three-quarters of a million dollars, to investigate the expenditure of $92,000.

I believe that on motion by the distinguished Senator from Illinois [Mr. DIRKSEN] the subcommittee provided $25,000 for this purpose. That seems to be a reasonable amount of money to investigate the expenditure of $92,000, rather than an appropriation of 7 or 8 times the total amount to be spent by the organization being investigated.

Generally speaking, I believe that the bill is a good bill. There may be differences of opinion with respect to certain items, but generally we have arrived at a reasonably satisfactory bill.

Mr. DIRKSEN. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. This is a pretty good illustration of what often happens when amendments are taken to conference and then remain in a bill.

I brought to the floor of the Senate the so-called interstate oil compact bill, and this amendment was offered by my colleague [Mr. DOUGLAS]. Manifestly I was not too happy about it, but it did go to conference, and it remained in the bill.

The Attorney General then had the job of interpreting the language to see what his duties and responsibilities were. He estimated that $691,000 would be necessary to make a full field investigation and to carry out what he thought was the intent of Congress. I think the action taken by the committee is in accordance with the spirit of the law. The Attorney General is not charged with too much responsibility in this matter. At the same time, I think this appropriation will serve the requirements of the compact and meet the desires of Congress in this connection.

Mr. JOHNSON of Texas. Mr. President, I appreciate what my distinguished friend, the ranking minority member of the committee [Mr. BRIDGES] has had to say about the ridiculous request by the Attorney General for several hundred thousand dollars to investigate a compact among 21 or 22 States, involving an expenditure of only $92,000 a year.

This subject was brought to my attention vividly by a memorandum from my very able friend from New Mexico [Mr. ANDERSON]. Subsequently it was brought to the attention of the Senator from Illinois [Mr. DOUGLAS], who was the author of the amendment which directed the Department of Justice to take a look at the oil compact. I am in receipt of a letter, dated May 18, 1956, from the Senator from Illinois. It is a rather lengthy letter. I shall not read all of it. Let me read a pertinent paragraph which I think will interest the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DIRKSEN], and my friend from New Hampshire [Mr. BRIDGES]:

> May I say that this request by the Justice Department is absurd. I can only think it was done in an attempt to reduce the real purpose of my amendment to absurdity and to kill any effort to carry out the reasonable intent of the amendment. I am convinced that a staff of 2 to 4 competent economists, 1 to 2 lawyers, and perhaps 1 to 2 investigators, at the most, would be adequate to carry out the legislative intent of my amendment. I am at a loss to find anything in the legislative record of my amendment from which the Department could possibly request the sum of money and the new staff it has asked for. As it was my amendment, and as my statement was the only statement of substance about the amendment in the Senate, I believe that I am in a position to state the legislative intent.

I should like to have the RECORD show that not only are all Members present in agreement, but also that the Senator from Illinois feels that the request is absurd.

Mr. HUMPHREY. Mr. President, I was pleased to hear the quotation from the letter from the senior Senator from Illinois [Mr. DOUGLAS], because I knew of his interest in the particular amendment which went into the bill a year ago, and of his concern over the budget request. Apparently the question is now settled in the bill.

I invite the attention of the chairman of the subcommittee to the educational exchange features of the appropriation for the Department of State. I note that the committee allowed the full budget request of $20 million for the educational exchange program. I shall not go into all the details of the budget request, because the subject was covered very thoroughly in the committee.

I invite the attention of Senators to the so-called teen-ager exchange program. I have discussed the subject privately with the majority leader, and have taken the liberty to mention it to the Senator from New Hampshire [Mr. BRIDGES].

In the $20 million budget request, as I have been given to understand, no funds were budgeted for what is known as the teen-ager program.

Let me set the record straight as to what I mean. There are many wonderful private organizations engaging in this program. Such organizations include the American Field Service, the Brethren Service Commission of the Church of the Brethren, the Michigan Council of Churches, the National Catholic Welfare Council, the National Grange, and others, including the great National 4-H Club Foundation, which has an international farm youth exchange program.

These private groups have been sponsoring the admission into the United States, for a limited period of time, of teen-agers, who live in the homes of American citizens. They attend our high schools and participate in our community events. They learn a great deal about the United States, and become ambassadors of good will when they return to their homes.

I am not asking that the State Department pay their living expenses. That part of the program is supported by private groups, by subscriptions from private organizations, community clubs, and so forth. However, I wish to see the Department, through its educational exchange program, cooperate with the private groups I have named, by providing some technical assistance, and international travel. The real problem is the travel cost involved in getting the teen-agers to the United States.

I was discussing this subject in the Foreign Relations Committee earlier in the day. It seems to me that some of the currencies obtained under Public Law 480 could be used for this purpose. Such a possibility was explained this morning before the committee. Furthermore, by earmarking a portion of the $20 million appropriation we could cooperate with the foreign private groups which are doing everything humanly possible to enlist support in the local communities for the project of bringing into the United States many young people who need to know more about American living and American democracy.

I conclude by saying that the program in which we engaged in connection with German students was a great success. We brought in hundreds of young German teen-agers. We brought many from Austria. When I say "we" I mean the sponsoring agencies. Students were brought in from Latin America. We ought to continue this program.

I looked into the subject because many people in my home State are deeply interested in the American field service. They were becoming very much disturbed because our Government was showing so little interest in terms of financial contributions.

The report from the Department of State concerning the program sponsored by the United States Government for foreign teen-agers contains the following:

> The Department's request for $20 million for educational exchange activities in fiscal year 1957 was not sufficient to permit inclusion of a program for bringing teen-age students to the United States.

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

Mr. HUMPHREY. I yield.

Mr. BRIDGES. I am in sympathy with what the distinguished Senator from Minnesota has had to say on this subject. I believe that the bringing into the United States of teen-agers—not teen-agers of the lower ages, but those of higher ages—by private groups should be encouraged. I did not realize that such a program was not included in this appropriation. I assumed that it was.

Notwithstanding the document from which the Senator has read, I think there is sufficient money in the appropriation so that a small part of the funds included in this appropriation could be used for

that purpose. I point out also that in the bill it is proposed to use certain foreign currency for that purpose.

Mr. HUMPHREY. Yes.

Mr. JOHNSON of Texas. I invite the Senators' attention to page 13 of the bill, under "Educational exchange." The bill provides:

International educational exchange activities: For necessary expenses, not otherwise provided for—

And we will assume that this would be a necessary expense.

Mr. HUMPHREY. That is correct.

Mr. JOHNSON of Texas. I continue to read from the bill:

not otherwise provided for, to enable the Department of State to carry out international educational exchange activities, as authorized by the United States Information and Educational Exchange Act of 1948 * * * and to administer the programs authorized by * * * the act of August 24, 1949.

The committee gave the educational exchange activities all the money requested in the budget estimates. It was $1,830,000 more than the House had provided. The committee recommended for those activities every dime which had been requested. That is unusual, of course. We thought the program was so important that we should give them the amount indicated. If they are prudent and careful in the use of the money and wish to do a good job, I can see no reason why they cannot take $75,000 or $85,000, or any similar amount, out of the $20 million and provide for the service the Senator refers to. I believe our discussion can serve as notice to them that that is the intention of the committee in restoring $1,830,000, to permit them to carry out the work the Senator has mentioned.

Mr. HUMPHREY. I thank the Senator. It is my feeling, from looking at the language in the bill, that there is no exclusion intended with respect to the teen-age program, because the teen-age program is provided for under such programs as the United States educational-exchange program. Rather than mention any one particular figure, as I understand, it is the feeling of the Senator from New Hampshire, who addressed himself to this subject, and of the Senator from Texas, that the teen-age program should be continued. I am not talking about paying for living expenses. I wish to make that clear. I am talking about the teen-age program of the cooperating voluntary agencies, and with respect to travel primarily, because that will enable what limited money is appropriated to be spread among many more people than would otherwise be the case.

Mr. JOHNSON of Texas. The Senator from Texas has not taken any evidence on this subject, and has not heard any testimony on it at all other than the statements made by his colleague from Minnesota, which he appreciates. The Senator from Texas takes the position that there will be available $20 million, any part of which can be used for the purposes enumerated by the Senator from Minnesota. In addition to that, we have a foreign-currency program under Public Law 480, from which an additional $1,150,000 is available. Any part of that could be used in the same field.

The Senator from Texas, as chairman of the subcommittee, does not wish to pass judgment on the amount which should be allowed for a phase of the program on which he has not heard testimony. However, he believes that the language of the bill is broad enough, and the language of Public Law 480 is wide enough, to permit the use of the money for that purpose, if the agencies are disposed so to use it. I know of no way by which we can make them do it.

Mr. HUMPHREY. If they do not do it, I will be back on the floor of the Senate to find out why they did not do it, because this is a worthwhile program.

Mr. JOHNSON of Texas. I assume they will take notice of the Senator's admonition, and I hope they will take proper notice of the statements which have been made by the chairman of the subcommittee and by its distinguished ranking minority member. I hope my friend from Massachusetts agrees with what I have said.

Mr. SALTONSTALL. I do agree with what the Senator has stated. I believe the State Department has interpreted the program in a very broad way. I am wholeheartedly in favor of the teen-age program.

Mr. HUMPHREY. Mr. President, I thank the Senator. I ask unanimous consent to have printed in the RECORD at this point a report which I received from the Department of State with respect to this program.

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

PROGRAM FOR FOREIGN TEEN-AGERS SPONSORED BY THE UNITED STATES GOVERNMENT

In 1949, the first United States Government-sponsored teen-ager program was carried out with Germany. The teen-agers come to the United States to live for 1 year with typical American families and attend high schools.

From the beginning this Government has relied on contractual arrangements with competent private organizations to handle the placement of the teen-agers in homes both on farms and in cities, and to supervise them in their year of study. Arrangements for the first group of teen-agers were made by the Brethren Service Commission, the service organization of the Church of the Brethren, which was very active in relief work in Germany after World War II. In subsequent years the following private organizations have provided similar assistance in the teen-age program: The American Field Service, the American Farm Bureau Federation, the Georgia District of Kiwanis International, the Michigan Council of Churches, the National Catholic Welfare Conference, and the National Grange.

From 1949 to the present (including the teen-agers now in this country), this Government has paid approximately $2,178,061 toward the expenses involved in bringing 2,432 teen-agers to the United States. This figure of 2,432 includes 2,259 German, 139 Austrian, and 34 Latin American teen-agers. For 1956–57, there will be 10 department-sponsored Austrian teen-agers for 24 from the other American Republics, or a grand total of 34. For 1956–57, $68,668 in Department funds is to be spent on the teen-ager program, part of this amount being the actual cost of the grants and the rest representing funds allotted to several private cooperating agencies in the form of grants-in-aid to enable them to begin private teen-ager programs or to enlarge already existing private programs of this type. Thus by July 1, 1956, the department will have spent approximately $2,246,729 to bring to this country 2,463 teen-agers and to help competent private agencies to start or to enlarge private teen-ager programs of their own.

In accordance with the agreement between Mr. Carl Marcy and Dr. Russell, of the Department, there follows a chart describing the teen-ager program for the 1952 fiscal year through 1956:

Fiscal year	Germany		Austria		Latin America		Total	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
1952	423	$436, 472	27	$28, 360			450	$464, 832
1953	415	416, 470	19	18, 208			434	434, 678
1954	200	168, 110					200	168, 110
1955	169	136, 613			34	$30, 589	203	167, 202
1956			10	7, 190	24	24, 138	34	[1] 68, 668
Total	1, 207	1, 157, 665	56	53, 758	58	54, 727	1, 321	1, 303, 490

[1] This figure includes $37,340 which will be transferred to 4 of the cooperating agencies for assisting the Department in the placement and supervision of the 34 teen-ager grantees shown above; for the purpose of assisting these organizations in developing and/or expanding private teen-ager exchanges.

HOW COSTS HAVE BEEN MET

The Department's contribution toward the cost of bringing a teen-ager to the United States for a year has consisted of the following items: round trip international travel plus amount to cover incidental expenses during travel; round trip travel from the port of entry in the United States to the home where the teen-ager is to live; and a small sum toward the student's incidental expenses in the United States. In addition a small program-operation fee is also paid to the cooperating agencies to cover the cost of placement and supervision. The major part of the cost of the student's stay in this country is met by the individual family which accepts the student and provides his room and board as though he were a member of the family. In some cases interested community groups take care of room and board costs. The great interest which private Americans have shown in the teen-ager program, and their large financial contribution to it, have been major factors in its success. For example, all States have thus far waived out-of-State tuition fees, and private schools have given free tuition.

BEGINNING OF TEEN-AGER PROGRAM WITH THE OTHER AMERICAN REPUBLICS

Prior to the 1955 fiscal year, the only Government-sponsored programs for teen-agers were with Germany and Austria. However, during the 1955 fiscal year the Congress earmarked specific funds for educational exchange activities in the other American Republics. This action provided sufficient funds to enable the Department to propose to the American diplomatic missions in those countries the possibility of utilizing a portion of these funds for teen-ager exchanges Nine countries, Argentina, Bolivia, Brazil, Costa Rica, Cuba, Ecuador, Honduras, Nicaragua, and Uruguay, requested and were allotted a total of 34 teen-ager grants. These

students came to the United States in the summer of 1955.

DECLINE IN TEEN-AGER PROGRAM WITH GERMANY

From the end of World War II through the fiscal year 1955, the exchange-of-persons program with Germany had been financed from a separate appropriation to the Department for "Government in Occupied Areas." This annual appropriation averaged more than twice the amount of funds available for any other country. Germany was, therefore, the only country in which an adequate and well-balanced program could be carried out. However, as Germany returned to normalcy and resumed her position as a partner in the Western European community, it appeared that the exchange program with that country should assume commensurate proportions.

This necessitated a relatively sharp cut in exchange activities in Germany. In view of this, the Embassy at Bonn decided that it would be preferable to use a greater share of the available dollar funds for grants to Germans already in prominent positions and to eliminate grants for teen-agers. Also, it was realized that those programs which attract substantial financial support from private sources, such as the teen-ager program, could bear a larger portion of this reduction without being completely eliminated, and that more governmental assistance should be given to programs which by their nature do not offer opportunities for large amounts of private financial assistance.

ROLE OF THE DEPARTMENT IN TEEN-AGER EXCHANGE, FISCAL YEAR 1956

This decision resulted in only 34 Department-sponsored teen-agers for fiscal year 1956—24 from the other American Republics and 10 from Austria. This situation led the Department to search for ways in which it could encourage teen-ager exchanges under private auspices, since it was convinced of the positive value in such exchanges.

The United States Advisory Commission on Educational Exchange reviewed the question of the Department's future role in teen-ager exchanges at its meeting September 12, 1955. As a result it was decided that in order to promote private teen-ager exchanges the Department would consider small grants-in-aid to those agencies assisting in the 1956 fiscal year. (See enclosure 3, Fifteenth Semi-annual Report on Educational Exchange Activities.) These grants-in-aid will be used first of all to cover the program operation costs to the agencies of placing and supervising the 34 Department-sponsored teen-agers of the 1956 fiscal year; they will also be used by the agencies for developmental purposes—i. e., to explore possibilities of obtaining adequate support from nongovernmental sources to continue a teen-ager program under the agencies' auspices on at least a minimum level. Thus, the grants-in-aid will enable the agencies to maintain the staff necessary to bring the Government's program to an orderly conclusion and to devote time and effort to inaugurating programs of their own or to enlarge presently existing private programs which some of them are already conducting.

STATUS AS OF 1957 FISCAL YEAR

The Department's request for $20 million for educational exchange activities in fiscal year 1957 was not sufficient to permit inclusion of a program for bringing teen-age students to the United States. At best, the Department will be able to provide funds such as being provided in fiscal year 1956 for stimulating private programs.

If sufficient funds should become available, the Department proposes to provide grants-in-aid to private agencies to stimulate private teen-ager exchanges, and, in addition, we will be able to provide supplemental financial assistance for otherwise private-sponsored teen-agers. This procedure will enable qualified teen-agers, irrespective of financial status, to have the opportunity of participating in this worthwhile exchange program.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point two tables relating to the International Farm Youth Exchange—National 4-H Club Foundation.

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

INTERNATIONAL FARM YOUTH EXCHANGE—NATIONAL 4-H CLUB FOUNDATION, 8561 FENTON STREET, SILVER SPRING, MD.

Summary of State and Territorial participation in IFYE project, 1948–54 (preliminary incomplete summary based on records immediately available—further revision is anticipated)

	1948		1949		1950		1951		1952		1953		1954		1948–54 totals	
	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]	United States [1]	Foreign [1]
Alabama							1			2					1	2
Arizona																
Arkansas	1		1	2	3	9	2	2	5	8	2	3	3	6	17	30
California				1			5	6	6	8	6	11	4	8	21	34
Colorado							2	3	2	4	2	6	2	4	8	17
Connecticut	1	1		1	1	2	2	2	2	3	1	8	2	4	9	21
Delaware				1			1	2	1			2			2	5
Florida																
Georgia					1	2	1	2	5	8	2	4	2	4	11	20
Idaho					1	2			1	2	2	4	3	3	7	11
Illinois			1	1	1	3	2	4	4	5	3	9	5	15	16	37
Indiana						1	2	3	4	5	4	5	3	5	13	19
Iowa	1	1	3	6	2	8	4	3	4	12	7	11	2	4	23	45
Kansas	1		2	2	3	5	8	7	9	12	12	14	12	32	47	72
Kentucky			3	1	5	3	5	12	4	5	4	6	6	8	27	35
Louisiana											1	2	1	2	2	4
Maine						1					2	4			2	5
Maryland	1	1	1	1				1	3	4	3	4	1	2	9	13
Massachusetts			1	2	2	4	2	2	4	5	3	3	1	2	13	18
Michigan	1		1	2	1	1	1	2	4	8	5	6	4	8	17	27
Minnesota	1	1	1	3	1	2	1	2	1	2	4	3	2	13	11	26
Mississippi							1	2	1	1	3	4	2	4	7	11
Missouri			1	1	1	1			3	4	2	8	6	11	13	25
Montana	1		1	2	2	4	4	2	3	7	2	4	4	12	17	31
Nebraska	1	1	1		1	2	1	2	1	2	1	3	2	4	8	14
Nevada																
New Hampshire				2	1	3	1	2	1	2	1	4	1	2	5	15
New Jersey				2									2	4	2	6
New Mexico							1	2	2	4	3	1	1	4	7	11
New York	1	1	2	2			2	2	3	5	4	8	4	8	16	26
North Carolina	1	1	2	1	1	2	3	2	2	3	3	1	4	8	16	18
North Dakota				2	2	2			2		1	5	2	4	7	13
Ohio				2	2	3	4	3	7	9	8	9	7	22	28	48
Oklahoma	1			1											1	1
Oregon							1	2	4	4	4	9	4	7	13	22
Pennsylvania	1		1	2	1	3	2	2	3	2	1	5	2	6	11	20
Rhode Island				2												2
South Carolina											2	4	1	2	3	6
South Dakota			1	2	1	2	2	2	3	5	1	4	1	2	9	17
Tennessee			2	1	2	2			2	4	1	3			7	10
Texas	1		2	1	1	2	2	4			1	2	1	3	8	12
Utah			1	1	1	2	1	3	2	4	2	2	2	6	9	18
Vermont				1	2	4	1	1	1	3	1	1			5	10
Virginia		1	1				2	1	3	3	2	6	5	7	13	18
Washington	1			1		1	1	2	3	4	1	2	4	6	10	16
West Virginia	1	1	1	2	1	3	1	2	1	1	1	3	1	2	7	14
Wisconsin							3	4	4	6	4	9	4	8	15	27
Wyoming	1		1		2	2	2	2	2	4	4	5	2	10	14	23
Alaska							1		1		1	1	1		4	1
Hawaii																
Puerto Rico																
Totals	17	9	31	51	42	81	75	95	113	170	117	208	116	262	511	[2] 876

[1] "United States" indicates United States delegates; "foreign" indicates foreign exchangees.

[2] Total number of placements.

Summary of participation in the international farm youth exchange project from 1948 through 1954

	1948–49		1950		1951		1952		1953		1954		1948–54 total	
	U.S.	For.	U.S.	For.	U.S.	For.	U.S.	For.	U.S.	For.	U.S.	For.	U.S.	For.
Algeria									(1)			2	(1)	2
Argentina								1	2	2	2		4	3
Australia					3		4	2	4	6	4	2	15	10
Austria			2	3	3		5		4		3	1	17	4
Belgium-Luxembourg	2	1	3	1	2	4	4	6	5	4	5	5	21	21
Bolivia							3	3				1	3	4
Brazil				2	2		2	1	3	4	4	4	11	11
Chile					2		3	2	4	3	3	4	12	9
Colombia					2	1		1	2	2			4	4
Costa Rica					1		2			2	2	3	5	5
Denmark	5	3	3		3		4	3	4		4		23	6
Ecuador									3	3	2	2	5	5
Egypt									1			1	1	1
Finland	2	4	3	3	2	3	4	5	4	8	5	6	20	29
France	5	4	3	3	4	2	5	1	4	4	5	6	26	20
Germany			3	2	4	4	5	5	7	7	5	5	24	23
Greece			2	2	2		3		3		3	3	13	5
India					1		2	1	10	31	10	25	23	57
Iran							2					2	2	2
Ireland-North Ireland	2		2	3	6	5	5	5	4	4	4	5	23	22
Israel					1		5	5	4		4	5	14	10
Italy	2				2		4				2		10	
Japan									2	3	2	2	4	5
Jordan												2		2
Lebanon-Syria					1		3		3	1		4	7	5
Mexico					4		4	4					8	4
Morocco									(1)			1	(1)	1
Netherlands	5		2	3	3	5	5	4	5	5	4	4	24	21
New Zealand					4	4	4	4	4	4	4	4	16	16
Nigeria									2	1			2	1
Norway	5	3	3		2		4		4	3	4	2	22	8
Pakistan											5	9	5	9
Philippines									2	2	2		4	2
Portugal									1	1	1	2	2	3
Ryukyu Islands								5		4		6		15
South Africa								1						1
Sweden	7	4	3	4	2	2	4	6	4	6	5	5	25	27
Switzerland	5	5	4	5	4	5	5	5	5	5	5	5	28	30
Tunisia							2	1	2	1			4	2
Turkey					2		5	6	3	2	3	6	13	14
United Kingdom	8	12	9	12	10	10	15	12	10	13	12	14	64	73
Uruguay					2				2	2	2	3	6	5
Total	48	36	42	43	74	45	113	89	117	133	116	151	510	497

[1] Algeria and Morocco had 1 month visits by 1953 delegates to Tunisia.

NOTE.—"U. S." indicates United States delegates; "For." indicates foreign exchangees.

Mr. HUMPHREY. I also ask unanimous consent to have printed in the RECORD at this point recommendations submitted by the Department of State, as printed on pages 8 to 11 of the 15th Semiannual Report on Educational Exchange Activities.

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

V. THE GOVERNMENT'S PARTICIPATION IN THE TEEN-AGE PROGRAM

RECOMMENDATION (SUBMITTED TO THE DEPARTMENT OF STATE, NOVEMBER 28, 1955)

The reduced appropriation voted by the Congress for fiscal year 1956 for the international educational exchange program has made it necessary for the Department to clarify its policy on the use of Government funds for exchange of person's activities in the teen-age program for the current fiscal year and in the future. In doing so, the Department requested the advice of the Commission on Educational Exchange.

The Department pointed out that since 1949 the international educational exchange program has included groups of German teen-age youths brought to the United States each summer to spend a calendar year living with American urban and rural families, attending high schools, and participating in community activities. This program was initiated near the termination of the United States military government in Germany and was taken over, along with other exchange program for Germans, by the Department of State on the occasion of the transition from military government to the High Commission in Germany.

Beginning in 1949, and including the group brought to the United States for the 1955–56 academic year, approximately 2,259 German teen-age youths have participated in this program. During roughly the same period about 139 Austrian youths have been brought to this country under the same type of program.

Until the 1955–56 academic year, Government sponsorship of the teen-ager program had been limited to students from Austria and Germany; however, with the passage in fiscal year 1955 of a supplementary budget for exchange activities with the other American Republics a number of embassies in these countries indicated an interest in sending to the United States a small number of high-school students. Accordingly under the 1955–56 academic year program 34 students from 9 of the other American Republics have been brought to the United States.

Initially, the program with Germany and, to a lesser extent, the program with Austria was one of reorientation and democratization. In other words, the German and Austrian programs originally sought to instill a knowledge of and respect for the democratic way of life in the youth of those countries who had been indoctrinated under the National Socialist regime and were isolated in their formative years from democratic practices and thought. With the changing status of Germany—and, earlier, of Austria—the program objectives here gradually shifted from reorientation and democratization to "increasing mutual understanding" as is the case with other participating countries. As the need for treating the former occupied areas as special cases has decreased, programs such as the teen-ager program have been cut back gradually. For example, the 1955–56 German program provided for only 169 German high-school students as contrasted with almost 500 youths in that category under the 1950–51 program.

It was also pointed out that in order to select qualified host families with which the students would live during their year in the United States, to assure proper placement and supervision of the youths, and to provide for competent administration of the program, the Department has contracted each year with private organizations interested in this type of endeavor and qualified to administer such a program. The six current contract agencies are: American Field Service, Brethren Service Commission, Georgia District of Kiwanis International, Michigan Council of Churches, National Catholic Welfare Conference, and National Grange. The American Field Service and Michigan Council of Churches have placed only urban youths, while the National Grange accepted farm youths exclusively; the other three organizations have placed both urban and rural teen-agers. Under the contracts the Department has provided these organizations with limited funds for the students' spending money and maintenance while in the United States and for their travel within this country. In addition, the contracts have provided funds for the administrative expenses, including certain staff salaries, of these organizations. The Department has given direct grants to the students for their international transportation. Supplementing this Government assistance, the host families and community groups have made substantial contributions to the teen-agers' maintenance. In fact, the major share of the costs of this program, once the student has arrived in the United States, is borne by the host family or by interested community groups or organizations.

One of the organizations, the American Field Service, has a well-established private program involving high-school students from many countries of the world, financed entirely by non-Government sources. That organization's private program includes more students than the number of Government-sponsored students it has placed each year in the recent past. The Michigan Council of Churches has also developed a small but ambitious private program based, however, on the assistance which the Department has provided that organization for its Government-sponsored German teen-agers.

The reduced appropriation for fiscal year 1956 necessitated a drastic reduction in funds earmarked for the German exchange of persons program. This resulted in the complete elimination of the German teen-ager program. Under the fiscal year 1956 budget, therefore, funds are available for only 20 teen-agers from Austria and 14 from the other American Republics.

The Department further advised the Commission that it had given careful thought to the situation described above and has considered ways in which it might assist, without directly participating as a sponsor, in effecting a transition from a program financed partially by the Government to one financed entirely by private sources. Several of the private organizations have indicated informally their interest either in developing further their private programs or, in the case of organizations that do not have private programs, in establishing such programs, provided some assistance to this end might be forthcoming from the Government.

Accordingly, in order that both an exchange program involving persons in this age group may continue and that the Government's direct participation may be gradually reduced and ultimately eliminated, the Department developed the following proposed policy respecting teen-age exchanges which includes the following elements:

1. The Department should provide temporary grants-in-aid for the purpose of developing programs supported and sponsored entirely by private sources

The Department would approach contract organizations with the suggestion that each agency interested in developing a private program could be given a small grant-in-aid to

be utilized during the 1956 fiscal year to develop the support necessary to initiate an entirely private program the following year.

Agencies receiving the 34 students from Austria and the other American Republics would administer the program for those grantees out of the grant-in-aid if they received one.

Although some hope might be held out for a diminishing grant-in-aid for the 1957 fiscal year, no commitments would be made for financial assistance beyond 1956. (While the grant-in-aid would not be restricted to developing a private program with Germany, the Department believes that the organizations would, at least initially, devote most of their efforts to that country since the program is already well known there. The private agencies have returnee alumni organizations in that country which would be helpful in establishing selection committees.)

2. *The Department should offer maximum assistance in facilitating private teen-age programs*

The Department would indicate a willingness to facilitate such private programs, where developed, by assisting in establishing screening committees abroad to help in the nomination of candidates, providing advice, and rendering such other assistance abroad and in Washington as might be found appropriate.

3. *The Department should withdraw from direct participation in the teen-age programs*

No additional teen-age grants would be given in 1956 beyond those already contemplated in Austria and the other American Republics, and in subsequent years such grants would be entirely eliminated from the program.

The Commission, because of the limited funds for fiscal year 1956, felt that the Department's approach to the solution of this problem was logical and reasonable and therefore endorsed the proposed policies as set forth above and recommended their adoption.

The Commission is of the opinion that the entrance of the Government into this new category of exchange activity, especially with respect to Germany and Austria, was motivated by objectives which we believe are now partially invalid. We also recognize that a program of this nature, under which the participants are placed in American families and supported to a large extent by private organizations and individuals, elicits from such sources private assistance not available to other categories of exchanges. Accordingly, while the cost of the teen-age program is comparatively low, it is felt that limited appropriated funds available would be most advantageously expended on programs which, by their nature, elicit less private aid.

However, the Commission has been convinced of the worthiness of the teen-age program and believes that its popularity leads to added support for the entire international educational exchange program. For instance, the teen-agers are usually placed on farms and in small to medium-sized towns, communities which otherwise might have little or no experience with or knowledge of other exchange programs. Their popularity is evidenced by the very great amount of publicity which they receive in the American press and in the press abroad.

The Commission, therefore, further recommended, in view of the recognized importance of the teen-age program, that the Department of State continue to give maximum encouragement to the private organizations and others privately supporting the program.

Mr. HUMPHREY. I thank my colleagues for their cooperation.

Mr. FLANDERS. Mr. President, I am very much disturbed by one paragraph in the report of the committee dealing with the United States Information Agency. It reads:

The committee emphasizes that this increased amount of $5 million be distributed among those items of services where they can be most advantageous.

That sentence does not disturb me. It is the next sentence that disturbs me.

The committee is insistent that none of these additional funds should be spent in Europe—

That is where my disturbance ends. I am not so keen about "Operation CV, the aircraft carrier, a floating Cinerama project, which was also denied by the House."

What I wish to say a word about is the assumption that money spent in Europe is spent where it cannot be most advantageously used. I have made some study of the United States Information Agency in at least three European countries, namely, Finland, England, and France. I would be particularly disturbed if our work of communications and our work of establishing understanding and friendship in Finland were to be diminished. That nation sits on the border of the Soviet area, and it is constantly subjected to the influences of Soviet propaganda. By nature it would prefer to follow along with the United States; but the fact that the strength, propagandawise and militarywise, of the Soviet Government, hangs over them, is something that will influence them if we pull out. So I would say, with regard particularly to Finland, let us not pull out.

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

Mr. FLANDERS. I yield.

Mr. JOHNSON of Texas. First of all, I do not want the Senator to be under any misapprehension. The committee this year allowed a $2 million increase for Europe over what was allowed last year. Compared with the problems we have in the Middle East, the Near East, and Far East, we felt that an increase in the amount for missions alone in the European area, from $17,615,000 to $19,627,000, was rather generous treatment for the European area, and perhaps much more so than we thought it should be when compared with the programs in other parts of the world. We have increased the appropriation for the European area by $2 million for the missions alone over the present fiscal year. That is the point I wish to make.

With respect to the additional $5 million, when we raised the amount from $110 million to $115 million, I do not believe there was a member of the committee who felt that the $5 million should be added to the $2 million increase we had already given.

Mr. FLANDERS. That explains what was not clear from the report as I read it. I am glad to know that that is the effect so far as the allocation of the appropriation is concerned.

Mr. JOHNSON of Texas. That $2 million for missions does not include the increase for press, movies, or TV in the European area.

Mr. FLANDERS. That is correct. I thank the Senator. I wish to say 2 or 3 words more with regard to a critical situation in France and Italy, as I saw it.

The main burden of Soviet propaganda will be directed toward breaking up NATO. The weak spots in NATO are France and Italy. For us to think of France and Italy as being countries which can be left to themselves, or that we can permit our support of freedom and democracy in those countries to be diminished, would be a very bad decision indeed. I am glad that is not the decision, as has been explained by the distinguished majority leader.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks a memorandum received from USIA.

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

I have been very much interested in the current tactics of the Communists, which are much more flexible and subtle and hence potentially more dangerous to the free world than were the brutal and relatively obvious tactics of Stalin. Fortunately, Communist Party boss Khrushchev has been kind enough to tip his hand and to spell out the new policy line in considerable detail.

In his opening speech to the 20th Congress of the Communist Party on February 14 of this year, Khrushchev declared that most free world governments are so enfeebled that the revolutionary movement can triumph without resort to violence. He was careful, of course, not to renounce the use of violence entirely, reserving the use of force for those countries where other tactics were not successful. However, the guts of his policy is to achieve world dominion by nonviolent methods—the capture of free governments by parlimentary methods, use of the popular front device, subversion, and by a greatly stepped-up propaganda, economic, cultural, and political offensive against the free world. To accomplish their objective all Communist organizations, agents and fronts have been ordered by Khrushchev to "* * * intensify our efforts in Communist education of the masses and in eliminating the survival of capitalism in the minds of men, make fuller and more active use, to this end, of all ideological mediums—propaganda, agitation, the press, radio, cultural, and educational organizations and institutions, science, literature and art."

I have been particularly interested in observing the application of these new tactics to our most important ally, Great Britain. All of us are familiar with the recent visit of Khrushchev and Bulganin to the United Kingdom, which underlines the importance the Soviet leaders attach to weakening or destroying the Anglo-American alliance. Unquestionably, the Soviet leaders dangled tempting trade offers before the British; proposed drastic increases in exchanges of British and Russian visitors, cultural attractions, athletes and the like; did all in their power to weaken British ties with this country. The small but well organized and financed British Communist Party is working day and night to picture the United States as an irresponsible, warlike, fascist, imperialist nation and to exploit anti-American feelings among the British.

In the light of these Soviet maneuvers, I am surprised when suggestions are made that since Great Britain and other Western European nations are basically friendly, we should cut back our information activities in these countries. This approach seems to me completely unsound and could only result in leaving the field open to our adversaries.

In my opinion, we have no alternative but to expand and make more dynamic our own information and cultural programs in these countries, and I strongly so urge.

The United States has a tremendous investment in the NATO alliance—the cornerstone of our foreign policy in Europe and essential to our national security. Soviet Russia is trying and will continue to try to break up this alliance. Through declarations of undying friendship, good will trips of its leaders and exports of Soviet culture, the Soviets are attemping to convince Western Europeans that the big bad bear is a figment of American imagination. The growth of neutralist sentiments among the European public in recent months is an indication of the success of such tactics.

Perhaps the most important single aspect of our policy in Europe is the durability of our alliance with the United Kingdom. The United Kingdom will follow the lead of the United States in world affairs only if persuaded and fully convinced that the United States knows the way. The British refuse to be taken for granted. They insist on being a full partner in the Anglo-American alliance, fully consulted and fully persuaded that our policy objectives are in their best interest, too. Their long period of past world leadership and prestige is an important factor in this assessment.

Our information programs in Italy and France are necessary to counteract the influence of the two largest Communist Parties outside the Soviet bloc. Germany, bisected by the Iron Curtain, is a key country where support of United States policies is essential to our position not only in Europe but throughout the world. In Spain and Portugal, it is essential to convince the people of these nations that the location of United States bases and the stationing of our troops within their territories is desirable from the viewpoint of their own interests. Norway, Denmark, and Iceland are important to us because of the vital role they play in the peripheral defense of Western Europe.

Each of the Western European countries is important in particular respects to the plans and policies of the United States. We cannot take the risk of assuming that they will remain friendly and cooperative without effort on our part. Friendship is not a static thing. Like a plant it has to grow or die. It needs constant nurture and preservation from influences hostile to it.

In my opinion, an intensified and skillful United States information program is vital to the continuance of friendly, cooperative attitudes toward the United States among the nations of Europe.

Mr. THYE subsequently said: Mr. President, I ask unanimous consent to have printed in the body of the RECORD just prior to the passage of the State, Justice, and judiciary appropriation bill, a brief statement which I send to the desk.

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

STATEMENT BY SENATOR THYE

The United States Information Agency plays an important role in our Government's efforts to inform all of the peoples of the world of our Nation's policies and objectives, and generally speaking I am sorry to say that I do not believe citizens of our own country fully appreciate the valuable work of this Agency. All of us, of course, are aware of the tremendous propaganda efforts of the Communists. To counter their distortions of our Nation's basic objectives, we have established the United States Information Agency, and have charged it with the responsibility of campaigning, through truth and fact, against the hostile propaganda emanating from Moscow.

A vital activity of the United States Information Agency is the Voice of America which went on the air for the first time on February 24, 1942, at which time our Government was attempting to reach the German people who were then cut off from the world by Nazi censorship. Since that first broadcast, the Voice of America has grown in stature and in size until today when broadcasts are made from 14 modern studios around the clock and around the world in 41 languages.

One naturally wonders about the effectiveness of the Voice of America, and I have asked the United States Information Agency to furnish me with a report in this connection. It is an interesting report and an impressive one, in my opinion, and reads as follows:

"EFFECTIVENESS OF VOICE OF AMERICA

"How effective is the Voice of America? How is its effectiveness tested? The answers to these questions come from two sources: Technical monitoring of VOA broadcasts and what might be called audience reaction.

"In an effort to determine how well VOA transmissions can be heard behind the Iron and Bamboo Curtains, an intricate technical monitoring system is operated by the United States Information Agency. During 1955 close to 400,000 reports were received from this system, the evaluation of which enables a fairly reliable picture to be drawn concerning the reception of VOA broadcasts. In discussing the effectiveness of the VOA it also must be remembered that Voice broadcasts are not broadcast just once, but are repeated or rebroadcast at many intervals and on many different frequencies. This "saturation" is one of the means used to surmount jamming by the Soviet Orbit block and accounts in large measure for the effective reception of VOA broadcasts.

"From the evidence received it is apparent that jamming is especially heavy in and around some of the major Communist-area cities but languages other than that being broadcast to a particular country are normally not jammed. For example, in the U. S. S. R., the Russian who can understand a satellite language, English, or German, would have a good chance of frequently hearing VOA programs in these other languages. Also in the U. S. S. R. Russian language broadcasts penetrate on at least one frequency with a clear signal to urban areas about 30 percent of the time and in the rural areas technical reception is much better. A recent Associated Press dispatch from Moscow reported that in Georgia people were listening openly to VOA broadcasts. Elsewhere behind the Iron Curtain, programs to the Baltic countries (Estonia, Latvia, and Lithuania) can be heard from one-half to three-fourths of the time, in Armenia and Georgia, at least half of the time. Reception of satellite languages in satellite countries is high as a general rule, although recently Polish broadcasts have been heavily jammed. Albanian broadcasts were not jammed at all. Reception of VOA programs in Mandarin, Cantonese, and Amoy is excellent in Hong Kong, Formosa, and southeast Asia, and it is believed that most of these programs can be heard on the mainland of China. VOA English programs, such as Music USA, are normally heard clearly in all parts of the world.

"'Audience reaction' is received in two ways: By information received from listeners who often write at considerable danger to themselves and by attacks and other actions of the Communist-dominated governments against VOA broadcasts. Among examples recently obtained were the following: Mail was received from Latvia addressed to the pseudonyms used by VOA broadcasters stating that the listeners could get VOA programs clearly. A recent Lithuanian escapee reported that he listened to VOA programs three times daily even though he was employed by the Lithuanian Government. Another source revealed that VOA Armenian programs are listened to in Soviet Armenia at both levels of officialdom and the rank and file of the people and are highly appreciated. Listeners from Hungary and Rumania have written to friends or relatives in the United States on the basis of their having recognized their voices when they appeared on VOA programs even though pseudonyms were used to protect their relatives behind the Iron Curtain. One such report came from Bucharest immediately after the writer had recognized his relative's voice; this despite frequent reports that the Bucharest area is heavily jammed all the time.

"Other defectors and escapees have also attested to VOA broadcast effectiveness. In January a Rumanian athlete reported that 'VOA was widely listened to in Rumania and very much liked; a Soviet Army officer who defected last December stated that listening to VOA broadcasts prompted his decision to go to the West; a Soviet escapee who jumped the Moscow circus train in January reported that listening to VOA broadcasts motivated his escape, and that he had listened to VOA broadcasts while serving as a communications officer on a Soviet plane in the Korean war.

"Concerning the other type of evidence of audience reaction, namely attacks by the Communist governments, a number of such attacks have been made in the last few months. A recent article in the Hong Kong Times reported on four Chinese Communist campaigns against VOA listening, each of which had failed. Last March a Peiping magazine launched a particularly bitter attack on VOA indicating it had hit where it had hurt, such as the Communist agricultural collectivization program. The article concluded that VOA audiences are not restricted to intellectuals, commercial and industrial circles, but includes youth as well. In the last few months, also, the Albanian National Radio frequently vilified VOA broadcasts for having, in effect, successfully counteracted the Albanian Communist redefection campaign; and the Czechoslovak Communist government in its official paper and through its Minister of Foreign Affairs attacked the VOA directly several times. An unusual effort to discredit VOA has been made through a play periodically presented to audiences in the Georgian Soviet Republic, the last occasion being only a few months ago. In this play every effort is made to discredit the Voice and to present it in a most unsavory light. A strong and bitter attack was recently launched by the former Prime Minister and present secretary of the Rumanian Communist Party before the Rumanian National Assembly. These items are just a few of many which have been received.

"The greater portion of the VOA broadcasts—over 75 percent—are directed behind the Iron and Bamboo Curtains. VOA broadcasts (supplemented by packaged programs for placement on local radio stations) to the free world have also demonstrated a high degree of effectiveness, as is attested to by thousands of letters received monthly, and by newspaper and other comment in the free world. In commenting on a recent VOA program played over the Austrian national network, for example, a leading Viennese newspaper stated 'for the majority of our own Austrian reporters listening to a broadcast like this should be made mandatory.' Another example is the VOA coverage to Italy of the recent visit of President Gronchi to the United States; President Gronchi himself highly complimented this coverage. The Italian national network has asked VOA to more than double its programs to southern Italy, where the Communists have shown strength, stating that VOA programs 'are being received with enthusiasm.'

"From all over the world evidence of the effectiveness of VOA broadcasting is continually received. Behind the Iron and Bamboo Curtains, despite the jamming and despite restrictions and controls, people not only continue to listen to VOA programs but even attempt to communicate their appreciation for being given the truth through VOA news and commentaries at peril to themselves, and from the free world evidence is continually received that VOA is doing its job of furthering friendly relations and understanding between our people and those of other nations."

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

Mr. JOHNSON of Texas. Mr. President, I should like to read a motion which was unanimously adopted by the committee with reference to the Immigration Service:

I move that you, the chairman of the subcommittee, together with the chairman of the full committee and the ranking minority member of the full committee and another minority member from the subcommittee designated by the ranking member constitute a special subcommittee with the power to investigate and check all phases of the work of the Immigration Service and to report to the full committee prior to the consideration of Immigration Service appropriation for the next fiscal year; that such special subcommittee have sufficient personnel assigned to it and be granted authority to employ such temporary persons as necessary.

I should like to have that made a part of the RECORD. At the appropriate time the committee will carry out its responsibilities with reference to the motion.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H. R. 10721) was passed.

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

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON of Texas, Mr. ELLENDER, Mr. McCLELLAN, Mr. MAGNUSON, Mr. HAYDEN, Mr. HOLLAND, Mr. CLEMENTS, Mr. GREEN, Mr. MANSFIELD, Mr. BRIDGES, Mr. SALTONSTALL, Mr. McCARTHY, Mr. MUNDT, Mrs. SMITH of Maine, Mr. DIRKSEN, and Mr. HICKENLOOPER conferees on the part of the Senate.

Mr. JOHNSON of Texas. Mr. President, I wish to express my thanks to all the minority Members and to my colleagues on this side of the aisle for their kind and generous consideration of the chairman of the committee, and I am appreciative that the Senate has taken the action it has taken.

RETURN TO FORMER OWNERS OF MINERAL INTERESTS ACQUIRED IN CONNECTION WITH THE GARRISON DAM PROJECT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1975, Senate bill 746.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 746) to provide for the return to the former owners of certain lands including Indian tribal lands, acquired in connection with the Garrison Dam project of mineral interests in such lands.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 5, after the word "heirs", to insert "or devisees"; in line 6, after the word "whom", to strike out "lands or interests therein were" and insert "any mineral interest in lands or any estate in lands that included a mineral interest was"; on page 2, line 5, after the word "heirs", to insert "or devisees"; in line 7, after the word "interests", to strike out "in such lands as were" and insert "that were so"; in line 9, after the word "heirs", to insert "or devisees"; in line 11, after the word "interests", to insert "upon the date of approval of this act"; in line 12, after the word "Army", to strike out the comma and "but not in excess of 5 percent of the purchase price paid for the land by the Government" and insert a colon and "*Provided*, That where mineral interests in the same lands were acquired from more than one person or tribe, no conveyance shall be made unless it is established to the satisfaction of the Secretary that the proposed conveyance will operate in a manner which will be fair and just to each person (and the heirs or devisees of any such deceased person) or tribe from whom any mineral interest in such lands was acquired by the United States, and which will not prejudice the proper conservation and development of the mineral deposits affected by the conveyance. For the purposes of this act former mineral interests, whether or not in the same lands, may be combined or divided in such manner as may be requested by the applicant or applicants and approved by the Secretary"; and on page 3, after line 8, to insert:

SEC. 3. In the event all of the mineral interests of the United States in and to all of the mineral deposits that are subject to any one lease, permit, license, or contract issued under the Mineral Leasing Act for Acquired Lands, approved August 7, 1947 (61 Stat. 913; 30 U. S. C., 1952 edition, secs. 351–359), as amended, are otherwise eligible for conveyance under section 1 of this act to a single grantee, or to several grantees as tenants in common, then such conveyance shall contain an assignment of all right, title, and interest of the United States in and to such lease, permit, license, or contract, including the right to all rentals, royalties, and other payments accruing under such lease, permit, license, or contract after the effective date of such conveyance. Except as provided in the preceding sentence, mineral deposits that are subject to any such lease, permit, license, or contract shall not be eligible during its continuance for conveyance under this act. Nothing contained in this act shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

So as to make the bill read:

Be it enacted, etc., That upon application filed within 3 years after the date of enactment of this act by or on behalf of any person (or the heirs or devisees of any such person who may be deceased), or any Indian tribe, from whom any mineral interest in lands or any estate in lands that included a mineral interest was acquired for the purposes of the Garrison Dam and Reservoir project on the Missouri River (excepting lands located within 1,000 feet of the main dam, spillway, outlets, powerhouse, and embankment section the bases of which are located below the maximum surcharge elevation), the Secretary of the Army shall convey to such person (or to the heirs or devisees of any such deceased person) or tribe all mineral interests that were so acquired from such person or tribe by the United States upon payment by such person, heirs, or devisees, or tribe of a purchase price therefor equal to the fair market value of such mineral interests upon the date of approval of this act as determined by the Secretary of the Army: *Provided*, That where mineral interests in the same lands were acquired from more than one person or tribe, no conveyance shall be made unless it is established to the satisfaction of the Secretary that the proposed conveyance will operate in a manner which will be fair and just to each person (and the heirs or devisees of any such deceased person) or tribe from whom any mineral interest in such lands was acquired by the United States, and which will not prejudice the proper conservation and development of the mineral deposits affected by the conveyance. For the purposes of this act former mineral interests, whether or not in the same lands, may be combined or divided in such manner as may be requested by the applicant or applicants and approved by the Secretary.

SEC. 2. Each conveyance of mineral interests under this act shall contain such reservations and restrictions as, in the opinion of the Secretary of the Army, are necessary in the construction, operation, and maintenance of the Garrison Dam and Reservoir and as otherwise may be in the public interest.

SEC. 3. In the event all of the mineral interests of the United States in and to all of the mineral deposits that are subject to any one lease, permit, license, or contract issued under the Mineral Leasing Act for Acquired Lands, approved August 7, 1947 (61 Stat. 913; 30 U. S. C., 1952 edition, secs. 351–359), as amended, are otherwise eligible for conveyance under section 1 of this act to a single grantee, or to several grantees as tenants in common, then such conveyance shall contain an assignment of all right, title, and interest of the United States in and to such lease, permit, license, or contract, including the right to all rentals, royalties, and other payments accruing under such lease, permit, license, or contract after the effective date of such conveyance. Except as provided in the preceding sentence, mineral deposits that are subject to any such lease, permit, license, or contract shall not be eligible during its continuance for conveyance under this act. Nothing contained in this act shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Without objection, it is so ordered.

Mr. ANDERSON. Mr. President, Senate bill 746 was introduced in the Senate by the junior Senator from North Dakota [Mr. YOUNG] for himself and for the senior Senator from North Dakota [Mr. LANGER].

The bill came to the committee in January 1955 and in May 1956 it was reported to the Senate by the Senator from Louisiana [Mr. LONG] with several amendments.

Briefly, the Government needed approximately 400,000 acres of land to impound water for the Garrison Dam and the surrounding areas. It acquired, by the program which was authorized by the Congress, approximately 150,000 acres of land, including the area for the dam site itself. A great deal of that land was acquired from Indians in the State of North Dakota.

There was a very active interest in exploration for oil and gas at that time, and the Corps of Engineers found they were having some difficulty acquiring land because of prospective oil and gas value. Therefore, after they had proceeded to acquire 150,000 or more acres of land, they reversed their policy, and, instead of acquiring oil rights, or complete, outright ownership of the land, they acquired flow-way rights, so they might cover the land with water; but the parties in interest were able to retain their oil rights to the land which was going to be submerged by water stored behind the dam. That raised the question of whether justice had been done in the case of the 150,000 acres previously acquired.

Perhaps at this point I should yield to the Senators from North Dakota, to permit them to explain the bill. However, let me say that the understanding that the Committee on Interior and Insular Affairs had of the bill was that it was for the purpose of attempting to restore these Indians to their former position, so as to give them some of their oil rights.

In its settlement with the Indians, the Government had paid a sum of money which the committee thought covered the speculative value of the oil rights. Had there not been quite the oil development which occurred in North Dakota, I am sure the settlement would have been regarded as an extremely advantageous arrangement for the Indians. But, in view of the subsequent development of oil, the settlement might not be regarded as so advantageous.

By means of the bill, the committee seeks to make it possible for the Indians again to acquire their oil rights in connection with the land.

I think the authors of the bill are prepared to speak on it better than I am. If there are questions, we can deal with them. But I am sure that the Senators from North Dakota [Mr. LANGER and Mr. YOUNG] are prepared to discuss the bill.

Mr. YOUNG. Mr. President, the Senator from New Mexico has done extremely well in explaining the bill. As he has stated, in the acquisition of land for the Garrison Reservoir, the policy of the Corps of Engineers was to acquire both the surface rights and the mineral rights. Thereafter it reversed its policy and left the mineral rights to the individual landowners.

The Department of the Interior has handled this matter on behalf of the Indians.

Personally, I felt at the time this land was acquired from the Indians that all of us who were representing them made a mistake in not insisting that these mineral rights be reserved to them. Afterward the Indians desired to have the mineral rights returned to them. As a result, the senior Senator from North Dakota [Mr. LANGER] and I introduced a bill which would have returned the mineral rights to them, without any additional cost.

The pending bill represents a compromise. The Indians, and the whites as well who are covered by the bill, will be able to regain the mineral rights by paying an amount equal to the fair market value of such mineral interests, as determined by the Secretary of the Army. I think that will be a fair way to handle these rights and to return them to these persons, if they wish to take advantage of the provisions of the bill. I do not know how many of them will seek to do so, but I think there will be some whites and some Indians who will wish to take advantage of the provisions of the bill.

Mr. ANDERSON. Does not the bill provide that their applications must be filed within 3 years after the date of enactment of this measure?

Mr. YOUNG. Yes.

I may say that I believe that both the Indians and the whites think this bill represents a fair compromise.

Mr. LANGER. Mr. President, in this measure I have been very much interested. Shortly after the land was taken and the matter was brought to the attention of my colleague [Mr. YOUNG] and myself, I talked to the then Attorney General, Howard McGrath. It was his opinion that the Government did not want the mineral rights and did not intend to take them.

We were not satisfied with that. So we arranged for a radio and television program. The radio program was carried by one of the stations at Bismarck which at that time did not have television facilities. The people of the area listened to the program, and heard Mr. McGrath say that the Government would return all the mineral rights for nothing, except in the case of the 4,400 acres close to the dam. He said that, on the advice of experts, they could not return the mineral rights to those 4,400 acres.

The whole idea was to return the mineral rights to the Indians for nothing. My colleague agreed with me. However, at that time we were not able to have such a bill enacted into law; it was objected to. Finally, we have this bill.

The objection was not so much because the Indians would have the mineral rights returned to them but because some white men had speculated in some of the land. Therefore some amendments were made to the bill.

In my opinion, in the future, in any similar case, no matter what State may be involved, the mineral rights should be left to the Indians.

Mr. ANDERSON. Mr. President, will the Senator from North Dakota yield to me?

Mr. LANGER. I yield.

Mr. ANDERSON. I wish to say to the Senators from North Dakota [Mr. LANGER and Mr. YOUNG] that, as a result of the questions they posed to us and the points they raised, the Senate Committee on Interior and Insular Affairs now has a firm policy that whenever, in the future, Indian land is taken, the oil rights will be reserved to the Indians.

I think the Indians of the United States should thank these two Senators for having brought this matter so forcibly to our attention.

I assure the Senators from North Dakota that, so long as I remain on the committee, I will never again vote for the taking of mineral rights from Indians when land is purchased from them for these purposes, except in the case of the narrow band of land needed for construction of the dam itself.

Mr. LANGER. I thank the Senator from New Mexico. He has aided greatly in the doing of a good job for both the Indians and the whites who lost their mineral rights in this case.

Mr. ANDERSON. I wish to thank the Senators from North Dakota for this fine solution of a difficult problem.

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

Mr. ANDERSON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the committee amendments are agreed to en bloc.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 746) was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN FOREIGN POLICY

Mr. KNOWLAND. Mr. President, our foreign policy should be based on human freedom. What advances it we should support and what retards or destroys it we should oppose.

Abraham Lincoln, the great emancipator, in his second inaugural, set the standard for free men everywhere, when he said:

> Fellow citizens, we cannot escape history. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation. We, even we here, have the power and bear the responsibility * * * in giving freedom to the slave we assure freedom to the free. We shall nobly save or we shall meanly lose this last best hope on earth.

Now, the voices of appeasement are arising abroad and are being augmented at home by certain columnists and commentators.

The suggestion has recently been made that invitations be extended to Khrushchev, Bulganin, and others to visit the United States.

Despite the downgrading of Stalin, the Soviet Union has not performed a single deed of good faith to carry out its broken treaty commitments. The present hierarchy in the Kremlin arose to power under Stalin. They were direct participants or accomplices for the crimes now charged to him, including the enslavement of Latvia, Lithuania, and Estonia, the fastening of the Communist regime on Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania, the sending of millions of people to slave-labor camps, and the liquidation of untold numbers of people of both the Soviet Union and the satellites states.

I am opposed to any such an invitation to Khrushchev, Bulganin, Malenkov, Mikovah, Zhukov, or Kaganovich. Are the operators of the greatest slave-labor camps in all the history of the world to be given a cordial welcome as the honored guests of this Nation? Will it next be proposed that Khrushchev and Bulganin also be invited to the White House to sleep in the Lincoln bed? I do not believe that any American President would extend such an invitation or that the American people or the American Congress would approve it if extended.

I cannot help but wonder what the columnists and commentators advocating such an invitation or the Communist-front groups which are trying to create public opinion in favor of the same would have said if a proposal had been made to invite Hitler, Goering, and Himmler for a state visit while Belgium, the Netherlands, Denmark, Norway, and Luxembourg were held in subjection. What a howl of indignation would have properly gone up at even the thought of such an invitation to visit our White House, to speak in the Halls of our free Congress and to receive the honor and the tributes of our American cities and American States.

I am greatly shocked that even some of our good citizens should be taken in by such a proposal. I call their attention to Second Corinthians, chapter 6, verse 14:

> Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? And what communion has light with darkness?

OPENING OF DELAWARE RIVER TURNPIKE BRIDGE

Mr. SMITH of New Jersey. Mr. President, as the Senate approaches consideration of the vitally needed highway construction bill, I think it is appropriate that we should take notice of the opening today of Delaware River Turnpike Bridge. The opening of this final link between the New Jersey Turnpike and the Pennsylvania Turnpike is symbolic of the highway system contemplated under pending legislation.

With the final completion of the Delaware River Turnpike Bridge it is now possible for motorists to travel from New York City over the New Jersey Turnpike, the Pennsylvania Turnpike, and the Ohio Turnpike all the way to the Indiana border without encountering the hazards and delays of traffic lights, community congestion, or cross traffic. In addition, it is contemplated that the completion of the Indiana Turnpike will extend this modern artery of automobile travel to the outskirts of Chicago within approximately 6 months.

I think that the Members of the Senate could have no better example of the objectives and advantages which will be attained through the construction of the 40,000-mile interstate highway system. The States of New Jersey, Pennsylvania, Ohio, and Indiana will soon have completed a modern highway which will facilitate safe, rapid automobile travel from New York to Chicago. The Senate should rapidly proceed with the passage of highway legislation which will make such roads as this one the rule rather than the exception and will connect all the sections of the country with modern highways.

CONTROL OF NARCOTIC DRUGS

Mr. ANDERSON. Mr. President, I understand that the Senator from Texas desires to have the Senate consider Senate bill 3760, relating to control of narcotic drugs.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2014, Senate bill 3760.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3760) to provide for a more effective control of narcotic drugs, and for other related purposes.

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

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

Mr. DANIEL. Mr. President, the bill (S. 3760) now before the Senate, is the result of almost a year's work on the part of the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary.

As Senators know, this subcommittee held hearings throughout the United States. There was a total of 47 days of hearings, with 345 witnesses, and a total of more than 8,000 pages of testimony.

The subcommittee heard traffickers in narcotics, dope addicts, law enforcement officials, and anyone else who had evidence to present to the subcommittee which would be of help in determining what improvements in our present laws, and what new laws, were needed in order to try to eradicate this cancer in our society.

As has already been reported to the Senate, we found that the United States, with more than 60,000 addicts, has more dope addicts than any other nation in the Western World. The Bureau of Narcotics has a list of more than 30,000 addicts by name and address, and is receiving more than 1,000 new names of addicts a month.

We found that narcotics addicts and the dope traffic are responsible for 50 percent of all crime in metropolitan areas of the United States, and more than 25 percent of all crimes committed in the United States.

We found that the smuggling of heroin, marihuana, and other drugs is on the increase.

That same finding was made by the United Nations Commission on narcotics only week before last. The Commission found that there was an increase of one-third in the worldwide smuggling of heroin. We found in our last hearing that in our own country seizures of heroin had increased more than 165 percent in 1955, over 1954.

Early this session the Subcommittee on Improvements in the Federal Criminal Code of the Judiciary Committee, which conducted this investigation, made its unanimous report to the Senate. I should like to place in the RECORD at this time excerpts from the report, including certain of our findings and recommendations. I ask, therefore, unanimous consent to have printed in the RECORD at this point as a part of my remarks pertinent excerpts from the report entitled "The Illicit Narcotics Traffic." This includes a summary of the findings and recommendations by the subcommittee, which were later approved by the full Judiciary Committee.

There being no objection, the excerpts from the report (No. 1440) were ordered to be printed in the RECORD, as follows:

THE ILLICIT NARCOTICS TRAFFIC

By Senate Resolution 67, adopted March 18, 1955, the Senate authorized the first nationwide investigation of the illicit narcotics traffic, including foreign sources, narcotic-smuggling operations, drug addiction, treatment of drug addicts, and related matters.

The aim of the inquiry was to find ways and means of improving the Federal Criminal Code and other laws and enforcement procedures dealing with the possession, sale, and transportation of narcotics, marihuana, and similar drugs.

The task was assigned by the chairman of the Senate Judiciary Committee to the Subcommittee on Improvements in the Federal Criminal Code, of which the junior Senator from Texas, Mr. DANIEL, is chairman. Other members of the subcommittee are the Senator from Wyoming, Mr. O'MAHONEY; the Senator from Mississippi, Mr. EASTLAND; the Senator from Idaho, Mr. WELKER; and the Senator from Maryland, Mr. BUTLER.

SCOPE OF THE INVESTIGATION

Since its initial organization meeting on May 27, 1955, the subcommittee conducted 37 days of open hearings in Washington, Philadelphia, New York, Austin, Fort Worth, Dallas, Los Angeles, San Francisco, Chicago, Detroit, and Cleveland. Special hearings, lasting 3 full days, were held in New York devoted exclusively to the causes, treatment, and rehabilitation of drug addicts. In addition, the subcommittee examined the Mexican border situation in hearings held in San Antonio and Houston.

The subcommittee heard 345 witnesses, including Federal, State, and local officials and many addicts, smugglers, and other narcotic violators, for a total of 8,667 pages of testimony.

In addition, evidence and innumerable practical recommendations were obtained through a series of questionnaires mailed to 52 attorneys general of the States and possessions; 94 United States attorneys; 1,120 county sheriffs; and 1,336 chiefs of police in cities and towns over 10,000 population.

The subcommittee has completed its work and has filed its final report (S. Rept. No. 1440) and has introduced specific legislation, S. 3760.

The subcommittee was surprised and shocked at the extent and far-reaching effect

of the illicit drug traffic in the United States and concluded that narcotic addiction and the dope traffic constitutes one of the most serious problems facing the Nation.

NARCOTIC ADDICTION AND TRAFFIC IN ILLICIT DRUGS IS ONE OF THE MOST SERIOUS PBOBLEMS FACING THE UNITED STATES TODAY

1. The United States has more narcotic addicts, both in total numbers and populationwise, than any other country in the Western World.

While there are far less drug addicts in the Nation today than there were before the Harrison Narcotic Act was passed and before the Federal Bureau of Narcotics was created in 1930, the figure of at least 60,000 addicts today is far more than the number reported by any other western nation. In fact, if the reports of other nations to the United Nations Commission on Narcotics are correct, our country has more drug addicts than all of the other western nations combined.

Since January 1, 1953, the Federal Bureau of Narcotics, through voluntary reports sought from law-enforcement officials, has compiled the names and addresses of over 30,000 addicts, and new names are being reported at the rate of over 1,000 per month. Thirteen percent of the addicts are less than 21 years of age.

2. In spite of the fact that Federal officials have done all within their power under present handicaps and with limited personnel, the illicit drug traffic has trebled in the United States since World War II.

Addicts were in the ratio of 1 to 10,000 persons at the end of World War II. At the present time, the incidence is about 1 to every 3,000 persons, with an average of 2,000 persons arrested in the United States each month on narcotics charges. The traffic now costs over $500 million per year, to say nothing of the human lives shortened or destroyed and the many crimes which result from the traffic.

3. Drug addiction is responsible for approximately 50 percent of all crimes committed in the larger metropolitan areas and 25 percent of all reported crimes in the Nation.

Federal, State, and local enforcement officers testified that 50 percent or more of all crimes committed in the larger cities is attributable to narcotic addiction and the illicit drug traffic. Approximately 90 percent (actually 89.9 percent) of the illicit drug traffic is concentrated in 43 of the Nation's most populous cities, and these same cities account for 46 percent of the Nation's crime.

In addition to direct narcotic law violations, drug addicts are responsible for a large majority of the burglaries, thefts, prostitution, and other offenses committed to support their drug habits costing from $10 to $100 a day. Addicts also have been associated with crimes of violence, such as murder, armed robbery, safecracking, and rape.

The subcommittee is convinced that crime in the United States would be substantially reduced if drug addicts were taken off the streets and placed in appropriate institutions for treatment or detention.

4. Drug addiction is contagious. Addicts spread the habit with cancerous rapidity to their families and associates.

The Nation's foremost medical authorities on drug addiction agree that it is comparable to a contagious disease and that it should be dealt with as such. This view was confirmed by more than 90 percent of the addicts appearing before the subcommittee who began using drugs because of friends and associates.

Less than 20 percent of the known addicts are now confined. It is inevitable that this contagious problem will increase from year to year unless other known addicts are removed from society for treatment and, in the event that treatment fails, placed in a quarantine type of confinement or isolation.

THE UNITED STATES FACES PROBLEM OF THRIVING INTERNATIONAL TRAFFIC IN ILLICIT NARCOTIC DRUGS

5. Red China, Turkey, Lebanon, and Mexico are the primary sources of heroin reaching the United States, and international controls are inadequate.

While the total requirements of the entire world for opium for medicinal and scientific purposes is set at 500 tons annually, official sources estimate the total world production to be 12,000 tons a year. The 1953 protocol, prepared by the Commission on Narcotic Drugs of the United Nations for the purpose of "limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and the use of opium," was immediately ratified by the United States, yet only 14 other nations have ratified the protocol. This is 10 short of the 25 nations required to make it effective. Among those nations lagging in ratification are, significantly, the larger producers of opium; that is, Turkey, Iran, and Mexico. Together with Lebanon and Red China, these countries are the primary sources of heroin which reaches the United States.

6. Recent seizures of heroin and cocaine in record quantities point up the international smuggling operations with the United States as a target.

In May of 1955, cocaine valued on the illicit market at $2 million was seized by narcotic agents in New York. During October and November 1955, two seizures of heroin were made in New York by agents of the Bureau of Narcotics with a street value of more than $8,500,000. The cocaine seizure was the largest ever made in the history of the United States, and the most recent seizure of heroin, November 3, 1955, was the largest single seizure of heroin ever made in the United States. These seizures show the magnitude of the international traffic aimed at the country and the necessity for increased penalties for smugglers and other traffickers to combat this growing menace.

7. Subversion through drug addiction is an established aim of Communist China. Since World War II, Red China has pushed exportation of heroin to servicemen and civilians of the United States and other free nations of the world.

Sworn testimony before the subcommittee, and the Internal Security Subcommittee, setting forth names, dates, secret codes, methods of smuggling, and drug seizures chemically analyzed, proved beyond any doubt that Red China is producing and exporting opium and heroin as an established policy of its governing officials. This is further confirmed by reports of the United Nations Commission on Narcotic Drugs.

The United States is one of the principal targets of this vicious illicit traffic in drugs as the Peiping regime seeks (1) to obtain dollars to purchase strategic materials and to pay foreign operatives and (2) to demoralize susceptible individuals in our military services and in the general population.

SMUGGLING OF NARCOTICS ACROSS THE MEXICAN BORDER IS FACILITATED BY THE FAILURE OF THE UNITED STATES AND MEXICO TO WAGE A MUTUAL ALL-OUT FIGHT AGAINST THE DRUG TRAFFIC

8. Ninety percent of the overland smuggling of heroin and marihuana is across the Mexican border into Texas, California, and Arizona.

Federal, State, and local officials reported that the majority of the illicit drug sales along the Mexican border is conducted by well-known Mexican operators in violation of Mexican laws. Their headquarters are just across the international boundary, principally at Nuevo Laredo and Juarez. Most of the actual smuggling is carried on by Mexican professionals, and American drug peddlers and addicts. The enforcement officers unanimously agree the smuggling operations are not conducted by Mexican laborers and braceros, commonly referred to as wetbacks.

The magnitude of the enforcement problem along the Mexican border is evidenced by the fact that not only are heroin, marihuana, and other illicit narcotics readily available just across the border in Mexico, but the international border which must be policed is 1,500 miles long. Almost 20 million pedestrians and over 15 million cars (averaging 3 passengers each) cross annually which precludes using search as the sole weapon to prevent smuggling.

9. Only one United States official, devoting part time to narcotics, is stationed in Mexico, and no Mexican official is stationed in the United States to cooperate in solving the mutual problem.

10. Known American drug addicts are permitted to cross the Mexican border in large numbers each day.

American drug addicts flock across the Mexican border in substantial numbers each day for injections of heroin at well-known "shooting galleries" and for smuggling operations. No law prohibits such crossings by addicts, even though they may admit their addiction to customs officers on duty. At best, customs officials can submit the known addicts to thorough searches on their return trips, but many of these addicts hide heroin in their natural body cavities and escape detection. Many of these addicts are also big-time peddlers, and their smuggling is not limited to a quantity for personal use.

This was emphasized in the sworn testimony of one female addict who told the subcommittee that she hid $1,000 worth of heroin in her vagina and smuggled it across the border at Nuevo Laredo each week for nearly a year. She and her husband were both addicts and dope peddlers in Houston, Tex.

In addition to civilian addicts, servicemen stationed at military installations along the border have also frequented Mexican cities and towns for marihuana and heroin. Juveniles also cross with ease.

11. Mexico will not extradite fugitives, including bond jumpers and others who are evading criminal indictments for narcotic violations.

CRIMINAL LAWS AND PROCEDURES ARE INSUFFICIENT TO INSURE THE APPREHENSION AND PUNISHMENT OF NARCOTIC OFFENDERS

12. Judicial interpretations of constitutional search and seizure safeguards have resulted in major narcotic traffickers escaping trial.

13. Although the telephone is the major instrument of contact between top narcotics traffickers, Federal narcotics agents are not permitted to intercept telephone communications, and such evidence is not admissible in trials of individuals accused of narcotics violations.

Because of the covert nature of the narcotic traffic wherein the big supplier avoids all possible direct contact with the ultimate buyer and with the petty pusher or peddler, distribution is usually effected through a conspiratorial network in which the telephone is the means of communication. Nevertheless, agents of the Bureau of Narcotics are not permitted to intercept, under any circumstances, telephone communications that might provide evidence which would lead to the arrest and conviction of major narcotic violators. Moreover, neither is evidence obtained by wiretapping by State and local enforcement officials admissible in Federal cases. As a consequence, the Government of the United States is unwittingly giving narcotics violators, especially the larger racketeers and wholesalers, a great advantage over Federal law-enforcement officers in their effort to stamp out the illicit narcotics traffic.

14. Granting of low bail bonds to narcotic traffickers and delay in trials result in intensified narcotic traffic.

15. Federal narcotics agents are hampered in their investigations in that they do not possess statutory authority to carry firearms, execute and serve search and arrest warrants, serve subpenas, and make arrests without warrants for narcotic law violators.

PENALTIES FOR NARCOTIC VIOLATIONS ARE NEITHER COMMENSURATE WITH THE SERIOUSNESS OF THE CRIME NOR SUFFICIENT TO REMOVE THE PROFIT

16. The maximum penalties under present laws of 5 years for the first offense, 10 years for the second, and 20 years for the third are too low.

The Nation's illicit narcotics traffic grosses more than a half billion dollars per year. Heroin purchased abroad today for $3,000 will bring $300,000 when finally cut, packaged, and sold in the United States. The subcommittee has evidence that, with the prospect of such enormous profits, Federal penalties are not sufficiently severe to deter unscrupulous persons from engaging in the traffic. Significantly, it has found that whenever and wherever the penalities are more severe and strictly enforced, the incidence of both addiction and narcotics offenses has decreased proportionately. Federal penalties for narcotics violations generally are lower than the penalties of the various States.

17. Penalties for narcotics smuggling are unrealistic in view of the loss of lives and high profits which result.

GENERAL RECOMMENDATIONS

With these findings in mind, the subcommittee drafted specific legislation, S. 3760, which embodies the following general recommendations:

Increased penalties

1. That minimum and maximum penalties b increased for all violations of the narcotics laws, with greatly increased penalties for sales to juveniles.

3. That heroin, the most deadly of all narcotic drugs, which is used by 80 percent of all drug addicts in the United States, should be completely outlawed. Federal laws should deal with heroin offenses not only as tax-law violations but as criminal acts injurious to the peace, health, and welfare of the Nation.

4. That smuggling of heroin into this country and sales should be punishable by penalties ranging from a minimum of 5 years in the penitentiary to a maximum of death (when the death penalty is recommended by a jury).

Heroin smugglers and peddlers are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense is human destruction as surely as that of the murderer. In truth and in fact, it is murder on the installment plan, leading not only to the final loss of one life but to others who acquire this contagious infection through association with the original victim.

The death penalty recommendation in this case would be a maximum—not a mandatory sentence. It would be available for extreme cases, such as the man who started 40 high-school students on heroin in San Antonio, Tex. It would put greater fear in all persons who might otherwise think of smuggling this drug into our country or selling it to our children.

5. That offenses involving the smuggling of illicit narcotic drugs should be punishable under the narcotic laws rather than the general smuggling statutes, in order that the higher narcotic law penalties might apply, and in order that the cases might be counted among previous narcotic convictions.

Enforcement procedures

6. That a chapter be added to the Federal Criminal Code providing for—

(a) More liberal search and seizure provisions in narcotics cases. When Federal agents see the violation occur or have probable cause to believe that it is occurring, and in cases of consent searches, the agents should be permitted to make arrests without search warrants, and the Government should be granted right of appeal from Federal court decisions suppressing evidence thus obtained.

(b) Interception and admissibility of telephone communications in narcotics cases, with due safeguards, including the requirement of a sealed court order permitting such action.

The bigtime traffickers in illicit narcotics are seldom caught and convicted, because they avoid all direct contact with the peddlers and ultimate buyers. Their operations are almost wholly limited to the telephone. Federal agents are not permitted to intercept their communications or to use such evidence in court. As a consequence, the United States Government is unwittingly giving narcotics violators, especially the larger racketeers and wholesalers, a great advantage over Federal law-enforcement officers in their effort to stamp out the illicit narcotics traffic.

(c) Stricter provisions for granting bond in narcotic cases and speedier trials. All over the country the subcommittee heard evidence that narcotic violators intensify their sales after arrest and while out on bond. One witness became the biggest marihuana wholesaler in New York while out on bond during the 2 years between conviction and the disposal of his appeal.

(d) Statutory authority for Federal narcotics agents to carry firearms, execute and serve search and arrest warrants, serve subpenas, and make arrests without warrants for narcotics law violations occurring or observed in their presence.

(e) Mandatory reports from all Federal officers and agencies to the Bureau of Narcotics of all narcotic addicts and violators who come to their attention, with pictures and fingerprints, in order that the Bureau may increase and complete its present record system and serve as a clearinghouse for information concerning such persons; further providing that this information shall be available for law-enforcement purposes to State and local officials of all States which require their officers and agencies to report such addicts and violators to the Bureau of Narcotics.

It is vitally important that the names, addresses, pictures, fingerprints, and records of all known narcotic addicts and violators be assembled in one central agency. A splendid effort is being made in this direction through a voluntary system of reports set up by Commissioner Harry J. Anslinger in cooperation with State and local officials, but the Bureau has no authority to require these reports and has not been given the authority, funds, or personnel necessary to expand and complete this vital record system.

7. That narcotic addicts, illegal users of marihuana and narcotic drugs, and convicted narcotic violators (other than aliens) be prevented from leaving the continental limits of the United States except under special procedures approved by the Secretary of State and the Bureau of Narcotics.

CONCLUSION

In concluding this preliminary report, it should be stated that our Federal officials and agencies have done the best that they could to combat the narcotics traffic with the laws, procedures, personnel, and funds at their disposal. In spite of their efforts, they have been handicapped to such an extent that narcotic addiction and the illicit dope traffic continue to increase in many parts of the Nation and present a most shocking and serious problem.

It is to be hoped that the facts produced by the subcommittee, together with the evidence adduced by a House Ways and Means Subcommittee, under the chairmanship of Congressman HALE BOGGS, of Louisiana, will result in the enactment of legislation and provide the basis for appropriations necessary to remove the illicit narcotics cancer from our society. If the Congress fails to act, it must accept a great part of the responsibility for the continuation and possible increase of the problem in the future.

The conduct of this investigation has been a most tiring and trying experience. This was due in some degree to the wanton, criminal, and sometimes threatening attitudes of some of the racketeers, smugglers, and murderers who appeared before our subcommittee, but even more to the heartache caused by the dozens of drug addicts who confessed the crime and destruction which had blacked and destroyed their minds and bodies.

If the Congress acts, partially as a result of this investigation, it will have performed a great service to humanity. If the illicit drug traffic of our country can be cut to the irreducible minimum, we will have saved many of our citizens of today and tomorrow from the worst type of moral and human degradation.

Mr. DANIEL. We found that it was absolutely necessary for the Congress of the United States to strengthen the hands of our law enforcement officers and provide higher penalties if we are to stop the narcotics traffic in this country. Heroin, which is used by more than 80 percent of the drug addicts in the United States, would be completely outlawed by the bill now before the Senate. We have urged that other countries of the world completely outlaw heroin, because it is the most deadly of drugs, and serves no medical purpose which cannot be better served by other drugs. Although, in effect, heroin has been outlawed in our country—and that has been the testimony of law enforcement officers—we want to go a step further and outlaw it totally. This bill would do so.

The bill provides that all heroin heretofore legally possessed by hospitals and druggists—and of course not being used at the present time—would be surrendered to the Treasury Department.

The bill provides that the penalties be increased on the smuggling of heroin into the United States. We found in our investigation that the present penalties for smuggling and selling smuggled heroin in this country are not high enough to take the profit out of the business. We had traffickers in heroin actually appear before our committee. We asked them why they continued to get back into the racket after several convictions. They admitted, very candidly, that they could make enough money in 2 years out of the penitentiary by selling heroin to take care of themselves for the time they had spent in the penitentiary in the past and the time that they might spend in the penitentiary in the future. They could accumulate a great enough profit to take care of themselves and their families and to take the risk of being convicted again and going back to the penitentiary. Therefore they admitted that our present laws were not severe enough to take the profit out of smuggling and selling heroin in our country.

The committee bill would increase the penalties for smuggling heroin, for the first offense, from 5 to 10 years for the first offense; from 10 to 30 years for a second offense; and a fine up to $10,000 and life imprisonment for the third of-

fense, or the death penalty, if recommended by the jury.

Mr. President, in New York City we heard witnesses, including the smugglers themselves, who brought into this country $2 million worth of cocaine, and it was then we realized that we must do something to put fear into those who would smuggle illicit drugs across our borders. Two Cubans had flown into our country $2 million worth of smuggled cocaine for a fee of, I believe, $2,000. They had made numerous trips before.

If we had a death penalty—even for the third offense, because we find there are many repeaters—we believe it would deter smuggling.

Under section 1403 of the bill, the subcommittee would increase penalties which might be imposed on those who sell heroin to juveniles. One of the saddest things that came to the attention of our committee is that 13 percent of all narcotic addicts in our country are under 21 years of age.

In one city the committee found that 1 dope peddler had started 40 or 50 high-school boys on heroin. The sheriff of Bexar County, Owen Kilday, testified before the committee that the community of San Antonio would be suffering for 50 years from the destruction of life and the crime that followed because that drug peddler started those high-school boys on heroin.

Mr. President, our committee came to the conclusion that the only way to deal with the sale and smuggling of heroin to those under 18 years of age was to increase the penalties to such an extent that peddling would not be worth the risk.

We have a provision in the bill which would increase the penalty for selling heroin to those under 18 years of age from a minimum of 10 years to a maximum of a death penalty, if the jury so recommends.

Mr. President, the proposed maximum penalty for selling heroin to juveniles is not, of course, a mandatory penalty at all; it is simply a maximum penalty which could be applied in serious cases, such as the case of the peddler who made drug addicts of 40 or 50 high-school boys, which I have already mentioned. If the jury felt that the facts of the case justified the penalty, it could recommend the death penalty.

I am no particular advocate or defender of capital punishment, but so long as we have in this country provisions for the death sentence for armed mail robbery, for kidnaping, for murder, and for rape, I think it is nothing but right that we elevate to the same level the penalty for selling heroin to juveniles. Those who start a young boy or a young girl in the use of heroin are certainly beginning the destruction of human life. Truly, it is murder on the installment plan, because our committee found few cases in which those who had become addicted to heroin were cured by any type of treatment.

If something had to happen to one of my boys, I should prefer that he be shot with a bullet than to be shot with a heroin needle, because to become addicted to heroin is to experience a living death. Not only will heroin eventually destroy the life of a person, but in the process it will cause the addict to turn to crime—to the destruction and theft of property, and to other violations of the law.

Our committee believes that as a maximum penalty for sales of heroin to juveniles, we are fully justified in recommending the death penalty. We feel that such a penalty will deter those who have been engaged in the perpetration of a heinous crime, and that in some instances the penalty may actually be applied in cases such as the one which has already been described to the Senate.

The next provision in the bill provides that heroin shall be completely outlawed: that any heroin now on hand which formerly was held legally should be turned in to the Secretary of the Treasury, with just compensation to be made therefor. This would strengthen the presumptions in the present law to the effect that anyone who has in his possession heroin must have smuggled it into the country, because there would be no heroin legally held, as there is today.

The next provision is for stiffer penalties for the smuggling of marihuana. That is a drug which starts most addicts in the use of drugs. Marihuana, in itself a dangerous drug, can lead to some of the worst crimes committed by those who are addicted to the habit. Evidently, its use leads to the heroin habit, and then to the final destruction of the persons addicted.

The committee feels that the cases involving the smuggling of marihuana should not be tried under the general smuggling act, under which the sentences are very low, but that they should be tried under the provisions of the proposed law, which would make them narcotics offenses, and would count against the persons if they were tried for subsequent offenses. Such cases would amount to a conviction in a narcotics case. Provision is made for a penalty, not of from 1 to 5 years, as is the case in the general smuggling statute, but of from 5 to 10 years for the first offense.

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

Mr. DANIEL. I yield for a question.

Mr. PAYNE. Is it not true that at least a portion of the bill which has been reported by the committee follows, in a general way, the provisions of the joint resolution which the junior Senator from Maine introduced on January 14, 1955, known as Senate Joint Resolution 19, in which the distinguished junior Senator from Texas and 43 of our colleagues in the Senate joined as cosponsors?

Mr. DANIEL. That is correct. The joint resolution introduced by the Senator from Maine more than a year ago was one of the things that first interested me in this entire subject. The Senator's joint resolution was transferred from the Committee on Finance to the Committee on the Judiciary. The committee had it under consideration along with other measures. Many of the provisions contained in the joint resolution introduced by the Senator from Maine are likewise contained in the bill now before the Senate.

(At this point Mr. DANIEL yielded to Mr. PAYNE, who made a statement relating to the bill. Mr. PAYNE's remarks appear in the RECORD following Mr. DANIEL's speech.)

Mr. DANIEL. The next section in the bill provides for a change in the present search and seizure requirements, so that search warrants could be obtained and served in the nighttime in the same way as they are served in the day.

Under the present law, there must be positive evidence of the possession or sale of narcotics in the place to be searched before a nighttime search warrant can be issued. The law enforcement authorities told the committee it was very difficult to cope with the narcotics problem because they could not get search warrants at night when 9 out of 10 narcotic violations occur and most of the dope peddlers are at work. So this provision would follow the recommendations made in that connection by most of the law enforcement officers throughout the country.

The next section of the bill provides for the interception of telephone communications by Federal law enforcement officers, on certain conditions, and with certain safeguards. I want it clearly understood, Mr. President, that this bill does not simply provide that Federal officers may wiretap telephones or make interceptions of communications. It provides that those interceptions may be made only in narcotic cases, and that information resulting from interceptions—which are already being made by various Federal officers—may be used in prosecutions in narcotics cases, provided the officers first go to the United States attorney and get his approval, and then go before the Federal judge in the proper jurisdiction and get a sealed order permitting the interceptions to be made.

The committee put every possible safeguard around this provision, because every Member of the Senate, of course, is opposed to the general idea of eavesdropping or wiretapping. However, it was conclusively shown to the committee that we shall never be able to get the top traffickers in narcotics, who are operating in this country and having narcotics smuggled in from other countries in the world, if law enforcement officers are not able to intercept telephone communications, by which the top traffickers carry on their business.

The provision was recommended to us by the Department of Justice. I may say the Department of Justice for over 22 years has been following the rule and policy, except for a period of a few months, of intercepting telephone communications in certain cases, such as in subversion and kidnaping.

United States attorneys have recommended time and time again that Federal officers be given this limited authority to make telephone interceptions in narcotics cases.

If this bill is passed without provision for telephone interception, the Senate will be saying, in effect, that we are going to hit the street peddlers and pushers of dope over the head with a sledge hammer, but the men at the top, who are making huge profits, will be allowed to continue operating in this country and obtain narcotics from Mexico, Lebanon, and Hong Kong, by use

of the telephone, and will be allowed to ship narcotics in interstate commerce over the entire Nation. The provision would allow the law enforcement officers to use interception of communications as evidence against the top men in the dope traffic.

If the Congress wants to hit the small pushers and the peddlers over the head, give them all a penitentiary sentence, and let the big traffickers, who are operating by telephone, under the present practices, continue to do what they have been doing, what is proposed is one way to do it. That certainly will be the result. Our committee found unanimously—the law enforcement officers all over the country say this—that it would be impossible for us to convict the top people in the drug traffic unless the law enforcement officers could use the same modern methods traffickers use. The top drug traffickers are protected in their use of the telephone. They have the modern conveniences and inventions by which they can spread their traffic and trade. It is our opinion that law enforcement officers should be equipped to meet them weapon for weapon. If a law enforcement officer can go before a Federal judge and show that judge that he has good reason to believe that a certain telephone is being used for the narcotics traffic, the judge, under this provision, could give the law enforcement officer a sealed order to intercept that telephone communication, for the sole purpose of using evidence obtained therefrom in the trial of narcotics cases.

Mr. President, we have put safeguards around that provision, because it is provided that if any officer intercepts and uses the telephone communication contrary to this provision, he shall be held to be guilty, and shall be penalized under our Federal Communications Act.

I have already pointed out that wiretapping is now being practiced. The Federal agencies have told our committees that wiretapping is being used in certain cases. The evidence obtained therefrom cannot be used as evidence in Federal courts, under the decisions of our Supreme Court. We feel this provision in the bill would help stamp out unwarranted wiretapping and interceptions which exist today, because there is set up the safeguard and the procedure that if the evidence is to be used, it must be done in accordance with the language of the bill. Anyone who would fail to follow the provisions of the bill would be guilty and punishable under the Federal Communications Act.

As I have already stated, it is provided that wiretapping shall be done only after a Federal court order has been issued. The bill provides how the evidence shall be preserved, and that the order lasts only 90 days, unless it is extended by another order for 90 days. The bill provides that only certain limited personnel of the Treasury Department may use or get the information by interception.

Let me state what is happening today, Mr. President. There are 30 States which permit wiretapping, or at least which allow evidence obtained from wiretapping to be used in court. Today we find that in many jurisdictions Federal law enforcement officers are simply going to the State officers and putting an extra burden on them. In some cases the only way law enforcement officers can obtain evidence for narcotics cases is by wiretapping. Some Federal officers go to State officers and tell them they have reason to believe that two particular persons are engaged in the narcotics traffic, and they suggest that the State officers tap the wire of the telephone being used, and make State cases against them. We have had that complaint from some State officials. They do not believe they should have that extra burden placed upon them when national and international traffickers are involved.

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

Mr. DANIEL. I yield for a question.

Mr. GOLDWATER. Has the junior Senator from Texas considered the danger of the precedent that might be established by the adoption of this provision of the bill?

Mr. DANIEL. We certainly have. We have studied the matter very carefully. We have adopted every safeguard that could possibly be thrown around this provision concerning interception of telephone communications. Today the safeguards are thrown around the illicit traffickers at the top, who are making millions of dollars off the poor addicts and the street peddlers of this country. Safeguards are now thrown around them, under our laws. I do not propose that we tear down those safeguards without putting up other safeguards which will protect innocent people, and which will prevent unjustifiable telephone interception.

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

Mr. DANIEL. I yield.

Mr. GOLDWATER. Does the Senator feel that there might be a danger that the success of wiretapping in narcotics cases might lead to a similar request in other areas of violation of the law?

Mr. DANIEL. Well, it might; for example, in cases of subversion. I believe every Attorney General for the last 22 years has asked for authority to use wiretap evidence in court in cases of subversion. Actually, law enforcement officers have been tapping wires in subversion cases, with the approval of President Roosevelt, President Truman, and President Eisenhower, for some 22 years, but they have not been able to use that information as evidence in court.

It may be that in cases of sedition, and kidnaping, wiretapping would be justified. The House of Representatives has passed a bill to that effect for sedition cases. So far as the Senator from Texas is concerned, he believes interception of telephone communications in sedition cases would be justified.

However, I wish to say to the Senator from Arizona that this provision applies to nothing except the narcotics traffic. There is no more subversive element that can be found than the narcotics traffic. Red China has been the main offender. It has been sending out more heroin than has any other nation in the world, for two purposes. Their officials are sponsoring such traffic, in the first place, to make money for Red China, and, in the second place, to demoralize the soldiers and other citizens of the free nations.

So in this case we are dealing with a conspiracy and a subversive agent—something that would destroy human life.

The situation is so serious that it appears to me we should put out of business not only the street traffickers and small pushers but also those at the top of the narcotics traffic in this country.

On pages 9 to 11 of the report, Senators will find quotations from Federal judges and law enforcement officers who say there is no way to get at the top traffickers if we cannot intercept the modern communications they are using to carry on the narcotics traffic.

Mr. GOLDWATER. I thank the Senator from Texas.

Mr. DANIEL. Mr. President, the evidence before our committee from every Federal law-enforcement officer, from the office of the Attorney General on down, including the agents in the various bureaus and the United States district attorneys, was unanimous that they cannot cope with this problem, in the case of the top national and international traffickers in narcotics, if they are not permitted to use the same modern methods the traffickers are using, in trying to obtain evidence on them and their operations.

That evidence led the committee to reach the conclusion that—

> Wiretapping, therefore, is essential in the fight against the illicit drug traffic. Without it, law-enforcement agencies are severely handicapped in this age of modern electronic methods which are freely utilized by the traffickers. Unless law-enforcement agencies can match the criminals weapon for weapon, law-enforcement agencies cannot be fully effective. With careful and stringent judicial safeguards, including a sealed court order of permission, section 1407 of S. 3760 would remedy this situation by permitting interception of communications between narcotic traffickers.

The next provision of the bill provides for an appeal by the Government from court orders suppressing evidence on account of the search and seizure provisions of our present laws. This provision would simply give the Government of the United States the right to appeal, so that in the case of such decisions the law will be uniform.

The next provision of the bill gives additional authority to the Bureau of Narcotics and the Bureau of Customs for their agents and officers to carry firearms, execute and serve search and arrest warrants, serve subpenas, and in certain instances make arrests without warrants for narcotic-law violations—in other words, to proceed in the way that other law-enforcement officers are now required to do.

The next provision of the bill provides that narcotics addicts and those who have been convicted of violation of narcotics laws shall be required to obtain a certificate from the customs office before they cross one of the borders of the United States, to enter another country, and shall be required to surrender the certificate upon their return. Many persons bring narcotics with them, upon returning to the United States. We found that today there are literally hun-

dreds of well-known narcotic addicts and narcotics-law violators who are crossing the Mexican border. At some of the border points, the customs agents keep records—card index files—of those persons and the dates when they cross the border. Of course, such persons are searched when they return to the United States at those points. However, at other points that is not being done. The bill provides that it shall be done at all border-crossing points.

In title II of the bill, section 201 provides that the Immigration and Nationality Act shall be amended so as to read in part as follows:

(23) Any alien who has been convicted of a violation of, or a conspiracy to violate any law or regulation relating to the illicit possession of, or traffic in narcotic drugs, or who has been convicted of a violation of, or a conspiracy to violate any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, or any salt derivative or preparation of opium or coca leaves, or isonipecaine or any addiction-forming or addiction-sustaining opiate; or any alien who the consular officer or immigration officers know or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs.

They will constitute additional grounds for excluding any alien from the United States. Today all violations of our narcotics laws constitute grounds for excluding an alien from this country except in the case of possession of a narcotic drug or conspiracy to violate the narcotics laws. By means of this provision of the bill such cases would be included as Congress evidently intended. It seems evident that Congress thought that all such matters relative to narcotics law violations had been included under the provisions of the Immigration and Nationality Act.

Section 202 amends section 8 of the act entitled "An act to create in the Treasury Department the Bureau of Narcotics, and for other purposes," by authorizing the Bureau of Narcotics to conduct narcotic-training programs for State and local law-enforcement personnel. It creates in the Bureau a new Division of Statistics and Records which would accept, catalog, file, and use all types of narcotic information and statistics received from Federal, State, and local law-enforcement agencies. This information would be made available for Federal, State, and local law-enforcement purposes.

Under this section all Federal agencies, notwithstanding any law to the contrary, would be required to make available to the Bureau of Narcotics the names and identifications, and any other pertinent information relating to all persons who are known to them to be narcotic addicts or convicted narcotic law violators.

Section 203 relates to venue in marihuana cases. Today there is quite a question as to where marihuana cases may be made under the statute. This section of the bill would clarify that situation so that prosecutions could be instituted either where there has been a transfer of marihuana or where the marihuana is found.

Mr. President, that is a brief summary of the provisions of the bill.

At this time, I ask unanimous consent to have printed in the body of the RECORD the report submitted by the Interdepartmental Committee on Narcotics to the President of the United States.

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

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

REPORT OF INTERDEPARTMENTAL COMMITTEE ON NARCOTICS TO THE PRESIDENT

FEBRUARY 1, 1956.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: On behalf of the Secretaries of State, Defense, Health, Education and Welfare, and the Attorney General, as well as myself, I am pleased to transmit to you the report of the Interdepartmental Committee on Narcotics, which has been completed pursuant to your letter of November 27, 1954. The departments of the Federal Government concerned with the narcotics problem stand ready to carry out the proposals of the report in their respective fields.

You will note that the report emphasizes greater integration of Federal, State and local activity both between the Federal Government and the States, within the States, and among contiguous States. In this respect, you may desire to call it to the attention of the governors of the States, through the Governors' Conference, for appropriate study and such cooperative action as is possible.

It is gratifying to report that the committee has had the benefit of complete cooperation of the various departments and bureaus of Government, the members and staff of congressional committees working on the problem, and representatives of State and local governments.

With your permission, I will transmit copies of this report to the President of the Senate, the Speaker of the House of Representatives, the interested committees of the Congress, and the appropriate committee of the United Nations.

Faithfully yours,

G. M. HUMPHREY,
Secretary of the Treasury.

The survey which is the subject of this report has been conducted by a committee representing the Departments of State, Treasury, Defense, Justice, and Health, Education, and Welfare, during the past year. The objectives of the study were those outlined in a letter from the President to the four Secretaries and to the Attorney General on November 27, 1954, as follows:

"DEAR MR. SECRETARY: It is gratifying to know that your representatives have been meeting with representatives of the other departments concerned with the problem and with my special counsel as an informal committee to review and coordinate the Federal Government's programs to combat narcotic addiction in this country.

"In order to define more clearly the scope of the problems which we face and to promote effective cooperation among Federal, State, and local agencies, a comprehensive up-to-date survey on the extent of narcotic addiction is urgently needed and should be made by the Committee. A determination of what the States and local agencies have accomplished and what they are equipped to do in the field of law enforcement and in the rehabilitation of the victims of the scourge should also be included in the survey. In this, I know, the Committee will have the enthusiastic cooperation of State and local authorities.

"Receipt of the Committee's report on both subjects as promptly as possible will expedite systematic review and improvement of our narcotics programs—local, national, and international. I know that devoted and strenuous attention is being given to the problem on a number of fronts; but we should omit no practical step to minimize and stamp out narcotic addiction.

Sincerely,

DWIGHT D. EISENHOWER.

The method of the Committee has been that of pooling the information and the experience gained by the agencies of the Federal Government most directly concerned and by those other public and private authorities and investigators who have become familiar with the problem in its manifold phases. From its study and review of this material, it has endeavored to arrive at an evaluation of the situation now existing, and at recommendations looking toward a plan for integrated Federal, State, and community action most likely to result in its improvement, within both the near and the more distant future.

It is believed that no important, informed point of view with respect to the character and dimensions of the problem, or method proposed for its alleviation, has been overlooked. The subject is one to which many, in private and public life, have given earnest thought. Numerous differing opinions have been advanced and complete unanimity has been found on no single aspect of the problem except the chemical analyses of the drugs themselves.

A survey by the Bureau of Narcotics, covering calendar 1953 and 1954 on addicts reported by the various enforcement authorities and, to a limited extent, by the cooperating hospitals and medical services, listed a total of 24,043 addicts reported during that period. Approximately 13 percent were under the age of 21; of this group of 3,145, 87.6 percent were found to be 18 or over. This figure is significant as indicating that unofficial reports of a problem of serious dimensions among young people of school age have been exaggerations; the number in that age bracket, among the total of 24,043, was under 400. Additional names were reported during 1955, bringing the total number of addicts known to authorities to approximately 32,000. Preliminary analysis of these most recently reported cases indicates a still smaller proportion of those under the age of 21.

The Department of Defense has secured statistical data indicating a rate of addiction of less than three per 100,000 military personnel, or less than one-tenth the estimated rate for the civil population in the United States. A problem of some proportions was found to have existed in the Far East. A majority of addicts were found to have been involved with narcotics prior to their entry into service. The rate of addiction found among military personnel in the Far East is in general similar to that estimated for the civilian population, for comparable age groups in the United States.

A Bureau of Narcotics analysis of arrests for violations of the various narcotics laws during 1954 shows 1,430 by Federal, and 18,059 by local authorities. This indicates a drop of 17 percent from 1953, during which 1,774 Federal and 21,853 local arrests were made. A special tabulation of cases involving persons under the age of 21 shows 58 Federal and 2,078 local arrests in 1954, against 134 Federal and 2,598 local arrests in 1953. It is encouraging to note that the greater decline—21.8 percent—was among that younger group.

In addition to formal studies and reports, the Committee has had the benefit of numerous consultations with experts within the departments concerned, and with others

possessing substantial experience with the problems of addiction. This has been of great value in the interpretation of the extensive literature on the subject.

The Committee is aware of the extremely informative testimony developed by the committees of both the Senate and House of Representatives, which have been currently conducting hearings on matters pertaining to the narcotic drugs, has had the benefit of generous cooperation of their chairmen, members and staffs, and has had the opportunity of reviewing the valuable preliminary report of January 9, 1956, on this subject of the Subcommittee on Improvements in the Federal Criminal Code of the Senate Judiciary Committee. Representatives have participated in a panel discussion on the subject conducted by the American Bar Association, and attended meetings of the Committee on Drug Addiction and Narcotics of the National Academy of Sciences and the National Research Council.

The studies conducted by State and municipal authorities, and by numerous private and civic groups, have been reviewed. The Committee has been in correspondence with the State and city agencies concerned with problems of prevention and treatment of drug addiction, and enforcement of the narcotics laws. It has been aided in this by the officers and Washington representatives of the Council of State Governments and the conference of mayors of the United States. Among the special studies undertaken on behalf of the Committee is the Report on Drug Addiction prepared by a committee of the New York Academy of Medicine. Advantage was taken of the opportunity to visit the Riverside Hospital in New York City, and to observe the special program conducted there for the treatment and rehabilitation of juvenile addicts.

The Committee has been impressed by the consistent support given to the Federal controls of the narcotic drugs by physicians and pharmacists, and by the manufacturers, importers, and distributors in the drug field. Associations representing these groups have cooperated in assuring compliance with all regulatory measures, and have made notable contributions to the effectiveness of the program.

DRUG CONTROLS IN THE UNITED STATES

The general properties of the narcotic drugs have been known for many centuries, one of the early recorded references dating from 5,000 B. C. These drugs have two striking characteristics: the quality of alleviating pain, extending even to the power of reducing anxiety and in some cases causing positive euphoria; and the power of creating physical and psychological dependence, operating through increased physical tolerance associated with compulsive craving.

The beneficial qualities of the drugs are obvious and they occupy an important place in medical practice. Their effects of inducing dependence and craving when used imprudently have had deleterious effects upon the individual and upon society, which have been observed with increasing concern during the past century. There have resulted regulatory measures of some degree of stringency, in every nation, and these have been supported in recent years by international agreements in which about 90 countries have taken part. An important principle of all such efforts at control has been that of limiting the use of the narcotic drugs to established medical needs, and thus seeking to prevent or minimize the harmful consequences of their abuse.

The basic materials for the common drugs are the opium poppy and the leaves of the coca tree. Both substances possess recognizable characteristics of the processed drugs, in their crude states. These are greatly heightened by their reduction and concentration, resulting in numerous opium and coca leaf derivatives which possess valuable and also harmful qualities, though in differing degrees. Certain of these, notably heroin, have been found to possess unusually strong addictive qualities uncompensated by medical properties not already available in less dangerous drugs. In consequence, heroin has been determined to have no acceptable use in the medical practice of the United States and a majority of other countries.

Certain synthetic drugs, some of which are chemical compounds not derived from opium or coca leaves, have been rejected for medical use for like reasons. Others have been found to possess valuable special characteristics, and have come into more or less general use. Continuing research in this field has as one of its hopeful objectives the discovery of a natural or synthetic drug with beneficial qualities comparable to the familiar narcotics, and without the dangerous addictive quality. To date, no drug of this description has been produced. For this reason it is necessary to be constantly alert to the possibility of illegal manufacture and abuse of these synthetics.

Within the United States, the narcotic drugs were used with considerable freedom throughout the 19th and early years of the 20th centuries. Addiction was relatively common, though not frequently recognized until after the Civil War, when its prevalence among veterans whose first acquaintance with the narcotic drugs was in military service gave it for a time the name of "The Soldiers' Illness." Narcotics were important ingredients in a number of proprietary medicines widely sold to the public, as well as prescribed by physicians far more freely than in contemporary practice.

Owing to these circumstances an unknown though certainly large number of persons became unwitting addicts; they continued the use of the drugs in one or more of the many forms then available. Many of these people must have had only slight understanding of the real nature of their involvement with and dependence upon the drug.

There developed meanwhile a considerable number of addicts who resorted to the drugs for purely sensual gratification, which they were able to support through unregulated purchase, without need for prescriptions. The resulting medical and social problems led to efforts, as long as 80 years ago, to estimate the numbers of persons affected and the quantities of drugs consumed. These early estimates were based upon sampled reports from physicians and pharmacists, usually confined to relatively small areas or segments of the national population. The extrapolation of such locally established rates to the whole population produced widely differing total estimates, ranging upward to the millions. Careful scrutiny of such early estimates and the methods by which they were reached suggests that they are of value chiefly as indications that a problem of considerable importance was already recognized.

The first truly national estimate of any statistical validity was made by Dr. Lawrence Kolb, of the Public Health Service, in 1923, at which time he found indications supporting the figure of 100,000.

By that date, however, the narcotic drugs had already come under Federal controls, and their manufacture, importation, and distribution were subject to regulation. Certain of the States had already adopted restrictive and regulatory controls, and the problem had been modified to a considerable extent where effective local measures were enforced. The basic statute establishing Federal controls was the Harrison narcotic law, enacted in 1914 and incorporated with its amendments in the Internal Revenue Code. The Narcotic Drugs Import and Export Act of May 26, 1922, further extended direct Federal interest in and control over these drugs.

Enforcement of these laws has been a responsibility of the Treasury Department. The Bureau of Narcotics, established in 1930, is charged with the duty of regulating, supervising, and controlling the trade in narcotic drugs, and serves as the special administration which the United States became obligated to create for this purpose under article 15 of the Narcotics Limitation Convention of 1931.

The duties of this Bureau include regulatory supervision over all stages of importation and manufacture of narcotics, and the registration of physicians, pharmacists, and others concerned with their use. It is responsible also for the apprehension of those found to be violators of the narcotics laws, including those involved in the illicit traffic. The prevention of smuggling, an important consideration, since the United States does not produce the materials for the natural narcotic drugs, is a responsibility of the Bureau of Customs. These two Treasury agencies work in close coordination, and each maintains a small number of agents abroad for the purpose of preventing illegal shipments to the United States and cooperating with the enforcement agencies of other governments.

The Public Health Service, which was also at that date a Treasury agency, pioneered systematic studies of the nature and extent of addiction in the early twenties. Dr. Kolb, mentioned above, and Dr. Walter L. Treadway undertook a series of special studies, widely recognized as important contributions toward the development of effective measures for the treatment and rehabilitation of addicted persons. In 1928 the Federal Government authorized the establishment of the special Public Health Service hospital at Lexington, Ky., and later a similar institution at Fort Worth, for the purpose of treating narcotic addicts. An important purpose was to provide special treatment for Federal prisoners known to be addicts, but provision was made also for patients admitted on a voluntary basis.

This Public Health Service activity continues within the Department of Health, Education, and Welfare. Its hospitals, unique in their special programs and facilities for the care of narcotic addicts, are also centers of the first importance in the research studies into the properties of the drugs and their effects. The extremely productive projects which their staffs have undertaken are carried on in association with the National Research Council, and draw upon the resources of the World Health Organization and principal medical teaching institutions throughout the world.

DRUG ADDICTION—CHARACTER OF THE PROBLEM

At the request of the United Nations Commission on Narcotic Drugs, the World Health Organization Expert Committee on Drugs Liable to Produce Addiction drafted a definition of "drug addiction" as follows:

"Drug addiction is a state of periodic or chronic intoxication, detrimental to the individual and to society, produced by the repeated consumption of a drug (natural or synthetic). Its characteristics include:

"1. An overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means;

"2. A tendency to increase the dose;

"3. A psychic (psychological) and sometimes a physical dependence on the effects of the drug."

The World Health Organization committee reiterated in January 1952 its opinion that a distinction must be made between drug addiction and habituation, and between addiction-producing and habit-forming drugs, that the terms are not interchangeable, and that only the expressions "drug addiction" and "addiction-producing drugs" should be used in documentation with respect to substances brought under, or to be brought under, international control. The following clarifying statement was added at that time:

"The cycle of administration leading to addiction may begin in legitimate medical

use but becomes established as a serious problem through self-administration beyond medical need. In the development of addiction there is an interplay between pharmacological action and the psychological makeup of the individual."

The Interdepartmental Committee has found this broad definition useful for the purposes of its study. It is applicable not only to the problem as it exists within the United States but also to any discussion of the control measures adopted or considered by international groups.

In a recent statement summarizing the experience of the Public Health Service with the problem of addiction, over a period of 30 years, Surgeon General Leonard A. Scheele reported:

"There are two groups of addicts. First are those who, after receiving repeated doses of narcotic drugs during a long and painful illness, become physically dependent upon the drug, and, therefore, addicted. In a majority of instances, people who become physically dependent in this way will lose their dependence simply by gradual withdrawal. A few do go on to become true addicts in the sense that they continue to be psychologically as well as physically dependent after efforts at withdrawal.

"The second and by far the larger group represents those in whom drug addiction is a manifestation of some abnormality of character or attitude. These addicts often say that they became addicted after having been introduced to the drug by their companions. For these people, the drug fills an emotional need, giving them a feeling of security, of being able to meet the realities and frustrations of life with more equanimity than they could otherwise muster. They usually suffer from any one of the types of character or personality disorders and have mental and emotional inadequacies that we classify as psychoneurotic, psychopathic, or more rarely, psychotic. These characteristics are not limited to narcotic addicts, they are found also in the chronic alcoholic and the barbiturate addict. In all of these addictions, the underlying emotional problem is likely to be similar. In fact, some narcotic addicts are first alcoholics, and turn to narcotic drugs as a secondary addiction."

The Surgeon General has made the following qualifications of the above quotation: "It should be borne in mind that the mental illness from which addicts suffer is rarely of the kind that can be classified as insanity. Their illness is similar to that suffered by many delinquents in the population who do not use narcotic drugs."

Analysis of the data concerning addicts tends to support the following generalizations as applicable at the present time:

1. The addict may be a person of any social, economic, or intellectual status. The chances are 4 out of 5 that he is a male—almost exactly a complete reversal of the situation existing prior to the passage of the Harrison Act in 1914, when female addicts represented much the larger number. More than half are under the age of 30, 13 percent under the age of 21; of this latter group, however, nearly all are persons approaching their majorities.

2. Heroin is the drug of choice for the large majority of addicts. It is the drug most often encountered in the illicit traffic; it may be easily adulterated; addicts report that it produces a greater effect than other drugs. Since manufacture or importation of heroin is prohibited within the United States, it is available only through smuggling and subsequent illicit traffic within this country; it is apparent that heroin addiction requires some form of contact with underworld sources. It is to be noted that heroin is now outlawed by all governments except Albania, Bahrein, Belgium, France, Hungary, Italy, and Paraguay.

3. Since the costs of the illicit drugs have been maintained at high levels, it is estimated that the addict dependent upon the illicit traffic must carry an expense of from $50 to $75 per week. Regular procurement of such an amount, considerably beyond the legitimate means of the average individual, accounts in part for the striking record of revenue-producing criminal or other antisocial activity commonly associated with drug addiction. Available data indicates:

(a) Established patterns of delinquency prior to and following addiction to the drugs.

(b) The fact that a large majority of addicts, identified as such through other than law enforcement activities, are found to have become known to the police.

(c) A high degree of similarity between the settings and circumstances in which both addiction and delinquency are prevalent.

4. Despite the difficulty of arriving at anything like a complete understanding of the phenomenon of addiction, and the conservatism of those most competent to form opinions in advancing them, it seems clear that addicts of whatever description share a characteristic and abnormal concern over the need for relief from pain, discomfort, or anxiety, and that they are prone to look for aid in dulling their perceptions. In each case, the addict seems to feel the need for relief from some oppressive circumstance, whether this relates to physical pain, recognition of personal or social inadequacy, or more complex considerations. The effect of the drugs has been likened to the function of a crutch, which enables an addict to get along in his given situation. Many addicts describe the effects of the drugs in positive terms of euphoria, but this apparently does not commonly continue beyond the early stages of addiction except for those who become habituated to intravenous injections. For most, the drugs seem to offer an escape which is a line of retreat, not an advance. Studies made in New York and Chicago indicate that in many instances the first use of drugs results from examples set by addicts enjoying local prestige, as in juvenile gangs; from a desire on the part of the individual to gain acceptance by his peers; or occasional thrill seekers who use drugs only as a phase in their pattern of delinquency, without developing into confirmed addicts. The manner of its spread has been felt to justify use of the term "contagion," particularly in the cases of the younger addicts.

Many and varied estimates have been made as to the number of persons in the United States addicted to the narcotic drugs. The Committee regards the current estimate of the Bureau of Narcotics, based upon the analysis of the figures tabulated later in this report, as the most accurate available. This estimate, indicating a current addict census of 60,000, is based upon the records of its own agents, and cooperating State and municipal authorities. The validity of the method by which it was arrived at is supported in part by the Chicago and New York studies, which indicate that a majority of the younger addicts, however identified as such, are known to the police. Addiction may exist for a period of months before the individual attracts police or other official attention, but upwards of 90 percent of such cases come within police knowledge within a relatively short period. Such duplication was found in checking the names secured in an exceptionally thorough and confidential census of addicts in metropolitan neighborhoods.

It has been noted further that persons who have arrived at larger estimates base their conclusions chiefly on contact with or observation of various categories of addicts which are included in the overall addict census maintained by the Bureau of Narcotics.

The Committee feels that the existence of 1 addict is 1 addict too many. But, the estimate of 60,000 narcotic addicts, which the Committee regards as the most reasonably accurate figure, is not as high as had been expected. The Committee was heartened to find that the number of juvenile addicts is smaller than had been thought even though, once again, the Committee realizes that the addiction of any person, young or old, is clearly a matter of concern.

It is noteworthy that the rate of addiction found among military personnel was at the virtually negligible level of 3 per 100,000. The thoroughness with which that special survey was conducted by the Department of Defense, coupled with the obvious difficulty of concealing narcotic addiction within the circumstances of military life, makes such a finding especially encouraging. Only in the Far East, where drugs are relatively plentiful and cheap, and civil enforcement measures largely ineffective, was a significant level of addiction discovered, in such an environment, clearly favorable to experimentation with and use of the drugs, the rate was found only to be close to that among males of military age within the civil population at home. That addiction was not found to be more prevalent in this critical area reflects credit upon commanders and service personnel generally, for their adoption of and responsiveness to effective preventive measures.

THE ENFORCEMENT PROGRAM

With growing public interest in the narcotics problem has come an intensification of the enforcement efforts by local authorities. There are indications, meanwhile, that the volume of the illicit traffic is declining. During 1954 there were a total of 19,489 arrests under the narcotics laws as compared with 23,627 in 1953. The arrests of persons under 21 years of age dropped from 2,732 to 2,136. These figures suggest an encouraging reversal of the trend observed during the years immediately following World War II which, like the corresponding period after World War I, had shown increases in the numbers of reported offenses.

State and municipal authorities have improved their agencies for coping with the local problem, by increase of the numbers of enforcement personnel assigned to narcotics squads, and providing special training in this field. The Bureau of Narcotics has continued to receive a high measure of cooperation and support from the local agencies, facilitating concentration of the efforts of its own personnel on the major offenders, particularly in interstate traffic. The Bureau of Customs has continued its apprehension of smugglers of the drugs, and has recently strengthened its force of customs agents on the Mexican border, in order to meet the changing channels of traffic from abroad.

Notable success has followed the various international efforts at controlling the production of the raw materials from which the narcotic drugs are manufactured, and in restricting their conversion and distribution to the requirements for medical and scientific use. The Narcotics Commission of the United Nations and the World Health Organization have been fruitfully active in this field. The United States has a continuing interest in encouraging efforts toward worldwide, cooperative controls of the narcotic drugs, since illicit traffic is supplied through smuggling from abroad. While the synthetic drugs are not as yet a factor in international traffic they clearly offer a threat for the future of control measures.

About 90 nations are parties to one or more international narcotics treaties. The United States Government has usually assumed the initiative in the adoption of these treaties.

Four organs at present exert international narcotic control: The Commission on Narcotic Drugs, which is the general supervisory and policymaking body, reviews annually the situation in all countries, considers necessary improvements in the control system, prepares new measures therefor, and appeals to public opinion. The Permanent Central Opium Board and the

Drug Supervisory Body are specialized supervisory bodies which work closely together on statistical returns and estimates of governments and watch over international trade. The Expert Committee on Drugs Liable To Produce Addiction of the World Health Organization is concerned mainly with medical aspects of drug addiction, and decides which new drugs, particularly the synthetic drugs, should be brought under international control. The Division of Narcotic Drugs, part of the United Nations Secretariat, works on implementation of existing treaties and plans new measures, and conducts scientific research.

The proposed single convention, under consideration for approximately 5 years, will simplify and replace all existing narcotic treaties and extend control to poppy straw, coca leaves, and cannabis, as well as to synthetic narcotics.

The assignment of a small number of narcotics agents to duty in southern Europe and the Middle East has resulted in striking accomplishment in the way of assistance to the internal police activities of cooperating governments, and has aided materially in reducing the sources of supply of the raw opium and processed drugs intended for the illicit market.

Evidence from seizures of drugs in the illicit traffic indicates that the risks of the clandestine trade have kept costs at a high level. Coupled with this has been a progressively greater adulteration of the drugs (sugar of milk being the common adulterant for heroin) associated with the greater scarcity of the basic drugs. Quantities seized in average individual cases, or by totals over comparable periods of time, have declined markedly in recent years; although, as in two recent instances, substantial amounts are occasionally encountered. There are continuing indications that the illicit drug traffic, though still supposedly profitable, has been recognized by the underworld as increasingly hazardous.

However, officers enforcing the narcotic laws feel strongly that their activities have been severely curtailed by a series of adverse court decisions in the last 2 decades. Their views are summarized in the following paragraphs:

These decisions upset investigative processes which had had the sanction of the courts for many years. Some of the areas in which enforcement officers have been restricted are: evidential use of postarrest admissions and confessions; authority to arrest without warrant; authority to search for and seize contraband before and after a valid arrest. Officers are compelled to desist from close pursuit and to abstain from seizing plain evidence of crime before them in favor of obtaining arrest or seizure processes from a magistrate, where there is any indication that the circumstances will permit of that course. The right of defendants to claim a third party's interest against search and seizure on a third party's premises has been asserted. The decisions have practically abolished the conception of a consent to search by the accused. Great latitude has been given suspected persons in asserting their rights against self-incrimination.

While restrictions imposed by these court decisions apply equally to all Federal law enforcement efforts, there is belief on the part of many able law enforcement people that they penalize with particular force operations against the illicit narcotic traffic. This is a well organized, professionalized racket, with a high degree of recidivism among violators. These professionals are very well informed as to the limitations placed on the operation of law enforcement officers and can be expected to conduct their business so as to take full advantage of every new development. Futhermore, the contraband merchandise is small in volume and high in price; a fortune in narcotic drugs can be concealed under the clothing. It can be transported to a place of safety on a few moments' notice.

Even the shortest delay incident to obtaining a warrant from a magistrate under the most favorable circumstances would be fatal to many narcotic cases. Much of the business is in neighborhoods where alarms are quickly spread; much of the activity of narcotic criminals is in the nighttime and on weekends, or at other times when a magistrate cannot be reached without delay.

The deleterious results of this line of judicial action come to light occasionally in borderline cases which may be thrown out of court. What does not appear so clearly is the frustration and the lack of effectiveness and efficiency imposed on the law enforcement agencies, as the areas of immunity and sanctuary of the criminal are expanded.

That these disabilities are real there can be no question. When the multiplicity of areas is considered it is obvious that the cumulative result is the equivalent of a severe loss of manpower. In 1950, in an attempt to offset some of these handicaps, the Bureau of Narcotics shifted enforcement emphasis to the purchase of drugs from violators—a method which is slow, costly, and inefficient by previous standards, but designed to avoid judicially imposed disabilities.

In more recent years there has been a tendency to take what might more appropriately be Federal cases into the State courts, because of fear that technical considerations would prevent their full development in the Federal courts. It is believed that the problem noted here should be considered by the Congress and by the judiciary.

TREATMENT AND REHABILITATION

Patients can now be withdrawn from physical dependence on the drugs without difficulty, as is routinely done at the Public Health Service hospitals; but treatment must usually be carried out in a controlled and drug-free environment because of the patient's psychological or emotional dependence. Institutional care thus seems to be an essential for all except those patients possessing unusually high motivation.

Rehabilitation toward resuming a useful place in society is commenced at once, and constitutes an important part of the individual's reorientation, under psychiatric supervision. The patient is guided toward a better understanding of his own problem, and an effort is made to help him prepare for the give and take of normal life in a modern community. For many, supervised experience in good work habits, and the development of some basic skills, are important. Ideally, he should leave the institution with considerably heightened confidence in his own ability to solve many of the basic and recurring problems of ordinary life, without the aid of the drugs.

Inevitably, the transition from institutional to free community life is a difficult one. The released former addict is likely to find himself cut off from helpful guidance and opportunity at the moment when he feels the need for them most keenly. Communities, even families, show a marked skepticism, sometimes hostility, toward the former addict. Too often he can find quick acceptance only in his former haunts, and among those associated with his earlier addiction. His attitude may too surely and quickly become that of seeking what appears to be the only available and familiar line of retreat, a return to the drugs.

It seems apparent, therefore, that post-hospital followup is essential to hopeful and lasting treatment of the addict. The recently released narcotic patient can benefit from many community services where these are available to him. They are likely to prove more effective where he can be guided in the light of the information gained from the close and continued observation of his special problems during his hospitalization. Conversely, the progress already made in devising improved methods of institutional treatment would be further advanced if they could be planned in the knowledge that certain facilities within the individual patient's community would be available to him after release. The interchange and cooperation which could follow between centralized institutions and home communities would throw additional light on the least understood aspect of the addiction problem—those measures most likely to aid in its prevention.

FEDERAL, STATE, AND LOCAL RESPONSIBILITIES

Although the Federal Government has recognized its large responsibility with respect to the control of abuse of the narcotic drugs, it is believed that in the aggregate the major responsibility must inevitably rest with the States and the local communities. In recognition of this, commendable attempts have been made during recent years to adopt measures designed not only to bring the drugs under more effective controls at the local levels, but also to make greater provision for treatment and rehabilitation within the communities directly affected. The Federal Government must clearly retain responsibility for the control of importation, and should have the power to license manufacture of synthetic narcotic drugs, fix quotas within medical needs, and control distribution. It should also continue its vigorous enforcement activities with respect to the international and interstate traffic and the breaking up of the major distributive networks. Beyond this, it has provided and should continue the important work of research into the properties of the drugs and those courses of treatment found to be most effective in contributing to the rehabilitation of addicts through its hospital programs at Lexington and Fort Worth.

With increasing, though yet far from complete understanding of the problem of addiction, has come the realization of its importance to the local community, not only as the principal victim of the abuse of the drugs, but also as the environment in which corrective measures on behalf of the addict, his family, and society can be most hopefully undertaken. With recognition of the importance and broader implications of the subject, attention has been properly directed toward preventive as well as curative action.

It is apparent that, despite the highly important contribution to a solution of the problem made by the Federal neuropsychiatric hospitals, they will be limited by the virtually insurmountable problems of effective followup, and reintegration of the individual patient into the life of his community after hospitalization, without the essential elements of community organization.

The Committee believes therefore that it is of the utmost importance to encourage the States and at least the major municipalities to undertake an extension of their hospital and community welfare programs to include treatment and social guidance for the narcotic addict.

Equally necessary, and perhaps even more difficult to provide, is the coordination of activities designed to help the individual overcome the handicap of his addiction experience, in resuming his place as a self-reliant and productive member of society. Experience has shown that without such support, a large proportion of former addicts are likely to return to the use of the drugs. To the extent that alternatives are not open to him, he is apt to return to the same environment, associations, and personal dilemma—perhaps in even more aggravated form—which originally brought him to recourse to drugs.

RECOMMENDATIONS

1. The Federal Government should encourage continuing studies of the narcotics

problem within the States and municipalities. Such studies, related to the special circumstances found to exist within the communities concerned, should be productive of sound and practical planning for a reduction of the problem. The Federal agencies already active in this field can provide valuable guidance and information for the assistance of State and city authorities.

2. It is recommended that assistance to the States and municipalities by the Federal agencies include provision of courses of instruction for both public health and enforcement officers, to be conducted in Washington and also by visits of small teams of qualified experts to appropriate centers. Some Federal support for such activities would be required, but it is believed that their cost should be moderate.

3. In each State, and in each city where a narcotic drug problem is found to exist, at least one senior law-enforcement official should be specifically charged with duties pertaining to this problem. An important function of such a designated official would be to undertake coordination of enforcement activities in this field, including exchange of reports and information with the Bureau of Narcotics and enforcement agencies of other States and municipalities.

4. There should be available within each State, and the larger municipalities where justified by the number of known addicts, adequate provision for the withdrawal of addicts from the drugs, and appropriate programs for their effective treatment and rehabilitation. In many instances such projects could be undertaken as extensions of existing hospital programs. In the planning of such facilities, the Committee feels that the assured maintenance of drug-free environments is essential to hopeful therapy; and that maximum use should be made of associated community resources and services in the social and economic readjustments undertaken on behalf of former addicts, following releases from institutional care. The suggestion has been advanced that the hospital facilities and services which would be required might be established on a regional basis, by groups of two or more States acting in concert.

5. It is recommended that the States give consideration to the desirability of establishing or more frequent utilization of present procedures for the legal commitment of addicts to institutions where they may be treated and rehabilitated, either within or without the boundaries of the States concerned.

6. Should certain of the States wish to provide for commitment to the Federal hospitals, pending the availability of comparable facilities under State auspices, it is recommended that legislation authorizing this for a limited period, in the future, and on a reimbursable basis, be considered for enactment. In view of the differing circumstances in which such commitments might be made, it would be desirable to reserve to the Surgeon General, Public Health Service, determination as to the suitability of patients for admission, and their length of stay. In determining suitability of patients for admission the Surgeon General should be authorized to take into account the mechanisms and programs for followup and aftercare within the State after the patient is discharged from the hospital.

7. It is recommended that the Public Health Service Act, Public Law 410 of the 78th Congress, be amended to permit the Surgeon General of the Public Health Service to disclose information on voluntary patients under the usual regulations governing disclosure of material in the medical records, where, in his opinion, physicians and recognized health and welfare agencies will be enabled to act in the interest of the patients in further treatment of their addiction.

8. The progress toward full and effective international controls over the production and distribution of the narcotic drugs is felt by the Committee to have been highly encouraging. It is recommended that our Government continue its policy of close cooperative effort through the agency of the United Nations, and with other international groups and individual nations concerned with the problem.

9. Frequent note has been made of proposals for including special information concerning narcotic drugs in texts and curricula for the schools. The Committee has formed the conclusion that, unless carried out with extreme care, such programs might have the undesirable effect of attracting attention to and arousing curiosity over experimentation with the drugs. It is felt that further study by educational authorities, in concert with those engaged in the regional inquiries recommended above, is likely to result in programs best suited to local problems and conditions. The same cautions are urged on those sponsoring motion picture, television, and radio treatment of the subject. The Committee proposes to seek further advice and counsel on this matter, in realization of its extreme importance in assuring a healthful understanding of and popular attitude towards the drugs.

10. The Committee has given extended consideration to the matter of fixing penalties of appropriate severity for violators of the narcotics laws. It has been impressed with the importance of assuring not only deterrents to this category of crimes, but also of facilitating social as well as medical rehabilitation of those offenders who are users of the drugs. It has considered the special problems of three groups of persons involved in the illicit traffic in narcotic drugs.

(a) Violators of the narcotics laws whose involvement is of an exclusively criminal character, and who are not themselves addicts or habitual users of the drugs. It has been noted that, of the three groups, this group includes the highest proportion of major criminals, with respect to other forms of crime as well as the narcotics offenses committed by them.

(b) Peddlers who are themselves addicted. This group is composed largely of persons with records of delinquency or criminality preceding as well as following their addiction. Criminal activity of persons in this category is usually, but not exclusively, restricted to relatively petty crime. Even their involvement in the drug traffic is commonly found in the lowest retail brackets. They are however much the more numerous, their aggregate contribution to the traffic is very large, and their control presents peculiarly difficult problems of enforcement and rehabilitation. This results from the fact that their use of drugs is associated with some degree of incapacity for normal emotional and social adjustments, resistance to corrective and rehabilitative efforts, and the impetus of a habit which can be supported only at an expense beyond the legitimate earning capacity of the average citizen.

(c) Addicted persons with either no records of criminal activity, or records of delinquency not involving violations of the narcotics laws other than obtaining and possessing the drugs for their own use. Antisocial activity among this group is commonly found to be of a petty character, but must, in combination with such legitimate activities as occupy the addict, be sufficiently productive to support the high costs of addiction. This is the least homogeneous of the three groups; its members range from unemployables with serious psychiatric problems to highly skilled professional people. It is the class from which a majority of peddlers are recruited, and it provides the essential market of consumers for the illicit traffic. It includes also the most hopeful subjects of the curative and rehabilitative programs, many of whom undergo voluntary treatment in the public and private hospitals.

The Committee has found itself in immediate agreement with respect to the first and third of these groups. For the commercial type of trafficker, motivated solely by hope of gain from his handling of the drugs, it was agreed that penalties of a severe type are indicated. With respect to the third group, not involved in importation, manufacture, or sale of drugs, it is felt that the problem is principally one of appropriate treatment and rehabilitation, with subsequent guidance by interested social agencies within the individual's community. However, note has been made of the fact that in certain instances tangible evidence involving known major traffickers may depend solely upon possession of drugs. It is felt therefore that any scale of penalties applicable to convictions based merely on proof of possession should be broad enough in range to cover both the relatively innocuous and the serious offenders.

With respect to the second group, those involved in both trafficking and personal use of the drugs, the question has been raised as to whether the levels of punishment most likely to serve as effective deterrents may not obstruct the reform and ultimate rehabilitation of the individuals concerned. While recognizing the probable validity of such arguments, the Committee believes that first consideration must be given to the protection of society from the trafficker.

It is to be hoped that the extension of treatment and rehabilitative services into communities importantly affected, as recommended elsewhere in this report, will not only aid in reducing the problem of addiction, but also compensate in some degree for the effects of long prison terms on convicted addict drug peddlers. The Committee has noted the fact that the addict-trafficker has in the past shown a high rate of recidivism, both as addict and as peddler. Where he retains or returns to psychological dependence on the drug, he is often less responsive to the deterrents of future punishment than the more hardened, ordinary criminal. It is to be hoped that, as States and local communities accumulate experience with enforcement and treatment programs, valuable and much-needed data on the peculiarly difficult problem of the addict in crime will be produced. Such information should receive close and continued study at all levels of government.

The committee has arrived at the conclusion that there is need for a continuation of the policy of punishment of a severe character as a deterrent to narcotic law violations. It therefore recommends an increase of maximum sentences for first as well as subsequent offenses. With respect to the mandatory minimum features of such penalties, and prohibition of suspended sentences or probation, the Committee fully recognizes objections in principle. It feels, however, that, in order to define the gravity of this class of crime and the assured penalty to follow, these features of the law must be regarded as essential elements of the desired deterrents, although some difference of opinion still exists regarding their application to first offenses of certain types.

The Department of Health, Education, and Welfare, because of its long experience with and responsibility for the treatment of addicts, further recommends for consideration a legislative step designed to provide for greater opportunity for the rehabilitation of certain addict-violators, particularly in groups (b) and (c), whose criminal activity is secondary to their addiction. Under this proposal, wider latitude would be given to the courts by authorizing them, in the case of such addict-violators, to commit the convicted offender for a period of hospital treatment, followed by an extended period of conditional release under close supervision by specially trained personnel. This procedure would be limited to those with the best prospects for rehabilitation, and would be

applicable only under optimal conditions of posthospital supervision. A few cases could be selected immediately for this procedure, to be supervised in the few communities where adequate personnel and services for effective supervision and rehabilitation are available. The plan could be gradually extended to additional communities as effective local rehabilitation programs are developed.

11. The Committee has been impressed by the record of enforcement activities carried out by the Bureau of Narcotics, and especially by the results of its recent efforts at cutting off the foreign sources of supply of the illicit traffic. It recommends that consideration be given to an increase in the agent force of that Bureau, with appropriately increased administrative and operational support.

12. The development of synthetic drugs with properties similar to the narcotics, not dependent upon foreign sources of supply, has created a need for effective controls over their manufacture and distribution. It is recommended that consideration be given to legislation which would empower the Bureau of Narcotics to license the manufacturers of such drugs, fix quotas to keep total quantities produced within the medical needs, and regulate their distribution.

13. It is recommended that the problems noted by enforcement officers and prosecutors, arising from court decisions limiting the procurement and presentation of evidence in narcotics cases, be given thorough and careful consideration from the standpoint of the optimum in law enforcement, in balance with and giving complete effect to the rights of individuals. The Committee believes that the Judiciary and appropriate committees of the Congress and of the various State legislatures should be made aware of these problems, in order to determine to what extent legislative action is desirable.

14. The Committee has noted striking similarities between the individual and social problems raised by the abuse of the narcotic drugs, and such substances as marihuana, the barbiturates, amphetamines, and others which affect emotional behavior. It has been observed that the circumstances and attitudes underlying excessive habitual use of such depressants and stimulants frequently parallel or precede those associated with the narcotics. It is recommended that a similar study of the extent and effects of the improper use of such drugs be undertaken, with a view to determining the appropriate scope of Federal, State and local regulatory controls.

Mr. DANIEL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a series of editorials. I may say that our staff has several hundred editorials from newspapers throughout the Nation which are in support of the bill or the recommendations of our committee. Some of the editorials go into the very heart of the bill which now is before the Senate. We have selected from the editorials a representative group, and I ask unanimous consent that they may be made a part of the RECORD at this point.

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

[From the Washington Star of May 4, 1956]

PUNISHING DOPE PEDDLERS

Dope peddlers are a particularly obnoxious and dangerous type of criminal. Their illicit operations spread misery and degradation and spawn crimes of the most violent sort. They deserve no mercy from the law—and they would get none in aggravated cases under drastic legislation proposed by a Senate Judiciary Subcommittee.

The omnibus narcotics control bill sponsored by Chairman DANIEL of the subcommittee and his fellow investigators of the dope racket would even permit the death penalty for third-offense heroin smuggling or peddling—in the discretion of the jury. Life imprisonment would be mandatory on a third conviction, unless the jury decided that the nature of the crime was sufficient to warrant capital punishment. Heavy prison sentences for first and second offenders would be written into the law. Moreover, the bill would permit use of wiretapping evidence against drug racketeers, would liberalize search-and-seizure procedures, would authorize Government appeals from lower court decisions suppressing evidence and in other ways would materially tighten up enforcement of the narcotics laws.

The extraordinary measures were proposed as a result of the subcommittee's country-wide investigation of drug racketeering. Senator DANIEL and his group were astounded by disclosures as to the ramifications and the viciousness of drug smuggling and peddling—especially with respect to heroin. "It is time," he told the Senate, "that the Congress and the country declared the type of open warfare on the illicit norcotics traffic that will stop the destruction of lives and the commission of crimes now attributable directly to this cancerous menace within our country." The legislative proposals of the Daniel subcommittee are designed to support such an all-out war. However drastic some of the recommendations may seem, the bill's objective is so commendable that Congress should give it careful study, keeping in mind the seriousness of America's dope problem.

[From the Cheyenne (Wyo.) State Tribune of May 14, 1956]

IT'S ABOUT TIME

At long last, a no-holds-barred bill has been put forward in the Senate to curb the frightening narcotic addiction that has spread across the country, particularly among young people.

Sponsored by a special subcommittee, the legislation was introduced by its chairman, Senator PRICE DANIEL, Democrat, of Texas. The bill's sharpest edge is a provision which calls for the death penalty, at the discretion of a jury, for those who sell heroin to persons under age 18.

DANIEL has indicated there will be similar legislation from the House of Representatives, and he expects action on the bill to be taken during this session.

That will hardly be soon enough. Every day that addicts and dope peddlers roam the streets the well-being of our communities is in danger. For all forms of crime have been proven to be tied in with narcotics. And often it's the kiss of death.

The Daniel proposal follows nearly a year of nationwide hearings which made it brutally clear that there was no time to waste in cracking down.

The bill would completely outlaw heroin in the United States on the grounds that it is the "worst and most prevalent drug sold on the illicit market, and it has no medical use which cannot be served by other drugs."

Other important provisions include:

Permission to wiretap telephone calls between narcotic traffickers when authorized by a Federal court.

Penalties for the smuggling and sale of heroin ranging from 5 to 10 years for first offenders up to life imprisonment or the death penalty for third offenders.

This is one piece of legislation to which Congress might well give immediate attention. The penalties may be stiff. But they're nowhere near as stiff as the life-wrecking jolt of a narcotic needle.

[From the San Antonio (Tex.) News of May 1, 1956]

CONGRESS SHOULD QUICKLY PASS THE DANIEL NARCOTICS-CONTROL BILL

Senator PRICE DANIEL, of Texas, and his subcommittee of the Senate Judiciary Committee have devised the most potent narcotics-control legislation since passage of the Harrison Act of 1914. When he introduced the sweeping, stern bill, Senator DANIEL advised his colleagues:

"It is time that the Congress and the country declared the type of open warfare on the illicit narcotics traffic that will stop the destruction of lives and commission of crimes now contributable directly to this cancerous menace within our country. These new proposals are designed to accomplish this result."

Undoubtedly public opinion favors a forceful, all-fronts attack on the dope menace. Certainly that is the general view in San Antonio and over Texas. The extent of the evil that was revealed by the Daniel subcommittee's investigation here stirred local reform efforts, such as the San Antonio Narcotics Education Committee, that are still going strong.

The Daniel bill would serve two main purposes: (1) To stiffen penalties for narcotics violations, and (2) plug loopholes in the law that now handicap enforcement efforts. The bill would outlaw heroin altogether in the United States. That provision is based on the committee finding that heroin "is the worst and most prevalent drug sold on the illicit market and that it has no medical use which cannot be served better by other drugs."

Under the proposed law, all heroin would be called in within 120 days. And penalties for smuggling or sale thereafter would be increased to 5 to 10 years for a first offense, 10 to 30 years for second offense, and life imprisonment to death for the third offense. A minimum of 10 years and a maximum of death would be the special penalties for sale of heroin to minors.

Penalty for smuggling of marihuana, a big item in the illicit drug trade across the Texas-Mexico border, would be increased from the present 1 day to 5 years to a minimum of 5 to 10 years for the first offense.

Some may argue that such stiff penalties might move juries to find an offender not guilty rather than impose such harsh punishment. We do not see how that could be true in the handling of peddlers who sell death on the installment plan.

The Daniel bill is the product of extensive committee hearings and recommendations from interested Federal departments and law-enforcement officials over the country. It is the Senator's purpose to try to get the legislation passed before this session adjourns, and that Congress should certainly do.

[From the Wheeling (W. Va.) News-Register of May 4, 1956]

THE DRUG TRAFFIC

The seriousness of the narcotics traffic in the United States is attested to by the fact that a special study group of the Senate Judiciary Committee has approved unanimously a bill which would permit imposition of the death penalty for narcotic peddlers.

The evidence presented to the committee of misery and degradation following in the wake of the drug habit must have been impressive, indeed, to move these men to approve so drastic a penalty.

In addition to making possible execution at the discretion of a trial jury, the proposed law provides prison sentences ranging upward from 5 to 10 years for a first offense, increases the penalty to 10 years for smuggling marijuana into the country, and pro-

hibits the use of heroin for any purpose, even medicinal.

The enactment of such a law, even if the ultimate penalty never is exacted, should serve to impress upon the public mind the gravity of the narcotics situation, strike fear into some criminal minds, and arm the authorities with more effective weapons.

[From the Superior (Wis.) Telegram of May 12, 1956]

CRACKING DOWN ON DOPE

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[From the Alexandria (La.) Town Talk of March 12, 1956]

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[From the Amarillo (Tex.) Globe-Times of May 9, 1956]

BILL WITH A BITE

Will the threat of a death sentence for the sale of narcotics to youthful Americans be sufficient threat to the "pushers," these far-from-the-top dogs in the dreadful scourge of our times?

Senator PRICE DANIEL thinks so. In his bill (S. 3760), introduced last week in the 84th Congress, to provide for a more effective control of narcotic drugs, the Senator wrote in such a penalty. However, it is to be applied at the discretion of the jury; otherwise the seller can get off with a $10,000 fine and imprisonment for life.

In the bill, too, is an important control—each violation of the act carries with it an increasingly higher penalty. On third offense of sales of heroin, the "pusher" can get life imprisonment.

The Daniel bill comes at the end of a nationwide inquiry which the Texan directed under a Senate resolution adopted shortly after DANIEL went to Washington.

The inquiry showed that some of the earlier controls had worked—the Harrison Narcotic Act and the formation of the Federal Bureau of Narcotics in 1930—but the United States still has more narcotics addicts than the number reported by any other western nation.

Drug addiction and the illicit narcotics traffic account for 25 percent of all reported crimes in the Nation; in the metropolitan areas this figure rises to 50 percent.

To stop the illicit trade in heroin and marihuana, S. 3760 throws up formidable barriers. Powers of the Narcotics Bureau agents are increased. Teeth that can bite have been inserted in order that the United States of America can carry out its assumed responsibilities under the Hague Convention of 1912 in which international traffic in narcotic drugs is sought; smoothing out of hitherto conflicting laws controlling State versus Federal powers, and Federal interagency powers is achieved.

We can think of no legislation that demands higher priority in the 84th Congress than that of narcotics control.

[From the Cape Girardeau Southeast Missourian of January 17, 1956]

WAR ON DOPE

Senators were visibly shocked as Senator PRICE DANIEL, head of a countrywide panel investigating narcotics, summarized the findings of its inquiry. Addiction has tripled in the United States in the last 10 years, he said.

More young people are acquiring the dope habit, which is so expensive that they are driven to luring their friends into it or to committing felonies to pay their way. "Their offense is human destruction as surely as that of a murderer," DANIEL said. "It is murder on the installment plan."

Senator DANIEL urges the death penalty for dope smugglers and peddlers. But would such legislation accomplish the desired purpose? Many smugglers and peddlers are victims themselves, or hirelings of the big shots in the racket. In any case, penologists declare that the effectiveness of punishment as a deterrent depends more on the certainty of being caught than on severity of the penalties.

If drug racketeers faced certain apprehension and sentencing, present penalties would suffice. As long as most of them aren't even caught, fear of capital punishment will prove ineffective in curbing this racket.

Narcotics enforcement forces, Mr. DANIELS said, are inadequate. Even with the help of State and local officials, they are waging a losing fight. Men arrested on dope peddling charges are often released on low bonds which are forfeited.

It should be possible for Congress to make it easier for narcotics men to catch these vicious criminals. A near certainty of being caught and convicted would make the narcotics racket unsafe and unprofitable. It would have more deterrent effect than the most savage penalties accompanied by poor enforcement.

[From the Texarkana (Tex.) Gazette of February 6, 1956]

MOVING AGAINST THE DOPE TRAFFIC

It is to be hoped that Congress will not consider lightly the revelations turned up by Senator PRICE DANIEL and his committee investigating the illicit narcotics traffic.

The subcommittee's report said in part: "We were surprised and shocked at the extent and far-reaching effect of the illicit drug traffic in the United States and have concluded that narcotics addiction and the dope traffic constitutes one of the most serious problems facing the Nation."

Here are some of the findings of the committee:

1. The United States has more narcotic addicts, both in total numbers and populationwise, than any other country in the Western World. In fact, if the reports of other nations to the United Nations Commission on narcotics are correct, our country has more drug addicts than all of the western nations combined. A total of 13 percent of the addicts are less than 21 years of age.

2. In spite of the fact that Federal officials have done all within their power under present handicaps and with limited personnel, the illicit drug traffic has trebled in the United States since World War II.

3. Drug addiction is responsible for approximately 50 percent of all crimes committed in the larger metropolitan areas and 25 percent of all reported in the Nation.

4. Drug addiction is contagious. Addicts spread the habit with cancerous rapidity to their families and associates.

5. Red China, Turkey, Lebanon, and Mexico are the primary sources of heroin reaching the United States, and international controls are inadequate.

6. Recent seizures of heroin and cocaine in record quantities point up the international smuggling operations with the United States as a target.

7. Subversion through drug addiction is an established aim of Communist China. Since World War II, Red China has pushed exportation of heroin to servicemen and civilians of the United States and other free nations of the world.

8. Smuggling of narcotics across the Mexican border is facilitated by the failure of the United States and Mexico to wage a mutual all-out fight against the drug traffic.

9. Criminal laws and procedures are insufficient to insure the apprehension and punishment of narcotic offenders.

10. Penalties for narcotic violation are neither commensurate with the seriousness of the crime nor sufficient to remove the profits. The maximum penalties under present laws of 5 years for the first offense, 10 years for the second, and 20 years for the third are too low.

Senator DANIEL's report went on to say that the Nation's illicit narcotics traffic grosses more than a half billion dollars per year. Heroin purchased abroad today for $3,000 will bring $300,000 when finally cut, packaged, and sold in the United States. The committee got evidence that, with the prospect of such enormous profits, Federal penalties are not sufficiently severe to deter unscrupulous persons from engaging in the traffic. Significantly, the committee found that whenever and wherever the penalties are more severe and strictly enforced, the incidence of both addiction and narcotics offenses has decreased proportionately. Federal penalties for narcotics violations generally are lower than the penalties of the various States.

Senator DANIEL has presented a very vivid picture of his subcommittee's report. Congress should feel its great responsibility to follow through with the program designed to root out this great evil in our country.

[From the Boston Record of January 12, 1956]

NO PIGEONHOLE

A committee of the United States Senate, chairmaned by Senator PRICE DANIEL, of Texas, has just completed a months-long investigation of the narcotics traffic that deserves and should get more than ordinary attention in Congress and the country.

The narcotics problem is something that the country is either going to have to do something about, or wish it had.

It is the filthiest business in the world, and we are up to our necks in it.

The American citizen who can be complacent about the shocking facts in the report to the Senate is lacking in the most basic understanding of the responsibilities of citizenship.

One of these facts is that there is more narcotics addiction in the United States than in any other western country.

Another is that the narcotics traffic in this country has trebled since the end of the Second World War.

The clincher is that narcotic addiction is a factor in the great majority of all crimes committed in America.

There would be fewer murders, robberies, and all crimes of violence in the exact proportion that the use of narcotics should be reduced.

But what we are doing about it, or rather failing to do, constitutes one of the great follies of our time.

As Senator DANIEL says, we do not have adequate laws for the control of narcotics, and we do not properly enforce the weak laws we do have.

If the recommendations of this alert committee get no further than a Senate pigeonhole, the penalty will be ruined lives on an ever-growing scale. The Congress has a job to do in this vital field, and public opinion should see that the job is done.

[From the Houston Chronicle of May 1, 1956]

DANIEL BILL STRIKES HARD AT ILLEGAL NARCOTICS TRAFFIC

A bill introduced in the United States Senate Monday by Senator PRICE DANIEL will be a blow to the narcotics traffic if it becomes law. DANIEL, who headed the Senate subcommittee which last year made an intensive study of the narcotics situation, said that passage of his bill "will be the greatest assault on traffickers in illicit drugs since the passage of the Harrison Antinarcotics Act in 1914."

DANIEL's bill provides severe penalties. It has long been held by many experts that the best way to control the narcotics traffic is to inflict tough penalties. States which have tried stiffening of their narcotics laws have had great success in reducing sale and use of narcotics.

Highlight of the Daniel bill is the complete outlawing of heroin in the United States. He said the committee found that it is the worst and most prevalent drug sold on the illicit market. In years past heroin was used for medical purposes, but the committee found that this no longer is true. DANIEL said this usage now can be better served by other drugs.

The bill provides that any heroin previously legally possessed, for medical purposes, must be surrendered within 120 days after the new law goes into effect.

New penalties for smuggling or sale of heroin would be from 5 to 10 years in prison for first offenders, 10 to 30 years for second offenders, and either life imprisonment or death for the third offense. A special provision sets a penalty of from 10 years' imprisonment to death for sale of heroin to persons under 18 years of age.

This provision is a vital one, since it is the sale of heroin to teen-agers which starts many of our youngsters on a life of crime and self-destruction. If a dope peddler knows he may get the electric chair for selling narcotics to a minor, he undoubtedly will think a long time before doing it.

The penalty for smuggling marihuana into the United States would be doubled, making it 5 to 10 years in prison.

An important provision in the bill permits interception of telephone calls between narcotics traffickers if permission is first obtained from a Federal court. The subcommittee found that "the big-time traffickers in illicit narcotics are seldom caught and convicted because their operations are limited almost wholly to the telephone."

The Daniel bill is a comprehensive one, long needed to cope with one of the most serious problems in the Nation today. Representative HALE BOGGS (Democrat, Louisiana) is planning to submit a similar bill in the House. Because of the urgency of the narcotics problem, the bill should be speeded through both Houses of Congress before it adjourns for election year.

[From the Mexico (Mo.) Ledger of January 21, 1956]

TWO NEWS ITEMS AND YOUR LIFE

Here are two news items which have appeared in the daily press within the past few days. You may not think they can have any effect on your life or that of your family. In that you can be sorrowfully mistaken:

"SUPERIOR, WIS., January 12.—A marihuana smoking veteran of the Korean war killed his young blonde sweetheart near here today then fled half the length of the State until he was captured in a police trap after terrorizing a family and kidnaping a hostage en route.

"CHATSWORTH, CALIF., January 15.—In one of the largest narcotics raids on record in southern California, peace officers early today surprised 87 persons, including 16 teen-age girls, at an alleged marihuana smoking party. Six adults were arrested and 28 juveniles were cited and remanded to custody of their parents."

Half the crimes in the cities of this Nation and 25 percent of the crimes in the country are attributed to drug addiction. So states the recent report of the United States Senate on investigating the narcotics business in this country.

The narcotics trade in the United States has grown to be such a menace that drastic action is indicated. Senator DANIEL, Democrat, of Texas, reports that the illicit drug traffic has trebled in this country since the end of World War II. He asked for legislation under which the death penalty could be applied to smugglers and peddlers of heroin in extreme cases.

DANIEL headed a Senate Judiciary Subcommittee which investigated the narcotics traffic.

"Heroin smugglers and peddlers are selling murder, robbery, and rape," DANIEL said in a prepared Senate speech. "In truth and in fact, it is murder on the installment plan, leading not only to the final loss of one life but of others who acquire this contagious infection through association with the original victim."

The committee recommended: Legislation to permit narcotics agents to tap telephones under sealed court orders and to use such evidence in courts, so they can get at the big operators.

Negotiation of a treaty with Mexico. DANIEL said 90 percent of the overland smuggling of heroin and marihuana is across the Mexican border into Texas, California, and Arizona.

Complete outlawing of heroin, which he said is used by 80 percent of the addicts in this country.

The subcommittee recommended that the force of narcotics agents be increased immediately by 50, and subsequently by another 50, to a total of 350 officers.

DANIEL said the Federal Bureau of Narcotics "has compiled the names and addresses of over 300,000 addicts, and new names are being reported at the rate of over 1,000 per month." He said there are now at least 60,000 addicts in the United States, 13 percent of them under 21 years old.

This is a matter in which maudlin sentiment has no part. The drug peddler and panderer who seeks to interest young people in this terrible practice, need prompt and tough handling in the courts of law.

We trust that the Senate report and its recommendations will not be pigeonholed and forgotten.

Let's don't just talk about it—let's do something.—L. M. W.

[From the San Antonio (Tex.) Express of May 3, 1958]

BRINGING UP BIGGER GUNS TO BATTLE THE DOPE MENACE

Senator PRICE DANIEL's committee that investigated the illegal drug traffic in the United States is seeing some helpful results. The latest is introduction of a bill to give courts and enforcement officers added weapons for the Nation's war against this cancerous racket.

Closer to home and already in full swing is another facet of the war. Thousands of school children and many of their parents are getting to know the dope menace for what it is—in a growing educational battle. This program grew out of a suggestion advanced by Bexar's District Attorney Hubert W. Green, Jr.

The Daniel-sponsored bill will bolster enforcement of existing laws and make penalties more severe, at the discretion of our courts. In extreme cases, the death penalty is authorized. Federal narcotics and customs agents would be given much-needed help in the form of laws designed to make their work more effective.

These two developments are products of an aroused public interest, the most potent of all weapons in the democratic arsenal.

[From the New York News of January 11, 1956]

DEATH FOR DOPE PUSHERS?

The dope problem in the United States has been under serious study for some time by Senator PRICE DANIEL'S, (Democrat, Texas), Senate Judiciary Subcommittee.

It's a sinister problem: at least 60,000 addicts in this country (more than in all other Western nations put together), and about 1,000 new victims reported per month. Some 13 percent of our addicts are under age 21.

Accordingly Senator DANIEL and his associates want Congress to make life a lot more dangerous for dope peddlers and smugglers

than it is now. They'd like to have the death penalty itself available for heroin dealers, on jury recommendation.

Of the heroin fraternity, DANIEL says: "Heroin smugglers, and peddlers are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense * * * is murder on the installment plan."

Other measures proposed by the subcommittee are a boost in the number of Federal narcotics agents, a law forbidding convicted violators to travel abroad without permission, and conferences with Mexico on border dope traffic.

As a longtime battler against dope pushers and smugglers, the News naturally takes a deep interest in the Daniel subcommittee recommendations. We hope Congress will be equally interested.

[From the Amarillo (Tex.) Globe-Times of May 11, 1956]

POPPY FIELDS FEARED

We have told you of Senator PRICE DANIEL's proposed bill for control of narcotics, which was written after an intensive study by a senatorial investigating committee of the burgeoning sales of narcotics in the United States.

Out of that scrutiny came another important document—a report on proposed treatment and rehabilitation of narcotic addicts.

The committee spent a great deal of time looking into a plan for clinics which would be maintained throughout the Nation by the Federal Government at which narcotic addicts could obtain drugs free or at a very nominal charge. Provision would be made for registration, fingerprinting, and photographing to identify the addicts. Attempts would be made to withdraw drugs gradually. However, if the addict failed to respond to the psychiatric treatment and other rehabilitation efforts of the clinic, he would be given "stabilizing" or "maintenance" doses of the narcotic for the rest of his life.

The fact of the proposal gleams. If drug addicts could go to a Federal dispensary and obtain free or nominally priced drugs, the profit would be taken out of the narcotics industry. No need for smugglers from Red China—the United States Government would buy up the required drugs at stable market prices. No need for a pusher to interest youth in starting the narcotics habit, if he doesn't have a lifetime sucker at hand to pay any price he later requires.

But if one lifts the mask a little, the prospects are frightening in a clinic system. First, medical authorities agree that without complete control of patient and his complete isolation from clandestine sources of supply, there is no hope for cure. No matter how much the clinic dispenses, the addict will like a little more, and he'll find a pusher who, in turn, will find a source of illegal supply. And besides, the plan is based on an idle dream: That men will seek cures when the disease is not painful—yea, when the disease is actually lovely in its protection from the realities of mundane living.

But the senatorial committee recognized that prohibition of sales, without a consequent program for the treatment and rehabilitation of addicts, also would be an idle dream. If the present addicts can be cured, or confined, and youth no longer seduced by pushers (remember the death penalty can be imposed on such sellers of narcotic drugs), then eventually the profit will be taken out of narcotics sales.

The committee therefore recommends a realistic program of rehabilitation. Recognizing that present treatment programs fail because there is no followup work with the patient after he leaves the institution of cure, it proposes 3-year probation status for drug addicts released from such institutions.

It further recognizes that there is a hard core of addicts that will never be cured; these, then, should be in quarantine-type confinement after having been treated three times in a narcotics hospital without complete cure.

The committee thinks the voluntary plan of commitment in Federal hospitals should immediately be abandoned. Instead, civil courts of the Nation should immediately require mandatory treatment. The Federal hospitals should be open to the States on a quota basis, and in the case of such States which have a larger population of addicts than their quota allows at the Federal hospitals now in existence, the States should provide their own special hospital facilities for the treatment of drug addiction.

Just as we hope the 84th Congress passes quickly the Daniel bill for increased penalties and enforcement of narcotics legislation, we hope a workable plan for rehabilitation is drawn up, put into legislation, and immediately enforced.

We fear the poppy fields of Red China more than we do their armies.

[From the Dallas News of February 7, 1956]

NARCOTIC REPORT ASKS QUICK ACTION

President Eisenhower wants effective action immediately to stop the narcotics racket. A Cabinet Committee recommends stiffer penalties, more enforcement agents, better cooperation between State and Federal agencies.

The Cabinet report finds only 60,000 addicts. There are probably 10 times that many users. The addict is the immediate problem—he and the pusher—but the step between user and addict is not long.

So the actual problem—present and potential—is far graver numerically than the Cabinet study reveals.

As for stiffer penalties, surely they are in order. Senator PRICE DANIEL's committee view that the death penalty should be exacted for smugglers and peddlers is justified.

This will cause a cry from those opposed to capital punishment, who say death for a crime has not stopped crime. It hasn't. But nobody can say how much worse the criminal picture would be without the severest penalty. Surely the importation and promotion of dope is an atrocious offense against society. It is the cause of human and moral degeneracy. Its cure is doubtful, once the habit takes hold. It causes the user to commit robbery, burglary, and even murder—so desperate is he to get the stuff.

The current Congress should take the Cabinet study and Senator DANIEL's committee records and act wisely for the Nation's future.

[From the Houston Post of May 1, 1956]

DANIEL AIMS BODY BLOW AT DOPE RACKET

"For medicinal purposes" will no longer be a legal excuse for the possession of heroin in the United States, if Congress enacts legislation introduced by Senator PRICE DANIEL and his Judiciary Subcommittee.

The outlawing of heroin for any use is a prime and laudable feature of the far-reaching bill which the Daniel group has framed to meet evils of the illicit narcotics traffic, found in its nationwide investigation. The subcommittee was convinced that heroin "is the worst and most prevalent drug sold on the illicit market, and that it has no medical use which cannot be served better by other drugs."

Long prison terms, ranging from 5 years for first offenders up to life imprisonment or death for third offenses, should serve as strong deterrents to violations of the proposed new law, provided it is enforced. The same may be said of the minimum penalty of 5 to 10 years for smuggling marihuana into the country.

The House Ways and Means Subcommittee, working closely with the Senate panel, is expected to offer similar legislation. Senator DANIEL believes the measure will be passed at this session, and there is no reason why it should not be. The legislation is noncontroversial, and the sooner Congress passes it, the sooner will begin the "open warfare on the illicit narcotic traffic that will stop the destruction of lives and commission of crimes now attributable directly to this cancerous menace within our country."

To the extent that the sale of heroin and marihuana can be scotched, the two worst factors in drug addiction will be removed. Provisions in the Senate bill for tightening enforcement in various ways will facilitate the detection and prosecution of offenders. More enforcement agents are needed to police the far-flung Texas-Mexican border and other parts of the country. But enactment of this legislation will be a long step toward stamping out those horrible destroyers of lives and minds.

[From the Houston Post of January 11, 1956]

DANIEL URGES NATION AND WORLD FIGHT ON ILLICIT NARCOTICS TRAFFIC

The investigation of the illicit narcotics traffic in the United States, which recently was conducted by a Senate subcommittee headed by Senator PRICE DANIEL, of Texas has disclosed the shocking information that this country has more drug addicts than any other country of the Western World, and may, in fact, have more than all others combined.

In a preliminary report to the Senate, Senator DANIEL Monday said there are at least 60,000 addicts in the United States and that about 13 percent of the known addicts are under 21 years of age. The Texas Senator added that the traffic in illicit narcotics is a $500 million per year business and is responsible for 25 percent of all reported crimes in the Nation. In the 43 most populous cities where most of the dope traffic is concentrated, it is the underlying cause of approximately 50 percent of the crimes.

An addict may spend from $10 to $100 a day for the illicit narcotics he craves. As a result, an addict is almost automatically a thief.

Even though the dope traffic is a serious source of crime, its worst feature is that addicts themselves enlist others into addiction. Senator DANIEL in describing the illicit narcotics traffic to the Senate called it "murder on the installment plan."

Senator DANIEL said his investigation disclosed that present Federal laws, together with lack of sufficient personnel in the Federal Narcotics Bureau, make efforts to curb the traffic extremely difficult. Penalties for narcotic violations, he added, are neither commensurate with the seriousness of the crime, nor sufficient to remove the profits.

The subcommittee is drafting legislation which will increase penalties for dealing in illicit narcotics up to the death penalty where it is recommended by the jury in aggravated cases. As an example of such a case DANIEL cited a peddler in San Antonio who started 40 high school students on heroin.

Senator DANIEL also urged Senate approval of a joint resolution urging all nations to ratify as soon as possible the 1953 protocol which would limit the cultivation of the poppy plant, source of opium, to the medical and scientific need for the drug and approval of another joint resolutiton urging all nations which have not done so to outlaw heroin at the earliest possible moment. He also urged that United States and Mexican officials hold conferences to agree on a treaty of cooperation in fighting the drug traffic at the Mexican border.

In short, Senator DANIEL wants the dope traffic attacked vigorously on both a national and an international basis. The subcommittee's investigation has shown clearly that both are necessary. No heroin is manufactured in the United States. It has been outlawed here and in a number of other countries, but Red China still is a major source.

However, if all of the free world would cooperate toward suppressing illicit narcotics, a big dent would be made in the traffic.

Congress would do well to consider Senator DANIEL's recommendations and act accordingly.

[From the Washington News of January 10, 1956]

THE DRUG TRAFFIC

The Senate subcommittee investigating illicit narcotics has come up with the startling finding that the United States has more drug addicts in proportion to population than any other country in the Western World.

Some other conclusions may be equally hard to believe—that drug addiction is responsible for half the crimes committed in our metropolitan areas, that the illicit drug traffic has trebled since World War II.

This committee, under the chairmanship of Senator PRICE DANIEL, Democrat, Texas, unquestionably did a comprehensive and conscientious job.

If the situation is only half as bad as this report paints it, the stringent measures the committee recommends are wholly justified. The effects of drug addiction are horrible—"death on the installment plan," Senator DANIEL accurately phrases it. So there is no excuse for mercy under the law for the ruthless criminals whose greed has led them to spread addiction wherever they could.

The addict deserves our pity. The degenerate who made him an addict has earned the condemnation of civilization, and the death penalty in extreme cases.

[From the Palestine (Tex.) Herald-Press of May 1, 1956]

DEATH FOR DOPE PEDDLERS

As present laws stand in most States of the country, a man who kills another in the heat of anger can be executed for his crime.

Yet, another who schemes to avoid capture, who turns scores of people into helpless addicts of a living death, and makes them potential mad dog killers of the innocent, when convicted gets off with a year or two in prison.

Perhaps it was with such a comparison in mind that a special Senate Judiciary Subcommittee headed by Texas Senator PRICE DANIEL has recommended the death penalty for narcotics peddlers.

Under a bill proposed by the committee, heroin, the most evil of all the drugs peddled in this country, would be outlawed entirely, including medical uses. DANIEL explained that heroin has no medical use that cannot be served better by other drugs.

And the bill would provide prison penalties ranging from years to life, or the death penalty, for peddlers of heroin.

Marihuana, the enemy of youth, would be attacked by a penalty on smugglers of from 5 to 10 years in prison.

If the death penalty is ever morally justified, this is the time. This country has been strangely easy on dope smugglers and salesmen, even though they have been found working on school campuses, have wrecked the lives of unknown thousands, and have filled penitentiaries with murderers, thieves, and prostitutes. Few cities of as many as a few thousand people have been untainted by the evil. And the pitiful thing is that addicts are created in early youth or, usually, not at all.

It is to be hoped that Congress will pass DANIEL's bill without delay and without weakening its provisions.

With such a law, our narcotics agents will have a real weapon with which to fight our most heinous crime.

Without a law of equal force, we can expect the spreading sore of dope addiction to continue its cancerous growth, and to weaken the moral and physical fiber of our country.

[From the Greenville (S. C.) Piedmont of May 4, 1956]

NOT FAR ENOUGH

Death is not too severe a penalty for narcotics peddlers. That punishment has been recommended by a special Senate Judiciary Subcommittee for dope pushers who sentence their victims to what has been described as a living death.

But dope pushers cannot exist without a measure of protection. The Senate subcommittee should extend its recommendation to include just punishment for those who aid and abet members of narcotics rings or who assist them in escaping retribution for their crimes.

[From the St. Paul Pioneer Press of May 4, 1956]

SENATE GROUP BACKS TOUGH NARCOTICS BILL

The special Senate Judiciary Subcommittee which has recommended the death penalty for narcotics peddlers has indeed gone back to the idea of "an eye for an eye and a tooth for a tooth." Whether Congress or public opinion will agree to such punishment there may be some question, though in dope peddling the lowest in degradation may appear to have been reached.

The bill introduced by the subcommittee would seem to give the dope seller plenty of time and opportunity to mend his ways and renounce his infamous calling, if reform is possible. It would provide prison terms of 5 to 10 years for the first offense on a sale to adults; 10 to 20 years for a second offense; and either a life sentence or the death penalty, at the jury's discretion, for a third conviction.

There are crimes other than murder for which the death penalty is provided in certain States. Kidnaping, rape and, of course, treason are instances. In China the death penalty has been invoked in the case not only of narcotics peddlers but of drug users as well, and the procedure was summary. The wretched prisoners were often dragged before a people's court, convicted, and shot within the space of an afternoon. But no hasty procedure is present or intended in the committee's bill. All due process of law is provided for.

Other provisions of the committee's bill make for better and swifter law enforcement against dope agents. The measure would legalize tapping the telephones of suspected dope sellers, subject to permission from a Federal court, and would allow narcotics and customs agents to carry arms. The bill, which drastically tightens up the restrictions and increases the punishments for dope sales, including those of marihuana, is a good one in most respects. Probably there never could be unanimous agreement in the matter of the death penalty. Congress must decide that.

[From the Santa Barbara (Calif.) News-Press of May 3, 1956]

THE DOPE SALE PROCESS IS SAME AS MURDER

Being prepared for presentation to Congress is a bill providing for the death penalty for persons convicted of selling narcotic drugs. If we are to have the death penalty on the statute books as punishment for the destruction of another human being, then certainly it should be applied to the illicit traffic in dope.

A special Senate Judiciary Subcommittee unanimously approved the new measure, after an investigation of the narcotics traffic. It decided to ask for penalties ranging from 10 years to death for persons selling heroin to victims under 18. The death penalty would be left to the discretion of a jury.

Prison terms of 5 to 10 years would be provided for a first offense sale of heroin to adults, 10 to 30 years for a second offense, and a life term or the death penalty for a third conviction. In addition, the bill would outlaw heroin even for medicinal purposes and set a limit of 120 days from the time of enactment in which all stocks of heroin must be surrendered to the Federal Government. The committee's position is that heroin has no medicinal use which cannot better be served by other drugs.

Stiffer penalties would also be imposed for the traffic in marihuana, by setting the term of imprisonment at 5 years to 10 instead of the up-to-5 term now provided. The bill also proposes legalization of telephone tapping to trap dope peddlers, subject to permission from a Federal court, and allow Narcotics and Customs Bureau agents to be armed. Such agents could make an arrest without warrant for offenses committed in their presence.

We hope no soft-hearted and soft-headed people will profess to see a sinister threat to our basic liberties in the proposed measure, and that it will be approved as recommended. Ruthless dealing with dope peddlers and suppliers must be undertaken if the lethal racket is to be stamped out.

[From the Cincinnati Enquirer of May 7, 1956]

NO QUARTER

Every thoughful student of our deplorable crime record, so much of it the product of narcotic addiction, must approve the Senate bill providing drastic sentences for smugglers and pushers, large and small.

When the deeply antisocial nature of the narcotics trade is considered, the death penalty seems appropriate for aggravated offenders. "It is time," said Senator PRICE DANIEL, of Texas, introducing the bill, "that the Congress and the country declare the type of open warfare on the illicit narcotics traffic that will stop the destruction of lives and commission of crimes now attributable directly to this cancerous menace."

The bill represents a year-long study by a judiciary subcommittee, which exhaustively explored the problem with testimony from doctors, judges, social workers, and police officials.

It seems agreed that addicts who turn to crimes of violence for the means to satisfy their cravings constitute a rising factor in the crime rate. Moreover, a great deal of juvenile gang violence in our cities stems from use of the introductory drug, marihuana.

The drug habit is acquired, it is practiced in secrecy. It is not invested with a long, convivial tradition as is the use of alcoholic beverages. Addicts become slaves dangerous to society. The way to deal with addiction is to choke off the supply. This bill looks to that end. Ohio already has a suitably stern measure on its statute books.

[From the Decatur (Ill.) Herald of May 3, 1956]

OPEN WAR TO THE DEATH AGAINST NARCOTICS TRAFFIC

New narcotics legislation written by a Senate Judiciary Subcommittee that has been been investigating enforcement of the present narcotics laws, really declares war on the drug traffic in this country.

The bill would outlaw the sale of heroin, even for medicinal purposes. Penalties for the sale of heroin range all the way up to capital punishment for selling the drug to a minor, or for a third conviction on a charge of selling heroin to an adult.

The imposition of the death penalty would not be mandatory, but would be left to the discretion of the jury.

That new provision of the death penalty may reflect a change of heart on the part of lawmakers, if not of sociologists and penologists. Various States have abolished capital punishment as barbaric and unnecessary. But when vicious crimes multiply, the pos-

sibility that the death penalty could serve as a deterrent is worth sober thought.

Narcotics kill as surely as a pistol bullet or switch-blade knife. But before the dope addict dies he suffers misery and degradation unknown to the quick victim of a murderer's gun. The dope peddler who gives the first dose of drugs to a human being deserves whatever punishment is available under the law.

When the English Government forbade the sale of heroin under any circumstances there was protest, even from the medical profession, which argued there was no substitute for the drug for medical use.

Chairman DANIEL, of the Senate subcommittee which wrote the new legislation, states flatly that heroin "has no medical use which cannot be served better by other drugs."

Any loophole is dangerous and while the medical profession is on the whole ethical and devoted to the ancient ideals, there are individuals in the profession who take selfish advantage and cannot be trusted.

The new Senate bill tightens enforcement procedures all along the line. It would permit the tapping of telephones of suspected dope peddlers, and would allow Customs and Narcotic Bureau employees to carry firearms. Agents would be authorized to make arrests without warrants for law violations committed in their presence.

If those provisions seem unusual, it must be remembered that the drug traffickers are ruthless and stop at nothing.

Necessary to the success of the open war against narcotics is a campaign of education to acquaint the innocent and the sheltered with the real proportions of the public danger. Paperback novels and movies have not made the point plain enough.

[From the Pensacola (Fla.) Journal of May 4, 1956]

DRASTIC DRUG PENALTY DUE

Once again a recommendation has been made that the death penalty be invoked for narcotics peddlers. A special Senate Judiciary Subcommittee, meeting in Washington, called for the death penalty in introducing a bill to "declare war" on the illicit drug traffic.

Chairman DANIEL (Democrat, Texas) announced introduction of the measure with unanimous backing of his group, which has been investigating narcotics law enforcement. The bill would outlaw the use of heroin even for medicinal purposes and provide penalties ranging from 10 years in prison to death for the sale of the drug to persons under the age of 18. Extreme sentences would be left to the discretion of juries.

In view of the continuing traffic in narcotics, stern measures undoubtedly must be taken and certainly the punishment for destroying the mind and moral fiber of a human should be as great as for destroying physical life. In fact, the former is by far the greater crime.

[From the San Francisco Examiner of January 13, 1956]

PUSHER'S PENALTY

Declaring itself "shocked at the extent and far-reaching effects of the illicit-drug traffic," a Senate Judiciary Subcommittee has recommended the death penalty for "unregenerate" dope peddlers.

"Peddlers are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense * * * in truth and in fact is murder on the installment plan," the subcommittee concluded.

The Hearst newspapers have been saying the same thing editorially for years.

Recent disclosures of a dope smuggler's "haven and heaven" at Los Angeles Harbor, of rising importation of narcotics across the Mexican border, of totally inadequate numbers of enforcement officers at all points, and of the comparative lenience of existing laws add weight to the subcommittee's statement.

Death for repeated dope peddling is opposed by some well-meaning humanitarians and penologists.

They contend that it would prove no deterrent at all.

Against that view we have cited the dramatic drop in kidnaping cases since that crime was made a capital offense.

The formality itself of making dope peddling a capital offense may not at once impress the vile and mercenary salesman of "murder on the installment plan."

The mere enactment of the Lindbergh law did not drive kidnapers immediately out of business.

But when the first convictions and executions followed, when death did become the last reckoning, kidnaping dropped to virtual rarity.

So would dope peddling after the first few persistent peddlers of the white death have been dealt the same treatment.

The Senate subcommittee is to be commended for a realistic and urgently needed recommendation.

It deserves strong support in both Congress and the State legislatures.

[From the Lawrence (Mass.) Tribune of May 3, 1956]

CURRENT COMMENT

For the dope peddlers, death. The peddler of dope, particularly the one who plies his trade among minors, is the most evil figure in the drug traffic and any effort to control the traffic must be directed primarily at him.

A special Senate Judiciary Subcommittee which has been investigating narcotics law enforcement has come up with a practical recommendation in the form of stiffened penalties for convicted drug sellers.

A bill introduced in the Senate with the unanimous support of the subcommittee members would provide penalties ranging from 10 years in prison to death for sale of heroin to persons under 18. Death sentences would be left to the discretion of juries. On sale to adults, penalties would range from 5 to 10 years in prison for a first offense; 10 to 30 years for a second offense; and either a life term or execution at the jury's discretion for a third conviction. Sale and use of heroin would be outlawed absolutely.

These are severe penalties, because it has been proved that only the most severe can be of any use in deterring dope peddlers from pushing their vicious but profitable trade.

The peddlers are not frightened by the possibility of fines or even a few years in jail. But the prospect of the electric chair is something else again. It should make them think twice before risking their lives by the sale of drugs, no matter what the profit. (Philadelphia Inquirer)

[From the Beaver Falls (Pa.) News-Tribune of May 10, 1956]

THE NARCOTIC CRACKDOWN

A Senate Judiciary Subcommittee recently recommended a crackdown on violators of Federal narcotics laws. Federal agents in cooperation with local police taking the cue immediately went to work and just last week staged one of the biggest narcotic raids staged in years. Pittsburgh district was a focal point in a nationwide drive.

A bill has been submitted to Congress after thorough study of dope peddling and addiction in the United States, in which stiffer penalties are now asked than the present law provides.

The measure would permit juries to mete out life prison terms or the death sentence for a third conviction of selling heroin or smuggling it into the country. It would make the death sentence possible for those convicted of selling dope to children. The subcommittee also wants to broaden the investigative powers of the Federal Customs Bureau and Narcotics Bureau to make apprehension of dope peddlers more certain.

The need for tougher laws and stricter enforcement against the devilish crime that leads to dope addiction has been apparent for a long time. The subcommittee recommendations, based on evidence gathered in extensive hearings, merit the most serious consideration.

Strong laws and vigorous enforcement are not the whole answer to the dope problem, however. There is a deadly chain—from the smuggler to the peddler to the often innocent victim who may in turn become a thief or peddler—that must be broken. Homes, schools and churches can do much to help break the chain. They can do their part by showing children and young people the terrible consequences of addiction.

There is no place in modern society for the dope peddler. Once apprehended and convicted he should be meted the limit the law allows. Our courts too often in some of these cases, are swayed by political pressure, for there are many in the narcotics game, that are active in political machines for the security they often provide. Any court that permits a dope peddler "to get off easy" is as guilty as the offender, in this nefarious business.

[From the Texarkana (Tex.) News of May 12, 1956]

CRACKING DOWN ON DOPE

At long last a no-holds-barred bill has been put forward in the Senate to curb the frightening narcotic addiction that has spread across the country, particularly among young people.

Sponsored by a special subcommittee, the legislation was introduced by its chairman, Senator PRICE DANIEL, Democrat, of Texas. The bill's sharpest edge is a provision which calls for the death penalty, at the discretion of a jury, for those who sell heroin to persons under age 18.

DANIEL has indicated there will be similar legislation from the House of Representatives, and he expects action on the bill to be taken during this session.

That will hardly be soon enough. Every day that addicts and dope peddlers roam the streets the well-being of our communities is in danger. For all forms of crime have been proven to be tied in with narcotics. And often it's the kiss of death.

The Daniel proposal follows nearly a year of nationwide hearings which made it brutally clear that there was no time to waste in cracking down.

The bill would completely outlaw heroin in the United States on the grounds that it is the "worst and most prevalent drug sold on the illicit market, and it has no medical use which cannot be served by other drugs."

Other important provisions include:

Permission to wiretap telephone calls between narcotic traffickers when authorized by a Federal court.

Penalties for the smuggling and sale of heroin ranging from 5 to 10 years for first offenders up to life imprisonment or the death penalty for third offenders.

This is one piece of legislation to which Congress might well give immediate attention. The penalties may be stiff. But they are nowhere near as stiff as the life-wrecking jolt of a narcotic needle.

[From the Sacramento (Calif.) Union of May 8, 1956]

DEATH FOR DOPE

Congress has before it a measure setting penalties for dope peddling in this country which it ought to pass without delay. The bill has been authored by a Senate Judiciary

Subcommittee headed by PRICE DANIEL (Democrat, Texas), and it has been approved by the committee for submission to both Houses of Congress.

CONGRESS SHOULD PASS MEASURE

It completely outlaws heroin, for which there is no medical use; it authorizes penalties up to death for dope peddling; steps up narcotics penalties all along the line.

This is no doubt very drastic legislation. But peddling dope, particularly to school youngsters, is a very fiendish crime. The only way to deal with it effectively is to put the penalty at the limit.

[From the Richmond (Ind.) Palladium-Item of May 7, 1956]

PENALTIES FOR DOPE PEDDLERS

Legislators have the opportunity to act effectively against narcotics peddlers at this session of the Congress.

A Senate committee has presented a bill which stiffens penalties for dope peddlers, with life imprisonment or death provided for third offenders.

Chairman DANIEL (Democrat, Texas), of the committee, accompanied filing of the bill with the declaration that open warfare should be waged against the narcotics traffic.

It has been the stand of this newspaper for years that nothing short of death for persons selling narcotics to youth will halt the illegal sale of deadly drugs to the young.

The record is long which tells about the destruction of our boys and girls who are turned into addicts through the operations of narcotics peddlers.

Many of these young people become vicious criminals, forced deeper and deeper into law violations by the need for money with which to buy dope to satisfy their cravings. They turn from minor thefts to holdups and murders.

The executed destroyers of young lives never return to their peddling.

[From the Kenosha (Wis.) News of May 7, 1956]

THE DEADLY CHAIN

In recent years there have been numerous instances where dope has injected a violent note into the Kenosha crime picture. The result has been a hardening of thought here that there should be stiffer penalties on violators of Federal narcotics laws.

Such a crackdown has now been recommended by a Senate Judiciary Subcommittee. In a bill, submitted after a thorough study of dope peddling and addiction, the subcommittee asks for much tougher penalties than the law now provides.

The measure would permit juries to mete out life prison terms or the death sentence for a third conviction of selling heroin or smuggling it into the country. It would make the death sentence possible for those convicted of selling dope to children. The subcommittee also wants to broaden the investigative powers of the Federal Customs Bureau and Narcotics Bureau to make apprehension of dope peddlers more certain.

The need for such legislation against the devilish crime that leads to dope addiction has been apparent for a long time. The subcommittee recommendations merit the most serious consideration.

Strong laws and vigorous enforcement are not the whole answer to the dope problem, however. There is a deadly chain—from the smuggler to the peddler to the often innocent victim who may in turn become a thief or a peddler—that must be broken. Homes, schools, and churches can do much to help break the chain. They can do their part by showing children and young people the terrible consequences of addiction.

Meanwhile, the Senate Judiciary Subcommittee bill, or one much like it, should be quickly passed.

[From the Youngstown (Ohio) Vindicator of May 8, 1956]

HITTING THE NARCOTICS RACKET

The mass raids which jailed 135 narcotics peddlers in half a dozen cities, including Youngstown, were the most effective kind of law enforcement in this field.

The ordinary kind of activity, picking up a pusher here or there from time to time, is necessary to keep pressure on this repulsive racket. Yet it makes only small gaps in the dope-distributing machine and these are rapidly filled. Also it usually catches only the little fellows while the brains escape.

The weekend raids followed 6 months of dangerous undercover work by Pittsburgh policemen. They traced the dirty business to other cities, finally reached the source of supply. The multiple arrests wrecked the whole machine at one blow and caught some of the big fish.

A new attack on narcotics appears in drastic legislation approved by a Senate Judiciary Subcommittee under Chairman DANIEL, of Texas. It would provide the death penalty for a third offense in smuggling or peddling heroin, although the jury could extend mercy as in murder cases. If this were done, life imprisonment would be mandatory.

Heavy sentences would be provided for first and second offsenses. Also the bill would allow wiretapping to get evidence, liberalize search-and-seizure procedures, and in other ways give officers more effective weapons.

No penalty contained in civilized law would be undeserved in the case of narcotics racketeers. Their evil work not only condemns the victim to misery and degradation but also goads him to the most violent kind of crime. Yet there is a law of diminishing returns in respect to drastic punishments; they can be set so high that in practice they are virtually unenforceable.

The Senate will need to keep this principle in mind, and also take care that in making it easier to catch dope peddlers the law does not deprive innocent men of their rights. Constructive measures are needed, as in providing treatment for addicts. These qualifications are necessary to give the law maximum efficiency, but the Daniel bill provides a useful basis of discussion for which the country can be grateful.

[From the Lancaster (Pa.) New Era of May 3, 1956]

OUR IDEAS: DEATH FOR DOPE PEDDLERS

Stamping out the traffic in narcotics is not an easy matter because the rewards to the peddlers are great and the penalties, if and when they are caught, are not relatively severe.

A fine or even a couple of years in jail have not deterred the sellers.

Now the Senate has before it a bill which would drastically step up these penalties. It is the work of a Senate Judiciary Subcommittee which spent considerable time studying the narcotic racket in this country. It concluded stiff steps were necessary.

The bill provides penalties up to death (at the discretion of the jury) in the case of a peddler who sells heroin to persons under the age of 18. Other penalties range up to 30 years for second offenders and a jury could give life to third offenders no matter who they sell to.

These penalties are not a bit too severe. The dope traffic must be stamped out. Introducing a youngster to the dope habit is, in a very real sense, equivalent in many cases to condemning them to a slow, torturous death.

What the Senate committee learned convinced it that only the heaviest penalties can be expected to cope with the traffic.

[From the Dothan (Ala.) Eagle of May 3, 1956]

MAKING THE PENALTY MATCH THE CRIME

A Senate subcommittee directed by Senator PRICE DANIEL, of Texas, has completed a long and exhaustive study of the drug traffic in the United States. More than being appalled at what it has found, it has brought forth recommendations that it believes will go a long way in remedying a shocking situation.

Getting at the root of an evil that is wrecking lives and leading addicts into crime, it proposes drying up the source of supply for narcotics users. And it suggests the drying up be accomplished two ways, first, by placing an absolute ban on heroin—even for medical purposes—and second, imposing stiffer penalties on dope sellers.

For stiffer penalties, it proposes capital punishment for peddlers convicted of a third offense—either life imprisonment or death. Already there are cries that such a penalty is excessive. But, is it? No one is compelled to sell dope, and certainly not to continue in business until a third conviction.

The peddler who persists in the racket is in it for gain and such a criminal who wrecks lives deserves no more leniency than the murderer. For sheer viciousness there is scant distinction between the two.

[From the Los Angeles Examiner of May 2, 1956]

BILL AGAINST DOPE

After lengthy and exhaustive hearings, a special Judiciary Subcommittee of the United States Senate has introduced a bill that calls for stronger penalties against dope peddlers.

The measure accurately reflects a strong trend of public opinion.

Its principal provisions are:

Outlawing of heroin even for medicinal purposes; giving juries the option of decreeing the death penalty in aggravated cases of narcotics sales to persons under 18; increasing prison sentences to a maximum of life for third-time offenders.

Of special interest in view of the intense controversy over the Cahan decision in California, is a provision permitting police wiretapping in narcotics cases.

Altogether, the bill deserves close attention and strong support in the Senate.

Giving jurors the option of imposing the death penalty merely affirms a precedent set by the Lindbergh kidnaping law.

Before death penalties were permitted for kidnaping, the country suffered an epidemic of that crime.

But it decreased to the point of extinction after the first few convictions and executions for that offense.

Why should dope peddlers, who are merchants of gradual murder, remain immune from the same effective remedy?

Why should their sordid traffic, which poisons communities and ruins lives, be exempt from reckonings deemed just for killers and kidnapers?

The Senate subcommittee evidently thinks it should not.

So do folks who realize the squalid horror, degragation, and vice which are the inseparable companions of dope addiction.

Many victims of the narcotics traffic take the same view—the most eloquent testimony of all.

The issue is clear: Either we move sternly to crush the evil, or continue to let dope peddling remain profitable in spite of present laws against it.

That is the point for the Senate to ponder.

[From the Philadelphia Inquirer of May 1, 1956]

FOR DOPE PEDDLERS: DEATH

The peddler of dope, particularly the one who plies his trade among minors, is the

most evil figure in the drug traffic and any effort to control the traffic must be directed primarily at him.

A special Senate Judiciary Subcommittee which has been investigating narcotics law enforcement has come up with a practical recommendation in the form of stiffened penalties for convicted drug sellers.

A bill introduced in the Senate with the unanimous support of the subcommittee members would provide penalties ranging from 10 years in prison to death for sale of heroin to persons under age 18. Death sentences would be left to the discretion of juries. On sale to adults, penalties would range from 5 to 10 years in prison for a first offense; 10 to 30 years for a second offense; and either a life term or execution at the jury's discretion for a third conviction. Sale and use of heroin would be outlawed absolutely.

These are severe penalties, because it has been proved that only the most severe can be of any use in deterring dope peddlers from pushing their vicious but profitable trade.

The peddlers are not frightened by the possibility of fines or even a few years in jail. But the prospect of the electric chair is something else again. It should make them think twice before risking their lives by the sale of drugs, no matter what the profit.

[From the San Francisco News of May 1, 1956]

SHOW THEM NO MERCY

The narcotics situation seems to be better than it was a few years ago. But the amount of addiction and the extent of the illegal drug traffic still is serious, both in the toll of wrecked lives and in its relation to other crime. Moreover, while some States and cities have awakened to the menace and done much to eliminate it, others remain complacent.

The Senate subcommittee headed by Senator DANIEL (Democrat, Texas), has made an exhaustive study of the illicit drug traffic and has concluded that harsher penalties, combined with an absolute ban on heroin even for medical purposes, is the only answer.

It would be hard to disagree with its findings.

Life imprisonment or death for the third offense of drug peddling may seem rather severe. But the pusher who persists at his trade of corrupting and wrecking innocent lives is a criminal of the most vicious sort, and deserves no mercy. Nor would we oppose the optional death penalty the Senators recommend for even the first offense of selling heroin to children under 18.

It may not be possible to stamp out the illicit drug traffic entirely. But tougher prison terms and an occasional hanging should discourage it considerably.

[From the Richmond (Ind.) Palladium-Item of February 9, 1956]

DEATH FOR DOPE PEDDLERS BADLY NEEDED

Two reports have been made recently regarding the stand the Congress should take toward narcotics users and peddlers.

A Senate Judiciary Subcommittee several weeks ago recommended that laws be passed providing the death penalty for smugglers and peddlers of heroin in extreme cases.

President Eisenhower 14 months ago named a committee of 5 of his Cabinet members to investigate the narcotics traffic and offer suggestions.

This committee agrees that stiffer penalties are needed. But it also points to the need for more Federal agents to run down the offenders and for greater coordination between State and Federal narcotics officers.

The question of narcotics has posed a problem for years. It has taken a long time for officials to come to the conclusion that penalties now prevailing are too weak to cope with the illegal business.

As the President's board reported, "The existence of one addict is one addict too many."

True as this is, the greatest concern is that the youths of our country are being offered narcotics.

They are encouraged to the point where they become slaves to the habit and lose their sense of decency and morality.

Once they are addicts they follow the beaten path which leads to crime to get money with which to keep themselves supplied with dope. Under the influence of narcotics they often become killers.

In any event an addict becomes a lost individual, of no value to himself or to others.

Nothing short of the death penalty should be provided for those who peddle narcotics. The peddlers are the ones who sow the seeds for lost lives, contribute to the destruction of society and create murderers to sacrifice the innocent.

If enough of these persons were taken into custody and executed the example should have a sobering effect even on the hardened merchants of dope.

The sordid business they promote is too horrible to be dealt with in a delicate way. Society should assert itself through its laws to protect its young men and women from the cruel course to which narcotics addiction leads.

[From the Shreveport (La.) Times of January 22, 1956]

DEATH PENALTY NEEDED FOR NARCOTICS SELLERS

Nine-tenths of the illegal narcotics traffic in this country is concentrated in 42 cities. A Senate subcommittee which conducted hearings in 13 cities estimated that each month sees a thousand new chronic narcotics addicts in the United States.

Senator PRICE DANIEL, of Texas, chairman of the subcommittee, said the group favors the death penalty for narcotics peddlers.

Why not? The all-too-familiar pretense that these sellers of "dope" which destroys character and health are just wayward persons in the same class as shoplifters and Peeping Toms ought to be blasted out of existence.

What the American public wants and needs is a deterrent which will stop the illicit sale of narcotics. Legislative bodies have, for the most part, merely dilly-dallied with the subject. They definitely have not curbed the rise of the "dope" evil.

Merciless punishment should receive a test. Let those who fall back in horror at the mention of the death penalty explain just how far short of death is the fate meted out to users by these narcotics sellers.

The subcommittee knows the facts and has recommended a penalty which fits the crime. Louisiana's Legislature, meeting in May, may wish to be the first to take a real step toward saving the young people of America from the rising tide of "dope" addiction.

[From the Austin (Tex.) Statesman of January 20, 1956]

CHAIR HELD JUSTIFIED

Senator PRICE DANIEL reports that the traffic in illicit drugs has trebled since the end of World War II. Conducting hearings in various areas that are doors to the smuggling of drugs from the Orient and even processors in Europe, he concludes that drug addiction is responsible for nearly 50 percent of all crime in the Nation's major cities, and for at least 25 percent of all crime reported in the entire country.

Senator DANIEL and his subcommittee strongly urge the negotiation of a treaty with Mexico for concerted action against the drug traffic flowing across the border. He says that 90 percent of the overland smuggling of heroin and marihuana comes from across the Mexican border into Texas, California, and Arizona.

The Senator will get a great deal of support from all over the country for advocating that the death penalty be applied in extreme cases to peddlers of heroin.

The narcotics conspiracy is without conscience. It is not concerned that these drugs destroy body and soul. It is only concerned with bleeding addicts of every dime they can get hold of for the profit of the overlords.

Society and the law have been too long indulgent of the top and lesser kingpins in this vicious traffic. Other means having failed, the death house can accomplish two purposes. It can remove the notorious brains of the conspiracy, and by that action serve as a lasting lesson to others not to get involved.

[From the Jackson (Mich.) Citizen-Patriot of January 16, 1956]

DEATH PENALTY NEEDED

Senator DANIEL'S suggestion that more severe penalties be provided under the law for persons convicted of dope peddling should have strong support in the Congress.

The Texas Democrat's proposal that the death sentence be provided in extreme cases of heroin smuggling does not appear to be out of line.

Senator DANIEL framed his recommendation after an invesigation by his subcommittee of the illegal drug traffic in 11 cities. What he saw and heard during the hearings undoubtedly convinced Senator DANIEL that the present antinarcotics laws are not stern enough.

Persons who are in the enforcement end of the never-ending war against dope reached that conclusion long ago. They have been saying that they need rigid laws and judges who will impose stiff sentences on smugglers and pushers in order to stamp out the traffic in "living death."

The public has only a vague notion of the extent of the drug traffic and the problems faced by enforcement officers. Public interest in the matter seldom reaches the point where there is irresistible pressure on Congress to revise and strengthen the laws.

Senator DANIEL and his subcommittee members have seen enough to prompt them to recommend drastic changes in the law. If they get the proper support from the people and from fellow Members of Congress, a bad situation may be remedied.

The subcommittee's findings that 50 percent of all crimes in major cities and 25 percent of all those reported in the Nation have their origin in the dope traffic appear to be the compelling argument for the use of drastic measures—even including the death penalty. They should convince the public and Congress.

[From the Beaumont (Tex.) Journal of January 17, 1956]

DEADLY DRUG ADDICTION

Drug addiction, says Senator PRICE DANIEL, who is chairman of the Senate subcommittee investigating narcotics, is "death on the installment plan."

This is strong language, but it suits the subject. Flowery terms would be out of place in reference to the insidious drug, the addiction to which the committee finds is responsible for half the crimes committed in our large cities. It is the kind of language needed to describe the chairman's feeling when his group discovered that the United States has more drug addicts in proportion to population than any other country in the Western World.

Although the addict in most cases deserves pity, no sympathy is due the peddler who is responsible for his addiction and who preys upon weaker members of our adult society and high-school students alike.

For the degenerate dope pusher, the shadowy character who solicits the down-payment on the installment plan for death, the committee has wisely asked for the extreme penalty in extreme cases. In the face of the group's startling findings and what they mean for the future, unless checked, the investigators are not asking too much.

Frequent overdoses of their own medicine is a sensible procedure in curing this country of the evil disease they are spreading.

[From the Portland (Oreg.) Journal of January 11, 1956]

CRIMES WORSE THAN MURDER

Is the ruining of men's lives less evil than murder?

This is a question raised by the Senate Narcotic Subcommittee in its recommendation of stiffer penalties for all dope smugglers and peddlers, including the death penalty for extreme cases of heroin smuggling.

The subcommittee, headed by Senator PRICE DANIEL, Democrat, of Texas, makes this excellent statement:

"Heroin smugglers and peddlers are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense is human destruction as surely as that of the murderer. In truth and in fact, it is murder on the installment plan."

The report calls for the death penalty in such extreme cases as that of "the man who started 40 high-school students on heroin in San Antonio, Tex."

While justice is not often swift and sure, in most States we say that the man who deliberately plans and carriers out the killing of another man ought to forfeit his own life.

Then what about the one who, for profit, deliberately lays the foundation for the ruination of many lives and the probably violent ending of others? In the whole realm of human behavior is there a more reprehensible crime?

We agree heartily with the subcommittee's recommendations for stiffer penalties in all narcotic cases—even so far as death for the vilest of these criminals.

[From the Boston American of January 12, 1956]

SENATE COMMITTEE'S VIEWS ON DRUGS

Declaring itself "shocked at the extent and reaching effects of the illicit drug traffic," a Senate Judiciary Subcommittee has recommended the death penalty for unregenerate dope peddlers.

"Peddlers are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense * * * in truth and in fact is murder on the installment plan," the subcommittee concluded.

The Hearst newspapers have been saying the same thing editorially for years.

Recent disclosures of a dope smuggler's haven and heaven at Los Angeles Harbor; of rising importation of narcotics across the Mexican border; of totally inadequate numbers of enforcement officers at all points, and of the comparative lenience of existing laws, add weight to the subcommittee's statement.

Death for repeated dope peddling is opposed by some well-meaning humanitarians and penologists.

They contend that it would prove no deterrent at all.

Against that view we have cited the dramatic drop in kidnaping cases since that crime was made a capital offense.

The formality itself of making dope peddling a capital offense may not at once impress the vile and mercenary salesman of murder on the installment plan.

The mere enactment of the Lindbergh law did not drive kidnapers immediately out of business.

But when the first convictions and executions followed, when death did become the last reckoning, kidnaping dropped to virtual rarity.

So would dope peddling after the first few persistent peddlers of the white death have been dealt the same treatment.

The Senate subcommittee is to be commended for a realistic and urgently needed recommendation.

It deserves strong support in both Congress and the State legislatures.

[From the Mobile (Ala.) Press of January 11, 1956]

NEW NARCOTICS LAWS

We hope the judiciary subcommittee means business in its current call for the death penalty for unregenerate heroin peddlers.

Such a law has been long needed. If it had been in existence, perhaps this Nation would not now have more drug addicts than all the other western countries combined. Latest figures indicate the United States has 60,000 addicts, of which 13 percent are under 21 years of age.

The Senate subcommittee recommended stiffer penalties for all narcotics smugglers and peddlers, particularly those who sell to minors. It charged that heroin dealers are dealing in "murder on the installment plan."

"Heroin smugglers and peddlers," said the subcommittee, "are selling murder, robbery, and rape, and should be dealt with accordingly. Their offense is human destruction as surely as that of the murderer. In truth and in fact, it is 'murder on the installment plan'."

It is also gratifying to note that the committee favors increasing the Federal narcotics enforcement personnel and giving agents the right to tap telephone lines of "big-time" narcotics traffickers.

Not only will tighter laws on these objectionable rackets save many young people from addiction; they will also strengthen our defense against Red China's efforts to increase her subversive activity by making heroin available to American servicemen.

LEGISLATIVE PROGRAM AND ORDER FOR RECESS TO 10 A. M. ON MONDAY

During the delivery of Mr. DANIEL'S speech,

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

Mr. DANIEL. I yield.

Mr. JOHNSON of Texas. Mr. President, it is the intention of the leadership to call up the road bill on Monday. We already have an agreement to meet early on that day. We hope we can discuss the bill on Monday, beginning at 10 o'clock, and run through the day until a late hour in the evening, perhaps 7 or 8 or 9 o'clock; then meet again at 10 o'clock a. m. on Tuesday, with the thought that we may be able to vote on and dispose of the road bill late Tuesday evening, if necessary by having a night session on Tuesday. If we are able to get through with the road bill on Tuesday, we will have a holiday on Wednesday, Memorial Day; we will not meet on Wednesday, but go over until Thursday. On Thursday and Friday we hope to have 3 or 4 appropriation bills ready for action by the Senate.

The social-security bill has been ordered reported by the Committee on Finance, and we hope to take that bill up on the following Monday.

I ask unanimous consent that when the Senate concludes its business today, it stand in recess until——

Mr. WILLIAMS. I object.

Mr. JOHNSON of Texas. Will the Senator from Delaware give me a reason for objecting to moving that the Senate meet early on Monday?

Mr. WILLIAMS. I believe we can adjourn a little later today; we have a few important bills which should be considered.

Mr. JOHNSON of Texas. If the Senator wishes to blackmail the leadership, he does not have to do it in that way. All he has to do is say he does not want a bill brought up. There is only one bill that would be called up, and that is the bill on which two Republican Senators argued the other day. If the Senator from Delaware does not wish to argue the merits of the bill today——

Mr. WILLIAMS. I have no objection to bringing it up. I think it should be brought up.

Mr. JOHNSON of Texas. Then can we not have an agreement that the Senate will meet at a certain time on Monday?

Mr. WILLIAMS. The point is that when the bill is taken up there will be a vote had on it.

Mr. JOHNSON of Texas. No vote will be taken. The Senator from Texas has more consideration for his colleagues, even on the minority side, than to try to blackmail them into returning to the Chamber late Friday evening, when they have already made other arrangements. The Senator from Texas is not going to take up any bill that will require any yea-and-nay votes.

Mr. WILLIAMS. I still object.

Mr. JOHNSON of Texas. The Senator still objects?

Mr. WILLIAMS. Yes.

Mr. JOHNSON of Texas. He objects to setting a convenient time for meeting on Monday morning?

Mr. WILLIAMS. I have no objection to that.

Mr. JOHNSON of Texas. The Senator from Texas will assure the Senator from Delaware that if he wants a quorum call or a yea-and-nay vote on the bill in which he is interested, it will be brought up at a later time, when it will suit the Senator's convenience.

Mr. WILLIAMS. I want the bill brought up this afternoon, so far as I am concerned.

Mr. JOHNSON of Texas. The Senator from Texas is not going to bring up the bill if the Senator from Delaware wants a yea-and-nay vote on it.

Mr. WILLIAMS. I believe we have already notified Senators that we would have a yea-and-nay vote on the bill this afternoon.

Mr. JOHNSON of Texas. No; we have not. The leadership will not bring up any bill that will require a yea-and-nay vote after the pending business is disposed of. The Senator from Texas can assure the Senator from Delaware that there will be no rollcalls. If the Senator from Delaware insists, the Senator from Texas will move to recess the Senate.

Mr. WILLIAMS. For the moment I will object, and I shall discuss the matter further with the Senator from Texas.

Mr. JOHNSON of Texas. Very well; but I hope that we will not have too much said about a do-nothing Congress. We spent a good deal of time yesterday waiting for speakers on the minority side. During the rest of the year it may be that we will hear a great deal said about a do-nothing Congress. If so, I want the RECORD to show who will be responsible for it.

Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until Monday at 10 o'clock a. m.

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

Mr. JOHNSON of Texas. Mr. President, there are some differences between our colleagues on the minority side of the aisle. It may be that at some time we shall have differences on this side. I am glad that we do not have them today. But because of the differences, the leadership is not going to call upon the Members of the Senate to return to the Chamber late in the evening to settle differences between minority Members. So, Mr. President, when we conclude consideration of the bill which is now before the Senate, it is the intention of the leadership to make the public-roads bill the unfinished business and try to secure action on it by next Tuesday evening. Wednesday will be a holiday, if we conclude our business, and on Thursday and Friday we will consider appropriation bills. In the event we are able to sandwich in the Great Lakes bulk-cargo-vessels bill, which has caused so much difference of opinion, it may be taken up on Thursday or perhaps early on Friday. But there will be no vote on it today.

Mr. POTTER. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. POTTER. Mr. President, I wish to thank the distinguished Senator from Texas. I know that as majority leader he has been trying to schedule this measure for the past 2 weeks. I wish to thank the Senator for his efforts to schedule the proposed legislation for Senate consideration.

Mr. JOHNSON of Texas. I would be glad, if it were possible, to schedule it this afternoon, but the Senator from Delaware [Mr. WILLIAMS] wants to have a quorum call and a yea and nay vote. That is a privilege which he has a right to exercise, if he can get 10 other Senators to agree with him. I have no doubt there would be 10 who would agree with him. But it is not the intention of the leadership to embarrass Senators who have made engagements for this afternoon. If we should have a rollcall this afternoon, it would embarrass some Members. If a rollcall is not desired, and I am informed that it is not, I shall not make a motion to bring up the bill until adequate notice has been served on all Members. Certainly, not late on a Friday afternoon.

Mr. WILLIAMS. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. WILLIAMS. Mr. President, I wish to repeat what I said to the Senator from Texas. I am not trying to delay discussion of the bill. It has been on the calendar for about 3 weeks. I told the Senator I would consent to a unanimous-consent request at any time he wishes for a limitation of debate on the bill, not exceeding 2 hours——

Mr. JOHNSON of Texas. The Senator has just informed me of that. If he had so informed me earlier, I would have endeavored to get unanimous consent.

Mr. WILLIAMS. I am perfectly willing to do so this afternoon, but I wish to point out that the Members of the Senate who are interested in this proposed legislation could have remained here as I have.

Mr. JOHNSON of Texas. I understand the Senator from Delaware is very zealous about his attendance on the sessions of the Senate. But the leadership has no intention of embarrassing Members by calling a quorum late on Friday evening.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the legislative program as outlined by the distinguished majority leader last night, in which he stated that all Senators should be on notice that it will be necessary "to come in early and stay in session late from now on, in order to get all our bills passed."

Mr. JOHNSON of Texas. Mr. President, the Senator from Texas did not put any Senator on notice that the Senator from Delaware was going to insist on a quorum call or a yea-and-nay vote, because had I had such notice, I would not have scheduled the bill.

Mr. WILLIAMS. I do not know about a yea-and-nay vote, but certainly bills are not passed by the Senate without a vote of some description, and a bill is not supposed to be passed with the votes of only 3 or 4 Members on the floor.

Mr. JOHNSON of Texas. No one is attempting to pass a bill with 3 or 4 Members on the floor; but the Senator from Texas does not propose to have a quorum call and a yea-and-nay vote late on Friday afternoon, because the Senator from Delaware did not give notice that he intended to ask for a quorum call and a yea-and-nay vote. If he had, the bill would not have been scheduled for action today.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Delaware [Mr. WILLIAMS]?

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

[May 24, 1956]

LEGISLATVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, after the Senate concludes consideration of the State, Justice, and Judiciary appropriation bill, we may consider Calendar No. 1896, Senate bill 3108, to encourage the construction of modern Great Lakes bulk cargo vessels; Calendar No. 1975, S. 746, to provide for the return to the former owners of certain lands, including Indian tribal lands, acquired in connection with the Garrison Dam project of mineral interests in such lands; and Calendar No. 2014, S. 3760, to provide for a more effective control of narcotic drugs, and for other related purposes.

It is expected that tomorrow the road bill will be reported to the Senate by the Committee on Finance. I should like to have all Senators on notice that we will consider the road bill on Monday, and that we hope to conclude its consideration on Tuesday.

If that can be done, we will have a holiday on Memorial Day, Wednesday, next week. On Thursday and Friday of next week we expect to consider 3 or 4 appropriation bills, together with any other bills that may be ready for action by the Senate. The Senate will also consider the social security bill.

I want all Senators to be on notice that we will have to come in early and stay in session late from now on, in order to get all our bills passed.

CONTROL OF NARCOTIC DRUGS

The Senate resumed the consideration of the bill (S. 3760) to provide for a more effective control of narcotic drugs, and for other related purposes.

During the delivery of Mr. DANIEL'S speech,

Mr. PAYNE. Mr. President, will the Senator from Texas be willing to yield further, to enable me to make a brief statement, with the understanding that my remarks will follow the remarks of the Senator from Texas?

Mr. DANIEL. I ask unanimous consent that I may yield for that purpose to the Senator from Maine without losing my right to the floor.

The PRESIDING OFFICER (Mr. LAIRD in the chair). Without objection, it is so ordered.

Mr. PAYNE. Mr. President, I simply wish to say that the Nation as a whole should be eternally grateful to the junior Senator from Texas, the members of his subcommittee, and the members of his staff for the outstanding work which has been done in connection with this menacing problem which confronts the people of the Nation. No person could ever have accomplished what the junior Senator from Texas has accomplished, were it not for the painstaking work, the long hours, and the arduous effort which was put forth, and the visits to the very centers of the Nation where this particular situation is indeed prevalent.

The people of America should realize that this is the first real, concerted effort in the direction of solving the narcotics problem which has been undertaken for many years. Certainly it will give Harry Anslinger, of the Bureau of Narcotics, and the devoted servants of the law throughout the country, particularly in the Federal Bureau, the first chance which they have really had to put the fear of God into the hearts of those who deal in this type of traffic, which has led to the downfall of so many persons throughout the Nation.

Mr. President, I ask unanimous consent that a statement I have prepared in connection with the bill, and paying tribute to the junior Senator from Texas and the work of the committee and its staff, may be printed at this point in the RECORD, with the same understanding that it will follow the statement which is now being made by the junior Senator from Texas.

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

STATEMENT BY SENATOR PAYNE

I should like to take this opportunity to pay tribute to Senator PRICE DANIEL, of Texas, for the outstanding work he has done as chairman of the Subcommittee on Improvements in the Federal Criminal Code of the Senate Committee on Judiciary in his study of the narcotics problem. The thorough and comprehensive investigation which the Daniel subcommittee has made of this pressing social problem has laid the groundwork for passage of legislation to strengthen Federal narcotic control laws. It is my privilege to be the only cosponsor of S. 3670 who is not a member of Senator DANIEL'S subcommittee.

My own interest in more effective Federal narcotics legislation dates from my service as a member of the Senate District of Columbia Committee which brought me in close contact with this problem for the first time. In my own State of Maine there are few, if any, dope addicts or peddlers. It is difficult for many people to realize the seriousness of this problem in cities like New York, Washington, and Los Angeles. All you have to do, however, is pick up one of the newspapers in those cities almost any day of the week to read some of the most sordid stories in America.

In checking into this matter, I learned that there has been an alarming increase of traffic in narcotic drugs since the end of World War II. The increased use of narcotics by teen-agers has been of greatest concern since it is closely related to the increase in juvenile delinquency. It has been no consolation to know either that Communist China is the leading source of supply of the illicit drugs being used to corrupt our young people.

The only deterrent to even greater increases in narcotic addiction has been the United States Bureau of Narcotics in the Treasury Department. The Bureau is headed by Commissioner Harry J. Anslinger who is doing an outstanding job, with the extremely limited means at his disposal, in combating this living death.

The Bureau of Narcotics is handicapped, however, by lack of funds, personnel, and authority to deal with the narcotic problem. For example, there are only about 250 narcotic agents on the Bureau's payroll to deal with this problem all over the United States. These agents have not even had statutory authority to carry firearms or make arrests without warrants.

Because importation of illicit narcotic drugs involves foreign commerce and because the sale of narcotics in the United States involves the Federal tax laws, the Federal Government has assumed a great deal of responsibility toward meeting this problem. The first regulatory Federal narcotic measure enacted in the United States was the act of February 9, 1909, which prohibited the importation and use of opium for other than medical purposes. This was followed December 17, 1914, by the Harrison narcotic law, which was a taxing measure designed to have the effect of regulating the domestic distribution of narcotic drugs. These laws have been amended and revised from time to time. In 1937 Congress passed the Marihuana Tax Act. These existing laws, however, have failed to meet the narcotic problem which has developed since World War II.

On May 6, 1954, during the 83d Congress, I introduced S. 3412, a bill to provide an increased penalty for the sale of narcotic drugs to persons under the age of 21. This bill, however, was limited to attacking only one phase of the narcotics problem. Since no action was taken on S. 3412, I gave further study to the narcotics problem during the fall of 1954 and concluded that the time had come for a comprehensive review of this subject by the Congress to determine exactly what should be done on this national social problem to strengthen the hands of the appropriate Federal and State officials with responsibility in this field. As a point of departure, I prepared an omnibus bill incorporating many of the provisions of narcotics legislation which had not been acted upon in the 83d Congress. This bill (S. J. Res. 19) was introduced in the Senate on January 14, 1955. Forty-four Senators, including Senator DANIEL joined in cosponsoring this bill. The other cosponsors were Senators BARRETT, BEALL, BIBLE, BRICKER, BRIDGES, BUSH, BUTLER, CAPEHART, CARLSON, CHAVEZ, COTTON, DIRKSEN, DOUGLAS, DUFF, EASTLAND, FLANDERS, HICKENLOOPER, IVES, JENNER, KEFAUVER, KNOWLAND, KUCHEL, LANGER, LEHMAN, MALONE, MANSFIELD, MARTIN, MCCARTHY, MCCLELLAN, MORSE, MURRAY, NEELY, PASTORE, POTTER, PURTELL, ROBERTSON, SALTONSTALL, SCOTT, SMITH (Maine), SPARKMAN, WELKER, WILLIAMS, and YOUNG.

On introducing Senate Joint Resolution 19, I stated: "It is intended that this omnibus bill serve as a starting point in reviewing the Federal narcotic laws and programs. It is recognized that the bill contains controversial features on which there can be honest disagreement. The appropriate committee will be in a position to evaluate these differences of opinion after hearings have been held on the bill."

Although I thought that it had been made absolutely clear that Senate Joint Resolution 19 was intended to serve only as a starting point to focus attention on the need for reviewing Federal narcotic legislation and programs, for a time it looked as if the whole idea of a comprehensive study might be lost because of opposition to one of the more controversial provisions of the bill—the proposed transfer of the Bureau of Narcotics from the Treasury to the Justice Department as had been recommended by the first Hoover Commission. In spite of repeated assurances from me that I had no intention of pressing for approval of this section of the bill unless there was completely overwhelming evidence developed by the appropriate committees that the transfer would clearly result in strengthening our Federal narcotics control activities, opponents of this transfer continued to oppose the entire bill because of this one provision. It is assumed that this opposition stemmed from a lack of knowledge of the legislative process rather than from opposition to strengthening our narcotics laws. In spite of this opposition, however, Senate Joint Resolution 19 did focus attention on the need for a comprehensive study of the narcotics problem, so that constructive legislation could be enacted. A series of rapid developments in the Senate kept interest alive in this subject.

Following introduction of Senate Joint Resolution 19, Senator DANIEL on February 11, 1955, introduced S. 1043, a bill containing only the penalty provisions of Senate Joint Resolution 19. Senators PASTORE, O'MAHONEY and I cosponsored S. 1043. Then on February 21, 1955, the late Senator Harley Kilgore, chairman of the Senate Committee on the Judiciary, introduced Senate Resolution 67 to authorize a full-scale study of the narcotics problem. The Senate passed Senate Resolution 67 on March 18, 1955. A subcommittee of the Committee on the Judiciary under the chairmanship of Senator PRICE DANIEL, of Texas, and including among its members Senators O'MAHONEY, EASTLAND, WELKER, and BUTLER was assigned the task of conducting this study. The rest is history—recorded in the hearings and reports of the Daniel subcommittee which has culminated in the legislation under consideration here in the Senate today.

The Nation owes a very real debt of gratitude to Senator DANIEL and the members and staff of his subcommittee for a job well done. I am particularly proud to have been associated in a very small way with this enterprise. Many of the provisions of S. 3760 were included in Senate Joint Resolution 19, which was one of the ancestors of S. 3760. Senate approval of S. 3760 this afternoon will go far to strengthen our narcotics control program. I am happy, indeed, to support its enactment.

Mr. DANIEL. Mr. President, I thank the distinguished Senator from Maine for his kind words concerning the work of our subcommittee, of the Committee on the Judiciary, and the members of our staff.

We appreciate the trailblazing which the Senator from Maine did on this problem, and also his continued cooperation with us. He is a coauthor of the bill which is now before the Senate.

Mr. POTTER. Mr. President, I desire to commend the Senator from Texas for his leadership in bringing the narcotics control bill before the Senate. I think he has performed a great service in bringing before the Senate a bill which will make it possible to place this great menace under control.

Mr. LEHMAN. Mr. President, at the outset of my remarks on the proposed Narcotics Control Act of 1956, I wish to pay tribute to the distinguished junior Senator from Texas, and to the members of his subcommittee. They have performed an outstanding service in focusing public attention upon the very real and very grave dangers which we face from the illicit traffic in narcotic drugs. It must be quickly brought under control. It is my firm belief that the magnitude of the fight to control the illegal traffic in narcotic drugs cannot be emphasized too much. But neither can we afford to overlook the equally important task of rehabilitating drug addicts to useful and productive citizenship. For their effective efforts to bring the seriousness of the danger out into the light, Senator DANIEL and his colleagues are greatly to be commended.

But, Mr. President, I have misgivings with respect to some provisions of the measure now before us. I do not profess to be an expert in this subject. I am a layman in this field and can only speak as such. But as a public official my duties have brought to my attention much information from knowledgeable people, of whose work with drug addicts I know and respect. And it is on the basis of the facts brought to light by these experts that I question in part the approach which S. 3760 takes to the problem of the control of the dope problem.

As I said on the floor of the Senate on April 19, 1956, what is needed is a "measure which will effectively control the narcotic drug traffic and aid those unfortunate individuals who have become drug addicts." In my opinion, S. 3760, as reported, fails to meet at least part of these objectives.

S. 3760 is a police measure. That is not enough. Its sights are set primarily on the apprehension and sentencing of the men and women who are engaged in the illegal traffic in narcotic drugs. I realize of course that improved enforcement measures to prevent illicit drugs

from being smuggled into and sold in the United States must be devised. But this bill does not speak of or deal at all with the treatment of those unfortunate souls who have become so enslaved by this vicious habit that they will go to any lengths to obtain their daily supply. S. 3760 contains no provisions which would call for the establishment of new and greatly increased facilities and services for the rehabilitation of the drug addicts themselves.

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

Mr. LEHMAN. I yield.

Mr. DANIEL. Does the Senator from New York realize that the committee divided its work, and placed in this bill, S. 3760, only the type of legislation which would be properly before the Judiciary Committee, and that the committee submitted a separate report on treatment and rehabilitation to the Committee on Labor and Public Welfare? In other words, we have not undertaken to enter the jurisdiction of the committee which has to do with our Public Health Service. However, we have made separate recommendations which are in line with what the Senator has in mind in connection with treatment and rehabilitation.

We certainly agree that the enforcement provisions are only a part of the work. We hope the committee that handles public health problems will draw up legislation on that subject. However, that subject is not under the jurisdiction of the Judiciary Committee. That is why it is not included in the pending bill.

Mr. LEHMAN. What the Senator from Texas has just stated indicates the appropriateness of the remarks I am about to make. I say that because, while I realize we must improve measures for the prevention of smuggling so far as narcotics are concerned, I believe that is only a part, and possibly only the least important part, of our problem. Our problem is to try to cure people of the terrible affliction from which they are suffering. Of course, there will always be a certain number of them, but today there are thousands upon thousands.

Mr. DANIEL. Mr. President, will the Senator yield at that point?

Mr. LEHMAN. I yield.

Mr. DANIEL. The only reason why I would not agree with the Senator in his statement that treatment and rehabilitation is the more important part of the problem is that, even if successful treatment and rehabilitation could be provided, it would take care of only those who had already become addicted. It is essential to stop the peddlers and smugglers who are making addicts out of our boys and girls. I should say that the two subjects are equally important, but that they must be handled by separate bills.

Mr. LEHMAN. In my remarks I laid emphasis on the fact that police measures, in my opinion, are not sufficient. We must take steps, and as great steps as it is possible to take, to provide for the rehabilitation of the poor souls, largely young men and young women, who have been afflicted with this terrible curse.

Mr. WELKER. Mr. President, will the Senator from New York yield for an observation?

Mr. LEHMAN. Of course I am glad to yield to the Senator from Idaho.

Mr. WELKER. I have been a member of the Narcotics Subcommittee of the Committee on the Judiciary with the distinguished junior Senator from Texas [Mr. DANIEL]. I do not know how many people appreciate the tragedies which were disclosed at many of our hearings which were held throughout the country. I know the Senator from Texas has spoken the truth to all of us, and I beg my colleagues to listen to him, and that we undertake to control this traffic, as he has advocated it be done, before it is too late. I could speak for hours on the tragic sights we saw as we sat in committee and interrogated the unfortunate people who came before us.

Mr. President, the Senator from Texas has done an outstanding job for his country, in his fight to prevent so far as possible the dreaded addiction to narcotics of which we have seen so much. I thank my friend from New York.

Mr. LEHMAN. Mr. President, I do not know whether the Senator from Idaho was on the floor when I praised the Senator from Texas [Mr. DANIEL] and the subcommittee for what I think is an outstanding service. I am very glad to repeat my praise of the Senator and the subcommittee. However, I should like to say to the Senator from Idaho that I, too, although I am not an expert and do not claim to be an expert, and although I am not a member of the committees which have gone into this subject, have had a considerable amount of experience with respect to drug addicts and the problems which flow from drug addiction.

As governor of my State for 10 years there were brought to my attention many thousand—scores of thousands, possibly—applications for probation or clemency, and a great number of those cases of course related in some degree, greater or lesser, to drug addiction. Therefore I have become acquainted with the seriousness of the situation. I think there are few problems facing our country today which are of greater seriousness than the narcotic addiction problem.

Mr. DANIEL. Mr. President, I hope the Senator from New York will yield to me for a moment so that I may thank the Senator from Idaho [Mr. WELKER] for the kind remarks he has made concerning the work of our subcommittee and its chairman. I wish to express my appreciation for the excellent part the Senator from Idaho played as a member of the subcommittee in helping us in the hearings which were held all over the United States.

Mr. LEHMAN. Mr. President, we have already tried the punitive and repressive approach. Experience has shown that that alone will not solve this tragic problem. One of the major features of the measure before the Senate today is a provision to increase the penalties for the illegal sale or purchase of heroin and marihuana. Almost 5 years ago Congress passed a similar measure. We were then told that heavy penalties would act as deterrents to those who would engage in this traffic. Now, almost 5 years later, we are told that the drug traffic is again on the increase. And what is the proposed solution with which we are presented? We are advised to raise the penalties to life imprisonment and even death for third offenses. Have we any assurance that the higher penalties will work any better than those in the present law?

I raise these questions, Mr. President, because it is my firm belief that if we are to make any progress in getting the narcotic addicts back into society we should, and we must, take a hard, realistic look at who and what the narcotic addict is and what can be done about him.

As I have stated, I am no expert on this matter; but I have read with great interest some of the materials published by the New York Academy of Medicine, and from their study of the subject they urge most strongly that what is needed is a frontal attack with a treatment approach.

In their excellent report of June 7, 1955, the New York Academy, a highly reputable organization, makes these thoughtful observations on this problem:

> "Addiction" has a large psychological as well as physical component. * * * Addicts do not constitute a homogeneous group. They vary in age, personality, constitution, environmental background, culture, their mode of becoming addicts, and the duration of their addiction, to name only a few points of difference. * * * But to speak of the aggregate of addicts as a group, it must be borne in mind that the only thing they have in common is their addiction. These variables are reflected in the record of rehabilitative measures. In addition, the present state of knowledge on effective rehabilitation must be taken into account. Under these circumstances, it is misleading to speak of cures and to set a standard of freedom of addiction for the rest of the patient's life following an adequate period of therapy.

I do not necessarily subscribe to all of the recommendations on this subject made by the New York Academy of Medicine, but I do support—and commend most strongly to the Senate's support—its recommendation that we adopt a treatment and not a punitive approach.

Mr. President, I note on page 3 of the report accompanying S. 3760 this statement:

> Less than 20 percent of the known addicts are confined, and less than 15 percent of the addicts treated at Federal hospitals remain free of drugs. It is inevitable, therefore, that this contagious problem will increase from year to year unless more effective treatment procedures and facilities are devised and unless improved and strengthened enforcement measures prevent illicit narcotic drugs from being smuggled into and sold in the United States.

The bill before the Senate, however, mentions not a word about treatment procedures and facilities. The bill deals, instead, primarily with higher sentences and police procedures. Instead of seeking ways in which addicts are to be given longer and longer prison sentences, we should be seeking ways of increasing the needed facilities and services dedicated to their rehabilitation. Instead of saying to ourselves that the addict given a prison sentence was not "rehabilitated" because the sentence was too short, maybe we should be saying to ourselves

that he became readdicted because we did not provide him with the help he needed, of a quality, and in a quantity sufficient to achieve and assure his continued rehabilitation.

The absence from this bill of any provision for increased facilities and services for the rehabilitation of drug addicts is the more remarkable in light of the statements contained in the same subcommittee's earlier report. At that time comment was made on existing treatment and rehabilitation programs conducted under the auspices of the Federal Government. The subcommittee noted that the two world-famed narcotics hospitals operated by the Public Health Service at Lexington, Ky., and Fort Worth, Tex., were inadequate and "required substantial improvements," and yet the pending bill makes no provision for their improvement.

That same subcommittee report noted that "community follow-up or rehabilitation facilities and services for the discharged addict-patient are virtually nonexistent." Once the addict is released from the hospital, he needs community follow-up. He needs help in adjusting back into the community, help in getting settled in remunerative employment in a healthy environment. The subcommittee's own report notes that lack of such community support can well nullify the efforts at the hospital to rehabilitate the addict. And yet, S. 3760 makes no mention of these needed community facilities and services.

Mr. President, I would make one further point with respect to the report accompanying S. 3760. There are reprinted in that report the reports on this bill made by the Department of Justice, the Immigration and Naturalization Service, the Treasury Department, the Commissioner of the Bureau of Narcotics, and the United States Attorney for the District of Columbia. But where is the report from the Department of Health, Education, and Welfare? That Department includes the United States Public Health Service which, as I mentioned a moment ago, is charged with the operation of the two Federal facilities devoted to the rehabilitation of drug addicts.

Will the enactment of the bill before the Senate help or hinder the work of those hospitals? Will it increase or decrease their chances of success with narcotic patients?

I know that the Department of Health, Education, and Welfare testified, but where is its report of comment on the pending bill?

There is another office in the Department of Health, Education, and Welfare which should also be concerned with the provisions of this bill. I refer, Mr. President, to the United States Children's Bureau. That Bureau has, for a number of years, been spearheading a national fight against juvenile delinquency. According to the subcommittee's own report, 13 percent of the addicts are less than 21 years of age. This surely must be a matter of concern to the Children's Bureau. What are their views on S. 3760? Are they in favor of its provisions? Will it aid in the fight against juvenile delinquency—or will it make more difficult the task that lies ahead?

I am certain that all Senators have noticed the recent figures released by the Children's Bureau, showing an increase of 9 percent in the number of juvenile delinquents coming before the court in the past year. This figure must be considered in the light of the fact that child population rose only 3 percent last year. It must also be considered in the light of the fact that this is the seventh consecutive year that the number of juvenile delinquents coming before the courts has risen. Will S. 3760 make the Nation's fight against this rising tide of juvenile delinquency any easier—or any harder? I believe the views of the Children's Bureau would be vital on this point.

Mr. President, we are dealing with more than a law enforcement problem. We are now dealing with how this Nation can best save these thousands of men and women who have fallen prey to these insidious drugs. The problem is largely one of treatment—not punishment. Many of those who have taken up this degrading vice are themselves innocent victims. If we can, through proper measures, secure their return to normal, healthy society, we should do so.

There is one further office in the Department of Health, Education, and Welfare whose views on this proposed measure are likewise important, but are not contained in the report on the bill. I refer to the Office of Vocational Rehabilitation. That agency grants funds to the various agencies of the States to provide follow-up to the men and women released from narcotic hospitals. They provide training, counseling, and follow-up. If, as the report so correctly states, "Community follow-up, or rehabilitative facilities and services for the discharged addict-patient are virtually nonexistent," why were not the views of the Office of Vocational Rehabilitation sought on this measure? Will its enactment help or hinder rehabilitative efforts?

In this connection, Mr. President, I would mention one important fact. While we are here debating the question of the enactment of a bill which aims at putting addicts in jails for longer and longer terms, there is before the Congress a measure making appropriations for this same Office of Vocational Rehabilitation. Cut from the budget of that office in the House of Representatives was the sum of $1 million, which had been requested for special projects. I can think of no more useful project to which part of that appropriation could have been devote than an intensification of effort to make the rehabilitation of narcotic addicts work.

Mr. President, words of hope about needed facilities and services for the rehabilitation of narcotic addicts are not enough. Sufficient financial resources must be devoted to the task. We should avoid at any cost impeding those whose task it is to work with drug addicts and to try to get them back on the road to recovery. It is bad enough not to give these devoted men and women engaged in so humanitarian a task the tools with which to do their jobs. Let us adopt a positive approach to the problem of drug addiction. Let us try to provide for the addicts all the help they need to become once again decent, self-supporting men and women.

Mr. President, I referred a few moments ago to the fact that I was Governor of my State for a long period. I never was certain that unduly long prison sentences were the correct answer to crime, although I realized, of course, that crime should be dealt with and punished in an adequate manner. But, aside from that, I am now chairman of the Subcommittee on Juvenile Delinquency, which has held many hearings. Before us have come great numbers of persons telling about the problems of drug addicts and the problems of many boys and girls who are exposed to temptation of various kinds. I am convinced from the hearings which we have held and from the great amount of testimony which has been brought before us that the problems of juvenile delinquency, including that of drug addiction, can be solved only through community effort. I do not believe they can be solved by police departments, by courts, by churches, by homes, by schools, alone. I think there must be real community effort—effort seeking to help the young people who need our help. Without that, Mr. President, I believe the poison which is sown each day—and it is horrible poison—will spread throughout our entire society and affect the young people who are subject to the temptation.

I hope, Mr. President, that before Congress adjourns, in view of the fact that there is nothing in this bill which deals with the problem of rehabilitation, steps will be taken by the Congress to pass measures which will make a reality of the efforts to bring about more humane treatment of drug addiction.

Mr. MORSE. Mr. President, at the very outset of my speech, I should like to have the attention of my friend, the distinguished junior Senator from Texas [Mr. DANIEL]. I extend to him, as chairman of the subcommittee which has done such outstanding work in connection with the investigation of the narcotics traffic in the United States, my sincere compliments and commendation for the remarkable service which he has rendered the American people. It is a service long overdue. I do not know of anyone more qualified or more dedicated to the public interest than the junior Senator from Texas, who has done this magnificent work. His has been a great educational task. He has brought to the attention of the people of America through various media, such as the newspaper editorials, some of which he has already placed in the RECORD, an enlightenment and a warning of the seriousness of a great social and health menace which confronts us—the narcotics traffic.

Although the junior Senator from Texas, and I disagree on two very vital procedural matters in connection with this issue, we do not disagree upon the objective of stamping out the narcotic drug traffic in the United States. We differ in the modus operandi for accomplishing that very much to be desired purpose and objective.

Also, I assure the junior Senator from Texas that, as the debate progresses, any

difference of opinion which may develop between us will be a professional difference of opinion between lawyers, and not a personal difference of opinion.

The junior Senator from Texas has been my seat mate in the Senate for some time. Not only have I become very closely acquainted with him and come to know him, I think, quite intimately; but, as I told him some weeks ago, I have come to develop a very fond attachment for his friendship. When he first came to the Senate, he and I were much further apart in our points of view than we are today. I think perhaps that was because we did not know each other personally, and because the friendship which I cherish had not at that time developed.

So I assure him that although I am unalterably opposed to two sections of his bill, and shall do my best to defeat them, and shall make a legislative history in connection with them, I do not at all question the sincerity of purpose and the dedication of the junior Senator from Texas to a government by law in this country. I stand on my own record for the same type of dedication. But as lawyers sometimes differ as how best to accomplish a great purpose, so the junior Senator from Texas and the Senator from Oregon today find themselves in disagreement on two procedural sections of the bill.

I shall at the outset of my speech give a very brief synopsis of my major contention in regard to those two sections and shall then proceed at some length to discuss my reasons in detail.

I believe, not as an obstructionist, although I shall probably be so charged, that in conducting the business of the Senate sometimes an issue is of such vital importance to the American people that the American people are entitled to be fully apprised of what is happening in the Senate on an issue before a vote is taken. I think this issue is so basic to the protection of our liberties as free men and women that I would regret it very much if the Senate voted on the bill this afternoon. I think it is important that the two cases in chief be presented to the American people this afternoon, and presented to them as a jury, and then let the jury have a little time to ponder the arguments in the two cases in chief, and let the Senate vote on the matter some time next week.

No matter what may be said in the press about the speech which is to be made this afternoon by the senior Senator from Oregon, let me say here and now to the American people that the only reason I propose to talk at some length this afternoon is that I believe the American people need to be aroused as to the implications of the procedural objections which I propose to raise to the bill. I think a period of time—at least a few days—should pass before a final vote is taken on the measure. But it will never be my intention, I wish to make clear to the majority leader and the junior Senator from Texas, to prevent a vote from ever occurring on the bill. I stand ready and willing to have a vote on the bill next week, but I am not willing to have a vote on the bill this afternoon, if within my parliamentary rights I can prevent it.

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

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. The Senator from Oregon knows better than anyone else that he need not consider the question of preventing a vote this afternoon, because the majority leader has already announced that he did not propose to ask for a quorum call or to bring Senators to the Chamber at this late hour.

I wonder if the kind of arrangement I shall now suggest might be agreeable to the Senator from Oregon. The road bill has been scheduled for consideration at 10 o'clock on Monday morning. Many Senators have canceled other plans for Monday and Tuesday of next week, in the hope that the Senate may dispose of that very important piece of proposed legislation, which must go to conference and which will require some time for consideration in conference.

Wednesday will be Memorial Day.

I think I could obtain the consent of the minority to have the Senate convene at 10 o'clock next Thursday morning. I wonder if it would be agreeable to the senior Senator from Oregon to set aside at the conclusion of the morning business on next Thursday, 1 hour on each amendment and probably 2 hours on the bill. That would give us almost a week, lacking 1 day, from today.

The Senate will be kept in session so long as the Senate desires to continue in session this afternoon, and so long as any Senator wishes to discuss the pending measure. The majority leader will certainly cooperate to make certain that the Senator from Oregon has ample time in which to debate it.

If we could reach some understanding along that line, I would pursue it with the minority leader. While the Senator is making his speech, if I could get any suggestions from him, I would try to discuss them with the minority leader, to see if they would be agreeable to the minority side of the aisle.

Mr. MORSE. I assure the distinguished majority leader that I have every intention to cooperate with him.

Mr. JOHNSON of Texas. I know that.

Mr. MORSE. I am not alone in my opposition to the bill. Some of my colleagues in the Senate are very much interested in having a full discussion of the bill.

Frankly, I am not in a position at this very moment to commit myself to a unanimous-consent agreement to vote on next Thursday; but I want the Senator from Texas to know that at the earliest possible moment I shall confer with some of my colleagues and ascertain their wishes in the matter. Then I shall be glad to consult with the majority leader and suggest to him a procedure for reaching a unanimous-consent agreement to limit debate on the bill, because after there has been a full discussion of the subject, I would favor a limitation of debate on this issue. I shall let the majority leader know my views at the earliest possible moment.

Mr. JOHNSON of Texas. I shall appreciate it if the Senator from Oregon will pursue that suggestion.

According to the previous announcement we should like to take up the social security bill on the following Monday.

The Senator from Oregon has the same problem as has the Senator from Texas. Both of us need to be in the Senate Chamber, and both of us need to be home at various times. I am sympathetic to his problem. I hope the Senator from Oregon and his colleagues may work out an arrangement which will be satisfactory to everyone. In any event, I shall be here all the time.

Mr. MORSE. I want to assure the majority leader, the Senator from Texas, as I have expressed it so many times in the past, that I am still deeply appreciative of the many courtesies and help he has extended to the Senator from Oregon.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for a moment?

Mr. MORSE. I yield, without losing my right to the floor.

Mr. O'MAHONEY. Under those conditions, I wish to make this comment. I was very glad to hear the Senator from Oregon say he felt it was important that the people of the United States should know what the bill proposed to do. I am one of the joint sponsors of the bill. I was one of the members of the subcommittee which did the work in making an investigation of the extent of the narcotics traffic in the United States.

I want the people to know that, like other members of the committee, I am very jealous of the rights of the individual citizen and their protection from arbitrary action by the Government. I believe in the Bill of Rights. I believe in the prohibition of search and seizure without warrant. I believe it is a mistaken assumption, however, that the authority for wiretapping as set forth in the pending bill is, in any way whatsoever, violative of any individual rights preserved in the Bill of Rights or presumed by the general tenor of the common law.

The provisions written into the bill, under the leadership of the distinguished junior Senator from Texas, are such that the wiretapping authority in the bill can be exercised only upon practically the same conditions and in the same circumstances under which a writ of search and seizure may issue.

I turn to the junoir Senator from Texas [Mr. DANIEL] and ask him if that is not his understanding, and his purpose as the author of the bill.

Mr. DANIEL. That is the understanding and the purpose, and the provisions are even more stringent than in regular search and seizure procedures.

Mr. O'MAHONEY. What I want the people of the United States to understand is that, according to my interpretation of the bill, nobody need fear that it creates a precedent for the expansion of wiretapping by Government agents or law-enforcement officers or the use of wiretapping to invade a citizen's home, because under the provisions of the bill it is necessary for the agent first to present his application to the United States Attorney, and then it is necessary for the United States Attorney to take it

into court and to show reasonable ground for obtaining the information which is necessary to make the hidden source of the narcotic traffic liable to the law.

What we are after in the bill is an effective procedure to bring into court for trial the heartless and conscienceless individuals who, like spiders in a distant web, seek to hide even from their own victims. They sit in a little corner, surrounded by their homes and their offices, and without any contact with the users of narcotics, they send forth their representatives to prey upon the children of this land.

The bill sets no precedent. It is intended to go to the heart of one of the most villainous types of traffic ever brought into existence. I am sure neither I, nor any other member of the committee, nor any of the sponsors of the bill, would hesitate to accept an amendment to this provision which would make it utterly clear that it was not to be regarded as a precedent for wire-tapping in any other field.

Mr. President, I have made this statement with the indulgence of the Senator from Oregon, because, with his own well-known ability, he is laying before the Senate this afternoon the nature of the discussion from his point of view. I wanted my point of view to be expressed at the same time, and I wish those who read the Senator's speech to know that the Senator from Wyoming, who was happy to be on the subcommittee with the Senator from Texas, would not knowingly or willingly set a precedent for invading the individual rights of citizens of the United States which are guaranteed by the Bill of Rights of the Federal Constitution.

I thank the Senator from Oregon for yielding.

Mr. MORSE. I am always delighted to yield to the great legal scholar, the Senator from Wyoming [Mr. O'MAHONEY]. The Senator from Texas has already expressed views almost identical with those of the Senator from Wyoming.

I am well aware it is the view of the sponsors of the bill that the bill does not invade individual liberties, and that there is no intention on the part of the sponsors of the bill to invade individual liberties. I certainly want to testify in behalf of the Senator from Wyoming by saying he would not knowingly or intentionally ever propose anything that would invade individual liberties; but in this case I respectfully submit the opinion that, mistakenly, that is what he has done.

That is my reply to the Senator from Wyoming. No matter how he clothes his protest, in my judgment he and the other sponsors of the bill have set up a procedure which endangers individual liberty; and, in my judgment, without drastic amendment, the bill cannot be put into such form as to prevent it from serving as a precedent, because once the stamp of approval has been put on the bill as it is, the nest has been made to contain the egg of another precedent.

Earlier in the remarks of the Senator from Texas this afternoon, he was asked a question by the Senator from Arizona with regard to the matter of precedent. The Senator from Arizona [Mr. GOLDWATER] inquired, and I think I paraphrase him with accuracy, as to whether the bill might not lead to setting a precedent. The Senator from Texas said it might in the case of legislation on so-called subversion, and the Senator said that had been proposed. He went on, very fairly and honestly, to express the view that he himself would be in favor of such a provision, but that this particular proposal before the Senate was not intended to be a precedent. But I respectfully say that is going to be the result of the proposal; and one of the objections to it, which I shall develop at some length, is that I think it is impregnated with the danger of setting a precedent.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, without losing my right to the floor, I yield to the Senator for a comment, without its being in the form of a question.

Mr. O'MAHONEY. Let me say to the Senator I know his great skill in the use of language. I know his great ability as a lawyer. I do not believe that either he nor any of the rest of us who have sponsored this bill should so readily confess, as the Senator from Oregon seems to be doing now, to an inability to state in simple language in the bill, if it is not already stated therein, that this is not a precedent for any of the other things which he fears, but is solely confined to the search and seizure of the hidden criminals in the detestable narcotic traffic, which preys upon the children of this country from coast to coast and from north to south. I think it is a situation in which we should be able to draft the ability of the Senator from Oregon to compose language which will clear away all the doubts he is now about to raise.

Mr. MORSE. If the Senator from Wyoming thinks that is so easy to do, let him propose such a draft of the bill.

Mr. O'MAHONEY. I shall do so, if the Senator from Oregon points out any reason for believing that it has not been done sufficiently already.

Mr. MORSE. I shall be glad to read such a draft.

But, Mr. President, let me say that the establishment of such a procedure of law would establish the basis for application by analogy. It would be said, "It was done in that case, so let us do it in this case." That would establish a precedent by analogy, which time and time again in the course of debate in the Senate could constitute a very persuasive argument.

Mr. President, the way to prevent such an encroachment upon liberty is by striking out this section of the bill. My amendment will call for striking out the section. In my argument, I shall point out that in my judgment this section of the bill is not needed in order to do the job.

The Senator has referred to the search and seizure situation. Let us not forget the long line of decisions on search and seizure in which it has been held that so-called blanket seizure cannot be had.

The trouble with this provision of the bill is that it is not possible to confine its application to specific instances. When wires are tapped, all conversations are heard—both of those between the guilty and those between the innocent. Such procedure is an invasion of the privacy of the citizen for which I shall never vote; and I shall advance in great detail my reasons for never voting for it.

Mr. DANIEL. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. DANIEL. First, Mr. President, I wish to thank the Senator from Oregon for his preliminary remarks concerning the authors of the bill and the subcommittee. I have enjoyed my work with the Senator from Oregon, and I especially appreciate the fine work he is doing as chairman of the subcommittee of the District of Columbia Committee which has before it the bill, which we have introduced, applying to the narcotics traffic in the District of Columbia.

I also thank the Senator from Oregon for his kind remarks concerning the objectives of the authors of the bill and of our subcommittee which made the study.

Furthermore, Mr. President, I wish to say to the Senator from Oregon that, as he well knows, I am not in favor of any type of law which would provide for invasion of the rights of our people or for any trespass upon their liberties. I have tried—and I believe the Senator from Oregon will agree that the Judiciary Committee has tried—to write around the bill's provisions for interception of communications between narcotics traffickers, safeguards which would permit that to be done only in narcotics cases and only under sealed court order, just as would be done in the case of a search warrant to search someone's home.

I wonder whether the Senator from Oregon realizes that he is in agreement with what we found, namely, that today the Government agencies are intercepting these phone calls and are listening to them. However, under the law they are not able to use, against the guilty, evidence which is obtained from such interceptions.

It is our feeling that by having the benefit of this restrictive procedure, we shall stop some of the misuse of telephone interceptions today, and shall make it possible to use them only for the purposes set forth in this measure.

I wonder whether the Senator from Oregon realizes that we have at least made an attempt to do that.

Mr. MORSE. Mr. President, that is an interpretation which the committee has made of what it is recommending.

But I wish to say that it is shameful that the Congress has not made unlawful the interceptions which are made today. Instead of attempting to expand what is now being done, we should be taking steps to make unlawful any wiretapping which now is occurring. I think we should prevent any Federal agency from doing any wiretapping, because of what that does to the rights of privacy in the United States for in my judgment we cannot chip away at the foundations of liberty without finally having the columns which support the whole temple collapse.

So long as I am a Member of the Senate, I shall not support any procedure

which in my judgment would jeopardize the rights of free men and free women. In my judgment, this proposal would do that. Therefore, out of deep conviction, I must necessarily speak and argue in opposition to this provision of the bill.

Mr. President, in view of the fact that we have begun our discussion of this wiretapping issue, I want to make a statement which in my judgment describes my major thesis in opposition to the wiretapping section of the bill. I think this section is the most deadly drug that can be injected into our body politic. I say that because in my opinion this provision will deaden our sensitivity to individual liberties. In my judgment, we cannot dull the sensitivity of the American people to their individual liberties without getting them into such a frame of mind that more and more fragments of their liberty can be chipped away from them.

One of the things which disturbs me in our time, Mr. President, is the growing apathy on the part of the American people, which I think is reflected in their representation in the Congress—and that is to be expected, because Members of Congress mirror from time to time the prevailing public opinion—in respect to the protection of the liberties of the people.

Consider, Mr. President, the general acceptance today—almost without protest—of the creeping tentacles of government by secrecy in the United States. The American people have almost come to accept it without protest; and for the most part their opinion on most great public issues is based upon propaganda and upon headlines—not upon the true information and the facts regarding what is going on within their Government, but upon handouts, only fragments of the facts which they should know about our domestic policy and our foreign policy.

Mr. President, consider the extent to which the American people have been drugged into accepting the apathetic position, "Well, our Government knows best. If our Government says it is not in the public interest that this information be made available to the public, we accept that."

To the American people I say today, "If you continue to accept government by secrecy, you will lose your freedom in the years not too far ahead." Ours is a government of the people, not a government of the administrators who perform governmental administrative duty. We must waken the people to the fact that history teaches that free people can never afford to take their freedom for granted.

Mr. President, in the history of mankind there have been other free societies, but they have fallen. One of the primary causes for their falling has been the fact that the people forgot the importance of protecting their freedom.

Today, I am talking about a great procedural freedom which is about to be taken from the American people if we do not rise up and protest this encroachment upon their privacy. I am talking about the right of free men and women to live in their homes as their castles of freedom, free from police state procedures.

One of my great ideological objections to the bill is that in my judgment its wiretapping provisions constitute police state procedure, and I do not believe that democracy requires the adoption of Communist or Fascist procedural devices. This is the kind of procedure which is prevalent in Communist and Fascist states, and should never be allowed in a free state. It is still true that it is better for a few guilty to escape than for free men to be subjected to police state procedures.

I shall discuss this section at some greater length later, but at this point in my remarks I wish to discuss the other section of the bill which I think is so dangerous, namely, the capital punishment section. On this issue each one of us must come to grips with his own subjective values of morality. I have no intention of seeking to persuade any Member of this body to accept my standards of moral values, because I respectfully submit that in my judgment this subject goes to the very essence of one's spiritual beliefs. It cannot be read out of this problem, Mr. President. In my judgment, how we vote on this section will be determined more by our religious convictions, our individual code of spiritual values, than by any other single factor.

However, I think we owe a duty to ourselves and to our constituencies, if we hold convictions as deep as mine on this point, to make for the RECORD a statement as to why we cannot accept the capital punishment section of the bill. In my professional work as a teacher of the law, with considerable specialization in the field of administration of criminal law, innumerable times I have discussed at length with students the whole problem of the moral right of the state to take life as a part of punitive justice.

I have never been able to accept the point of view that the State has the right to take life. I do not accept it because I think life belongs to God, not to the State.

Oh, yes; in those arguments the question is always raised, "How do you justify self-defense? How do you justify taking life in war?" Of course, I continue to pray that mankind will reach such a level of civilization that it itself will recognize it has no spiritual right to take life. But I am also aware of the fact that the instinct for survival, and the instinct for self-defense, are also controlling in human behavior. Outside the realm of self-defense, including national self-defense, I cannot hold any brief whatsoever for the voluntary taking of life. I certainly cannot support any criminal law or procedural bill which seeks to make the death penalty the punishment for the commission of a crime.

I think we have the duty, in protecting society, to see to it that the very type of criminal sought to be dealt with by this bill is confined for life, without parole or probation; but I think we have the moral and spiritual duty to let him live. It is for God, and God alone, to determine when a human being shall walk before the bar of judgment of God. I do not think any bar of judgment set up by man has the moral or spiritual right to substitute itself for the Almighty and extinguish the life of a criminal found guilty of the most heinous of crimes.

That is subjective. That goes to our personal spiritual beliefs. I also wish to say that, as a Christian, I cannot interpret my faith in Christianity as one which would justify my ever voting for capital punishment. I cannot apply the words of the Master in support of any proposal to take a human life. I have read a good many religious treaties which have tried to rationalize it, but they have not been able to erase the words of the Master himself. If there is any intent of the Master that is made crystal clear in the New Testament, it is the teaching that life is for God, and not for man, to extinguish.

So I wish to say in this very brief argument that I shall oppose the capital punishment section of the bill, out of the deep religious conviction that it cannot be reconciled with at least my belief in Christian principles.

I turn now to devote the remainder of my argument to the procedural provision of the bill which has to do with wiretapping. I shall repeat and expand upon the argument which I made on this subject on May 18, 1954, in the Senate, as well as the second argument, which I made on June 11, 1954, which contains the legal research I have done on this subject, a discussion of the cases, and an analysis of the other side of the coin of this argument from that presented by the distinguished Senator from Texas [Mr. DANIEL] and the distinguished Senator from Wyoming [Mr. O'MAHONEY].

From the standpoint of sound legal procedure, this is a bad bill so far as its widetapping provisions are concerned.

Freedoms and rights which have been long enjoyed are too often taken for granted. The decades of sacrifice with which they were earned are too often forgotten.

Our heritage of liberty is as precious as any of the material riches and mechanical marvels past generations have willed. If we are not vigilant, this inheritage can be lost, not in one lawless sweep, but by the erosion of what appear to be minor exceptions.

Today the right of our citizens to privacy and security in their homes, won after centuries of struggle, stands in such peril. This bill is one of the latest manifestations of the threat to that privacy.

Attorney General Brownell has recommended to the Congress that it legalize wiretapping by authorizing the interception of private telephone messages by officials of the executive branch of the Government and the military department in the investigation of certain activities broadly defined as interfering with the national security and defense.

I stress that point because, as we discuss the proposal that goes to the narcotic drug traffic, we already have pending before the Senate and the House other proposals involving the legalizing of wiretapping in other fields. Yet we hear it said that this will not be a precedent. I repeat, Mr. President, if we approve the procedure we strengthen the

argument, by analogy, of every proponent who wants to apply the same procedure to some other field. I am afraid we can never escape the danger, if we approve of the pending measure, of its being a forerunner by way of precedent of a constantly expanding wiretapping procedure.

Mr. Brownell also recommends changes in the law which now prohibits the use of evidence obtained by wiretapping in the Federal courts.

In a series of speeches on the floor of the Senate, I intend to show that not only is the use of wiretapping by Government officials repugnant to historical and constitutional principles of American freedom and a threat to the personal security of loyal citizens, but also that, as an investigatory device, the unreliability, in efficiency, and the expense of wiretap operations outweigh their alleged utility.

Wiretapping, as I said earlier this afternoon, is a police state method. We will do a poor job of defending democracy from the aggression of Communists and other totalitarians if in the process we adopt as our own the methods of our enemies.

The wiretap, the rubber hose, and the third degree are standard equipment of the officer with the prosecution complex whose zeal for conviction exceeds his respect for rights. They should have no place in the activities of responsible public officials.

Adoption of the Brownell proposal would revive search-and-seizure practices of the type outlawed by the courts of England 188 years ago, and recognized as unlawful by the framers of the Bill of Rights amendments to the Federal Constitution.

The fourth amendment to the Constitution was designed to protect personal privacy and security and the sanctity of the homes of Americans from the assaults of impatient, overzealous, and opportunistic officials. The fourth amendment provides—and it is well to reread it:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Only that kind of search and seizure is allowed. That is a far cry from a wiretap. When in the case of a wiretap a court order is applied for—and it is necessary to get such a court order for search and seizure—it is not possible to describe what the applicant for the court order is to take off the wire, because he does not know until he hears it. So he invades the privacy of the men or women whose wires are tapped; he listens to their private, intimate conversations, and he takes all of them.

In that way their privacy of conversation is destroyed. In that way, in my judgment, their castle of freedom, their home, is torn down. That will never be done with my vote.

In the first place, it is not necessary, and, in the second place, no one can justify that kind of encroachment upon freedom.

There is no way, in my opinion, by any language that can possibly be drafted, to close the ears of the wiretapper to anything in a conversation which does not deal with narcotics. The wiretapper sits at his place in expectancy. He sits there and listens to all conversations. The danger is indeed great of giving over the rights of privacy to so-called law enforcement.

Let us not wrap the flag around law enforcement officials. They are human beings. There are good ones and there are bad ones. The public is entitled to protection from the bad ones.

The best way to protect the public in this matter is to deny to any law-enforcement officer the right to invade a person's privacy or to proceed to hear anything and everything a person says in a telephone conversation.

Oh, yes, it is said, "Well, if he is not guilty, what does he object to? If he is not guilty, what is he kicking about? If he is not engaged in the narcotic traffic, what difference does it make if the law officer hears what he says on other matters?"

The difference is the difference between freedom and no freedom. The difference is the difference between privacy and no privacy. The difference is the difference between having one's home as one's castle or not having one's home as one's castle. The difference is, in my opinion, whether we believe in protecting the freedom of the individual, or whether we believe in injecting this procedural drug into the veins of our body politic in an endeavor to make our people even more insensitive to their liberties than millions of people already are.

Oh, Mr. President, I wish I could be given the strength and the power to so present this issue so that not only my colleagues in the Senate but the people throughout the country would recognize its serious import before it is too late.

I shall always be proud to have my descendants read that at least I tried on this day in 1956 to forewarn the American people that the pending bill is the stuff out of which encroachments upon personal liberty are forged.

Mr. President, there is no sound argument by analogy to the search and seizure procedure, because the search and seizure procedure deals with specifics, and it is necessary to describe in a request for a warrant the place to be searched and the goods to be sought. Such warrants are limited to those specifics. The cases are legion, as we shall see before I get through with this argument.

Mr. President, our forefathers protest against general searches and seizures; indeed general searches and seizures as practiced by the British Crown were one of the reasons why our constitutional fathers fought for their freedom. I think they would revolve in their graves if they were aware of this encroachment upon the personal liberty of free men and women whom they fought so hard to liberate and protect.

Mr. President, wiretapping, secret listening to words spoken in the home, or surreptitious interception of a person's confidential communications to his family, friends, associates, lawyer, doctor, or priest, is an insidious kind of intrusion upon personal privacy.

I indulge in no exaggerated argument when I say that in this bill not even the confessional is safe. We cannot find in this bill, Mr. President, any protection of privacy in any telephone conversation of any citizen. The prosecuting officer decides that he has reason to believe a certain individual might talk to someone about the drug traffic, so he will get a court order authorizing a wiretap.

Let me say something about such court orders, Mr. President. Let us not make the false assumption that in the administration of the judicial process it is always true that much time, great care, and thorough attention are given to the request of a prosecutor. Every lawyer in this body knows that in the administration of justice there develops between the judge and the prosecutor a confidence, a respect, and a working arrangement whereby too frequently requests made by the prosecutor become matters of form and are dealt with almost as mere formalities.

Furthermore—and I say this with complete respect for the judiciary—do not forget, Mr. President, that a great many of the judges who issue these orders themselves have had prosecution experience, and have come to the bench with the frame of mind of a prosecutor. All we have to do is to read the report of statements of judges who have had distinguished records as prosecutors.

I wish to say, Mr. President, that in the administration of criminal justice the phrase "prosecutor complex" has great meaning. If we are going to protect the liberties of the American people we must constantly be on guard against the prosecution complex, because too many prosecutors too frequently are bent on prosecution. Justice is not always well served by a prosecutor complex. I shall not take the time today, but I shall be glad to do so later in the debate, to cite some of the court decisions in our country which have forewarned us in regard to overzealous prosecutors. It is our duty to see to it that we adopt procedures which protect the freedom of the American people from overzealous prosecutors.

There flashes through my mind now, as I mention that point, another argument which is frequently heard to the effect that only the guilty have any cause to be concerned about wiretapping. An interesting thing about our great system of jurisprudence and justice, Mr. President, is that we have always been proud of the fact that the guilty are entitled to the same procedural protections which are accorded the innocent. We cannot justify a procedure such as this on the basis that it makes it a little easier to catch the guilty. We can justify it only if it can be squared with the rights of all citizens of the country, both the innocent and the guilty.

Do not forget that the guilty also have their right to freedom. A wrongdoer is not without his rights of freedom, Mr. President. We take pride in the fact that guilt must be established in this country under very fundamental

procedural safeguards, and we boast to the world about our presumption of innocence as one of the basic foundation stones of our system of justice.

So I wish to say, Mr. President, that, in my opinion, we cannot justify this wiretapping section of the bill by the argument that it will make it easier to prosecute and to convict. We can justify it only if we know that it cannot invade individual freedom as such freedom was contemplated when the fourth amendment was written with respect to searches and seizures.

Mr. President, it would be impossible, in my judgment, to authorize the use of wiretapping and at the same time provide safeguards consistent with the spirit and purpose of the fourth amendment.

It has been said that law is not a manufacture, but a growth, and that it is, therefore, difficult thoroughly to comprehend the true scope and meaning of a law without at least some knowledge of its history and development.

In this speech, Mr. President, I propose to discuss the history of the fourth amendment and the history of the rights it protects and the evils it prohibits.

LIBERTY CANNOT BE TAKEN FOR GRANTED

A review of history may help us to understand more clearly the meaning of American freedom. It should help to banish any inclination we may have to take our liberties for granted.

The mistake of taking liberty for granted is not an uncommon one. Witness the fact that our Constitution, as ratified in 1788, and as it stood on the day of the opening of the first session of Congress in 1789, contained no Bill of Rights.

Among men who had gone through a great war for freedom, and then settled down to put a democratic government into operation, there were those who thought a declaration of rights not necessary in a democracy.

No declaration of rights was necessary, they felt, because it was assumed that all knew their rights.

No constitutional protection of rights was necessary, they contended, because in a democracy each would be respectful of the other's rights.

Far-sighted men knew, however, that threats to liberty might come not only from kings—that elected or appointed officials, unless checked, could be as arbitrary as the mightiest monarchs in their exercise of power.

NEED FOR THE BILL OF RIGHTS

The need for a Bill of Rights was a major point of discussion in the constitutional debates, when ratification of the proposed Federal Constitution was being considered in the various States.

In the State of Virginia, Patrick Henry fought ratification of the Constitution because it contained no insurance against infringement upon the rights of the people by the Government. Virginia, on the advice of Thomas Jefferson and James Madison, both Bill of Rights advocates, ratified the Constitution, but by a narrow margin of 10 votes in a convention of 168 members, and only on the condition that a Bill of Rights be added by amendment.

In fact, Mr. President, that great debate in the Virginia Constitutional Convention found Madison and Jefferson on the one side and Henry on the other, not in disagreement as to the desirability of a bill of rights, because both Madison and Jefferson recognized the importance of a bill of rights, but over the question as to whether the Constitution should be ratified at all until there was a bill of rights written into it. That staged one of the great historic debates of our entire history.

Patrick Henry was so effective and persuasive in that debate that for a time both Jefferson and Madison knew they were defeated, because the caucuses showed, as the historians point out to us, that a majority of the members of the Virginia Constitutional Convention agreed with Patrick Henry.

What did Jefferson and Madison have to resort to? They had to go around and, in effect, buttonhole their colleagues in the Constitutional Convention, and make the pledge that if the delegates would only ratify the Constitution as it was written, and therefore not make it necessary to reconvene the Constitutional Convention and thresh the question out anew, Jefferson and Madison would assume the responsibility of proceeding, after the ratification of the Constitution, to urge the adoption of a bill of rights as the first addition to the Constitution. Only on the basis of that personal promise by Jefferson and Madison did Henry lose a majority of the votes in the Viriginia conference—and then he lost by only 10 votes.

Patrick Henry, in the great series of speeches he made in the Virginia Constitutional Convention on the question of personal liberty, on the question of protection against search and seizure, which had been such an abuse on the part of the British Crown, carried the Convention with him for a long time during its discussion.

But, at I have said, Jefferson and Madison finally got a majority vote over Henry's protest only on the basis of their personal salesmanship. They promised that with the ratification of the Constitution, they would make it their first order of business to have the Bill of Rights added subsequently to the Constitution. They made the great argument, the old argument we hear so often on the floor of the Senate, if we will check the RECORD, that time is of the essence; that we have to do this now, and then in the future we will do something else.

In this particular instance, the argument was successful, in that the promises made by Jefferson and Madison were subsequently accomplished, and we now have the first 10 amendments to the Constitution, of which the 4th is one, and is, in my judgment, so vital to the debate now in progress in the Senate, because I cannot reconcile with the spirit and intent of the 4th amendment the section of the bill we are debating.

Virginia was not the only State in which this historic fight was made. An attempt to attach conditions to ratification in New York almost succeeded. Ratification was finally voted in July 1788, by a vote of 30 to 27, with a recommendation that a bill of rights be appended to the Constitution.

In the New York Constitutional Convention, as in the Virginia Constitutional Convention, the fight over protecting the personal liberties of free men and women was paramount. In the New York Convention, the Constitution almost failed of ratification because there was not written into the Constitution the protections of personal liberty, of which the fourth amendment is one of the examples.

But New York and Virginia were not the only States. The Massachusetts and New Hampshire ratifications contained bill-of-rights recommendations. In Massachusetts and New Hampshire, the delegates went even further. In those 2 States they ratified the Constitution, but they also adopted recommendations for a bill of rights.

Interestingly, if we will check those recommendations, we will find that a great many of their principles found their way into the great Bill of Rights in the form of the first 10 amendments. So when I talk about this matter today, I am talking about a principle which has been a great bulwark of procedural protection to free men and women in this country since the very day of the ratification of the Constitution itself.

It was in Massachusetts that Elbridge Gerry told his fellow citizens that he had refused to sign the Constitution because it then contained no protection in law of the rights of the people, and "that the greatest men may err, and their errors are sometimes of the greatest magnitude."

Two of the 13 Original States did not ratify the Constitution until after the bill of rights amendments were adopted in the Congress.

PURPOSE OF BILL OF RIGHTS

James Madison, bringing to the first session of the Congress Virginia's proposed constitutional amendments, 10 of which were to become our Bill of Rights, told the Members of Congress:

> It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions, that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled.

The announced purpose of the amendments was "to raise barriers against power in all forms and departments of Government."

Madison in his famous speech to Congress said:

> So far as a declaration of rights can tend to prevent the exercise of undue power, it cannot be doubted but such declaration is power.

Congressional adoption of the Bill of Rights amendments in 1789, and their subsequent ratification by the States, established in law the principle that in a democracy, the rights of the people are always superior to the expediencies of Government officials.

English law has long recognized a right of man not to be disturbed in the occupancy of his home. But the principle "a man's house is his castle," enunciated in

the 17th century by Lord Coke in *Semayne's Case* (5 Coke 91), was not unique to English jurisprudence.

HOME PROTECTED BY BIBLICAL LAW

Even in ancient times there were evidences of that same concept in custom and law. Biblical literature reveals a number of instances illustrative of a strong respect for the dwelling as a place which was not subject to arbitrary visitation, even on the part of official authority.

In the story concerning Achan, Joshua did not send his messengers to search for and seize the prohibited articles in Achan's tent, even after his detection, until the latter had first confessed both his deed and the place where the articles were concealed.

By Biblical law a creditor was forbidden to enter his debtor's house for his debt but had to wait outside for the bringing forth of the pledge, and a bailiff of the court was forbidden to enter for the same purpose.

The high regard that the law had for the home is reflected in the protection afforded it in article 21 of the Code of Hammurabi:

> If a man makes a breach into a house, one shall kill him in front of the breach, and bury him in it.

The laws of ancient Rome held the home to be a place that was under the special protection of the household gods, who dwelt and were worshipped there. If even an enemy reached the fireplace of the house, he was sure of protection. Cicero said in one of his orations:

> What is more inviolable, what better defended by religion than the house of a citizen. This place of refuge is so sacred to all men, that to be dragged from thence is unlawful.

When Roman criminal law allowed the search of the house of a person suspected of theft, such search could be undertaken only after the victim of a theft described with particularity the goods he was seeking. When, accompanied by a bailiff, he entered the suspect's house, the law required that he be clad only in an apron, to prevent his concealing objects in his garments and "planting" them in the other's house to implement a false charge.

Roman occupation of England implanted in that country the principle that an individual had a privilege not to be disturbed in the peaceful occupancy of his home.

In Anglo-Saxon and Norman times the crime of hamfare, the forcible entry into a man's dwelling, was looked upon with great severity, justifying the killing of the perpetrator in the act.

Chapter 39 of the Magna Carta of 1215 has been recognized as a safeguard against official intrusion into the home. Lord Coke said in 4 Coke's Institutes 177:

> Breaking the houses of any subjects to search for felon or stolen goods is against the Magna Carta.

STAR CHAMBER PROCEEDINGS

During the Elizabethan and Stuart periods in England, in the enforcement of tyrannical laws concerning printing, religion, and seditious libel and treason, the Court of Star Chamber initiated practices of unlimited search and seizure by government officials.

A warrant issued by the Star Chamber in 1593 directed messengers of the Crown to search for and arrest every person suspected of libels "and for that purpose to enter into all houses and places where any such shall be remaining. And, upon their apprehension, to make like search in any of the chambers, studies, chests, or other like places for all manner of writings or papers that may give you light for the discovery of the libellers."

The Star Chamber was abolished in 1640, and a year later the House of Commons resolved that the search of studies and papers of opposition members of Parliament and the issuance of warrants for that purpose in 1629 had been a breach of privilege on the part of those who executed the warrants, for which they were to be punished.

At this period in English history there began to be recognized a principle that government searches and seizures, if allowed, must be reasonable. The full significance of the principle, however, was not yet recognized, and further experience on the part of the people and the courts was required before the right to be left undisturbed in the home was given constitutional protection.

New regimes found it expedient to lapse back into the old practices from time to time, and a few years later there was enacted the hearth-money statute, by which custom officials in their collections were given right of entry into all houses at any time during the day.

After the revolution of 1688, one of the first acts of the new government was to abolish hearth money. King William gave as his reason for the abolition not only that the practice was a great oppression of the poorer classes, "but a badge of slavery upon the whole people, exposing every man's house to be entered into, and searched by persons unknown to him."

GENERAL WARRANTS CONTROVERSY

So strong had become the popular feeling against government intrusion into the homes of citizens, that the practice of arbitrarily searching private homes for government purposes was all but abandoned in England until the accession to the throne of George III in 1760, at which time there began the great controversy about the general warrants.

In the American Colonies the general warrants took the form of so-called writs of assistance, authorizing revenue officers to enter, in their discretion, suspected places and search for smuggled goods.

James Otis, speaking in Boston in February 1761, pronounced these warrants "the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English lawbook," since they placed "the liberty of every man in the hands of every petty officer."

I digress for a moment, Mr. President, to comment on this observation of the great Otis, because he is revered in American history as a great defender of personal liberty. In commenting upon his remarks, I speak as a lawyer with complete respect for law-enforcement officers, for prosecutors, and for judges. But I stress, Mr. President, that they are human beings, and I stress that it is dangerous to liberty to give arbitrary power to law-enforcement officers. Mr. President, if we are going to have a government by law, then we had better constantly look to our checks upon the administrators of government by law, because if we do not, we shall soon have a government by men and not by law.

I cannot stress this point too strongly, Mr. President. It must be stressed in this debate, because earlier this afternoon I talked about the lethargy of our times. To me it is a frightening lethargy. There is a growing tendency upon the part of too many in our citizenry to make the great mistake of thinking that Government officials can do no wrong. In my judgment, Government officials will do right only to the extent that the people and their Congress are constantly jealous and vigilant of the procedures under which they are required to perform their duties.

It happens to be the history of the enforcement of criminal laws, not only in our country, but throughout the world and throughout all history, that there cannot be given to human beings unchecked arbitrary power without great abuses ensuing. We cannot, Mr. President, turn our freedoms over to law-enforcement officers and prosecutors and judges, and then lean back with the pleasant attitude that they will take care of our liberties.

I say that, Mr. President, fully cognizant of the fact that the law-enforcement officers of America and the judiciary of America are entitled to the highest respect of the American people. But they are human beings, and it is important, in the consideration of the legislative process, that we protect the American people procedurally from arbitrary discretion.

Oh, we become aware of this, Mr. President, when from time to time we discover that a law-enforcement agency has become impregnated with corruption, when we discover that an officer has become a common bribetaker and, on occasion, we even find that a judge now and then has betrayed the solemn obligation of his robes. No; we do not protect personal liberty, as Otis pointed out in the early history of our country, when we relinquish to petty officers the freedoms of the American people.

I think that great sentence of Otis is worth repeating time and time again. He said:

> The worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English lawbook, since they placed the liberty of every man in the hands of every petty officer.

I do not propose, Mr. President, to place the liberties of the American people in the hands of Federal law-enforcement officers who will tell a judge that they think they ought to have the right to violate the privacy of the American home and listen in on the telephone to

all the conversations of the occupants of the home simply because the officers think they have reason to believe that the occupant of the home is engaged in the narcotics traffic.

The Senator from Texas, the Senator from Wyoming, and the other members of the Judiciary Committee are no more determined than I am, Mr. President—and they are no more opposed to the narcotics traffic than I am—to see to it, in the first place, that the narcotics traffic is stopped, and, in the second place, in agreeing to any reasonable procedure, within the framework of the privacy of the American people, for an improvement in the enforcement of the antinarcotics laws.

The Senator from Texas was kind enough to point out that, as chairman of the Judiciary Subcommittee of the District of Columbia Committee, I now have pending before me a bill, of which he is the author, which seeks to improve the control of drugs and narcotics in the District of Columbia. I have issued to the staff of the committee instructions to schedule hearings on that bill next week, because I want hearings on it to be held immediately. As the record will show, we received the bill from the Senator from Texas just a few days ago—in fact, I think it was the first part of this week. I want hearings on that bill to be held at the earliest possible date, and I want the bill to be brought up on the floor of the Senate in the very near future, with such amendments, if any, as the hearings may show should be added to the bill—although at the present time I know of none. I want that bill to be passed by the Senate, because in my judgment the objectives of that drug-control bill are in the public interest. But that bill does not raise the problems which are raised in connection with this bill.

In the case of the pending bill, we are dealing with the matter of the procedural rights of the American people to be protected completely in their privacy and in their homes, as in their castles.

In his great speech in 1761, James Otis had some other things to say; and I wish to emphasize them now. He denounced the dangerous character of the writs as an infringement of the Englishman's "right of house."

John Adams said later of the Otis speech:

> Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.

In England general warrants issued by the Secretary of State authorized government officials to secretly enter homes and search for and seize the private papers of persons suspected of seditious libel.

The court case of *Wilkes* v. *Wood* (98 Eng. Rep. 489 (1762)) involved a suit by a publisher of pamphlets critical of the government against an official who had issued a warrant by the authority of which Wilkes' house was ransacked in a search for the alleged treasonable papers. The warrant was general as to the persons to be arrested and places to be searched and papers to be seized, and before the agents of the King discovered that Wilkes was the person who had published the papers nearly 50 other persons were arrested and their homes searched.

Wilkes was awarded a verdict against the Under Secretary of State responsible for the warrant, and some of the other persons whose homes had been searched brought suit against the King's messengers.

In *Huckle* v. *Money* (95 Eng. Rep. 763) the court held the general warrants to be illegal and awarded judgments against the messengers. The court said in awarding the judgment:

> To enter a man's house by virtue of a nameless warrant in order to procure evidence is worse than the Spanish Inquisition—a law under which no Englishman would wish to live an hour.

Mr. President, over the decades this has been a great constitutional issue—namely, the constitutional prohibition against unreasonable searches and seizures.

Constitutional prohibition against unreasonable searches and seizures was established in England in 1765 in the case of *Entick* v. *Carrington and Three of the King's Messengers* (19 Howell's State Trials 1030). The United States Supreme Court in the case of *Boyd* v. *U. S.* (116 U. S. 616 (1885)) described the judgment in this case as "one of the landmarks of English liberty" and a "monument of English freedom."

This case grew out of a search of the home of one John Entick, a publisher of articles critical of the government, by messengers acting under a warrant to seize him, together with his books and papers.

The warrant was specific as to the person, but general as to the papers; and the messengers made the most of the discretion granted them.

The defendants attempted to justify their actions by an argument of "state necessity." They claimed that the power to search homes and seize evidence was "essential to government, and the only means of quieting clamors and sedition."

Mr. President, that sounds almost like 1956 and the arguments made in connection with the pending bill. It is the old prosecutor's argument, "Mr. Citizen, I tell you that this is necessary and essential. You should let me do it this way because I think I can do a better job of detection and a better job of prosecuting if you let me invade your privacy."

Mr. President, there is nothing new about that argument; it is bewhiskered; it is as old as the great contest over the protection of individual liberties.

Mr. President, there have been crimes, crimes, more crimes, heinous crimes; but I wish to say that I am proud that today in this country the principle for which I am fighting on the floor of the Senate this afternoon has prevailed for the most part, namely, that, after all, the personal liberties of free men and women are more vital than the convenience of law-enforcement officers and prosecutors. I think the issue is about that simple, Mr. President. I think that is a very important part of this fight. Are we going to legalize this invasion of the privacy of free men and women, on the basis of the argument that it will make it a little easier to catch some criminals in the narcotics drug traffic?

My reply is that efficient and effective police departments and prosecutors do not need weapons which infringe upon the personal liberties of free men and women. What was said by a court in 1885 in regard to this matter, I wish to repeat today; I shall repeat what was said by the court in the Entick case. In effect, the court said that the attempt to justify their actions by an argument of strict necessity was not acceptable to the court.

Pronouncing the judgment against them, Lord Camden said:

> With respect to the argument of state necessity, or a distinction which has been aimed at between state offenses and others, the common law does not understand that kind of reasoning, nor do our books take notice of any such distinctions.

The court condemned secret searches of the home:

> If this injury falls upon an innocent person, he is as destitute of remedy as the guilty * * * there is no man capable of proving either the taker or the thing taken. * * * the only witnesses are the trespassers, the party injured is left without proof.

Mr. President, that is completely applicable to the telephone conversations referred to in connection with the pending bill. It is the height of absurdity to assume that if this procedure is legalized, the only wires which will be tapped will be the wires of the guilty. I think that is bad enough, because—subject to the misunderstanding to which one is always subject when he makes this argument—I wish to point out that, under our system of jurisprudence, proper and fair procedure is as essential for the innocent as it is for the guilty, insofar as protecting their rights as citizens is concerned.

I believe in vigorous prosecution, but I believe in vigorous prosecution by procedures which do not violate the rights of privacy.

Mr. President, let us consider the innocent. In the United States, have we really reached the point where we have to depart from the glorious history of the protection of personal rights in respect to search and seizure? After all, wiretapping is a form of search and seizure. Are we going to walk out on that great history and subject innocent people to violation and invasion of their privacy by allowing a law enforcement officer—I care not who he may be—to have knowledge of the full conversations a man may have with his wife, for example, a son with his father, a lover with his sweetheart, or a business partner with his associate? Have we reached the point in America where, on the basis of the argument of necessity, which the King's messengers used back in the time of the Entick case, the privacy of the citizen is invaded? Is our liberty now less precious than the liberty of the individual citizen which was so nobly protected by Lord Camden in the Entick case? I do not believe it. I refuse to accept the argument. Lord Camden was right in

protecting British free men and women from intrusion by the King's messengers. I think it is the duty of the Congress of the United States to protect the American people from intrusion into their rights of privacy by wire tappers, no matter how much of an argument is made about the heinous nature of the violations of our drug laws, and the despicable character of the violators—and they are despicable people.

I should like to handle that part of the argument in these words: There is not a Member of the Senate who despises more than I do the individual who seeks to lead another into the drug or narcotics habit. That class represents about the lowest form of humanity. But when we deal with matters of procedural rights we must always keep our minds and eyes on the fact that, merely because there are some despicable characters within our citizenry who will stoop to almost anything for their unscrupulous purposes, we have no right to adopt a procedure which subjects the innocent to the kind of invasion of their personal freedom which this bill would involve.

It may be said, "Well, they are law enforcement officers. They are prosecutors. They are officials of the Government. It is not so bad for them to know all the intimate secrets of a fellow citizen, gained from listening in on a telephone conversation." I hold just the other point of view. It makes all the difference in the world. It makes the difference between living in a free state and living in a police state. It makes the difference between living in a democracy where one's home is truly his castle of freedom, and living in an autocracy. When one takes down the telephone receiver he does not know whether or not he is enjoying the right of freedom, or whether there is on the telephone a silent, unknown eavesdropper wearing a police badge.

Let me repeat what I said earlier this afternoon in regard to the precedential question. This is a procedural step which, unless we remain on guard, will lead to the "knock on the door."

We all know what has been told to us by people who lived in Germany during the Hitler regime. Since I became a Member of the Senate there appeared before one of our committees—I well recall the situation—a witness who testified that in Hitler's time in Germany an anti-Hitlerite would wrap his telephone in blankets when he was at home at night, because suspicion was so great that the people even feared that the telephone had been so installed that conversations could be heard over it even though the receiver had not been taken down.

That is what happens when the fear of a police state takes possession of the people. Of course, it is an exaggerated argument, but I offer it to point out that fear creates exaggerated attitudes on the part of the people.

The best way to guarantee the privacy of the American citizen is to refuse to adopt the kind of procedure which—and it cannot be denied—would make it possible for a police officer wearing a badge to listen in to the conversation of an innocent fellow citizen if he could succeed in convincing the court, by whatever formality he might find it necessary to go through, that he should be granted permission to tap a certain individual's telephone.

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

Mr. MORSE. I am glad to yield.

Mr. DANIEL. Does the Senator from Oregon realize that the Justice Department is now tapping certain telephones? Representatives of the Department have testified before committees of Congress that, so far as subversion cases are concerned, the practice has been going on for 22 years, and that each succeeding Attorney General has followed the same procedure, with the approval of President Roosevelt, President Truman, and President Eisenhower?

Mr. MORSE. I think it is shocking.

Mr. DANIEL. I was surprised to learn it, too. The only difficulty is that evidence obtained in that manner cannot be used in the courthouse.

Mr. MORSE. Thank God for that. That much, at least, we have protected.

Mr. DANIEL. The Senator from Texas is certainly in agreement with the Senator from Oregon, that there should not be unlimited, unrestricted, and unrestrained tapping of telephones by law-enforcement officers. I believe the Senator from Oregon will agree that the Judiciary Committee has at least written this provision in such a manner as to tighten the requirements, and make it unlawful for officers to listen in, or to divulge information which they might obtain after receiving a Federal court order and going through this procedure, except in a limited class of cases. The proposed legislation would place law-enforcement officers in a much different situation from that which they occupy today.

Mr. MORSE. But they would hear the conversations.

Mr. DANIEL. They would hear them; but they hear them today.

Mr. MORSE. We should not add another evil. I think it is a terrible thing.

Mr. DANIEL. Does the Senator from Oregon realize that under the proposed procedure the telephone wires could not be tapped, or the information divulged, unless the enforcement officer could prove to a court that he had good reason to believe that the telephone was being used in the narcotics traffic?

Mr. MORSE. I do not accept that argument at all. I think we enhance the evils when we add the proposed procedure to the present procedure. It must involve adding something, or the Senator would not be asking for it. I do not want to legalize the procedure for which the Senator is asking.

Mr. DANIEL. All we would be doing would be legalizing in narcotics cases the procedure which is being followed at present in other cases.

Mr. MORSE The practice would be greatly speeded up, and it would become much more common than it is at the present time. I believe that the fact that evidence obtained in such a manner cannot be used in court at the present time has to a considerable extent slowed down the commission of the act.

Mr. DANIEL. Let me explain to the Senator from Oregon what we found. We found—and there was no contradiction—that today law-enforcement officers are unable to obtain convictions against the top racketeers in the national and international narcotics trade, because all of them know that the wiretap evidence cannot be used against them, and they therefore operate by telephone.

In their international orders and in their interstate orders concerning the narcotic traffic, they never touch the drug; they work strictly behind the telephone. Does the Senator from Oregon know any way we can get a conviction of the top narcotic racketeers of the Nation without being able to use weapon for weapon in intercepting these communications?

Mr. MORSE. I believe the very investigation the Senator and his subcommittee have made answers the Senator's question. He and his committee did a wonderful job. His committee did not even function as a prosecuting agency of the Government. It functioned as an investigating agency of the Government. In their capacity as investigators the Senator and the other members of the committee did a wonderful job in finding out where the problem is. If they can do that by an investigation, I will say to the Senator, I do not consider the next problems to be impossible of solution. Certainly it is not necessary to give the prosecutor a wiretap provision to catch the big fellows about whom the Senator already knows.

Mr. DANIEL. We found that where the big money is being made is behind the telephone by the big racketeer who does not have any other kind of communication with the pusher or the drug addict. That is where the problem is. I say to the Senator that the provision in the bill would never be before the Senate if we had not found that that is where the problem is with respect to the big million-dollar racketeers. Those racketeers are never convicted. It is a crying shame to see all the small pushers of narcotics, who do the bidding of the big fellows on the other end of the telephone, get convicted and sent to the penitentiary, while the big boys escape punishment altogether. That is the reason why the provision is in the bill.

If the Senator from Oregon, over the weekend, can find any other method by which we can get the top racketeers in the international and national narcotic rackets without a provision of this kind, I should like to have him suggest it. I would accept such a substitute.

Mr. MORSE. I do not need to wait for the weekend. I will say to the Senator now that a prosecutor could work on the basis of what the Senator found in his investigation. Does the Senator mean to tell me that our prosecutors are so inefficient, that when the Senator's investigation has brought out where some of the drugs come from the prosecutors cannot proceed with criminal prosecutions?

Mr. DANIEL. They cannot proceed.

Mr. MORSE. I suggest they bring that evidence before a jury in the trial

of some of the top operators and see what the jury will do.

Mr. DANIEL. The big narcotics operators have never been convicted. The prosecutors do not have to go before a jury, because the big operators carry on their business over the telephone.

Mr. MORSE. But they have the testimony of the people who have received the drugs. That is pretty good evidence.

Mr. DANIEL. No; they do not have that, because the big racketeers never touch the drugs. They place their orders in a foreign country by telephone, and they deal with certain henchmen who handle the drug; they never touch the drug. There is no way to tie them into the traffic except by telephone conversations.

The reason we know about those people and who they are and where they are is that some officers are tapping wires, under the present laws. The only point is that they can never get that evidence into court. They can never use that evidence to convict the big fellows.

Mr. MORSE. I may say to the Senator that in the penitentiaries of the country are many persons who have been convicted as violators of the narcotic drug laws. I believe they are very good sources of information for prosecuting some of the big fellows.

Mr. DANIEL. Two police officers here in Washington, D. C., were tried because they were in league with top drug handlers in this area. Those officers were members of the narcotic squad. They were tried in court, and the jury turned them loose. All the evidence against them was evidence on the part of the drug pushers and of those in the drug racket. In court the prosecutor had the wire tap which showed that these police officers were making arrangements with the drug peddlers, but that evidence could not be used in court. Therefore, those two officers were turned loose. I will say to the Senator from Oregon, that our committee could not find one top racketeer in the million-dollar bracket, in the international or national field, who had been convicted in the courts of this land since we have had on the books the Federal Communications Act as it now reads.

I will stand subject to correction, if counsel remembers any, but I know we went over the matter time and time again. It is not possible to hit the big men in the narcotics racket, and it is for one reason only, and that is that they safeguard themselves behind the telephone, and they cannot be charged in certain jurisdictions by State officials. There are 30 States in which they can be charged. Therefore, they do not operate in the States where they can be charged. They get out of those States and go into the States where they cannot be charged. Of course, they cannot be charged in any Federal court. Therefore, they have established themselves in a haven of refuge in which they can conduct their business.

I wish the Senator from Oregon would suggest a substitute for this provision, if he can find one. If we could have found it he may be sure that we would have tried to recommend something else. It does seem to us to be a shame to tighten up on the peddlers and the small pushers in this business and to let the big fellows behind the telephone continue to carry on this international traffic in human misery.

Mr. MORSE. It is a grave problem the Senator has presented, and I am perfectly willing to discuss it.

First, let me say that, if I recall the record of the Senator's committee correctly, some 30 States, as the Senator has pointed out, do permit wiretapping and do admit wiretap evidence.

If that were such an effective procedure, one would think that such States would have had some success in their prosecutions because that kind of evidence is admissible, and because those States have so-called drug-control laws.

Mr. DANIEL. They have had great success in those States.

Mr. MORSE. Have they convicted any of the top racketeers?

Mr. DANIEL. They have, in some instances in the State courts, yes, they have had some convictions. However, the big boys move out of those States. They operate in States where they have a haven of refuge and where they cannot be touched in the State courts. They move out of the States where they can be touched through interception of their telephone conversations.

Mr. MORSE. Was any evidence adduced by the committee that successful prosecutions in those States have been limited to those cases in which wiretap has been used?

Mr. DANIEL. Oh, no; not at all. As a matter of fact, wiretap evidence is mostly used as corroborating evidence in those States, because the men at the top of the racket whom we are trying to reach do not operate in States where that kind of law enforcement is practiced. They get out of those States. Therefore those racketeers are not being touched by the wiretap provisions in the laws of those States.

Mr. MORSE. The Senator from Texas has just said something that is very vital. He said that the wiretap evidence is used only as corroborating evidence.

Mr. DANIEL. Mostly, I said, in those States that have those laws.

Mr. MORSE. Mostly; yes.

Mr. DANIEL. I say that because the big-time racketeers get out of those States and go into States where there are no wiretap provisions in effect.

Mr. MORSE. But there was obtained evidence on the basis of which prosecutions could be brought without any corroborating evidence, and the corroborating evidence was used only to strengthen the cases which were brought.

Mr. DANIEL. Yes; they were mostly against small-time drug pushers and racketeers. Very seldom have any people at the top of the racket been convicted. It made our committee feel that we should go this far with a properly safeguarded provision for telephone interception. We felt we were being a little more stringent in writing the provision than would be necessary, for example, if there was involved a search of a person's home. It is possible to get a search warrant on reasonable cause during the daytime if probable cause is shown that some kind of crime is being committed in a home.

Mr. MORSE. But limited to the specifics to which I have referred.

Mr. DANIEL. In the case of narcotics court orders would be limited specifics of conversations having to do with the drug traffic.

Mr. MORSE. But they would not be limited to the specific of hearing only what was discussed about the drug traffic. That is the violation of privacy which I am protesting.

Mr. DANIEL. That gets back to what is permissible under the present law. Officers can listen in all they want to.

Mr. MORSE. If the Senator thinks I am standing here justifying the existence of wiretapping, I have not made myself clear. I think we should make it unlawful even though the conversation cannot be used in evidence, as courts have consistently held. This is a movement which should be taken in the opposite direction from that in which the Senator from Texas is walking.

Mr. DANIEL. The committee was of the opinion that we were actually narrowing down and making the requirements more stringent than they are today.

Mr. MORSE. More stringent than in some of the State laws. I think this is an unwarranted use of wiretapping by some Federal officers.

Mr. DANIEL. We have no law today which prohibits the mere listening-in on telephone conversations.

Mr. MORSE. I shall cover that point later.

Mr. DANIEL. As the law is today, officers can listen, but are prohibited from divulging. They have to do both in order to prove a narcotics offender guilty, under the law. There are law enforcement officers in various departments of the Government listening in and doing exactly what the Senator is opposed to and what I am opposed to. Under our provision, we would say, "It is unlawful for you to do that any more. You must show a Federal court that you have reasonable cause to believe that those phones are being used for carrying on a traffic in dope. Then you must get a Federal court order to listen and use the evidence in court."

That is certainly more stringent, more confining, than what we have today.

Mr. MORSE. But, in my judgment, it does not make it right. Furthermore, with reference to the practice now existing, this third-degree pressure cannot be used in evidence. The law-enforcement officers listen to it, but cannot use it in evidence. There are too many cases in which the accused is told, "You might as well confess, because we have a tape on you of a telephone conversation you had. There are a lot of interesting things in the telephone conversation you had." They are using too frequently wiretapping procedures as a form of third degree or a form of law-enforcement blackmail. It is a dangerous thing.

I do not accept the Senator's premise that there cannot be successful prosecution without wiretap evidence. My reply is that we had better get some better law enforcement. In our history there have been many crimes as to which

we have tried to get evidence, and careful detection has finally ferreted out the guilty ones. It is better to do it in that way than to adopt a procedure which is incompatible with personal freedom.

Mr. DANIEL. If the Senator from Oregon had sat through the 37 days of hearings with the Senator from Texas and the other members of our committee I do not believe he would have made the statement he has just made, because there are a good many law-enforcement officers in the Federal Government who are trying to catch narcotics racketeers, but the big operators never come any closer to the drug addict or to the drug than the telephone, and they cannot be convicted.

Mr. MORSE. Mr. President, I will say to the Senator from Texas that the remainder of my speech will deal with the development of my views on the history of the old search and seizure system. In my speech next week I shall discuss what I consider to be the controlling cases in American law on the subject. I shall devote the rest of my time this afternoon to a discussion of the broader subject, the relationship of the proposals of the Senator from Texas in the matter of protecting the rights of the American people, as I see those rights, and complete personal freedom, without any tampering with or tapping of telephone wires. I want the Senator to know the course of my argument today.

Mr. DANIEL. I am against, as is also the committee, the complete freedom of the top racketeers in narcotics in using telephone communication for the purpose of carrying on the narcotics business. Does the Senator from Oregon understand the reasoning behind our proposal?

Mr. MORSE. I understand the reasoning, but I think it is on a basic false assumption, and that is that we cannot count on law enforcement officers to exercise very wise discretion.

Mr. DANIEL. Even under an order of the court?

Mr. MORSE. Oh, yes; because I think court orders become very much a matter of routine formality. They do not result in any real thorough-going investigation. Under the procedure suggested by the Senator, innocent people will have their wires tapped. One innocent person having his wires tapped is one too many for me. I do not think there is any procedure that makes it right for even 1 man or 1 woman to have his or her wires tapped.

INDISCRIMINATE SEARCHES PROHIBITED

Indiscriminate search for evidence was held unreasonable by Lord Camden, who recalled the search in the case of Wilkes against Wood:

> All was taken and Mr. Wilkes' private pocketbook filled up the mouth of the sack. Such is the power, and therefore one should naturally expect the law to warrant it should be clear in proportion as the power is exorbitant.

Lord Camden stated a recognized principle of English law:

> The law obligeth no man to accuse himself; because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both cruel and unjust; and it should seem that search for evidence is disallowed upon the same principle. There, too, the innocent would be confounded with the guilty.
>
> Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say.

I say most respectfully that I think the procedure provided in the bill is one in which the guilty are asked to accuse themselves. I think it is the duty of the Government, under our system of criminal justice, to assume the full burden of proof and to proceed to do the accusing, and to base the accusations upon evidence which is not supplied to the Government by a defendant accusing himself. I think Lord Camden stated that principle succinctly and clearly back in his day; and I am for applying it to the bill.

These words may be recalled when later we consider an American wiretap case *Olmstead* v. *United States* (277 U. S. 438 (1927)). Justice Holmes said in his dissent in that case:

> For my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part.

We know that that great statement of Holmes has become almost a maxim in a discussion of the essentials of American justice. It is a restatement of an earlier maxim that it is better for a few guilty to escape than that one innocent person rot in jail.

WHOSE HOUSE WOULD BE SAFE?

The basic objection to unreasonable search and seizure was stated by Lord Camden:

> Observe the wisdom as well as the mercy of the law. The strongest evidence before a trial, being only ex parte, is but suspicion; it is not proof. Weak evidence is a ground of suspicion, though in a lower degree; and if suspicion at large should be a ground of search * * * whose house would be safe?

In the course of argument in the Parliament, when the House of Commons in April 1766, declared general warrants to be illegal, William Pitt declared:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter. All his force dares not cross the threshold of the ruined tenement.

That great principle of English justice is very applicable to this situation. Of course, we will be allowing a so-called escape hatch for the very vicious drug peddlers, whom the Senator from Texas has described so ably this afternoon, to continue the great damage they are doing to American youth. But I am talking about a system of justice. I say that that system of justice can be no stronger than its procedures.

I have said over and over again, and I must say it once more, because it is so applicable to this debate, that the American people have no substantive rights separate from their procedural rights. I respectfully submit that the proposal to adopt a bad procedure is a good example of the loss of a substantive right. The substantive right which will be lost is the complete privacy on the part of innocent persons to carry on telephone conversations with absolutely no danger whatsoever that any other person will hear their conversations. That is the substantive right which will be lost by the bill. That is the freedom which will be lost by the bill. The American people must stand guard against this kind of encroachment upon individual liberty.

COLONIAL HISTORY

Freedom from unreasonable searches and seizures was one of the rights prominent in the thinking of Americans who on October 14, 1774, in the "Declarations and Resolves of the First Continental Congress" demanded "the rights, liberties, and immunities of free and natural-born subjects within the realm of England."

On June 12, 1776, less than a month before American independence was declared, the State of Virginia adopted in its bill of rights the provision:

> That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

In September 1776, the constitution of the State of Pennsylvania declared:

> That the people have a right to hold themselves, their houses, papers, and possessions free from search and seizure, and therefore warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, and ought not to be granted.

By the time the fourth amendment to our Federal Constitution was adopted a similar search-and-seizure provision was included in the bill of rights of every State in which the rights of the people were specifically enumerated in the State constitution.

CONSTITUTIONAL DEBATES

In the debates of the Federal Constitution the question of search and seizure was the first illustration seized upon by Lee, of Virginia, and Gerry, of Massachusetts, as indicative of the necessity of a Bill of Rights.

In his arguments in the Virginia Convention, Patrick Henry dwelt on possible oppressions by public officials, and said:

> When these harpies are aided by excisemen, who may search, at any time, your houses and most secret recesses, will the people bear it? If you think so, you differ from me. Where I thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong possibility that these oppressions shall actually happen. I may be told that it is safe to err on that side, because such regulations may be made by Congress as shall restrain these officers, and because laws are made by our Representatives, and judged by righteous judges; but, sir, as these regulations may be made, so they may not; and many reasons there are to induce a belief that they will not.

I think it is very interesting that even in his time Patrick Henry warned the American people that they must main-

tain restraints and checks upon law-enforcement officers and on judges.

When James Madison spoke for a Bill of Rights in the First Congress general warrants were to him the most prominent illustration of the need for a Bill of Rights.

It is significant to note that the fourth amendment, when adopted, did not attempt to create a right: it stated an already existing right of the people to be secure in their persons, homes, and effects which should not be violated.

The first clause of the amendment stated the right and the prohibition against its violation. The second clause stated specifically the requirements of a search warrant, its purpose obviously being to insure against future intrusions of the particular kind that was then fresh in the minds of the framers of the amendment, but not to limit the effect of the amendment to that one type of intrusion.

MONUMENT, OF FREEDOM

It must be concluded that when our fourth amendment was adopted, its framers and those who approved it intended that the principles of the case of Entick against Carrington should be embodied in our law. The United States Supreme Court in the Boyd case said, referring to Entick against Carrington:

> As every American statesman, during our revolutionary and formative period as a Nation, was undoubtedly familiar with this monument of English freedom, and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its provisions were in the mind of those who framed the fourth amendment to our Constitution, and where considered as sufficiently explanatory of what was meant by unreasonable searches and seizures.

Blackstone's Commentaries, 1 Tucker App. 301–304, stated in the year 1803:

> The case of general warrants, under which term all warrants not comprehended within the description of the preceding article may be included, was warmly contested in England about 30 or 35 years ago, and after much altercation they were finally pronounced to be illegal by the common law.
>
> The constitutional sanction here given to the same doctrine, and the test which it affords for trying the legality of any warrant by which a man may be deprived of his liberty, or disturbed in the enjoyment of his property, cannot be too highly valued by a free people.

PRINCIPLES OF FOURTH AMENDMENT

Summing up, then, the framers of the fourth amendment had three main principles in mind:

First. That privacy and the sanctity of the home ought to be constitutionally protected;

Second. That the protection of individual rights was paramount to governmental expediencies;

Third. That secret search of a man's property for evidence, by way of general warrants, was an unjustifiable infringement upon the rights of a free people.

I find it difficult to reconcile the decision of the Supreme Court in 1928, in the case of Olmstead against United States, which has been cited in support of the proposition that wiretapping is not a violation of the fourth amendment, with what history shows me to be the purpose and spirit of the amendment.

Legalized wiretapping, as proposed by the Attorney General or in the bill passed by the House of Representatives, could not meet the requirements laid down by the court in the decision in Entick against Carrington.

The proposals would legalize wiretapping for investigation purposes, without evidence of a fact committed. Suspicion alone would be the ground for search.

That is so true of this section of the bill, Mr. President. All the prosecutor or the law enforcement officer has to do is to state to the judge that he has reason to believe that X is a big-time dope peddler, and ask the judge to sign the order which he prepared authorizing the department to tap the wire. That is suspicion, and that is all it is. It is a serious infringement, in my opinion, of the rights of Mr. X, who does not stand convicted until proof has been presented before a body of his peers, and who, in my judgment, is entitled to the kind of protection for his personal freedom for which I am fighting this afternoon.

Wiretapping is nonselective. The privacies of innocent persons would be invaded, because its operations cannot be limited to the conversations of only those who are properly held suspect.

Innocent persons whose lines were tapped would be without protection. In the words of Lord Camden:

> The only witnesses are the trespassers.

Wiretapping is indiscriminate. Its attention cannot be confined to materials legitimately the subject of examination.

No wiretapping warrant—whether it be called a warrant, an official authorization, or a court order—could be other than a general warrant.

The reason I have discussed the fourth amendment is the long history of the fight in this country against general warrants. Certainly, I am applying it by way of an argument by analogy; but I am saying this section in effect would work out in practice to be nothing but a general warrant; and general warrants are a serious infringement upon the personal liberties of our people.

Listening to and recording a person's conversations is a taking of his property. Modern law recognizes as property, and protects, every kind of possession, intangibles as well as tangibles.

Interception of telephone conversations from or to the home is an intrusion into the home, whether or not the home itself is physically entered, because its purpose and effect is to snoop into what goes on in the home.

In the Boyd case, the leading case of interpretation of the fourth amendment, the Supreme Court said that the amendment prohibits not only proceedings containing the obvious incidents of search and seizure, but also those which contain their substance and essence, and effect their substantial purpose.

HISTORY MUST GUIDE US

If we are to be guided by our constitutional history; if we are to give more than lipservice to the Bill of Rights; if we are to maintain our democratic institutions—we cannot authorize the use of the police-state practice of wiretapping in America.

In a recent Supreme Court case, Justice Jackson said:

> Security is like liberty in that many are the crimes committed in its name.

In the name of security, the police state justifies its oppressions.

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

Mr. MORSE. I yield.

Mr. DANIEL. Will the Senator from Oregon allow the Senator from Texas to give another quotation from one of Mr. Justice Jackson's cases, to go right along with the one he has just quoted?

Mr. MORSE. Yes.

Mr. DANIEL. The Senator will remember that Mr. Justice Jackson also said, in a case before him:

> Criminals today have the free run of our communications systems, but the law-enforcement officers are denied even the carefully restricted power to confront the criminal with his telephonic and telegraphic footprints.

Mr. Justice Jackson, when he was Attorney General of the United States, did do away with wiretapping, but later he went back to it, with the specific approval of President Roosevelt in certain cases where he thought it was necessary. Later Mr. Justice Jackson, while on the bench, several times decried the fact that our law-enforcement officers are not allowed to use the evidence—against the criminals, not the innocent—which they receive by interception of telephone calls.

Mr. MORSE. Justice Jackson was a great prosecutor, and he brought to the bench the prosecutor's complex, and we see it manifested in the very comment the Senator has just read. That is why it is so important that we protect the American people from the prosecutor's complex, even though he may wear judicial robes. But the quotation I gave from Mr. Justice Jackson had nothing to do with the wiretapping issue. He was not talking about wiretapping when he was referring to the great American liberties. I speak respectfully in his memory, but I think it is one of the black marks on his record that he ever tolerated wiretapping when he was Attorney General.

Mr. DANIEL. The Senator knows that President Roosevelt tolerated it, and that President Truman tolerated it. Does he not?

Mr. MORSE. That did not make it right.

Mr. DANIEL. For 22 years, except for a few months when Mr. Justice Jackson, as Attorney General, discarded it, wiretapping has been tolerated.

Mr. MORSE. That does not make it right. It only shows that they, too, were prone to adopt the "end justifies the means" theory in this particular field. It does not make it right. What is right is the great, emblazoned principle of individual liberty that we find running through all our history, and which is so firmly embedded in the fourth amendment.

Mr. DANIEL. The Senator knows that the Court has held that the fourth amendment does not make wiretapping unconstitutional. Does he not?

Mr. MORSE. That was held in the Olmstead case, but, as I shall say in my

argument next week, I should like to see a case on all fours with the Olmstead case go before the Court. Prediction is always dangerous, but, in my judgment, a case on all fours with the Olmstead case, if it were properly reargued, would upset the Olmstead case.

Mr. DANIEL. The Senator thinks the present Court would overrule the previous decision and write the law differently?

Mr. MORSE. I hope a new case will cause the Court to go back to the fourth amendment, so far as history goes, which the Court did not do in the Olmstead case. If the Senator wants my opinion about the Olmstead case, I think it is very bad law; but we have to live with it until it is reviewed by the Court under a new set of circumstances and the decision is changed. I am inclined to think that in due course of time the Olmstead case will cease to be the law.

In the name of security, we are asked to set aside our constitutional guarantees of liberty.

At any time in history, short-sighted leaders can use a national emergency as an excuse for precipitous actions.

The strength of our democratic processes is in their proven ability to withstand the tests put to them in times of emergency.

I do not for a moment underestimate the aggressive intent of foreign Communists and their agents within our country. Nevertheless, I am satisfied that the FBI and the intelligence agencies, working within the framework of our Constitution, are doing an excellent job of discovering and destroying enemy activity, a better job than could be done by aping the methods of the Communists.

NO NEED FOR WIRETAPPING SHOWN

Brownell and the other administration proponents of wiretapping have not shown that the agencies cannot continue to do an effective job without the use of wiretap. They have only claimed that without it the Government is handicapped in its work.

I have no doubt that some of the police have always considered constitutional limitations on the methods they may use in their work to be handicaps. But these limitations have been what has distinguished the free state from the police state.

It has been argued that because spies and criminals make use of modern scientific devices, the police should be allowed similar liberty in the case of the wiretap—a sort of a "fight fire with fire" argument.

The trouble with "fighting fire with fire" in a case such as this one is that in doing so, the Bill of Rights may be reduced to a heap of ashes.

History shows that bad police methods breed disrespect for law, shake the confidence of law-abiding citizens in the administration of justice, and weaken the national morale. Police tyranny is no substitute for police protection.

Our strongest weapon in the fight against communism is constant and undiminished observance of democratic processes and procedural safeguards.

Mr. President, in my next speech on this subject I shall discuss this bill and the proposals of the administration in the whole field of wiretapping. I shall review the court cases, and shall outline today's laws and practices, and shall make specific recommendations as to how I think this problem should be handled. Of course, I shall frequently refer to the words of Lord Camden in the case of Entick against Carrington, and the other historical landmarks I have reviewed here today.

Paraphrasing Lord Camden's question "If suspicion at large should be ground for search, whose house would be safe?" Let me conclude by asking: If the citizen's every word must be uttered in the fear that it is being monitored by the agents of an all-powerful government, whose mind will be free?

Mr. President, in my judgment, the wiretapping section of the pending bill is exactly what I said of it at the beginning of my speech, namely, in itself it is the most deadly drug which could be injected into our body politic because it will deaden our sensitivity to individual liberty. It will tend to cause the American people, without a full realization of what they are doing, to accept another police-state technique within our democracy. Inasmuch as government by secrecy is a police-state technique—and today there is too much of it—so it is, Mr. President, that wiretapping is also a police-state technique. As one Member of the Senate, I shall never vote my approval of it in any shape, form, or fashion.

Mr. President, I ask unanimous consent to have printed in the RECORD a release including a telegram by Joseph L. Rauh, Jr., national chairman of Americans for Democratic Action, on the wiretapping provisions of the narcotics bill, and also a release on the same subject which has come to my attention, including a telegram from Walter P. Reuther, president of the United Automobile Workers.

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

ADA URGES SENATE REJECT WIRETAP PROVISION OF NARCOTICS BILL

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D. C., May 25, 1956.

The following telegram was sent today to Senators LYNDON JOHNSON and WILLIAM KNOWLAND:

"Americans for Democratic Action respectfully urges that the Senate reject the wiretap provision included in the narcotics bill now pending before it. Wiretapping and wiretap evidence do not assure more efficient police work, are not reliable, are susceptible to abuse, and would invade the privacy of our citizens. In unscrupulous or irresponsible hands, they could be instruments of blackmail and campaigns of vilification and slander. Most States which permit wiretapping provide for court order as set forth in the provision pending before the Senate. However, it is notorious that the court-order provision does not assure selectivity and cannot assure the confidential handling of information obtained.

"We urge the Senate to reject this provision and to make it unmistakably clear to the Justice Department and other Federal agencies that the present prohibition against wiretapping is to be enforced against all, including agents of the Federal, State, and local governments who are now engaged in this dirty business.

"JOSEPH L. RAUH, Jr.,
"National Chairman."

WASHINGTON, D. C., *May 25, 1956.*

UAW President Walter P. Reuther today sent the following wire to Senate Majority Leader LYNDON JOHNSON and Minority Leader WILLIAM F. KNOWLAND urging the Senate to drop from the narcotic-control bill the provision that would legalize wiretapping:

"We understand that decision was made late yesterday for the Senate to take up today S. 3760, a bill for the control of narcotic drugs. United Automobile Workers strongly supports all necessary measures for control of narcotic drugs. Their illicit distribution damages hundreds of thousands of American lives and families. But proper control of narcotic traffic does not require legalization of wiretapping provided in pending bill. Wiretapping is still the dirty business described by Justice Holmes and the instrument of tyranny and oppression described by Justice Brandeis. Were Congress to breach the dike which restricts overzealous law-enforcement officials from invading the privacy of the telephone for this purpose soon there would be a revival of proposals to breach this dike for other purposes. Instead of pushing bill through without debate, United Automobile Workers urges that adequate opportunity be afforded for debate on this vital issue of civil liberties. We believe that such debate and thoughtful examination of this great issue by the American people will demonstrate the wisdom of dropping the wiretapping legalization provision from the pending bill.

"WALTER P. REUTHER,
"President, UAW."

Mr. DANIEL. Mr. President, in view of the statements made by the Senator from Oregon and the telegram from Mr. Walter Reuther, president of the United Automobile Workers, in opposition to this particular section of the bill, and also the telegram from the Americans for Democratic Action, protesting this particular section of the bill—both telegrams having been placed in the RECORD by the Senator from Oregon—I wish to say that every law-enforcement officer who appeared before our committee and advocated this particular section of the bill, said it should be included in the bill with adequate safeguards to protect the liberties and rights of American citizens. All the witnesses who appeared before our committee and who recommended that the bill provide for the right to intercept telephone communications between narcotics drug traffickers, said that the provision should be made "with adequate safeguards."

We have included in the bill a provision stronger than any present provision of Federal law with respect to protection against wiretapping. The bill provides that the United States attorney must obtain from the Federal court a sealed court order, and must prove to the court that he has reason to believe that such telephones are being used for the narcotics drug traffic. But the members of our committee have found there is no way to get the top national and international traffickers in narcotics unless authorization is made to intercept their means of carrying on their business, which is by telephone.

Mr. President, on this subject I ask unanimous consent to have printed in the body of the RECORD a portion of our report on the District of Columbia narcotics problem, beginning with page 13 and concluding on page 16.

There being no objection, the excerpt from the report (No. 2033) was ordered to be printed in the RECORD, as follows:

FEDERAL NARCOTICS AGENTS ARE NOT AUTHORIZED TO MAKE WIRETAPS, OR TO USE WIRETAP INFORMATION IN ORDER TO CORROBORATE TESTIMONY OR DETECT NEW EVIDENCE OF NARCOTICS LAW VIOLATIONS

While a great many States permit enforcement officers to make wiretaps, and permit the use of evidence obtained by wiretapping, such authority is not available to enforcement and prosecution agencies in the District of Columbia.

The subcommittee has found the telephone to be an essential medium for the conduct of the organized and tenacious narcotic racket. This is particularly true in operations conducted in large metropolitan areas like Washington and in intercity and interstate trafficking. Peddlers of dope could not organize or operate their vicious racket without the telephone. For this reason law enforcement officers and prosecutors throughout the United States have overwhelmingly urged this subcommittee to recommend carefully restricted wiretapping authority to be used in narcotics investigations. The value of wiretapping in the campaign against the illicit drug traffic, in corroborating testimony by addicts and informers, and in detecting new evidence is dramatically illustrated in the testimony of two able prosecutors, Mr. Samuel Dash, acting district attorney, Philadelphia, and Mr. Fred Smithson, assistant United States attorney, Washington, D. C. Their testimony, which follows, is truly "a tale of two cities"—one which succeeded and one which failed in apprehending and punishing vicious drug traffickers. Statement by Mr. Dash:

"One of the most important uses of wiretapping in Philadelphia today is in combating the drug traffic. As a result of two important raids in the last 3 months, the Philadelphia police and the district attorney's office have virtually driven the drug traffic out of Philadelphia.

"There has been no single drug peddler who has escaped conviction. The sentences have been severe. There has been a steady stream of drug addicts leaving Philadelphia. Through wiretapping, we have learned that large distributors in Chicago and New York have refused to come to Philadelphia because, in their words, 'It is too hot in Philadelphia for drug sellers.' In the latter stages of the program against the drug peddlers we were reaching the large distributors. These persons were too clever to sell to police officers. But through information learned from the drug sellers who had already been arrested, the district attorney's office and the Philadelphia police were able, through wiretapping, to secure enough evidence on some of the large distributors to make arrests and to try to convict these distributors. Today these distributors are behind bars serving long prison terms.

"In one case a distributor who thought himself so clever that he could never be detected was tapped and his entire operations were learned. The day before his arrest our wiretappers even learned that he had an inside tipoff man who warned him of the arrest. He didn't believe that he could be arrested. He was found sleeping peacefully in bed when the raiders came."

Compare the above testimony to the experience of prosecutors here in Washington when they tried to convict two police officers assigned to the narcotics squad who themselves were alleged to have become entangled in the drug traffic. Mr. Smithson, assistant United States attorney, testified:

"One case is very close to me, for I was trial assistant. It involved two high-ranking police officers who were assigned to the narcotics squad—Hjalmer Carper, who was acting lieutenant in charge of the narcotics squad of the Metropolitan Police Department, and Detective Sergeant William Taylor, who, I believe, was second-ranking man on the squad. Both of these officers were charged with conspiracy with a man by the name of Jim 'Yellow' Roberts, a notorious narcotics trafficker.

"Assigned to this case, there was an outstanding investigator with unusual ability to convey his thoughts and knowledge in the field, a man by the name of Howard Chappell, of the Federal Bureau of Narcotics. When he was developing the original case against Jim 'Yellow' Roberts and his wife, he worked under cover for the Federal Bureau of Narcotics without any information being known to anyone else in the city. And there came a time when Jim 'Yellow' Roberts told the agent—and the agent so testified—that he would have no trouble, he would take care of him, because he had his fix with the head of the local narcotics squad.

"There came a time further when Agent Chappell met for the first time these two police officers—it was in the office of the United States commissioner where testimony was taken—and they learned for the first time that an agent and undercover man had a purchase on James 'Yellow.' And James 'Yellow' testified that he was immediately notified by telephone by that police officer that two, a white and colored agent, had purchases on him, and to get out of town.

"Now, there is a prime example, because prior to that occasion the agent had information that Jim 'Yellow' was dealing with someone in the local narcotics squad. If they had been permitted to use a tap on those particular wires, there would have been the direct corroboration necessary to identify the person that made the telephone call from that police lieutenant to Jim 'Yellow' telling him what he had just discovered and telling him to get out of town.

"I would like to stress this, that wiretapping evidence would have supplied that degree of corroboration which that jury would have found, I believe, sufficient to have convicted those two police officers. While we had Chappell and one other witness testify, the great parade of witnesses were convicted narcotic peddlers or addicts whose testimony the jury is cautioned to view with scrutiny and care. However, evidence we could have obtained by wiretapping would have identified and corroborated the narcotics peddler, Jim Roberts' story, to Chappell when he did not know Chappell was a narcotics agent, that he had a connection, a payoff arrangement, with the head of the local narcotics squad, and that would have corroborated the call from Lieutenant Carper to Roberts' residence, and the admonition to Roberts to leave town because the 2 agents, 1 a white and 1 a colored informer, had purchased drugs from Jim 'Yellow,' and that they were applying for an arrest warrant and were going to arrest him.

"Without such corroboration, which wiretapping evidence would have made possible, the verdict was 'not guilty,' and these police officers escaped punishment."

Wiretapping, therefore, is essential in the fight against the illicit drug traffic. Such wiretapping evidence would be corroborative of the testimony of informer-witnesses whose testimony is otherwise critically affected by the standard instructions to juries that informer-testimony should be received with caution and scrutinized with care. By having such corroborative evidence, informer-witnesses will receive more nearly their deserved credence. Without it, law-enforcement agencies are severely handicapped in this age of modern, electronic methods which are freely utilized by the traffickers. Unless law-enforcement agencies can match the criminals weapon for weapon, law-enforcement agencies cannot be fully effective. Denying the use of supervised wiretapping authority in the District of Columbia in narcotics cases, recalls an observation made by the late Supreme Court Justice, Mr. Jackson, when he said:

"Criminals today have the free run of our communications systems, but the law-enforcement officers are denied even a carefully restricted power to confront the criminal with his telephonic and telegraphic footprints."

Recommending wiretapping authority for use in the District of Columbia, especially in narcotics cases, are Mr. Warren Olney III, Assistant Attorney General in charge of the Criminal Division; Mr. Harry J. Anslinger, Commissioner of the Federal Bureau of Narcotics; Chief Judge Leo A. Rover; Mr. Oliver Gasch, United States attorney; Chief of Police Robert V. Murray; and Capt. Todd O. Thoman, head of the narcotics squad of the Metropolitan Police Department, and many others.

The subcommittee proposes therefore, that specific authority to intercept telephone conversations between narcotics traffickers, as well as authority to introduce the information so gained into evidence, should be made available for use in the District of Columbia. To that end, the subcommittee has written specific authority to intercept and divulge telephone conversations into the bill amendatory of title 18 of the United States Code. The authority contained therein will apply to the District of Columbia and will thus serve to remedy a serious impediment to local law enforcement. We are not, however, recommending that such wiretapping authority be given directly to the Metropolitan Police Department, but we are proposing the authority for Federal narcotics agents with the specific direction that they afford District law-enforcement agencies their complete cooperation and assistance in specific cases involving violations of Federal narcotics laws. This decision to make wiretapping authority available and yet reserve its use to Federal officers, reflects the subcommittee's belief that the authority to make wiretaps should be restricted to a small and highly specialized group to be used under limited conditions and with judicial approval.

THE ROBINSON-PATMAN ACT

Mr. SPARKMAN. Mr. President, in 1936, Congress enacted the Robinson-Patman Act which is known as the Magna Carta of small business. The Robinson-Patman Act was designed to protect small firms from predatory and discriminatory pricing practices of their large competitors. Throughout the years, many of the 4 million small firms now in existence has survived only because of the protection afforded them by the Robinson-Patman Act. Although there have been many attacks against this legislation, both in the courts and in the Halls of Congress, its provisions remained unimpaired until the celebrated decision in the Standard Oil of Indiana case, which has made it virtually impossible for the Federal Trade Commission to provide adequate enforcement of the act's provisions.

On the very first day of the 84th Congress, I joined with 29 other Senators in sponsoring the bill (S. 11) to amend the Robinson-Patman Act with reference to equality of opportunity. We introduced this legislation to plug the loophole

created by the Supreme Court's decision and restore the Robinson-Patman Act to its full vigor.

On the same day, H. R. 11 was introduced by Representative WRIGHT PATMAN. Identical bills were also introduced by his colleagues in the House.

I was gratified to note that a majority of the Members of the House expressed their approval of the principles and purposes of H. R. 11 last week. Just yesterday, the House Rules Committee granted a rule on this legislation, and it appears certain that the House will pass its version within the next week or 10 days.

Another encouraging development of the past week on this front has been the shift in position of the Federal Trade Commission. Although the FTC spoke in opposition to H. R. 11 before the House Judiciary Committee, I have just received a letter from Commissioner Sigurd Anderson, advising me that he and Commissioner Robert T. Secrest now withdraw their objection to the legislation and urge its support. With that change of position, it now appears that a majority of the FTC supports both H. R. 11 and S. 11.

Mr. President, with this shift by the Federal Trade Commission, I would recommend to the Department of Justice and the Small Business Administration that these agencies might well reexamine their announced opposition to this legislation. In view of the widespread support received by H. R. 11 and S. 11 from every small-business association, and the small-business community generally, I am hopeful that the Senate Judiciary Committee will schedule hearings on Senate bill 11 at the earliest practicable date so that congressional enactment may be assured well before adjournment.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks a letter which I have received from Mr. Sigurd Anderson, Commissioner of the Federal Trade Commission, and also copies of letters which Mr. Anderson has written to Representative CELLER, chairman of the House Committee on the Judiciary, and to the Senator from Mississippi [Mr. EASTLAND], chairman of the Senate Committee on the Judiciary, with a note showing the concurrence of Commissioner Robert T. Secrest.

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

FEDERAL TRADE COMMISSION,
May 23, 1956.

Hon. JOHN J. SPARKMAN,
Chairman, Select Committee on Small Business, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Please find enclosed herewith copy of letter to the chairman of the Senate Committee on the Judiciary and copy of letter to the chairman of the House Committee on the Judiciary with respect to my position in connection with S. 11 and H. R. 11, both of the 84th Congress, 1st session, respectively. Please note that Commissioner Robert T. Secrest concurs with me in these matters.

With best wishes, I am
Sincerely yours,
SIGURD ANDERSON,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, May 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On March 1, 1956, the Honorable JOHN W. GWYNNE, Chairman of the Federal Trade Commission, advised you that the Commission by a vote of 4-1, Commissioner Kern dissenting, registered opposition to H. R. 11, 84th Congress, 1st session. The members of the Commission felt that in view of certain existing circumstances, that any recommendation for a change in the law would be premature at the time.

Recent developments have caused me to reverse my position with respect to H. R. 11. The decision of the Circuit Court of Appeals for the 7th Circuit in the Standard Oil of Indiana case and the denial of certiorari in the *Balian Ice Cream Co., Inc., et al.* v. *Arden Farms Co., et al.*, case in the Court of Appeals for the 9th Circuit have changed the picture. Both of these cases, in my opinion, rather indicate that the matter of successful administration of section 2 of the Clayton Act, as amended, has been made more difficult.

Therefore, I withdraw my opposition to H. R. 11 and urge its support. I will appreciate your making this letter a part of your official record.

Sincerely yours,
SIGURD ANDERSON,
Commissioner.

I concur in the above views of the Commissioner Anderson.

ROBERT T. SECREST,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, May 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: On March 1, 1956, the Honorable John W. Gwynne, Chairman of the Federal Trade Commission, advised your committee that the Commission by a vote of 4-1, Commissioner Kern dissenting, registered opposition to S. 11, 84th Congress, 1st session. The members of the Commission felt that in view of certain existing circumstances, that any recommendation for a change in the law would be premature at the time.

Recent developments have caused me to reverse my position with respect to S. 11. The decision of the Circuit Court of Appeals for the Seventh Circuit in the *Standard Oil of Indiana* case the denial of certiorari in *The Balian Ice Cream Co., Inc., et al.* v. *Arden Farms Co., et al.*, case in the Court of Appeals for the Ninth Circuit, have changed the picture. Both of these cases, in my opinion, rather indicate that the matter of successful administration of section 2 of the Clayton Act, as amended, has been made more difficult.

Therefore, I withdraw my opposition to S. 11 and urge its support. I will appreciate your making this letter a part of your official record.

Sincerely yours,
SIGURD ANDERSON,
Commissioner.

I concur in the above views of Commissioner Anderson.

ROBERT T. SECREST,
Commissioner.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SALTONSTALL in the chair). Let the present occupant of the chair ask the acting majority leader whether the understanding of the present occupant of the chair is correct, namely, that when the Senate concludes its business today, it will take a recess until 10 o'clock on Monday morning, at which time the pending business will be the highway construction bill.

Mr. DANIEL. Mr. President, as acting majority leader, let me say that I understand that on Monday morning the measure now before the Senate—the Narcotics Control Act of 1956—will be laid aside, for consideration of the highway construction bill; and the highway construction bill will be the pending business on Monday and thereafter until it is concluded.

The PRESIDING OFFICER. It is also understood, is it not, that at the conclusion of its business today, the Senate will take a recess until 10 o'clock on Monday morning?

Mr. DANIEL. Yes.

The PRESIDING OFFICER. Very well.

FEDERAL REGULATION OF INSURANCE

Mr. DANIEL. Mr. President, I now turn to another subject, namely, Federal regulation of insurance. I should like to call the attention of the Senate to another trespass by a Federal agency on what Congress had understood was within the power of the States, namely, regulation of the insurance business. I am referring to the recent case, before the Federal Trade Commission, styled in the matter of the American Hospital and Life Insurance Co., in which it was held that the Federal Trade Commission has jurisdiction to regulate advertising by insurance companies. This was held by a divided—3-to-2—vote of the Commission.

I do not know anything about the company named; neither have I heard from any officer or member of this company. In addition, I do not have any knowledge about the merits of this particular case. All I am concerned with is the question of jurisdiction and the fact that a majority of the Federal Trade Commission appear to assume federal jurisdiction over the insurance business, contrary to the clear intent of the McCarran-Ferguson Insurance Regulation Act, Public Law 15, of the 79th Congress.

Prior to the decision in *U. S.* v. *Southeastern Underwriters Association* (322 U. S. 533 (1944)), it was generally understood that the regulation of insurance was a problem for the respective States. This was in keeping with a long line of decisions, starting with *Paul* v. *Virginia* (8 Wall. 168 (1868)). The Southeastern Underwriters case reversed the holdings of 75 years, and held for the first time that the business of insurance was interstate commerce and therefore subject to regulation under the commerce clause of the United States Constitution.

The uncertainty and confusion which resulted from this reversal was recognized by Congress and prompt action was taken. In order to return the law to its previous state, Congress enacted Public Law 15, the McCarran Act, and again it was generally understood, both by Congress and the Nation, that insurance was not subject to regulation by the

Federal Government but was a matter for the control of the individual States wherein a particular company operated.

The Federal Trade Commission, in the American Hospital and Life Insurance case, has in effect overruled Congress by extending the jurisdiction of the Commission to the regulation of the business of insurance companies. It is my prediction that this serious and unwarranted conflict with the rights of the States will be heard about by all Members of Congress when the existence and implications of the majority opinion are fully known. The possible far-reaching effect of this Federal encroachment is emphasized by Commissioner Mason in his additional views which supplemented the minority opinion.

I ask unanimous consent that the additional views of Commissioner Mason be printed in the RECORD at this point as a part of my remarks.

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

IN THE MATTER OF THE AMERICAN HOSPITAL AND LIFE INSURANCE CO., A CORPORATION, DOCKET NO. 6237

ADDITIONAL VIEWS OF COMMISSIONER MASON

The issue here resolves itself basically into that ever fundamental question—States' rights versus centralized government.

Our problem is not the determination of which philosophy is right—that is a legislative function. Our sole duty is to determine which road Congress has directed us to follow in the instant matter.

In my opinion, if the rationale on which the majority bases its decision in this case stands, it must of necessity follow that the Federal Government has almost unlimited control over the management of the insurance business.

This would apply not only to false advertising of health and accident policies, the present center of our attention in 41 cases, but would include all other aspects of the business of insurance, such as the approval of policy forms, the establishment of rates, the maintenance of reserves, the regulation of agency commissions, and the countless other components of the internal management of any single company or companies.

To transfer in one fell swoop the control of every phase of the business of insurance, whether regulated or not by State law, to the Federal Government when crossing State lines is to flout the expressed intent of Congress.

APRIL 24, 1956.

Mr. DANIEL. The serious implications and dangers of this Federal-State conflict and the manner in which the intent of Congress has been misinterpreted or disregarded is apparent from the joint dissenting opinion of Chairman Gwynne and Commissioner Mason. I ask unanimous consent that the dissenting opinion be printed in the RECORD at this point as a part of my remarks.

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

IN THE MATTER OF THE AMERICAN HOSPITAL AND LIFE INSURANCE CO., A CORPORATION, DOCKET NO. 6237

JOINT DISSENTING OPINION OF CHAIRMAN GWYNNE AND COMMISSIONER MASON

We are unable to agree with the views expressed in the majority opinion. The reasons for our dissent are: first, the opinion completely ignores the intent of Congress in adopting Public Law 15 (McCarran Act); second, it would return the insurance business to the uncertainty and confusion which followed the decision in *U. S.* v. *South-Eastern Underwriters Association* ((1944) 322 U. S. 533). It was to remove this uncertainty and confusion that the McCarran Act was adopted.

Prior to the decision in the South-Eastern Underwriters case, regulation of insurance was recognized as a problem for the respective States. This was partly because the Supreme Court of the United States in a long line of decisions from *Paul* v. *Virginia* (8 Wall. 168), to *New York Life Insurace Company* v. *Deerlodge County* (231 U. S. 495), had held that the business of insurance was not commerce.

Although the business of insurance was not subject to regulation under the commerce clause, it was universally recognized as a business affected with a public interest. Consequently, the States found few obstacles to regulating it to the fullest extent and in the manner the respective legislatures thought to be for the public good in their particular States. These laws took the form of determining who should engage in the insurance business within the State boundaries, the terms under which the business might be conducted, regulation as to rates to be charged (even to the extent of fixing them, or permitting representatives of insurance companies to do so under State supervision). The right of the States to levy tax and license fees, even discriminating against foreign insurance corporations, was also recognized. (See 44 C. J. S. p. 518; *LaTourette* v. *McMaster, Insurance Commissioner* (244 U. S. 465).)

Had these regulations been directed at the usual industry engaging in interstate commerce, many would have run counter to paramount Federal authority. For example, the many discriminatory taxing programs were not in accord with decisions of the Supreme Court relating to interstate commerce generally. Certain State rate regulations were contrary to the philosophy of Federal antitrust laws. No conflict arose, however, because it had been settled that the business of insurance was not interstate commerce.

This does not mean that the insurance business and the States in regulating it were free from all Federal constitutional and statutory provisions. They were, of course, subject to such constitutional restraints as the due-process clause, the exclusive right of Congress to establish post offices and post roads (*U. S.* v. *Sylvanus* (1951) (192 F. 2 (d) 96)) and many others. In fact they were, and still are, subject to all restraints properly imposed by paramount power, except as that power elects to exempt them.

In regulating insurance, States act under that great reservoir of power known as the police power. There are, of course, jurisdictional limitations on the exercise of that power. It may be directed only at activities within the State. It has never been claimed that the States may operate directly in that phase of regulation known as the flow of commerce. Nor by no stretch of the imagination can it be said that the McCarran Act intended to give any such power.

In 1944 in the southeastern Underwriters case, the Court reversed its holdings of 75 years standing and concluded that the business of insurance was interstate commerce. It was also specifically held that it was subject to the Sherman Act.

The immediate effect of this decision was to bring the business of insurance and the laws of the various States regulating it under the paramount power of the Federal antitrust laws. Because of the inconsistency previously referred to, this created considerable uncertainty and confusion in the insurance field, of which Congress took immediate cognizance.

Confronted with this emergency, Congress had several alternatives:

(1) It might take no action and allow the antitrust statutes to be superimposed on the existing State systems of regulation and taxation. This would create great confusion as to the legal boundaries between Federal and State control, which confusion could only be lessened, bit by bit, as courts made decisions on specific problems.

(2) It might write a comprehensive law for Federal regulation of insurance—a law which would provide new methods for many matters theretofore handled by the States, and which might make such changes in the application of existing antitrust laws to the peculiar business of insurance as experience had indicated might be necessary.

(3) It might recognize and continue existing or future State regulation by removing the obstacles to that regulation which had been called into being by the decision that the business of insurance was interstate commerce.

Congress chose the latter course and expressed its choice by the adoption of the McCarran Act. The general purpose of this legislation was to meet the problems created by the South-Eastern Underwriters case. The plan for meeting this problem is clearly expressed in the law. It may be reduced to a simple statement as follows: The Congress declares that the continued regulation and taxation by the States of the business of insurance is in the public interest and shall remain, with two exceptions, namely, (1) this act shall not render the Sherman Act inapplicable to agreements to or acts of boycott, coercion or intimidation, and (2) that after June 30, 1948 (but not before), the Sherman Act, the Clayton Act, and the Federal Trade Commission Act shall be applicable to the business of insurance, but only to the extent that such business is not regulated by State law. Thus, in any case, the jurisdictional question may be quickly and certainly resolved by finding the answer to a simple question, namely, is there State regulation to meet the particular problem presented by the facts.

That this is the proper interpretation of the law is indicated by the following: (1) the wording of the statute itself, (2) the legislative history, (3) events which transpired immediately following passage of the law, (4) decisions of the courts interpreting the McCarran Act.

It is, of course, well settled that the power of Congress under the commerce clause is broad and is also paramount. It includes the right to regulate, or even prohibit, the flow of things across State lines, the right to regulate the instrumentalities by which commerce is carried on, and also the right to regulate activities, wholly within the State, which affect interstate commerce. The power to regulate the so-called flow of commerce covers every species of movement of persons and things, whether for profit or not; every species of communication; every species of transmission of intelligence, whether for commercial purposes or otherwise; every species of commercial negotiations, which, as shown by the established course of business, will involve sooner or later an act of transportation of persons or things, or the flow of services or power across State lines. (See the Analysis of the United States Constitution as prepared by the Legislative Reference Service, Library of Congress, and cases cited.)

The great power of Congress to regulate matters wholly within the State but affecting interstate commerce is well settled in *U. S.* v. *Darby* ((1944), 312 U. S. 100), in which the court held that the payment of substandard wages wholly within a State affected commerce and could be prohibited.

Going with these great powers, and a necessary corollary to them, is the right of Congress to determine where and when these powers are to be used. Thus, it may decline

to exercise certain powers; and it may condition its refusal to exercise them on the fact of regulation by the States.

This is exactly what Congress was seeking to do in the McCarran Act. Much of the fallacy of the reasoning in the majority opinion springs from a refusal to recognize this obvious fact. The majority would decide the issues in this case by applying principles which admittedly were applicable following the decision in the South-Eastern Underwriters case. They conveniently ignore the fact that the purpose of the McCarran Act was to prevent the application of these principles.

For convenience, and before discussing the law in detail, the McCarran Act is set out here in full text:

"*Be it enacted, etc.*, That the Congress hereby declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, and that silence on the part of the Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several States.

"SEC. 2. (a) The business of insurance, and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business.

"(b) No act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon such business, unless such act specifically relates to the business of insurance: *Provided*, That after January 1, 1948, the act of July 2, 1890, as amended, known as the Sherman Act, and the act of October 15, 1914, as amended, known as the Clayton Act, and the act of September 26, 1914, known as the Federal Trade Commission Act, as amended, shall be applicable to the business of insurance to the extent that such business is not regulated by State law.

"SEC. 3. (a) Until January 1, 1948, the act of July 2, 1890, as amended, known as the Sherman Act, and the act of October 15, 1914, as amended, known as the Clayton Act, and the act of September 26, 1914, known as the Federal Trade Commission Act, as amended, and the act of June 19, 1936, known as the Robinson-Patman Antidiscrimination Act, shall not apply to the business of insurance or to acts in the conduct thereof.

"(b) Nothing contained in this act shall render the said Sherman Act inapplicable to any agreement to boycott, coerce, or intimidate, or act of boycott, coercion, or intimidation.

"SEC. 4. Nothing contained in this act shall be construed to affect in any manner the application to the business of insurance of the act of July 5, 1935, as amended, known as the National Labor Relations Act, or the act of June 25, 1938, as amended, known as the Fair Labor Standards Act of 1938, or the act of June 5, 1920, known as the Merchant Marine Act, 1920.

"SEC. 5. As used in this act, the term 'State' includes the several States, Alaska, Hawaii, Puerto Rico, and the District of Columbia.

"SEC. 6. If any provision of this act, or the application of such provision to any person, or circumstances, shall be held invalid, the remainder of the act, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected."

While the title to a statute is not, strictly speaking, a part of the law, nevertheless, it is interesting to note that the title is "To express the intent of the Congress with reference to the regulation of the business of insurance."

Immediately after the enacting clause, occurs the following:

"That the Congress hereby declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, * * *."

This is a clear and positive declaration of congressional policy, which cannot be read out of the law. It expressly points out the character of State regulation and taxation which is in the public interest. It is the "continued regulation." In the past, the States have done all the regulating so far as the commerce clause was concerned. That was to carry on, with the exceptions expressly provided for, and which will be discussed hereafter. There is nothing in this statement or in the entire act which justifies the interpretation that the regulation contemplated was to continue only by the grace of the Federal Trade Commission.

Speaking on this subject in *Prudential Insurance Company* v. *Benjamin* (328 U. S. 408), the Supreme Court of the United States had this to say:

"Obviously Congress' purpose was broadly to give support to the existing and future State systems for regulating and taxing the business of insurance. This was done in two ways. One was by removing obstructions which might be thought to flow from its own power, whether dormant or exercised, except as otherwise expressly provided in the act itself or in future legislation. The other was by declaring expressly and affirmatively that continued State regulation and taxation of this business is in the public interest and that the business and all who engage in it 'shall be subject to' the laws of the several States in these respects.

"Moreover, in taking this action Congress must have had full knowledge of the nationwide existence of State systems of regulation and taxation; of the fact that they differ greatly in the scope and character of the regulations imposed and of the taxes exacted; and of the further fact that many, if not all, include features which, to some extent, have not been applied generally to other interstate business. Congress could not have been unacquainted with these facts and its purpose was evidently to throw the whole weight of its power behind the State systems, notwithstanding these variations.

* * * * *

"It clearly put the full weight of its power behind existing and future State legislation to sustain it from any attack under the commerce clause to whatever extent this may be done with the force of that power behind it, subject only to the exceptions expressly provided for."

That a declaration of policy by Congress will be given weight by the courts is well settled. (See *U. S.* v. *Darby* (312 U. S. 100.))

Continuing, the statute further provides:

"And that silence on the part of the Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several States."

Some of the powers granted to Congress by the Constitution are either expressly, or by necessary implication, exclusive and cannot be exercised by the States, even though Congress has taken no action thereon and has remained silent on the subject. The power to declare war is an example. Under the commerce clause, the line between Federal and State authority cannot be so precisely drawn. This is particularly true in the field of State activities which may or may not have a prohibited effect on interstate commerce. The supremacy of the Congress, when properly exercised in this field, is clearly recognized. A difficult problem arises where the powers of Congress are allowed to lie dormant; that is, when Congress is silent on a given subject. Should its silence be construed as a reservation of its power, which will bar any State regulation; or will it be considered as consent to State action until Congress has spoken? This question has arisen many times and has received a variety of answers, depending upon the circumstances of the particular case.

The question of silence of Congress is not involved in this case. The Congress evidently thought it might be raised, and intended to make its position clear. The inclusion of the above-quoted clause indicates how thoroughly Congress has considered this matter and how determined it was to remove all possible barriers to its declared policy of State regulation.

Section 2 (a) provides:

"The business of insurance, and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business."

When used in this connection, "subject to" means "subordinate to," "obedient to." (*Shay* v. *Roth* (Calif. (1923), 221 p. 967); *Davies* v. *City of Los Angeles* ((1890), 24 p. 771).)

In a long line of cases from *Paul* v. *Virginia* to *New York Life Insurance Co.* v. *Deerlodge County*, insurance companies have challenged their subjection to State regulatory or taxing laws. The Supreme Court, however, consistently rejected this defense on the theory that the business of insurance was not interstate commerce.

When the Supreme Court in Southeastern Underwriters reversed its decision, this defense became good, and the business of insurance was subject to State laws, only to the extent that such laws did not interfere with paramount Federal power under the commerce clause. In section 2 (a) Congress clearly showed its intention to remove the barrier of its own paramount power and thus make the business of insurance subject to State laws, notwithstanding the decision in Southeastern Underwriters.

Section 2 (b) provides:

"No act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon insurance: *Provided*, That after January 1, 1948, the act of July 2, 1890, as amended, known as the Sherman Act, and the act of October 15, 1914, as amended, known as the Clayton Act, and the act of September 26, 1914, known as the Federal Trade Commission Act, as amended, shall be applicable to the business of insurance to the extent that such business is not regulated by State law."

Stronger language to give State laws top billing could hardly be imagined. The clause beginning with "unless" is particularly significant. While Congress had not legislated directly concerning the insurance business, it had done so with reference generally to interstate commerce and with reference to persons and corporations engaged therein. The antitrust laws are examples. Congress in section 2 (b) said none of these laws (except as indicated in the proviso) shall apply to the business of insurance, unless such law specifically relates to insurance. It recognized: first, that insurance has some problems peculiar to that industry; second, that many States had adopted regulatory systems tailored to the insurance business in their boundaries; and third, that any attempt to superimpose the general laws regulating commerce on these systems would create great confusion.

The proviso applies only to the provision immediately preceding it. *Dahlberg* v. *Young* ((1950) Minn. 42 NW. 2d 570). It provides an exception to the general statement preceding it, which exception is that the three acts named therein shall, after January 1, 1948, apply to the business of insurance, but only to the extent that such busines is not regulated by State law. This proviso was adopted to answer criticism of the original House bills, which provided simply that certain laws shall not apply to the business of insurance or to acts in the conduct of that business. In other words, in the original bills, the House proposed to wash its hands of the whole matter, re-

gardless of whether any particular State had provided regulation. The final version, which was accepted by the House without objection, simply conditioned Federal withdrawal from the field on the fact that the particular State had provided regulatory laws. In view of the strong stand taken by the House in favor of continued State regulation, it does not seem reasonable that it would have accepted, without question, this final version, if (as claimed by the majority) such version set up concurrent jurisdiction, with the Federal power paramount to the State power.

What Congress had in mind is further illustrated by section 3 (a) which provides that until January 1, 1948, the antitrust laws should in no event apply to the business of insurance. The majority claim that the purpose of this moratorium was to give the states time "in which to design a reasonable area of State police power. Beyond that reasonable area, States could not go."

That view is based on a misconception of the State police power. That power was reserved to the States by the Constitution. It is not up to the Congress to determine whether it is exercised reasonably. Whether exercised reasonably or not, this power is subject, at all times, to the paramount power of the Federal Government under the commerce clause and other constitutional provisions not involved here; and in case of conflict, the question is resolved by the Federal Government and not by the States. The whole purpose of the McCarran Act was to express the congressional intent that the barrier of paramount power under the commerce clause was to be removed in the event that the States did adopt regulatory laws. The purpose of the moratorium was to give the States time to adopt such laws. Failing to do so in any particular area, the Federal power would still remain.

Section 3 (b) provides:

"Nothing contained in this act shall render the said Sherman Act inapplicable to any agreement to boycott, coerce, or intimidate, or act of boycott, coercion, or intimidation."

The South-Eastern Underwriters case involved a boycott by a number of insurance companies operating in several States. The Congress concluded that the paramount power of the Federal Government in such cases should remain.

The fact that section 3 (b) is in the law is a strong argument against the interpretation urged by the majority. If the McCarran Act left the Federal Government and the States with concurrent powers (in which the Federal power would necessarily be paramount), why was it necessary to include section 3 (b)?

The legislative history of the McCarran Act strongly supports our interpretation of the jurisdictional feature.

While the Southeastern Underwriters case was pending in the Supreme Court, bills were introduced in the House, providing for the unqualified exemption of insurance from the Sherman and Clayton Acts. Thereafter, and after considering suggestions by representatives of the National Association of State Insurance Commissioners, and also by representatives of the insurance industry, bills were introduced both in the House and Senate, which bills, with some minor modification, eventually became the McCarran Act. In some respects, these bills further limited the control of Congress, as, for example, in the inclusion of the Federal Trade Commission Act. In other respects, the Federal authority was broadened to retain control, in all cases where State regulation did not exist. The law, as finally passed, is clear on this point; regulation shall remain in the States with the exception of the boycott situation, and with the exception of those situations where a State either did not or could not adopt the necessary regulations.

There is literally no evidence to the contrary. Note the following excerpts from the Senate debate:

"Senator MURDOCK. And it is intended that on the expiration of the moratorium, the Sherman Act, the Clayton Act, and the other acts mentioned will again become effective, except——

"Senator MCCARRAN. Except as the States themselves have provided regulation.

* * * * *

"Senator PEPPER. States may determine whether or not the Sherman and other acts become applicable to the business of insurance?

"Senator MCCARRAN. Yes."

What was done after the adoption of the McCarran Act indicates that the persons concerned had no doubt about the meaning of the act. The National Association of State Insurance Commissioners prepared a model code for the regulation of the insurance business in accordance with the directions of Congress. This code has been adopted by a majority of the State legislatures. Other States have adopted laws which in effect are equivalent.

It is difficult to understand why these actions should have been taken if the parties thereto thought that the net result would leave the law as it was just prior to the McCarran Act, which is the contention of the majority in this case.

The McCarran Act has been considered in four Federal court cases. In none of them, did the court experience any difficulty in determining what the McCarran Act meant. In the Sylvanus case, the court said:

"It is clear, we think, that by this legislation, the Congress established a public policy upon the part of the National Government to refrain from interference with the regulation and taxation of insurance companies by the several States."

In *Maryland Casualty Company* v. *Cushing* ((1953) 347 U. S. 409) the Supreme Court said:

"Even the most cursory reading of the legislative history of this enactment (McCarran Act) makes it clear that its exclusive purpose was to counteract any adverse effect that the court decision in the Southeastern Underwriters case might be found to leave on State regulation of insurance."

The Court then quotes from House Report No. 143, 79th Congress, 1st session, as follows:

"It is not the intention of Congress in the enactment of this legislation to clothe the States with any power to regulate or tax the business of insurance beyond that which they had been held to possess prior to the decision in the Southeastern Underwriters case."

A clearer and more concise statement of the extent of the McCarran Act, and also its limitations, could hardly be found.

In *North Little Rock Transportation Co.* v. *Casualty Reciprocal Exchange* ((1950) 181 F. 2d, 174) the Court said:

"The purpose of the McCarran Act was to permit the States to continue the regulation of the business of insurance unhampered to the extent provided by the act, by Federal legislation relating to interstate commerce. (See *Prudential Insurance Co.* v. *Benjamin*, supra, p. 429 of 328 U. S.)

"In view of what was said by the Supreme Court about the effect of the McCarran Act in the *Prudential Insurance Co.* case and the case of *Robertson* v. *People of State of Calif.* (328 U. S. 440, 449, 461), there is no need for discussing the validity or effectivenes of the McCarran Act. A ruling that it is invalid or ineffectual, we think, would be absurd."

The Prudential Insurance Co. case is directly in point. There, the Prudential Co. challenged a statute of South Carolina which imposed on foreign insurance companies as a condition of doing business within the State, an annual tax of 3 percent of premiums on business done in the State without reference to transactions, whether interstate or local. It should be noted that the case did not involve purely intrastate matters, which the majority claim is the limit of the McCarran Act's effectiveness. This State tax was clearly discriminatory, affected interstate commerce, and would ordinarily have been stricken down. However, it was not, and the reason given was that a State tax or regulation discriminating against interstate commerce which would be invalid under the commerce clause, in the absence of action by Congress, may be validated by the affirmative action of Congress consenting thereto. The only difference between the Prudential case and the one at bar is that the former deals with State taxation and the latter with State regulation. The McCarran Act covers both.

The majority view of jurisdiction under the McCarran Act is entirely different. They say the McCarran Act "was designed to permit the States to regulate, in the traditional manner, the business of insurance." They obviously do not mean they are permitted to regulate it as they did prior to the South-Eastern Underwriters case, because their decision in this case asserts the paramount power of Federal laws over those of the States.

No law of Congress was necessary to give the States a right to carry on activities within their own borders, designed to regulate insurance. That is covered under the police power, guaranteed to the States by the Constitution. Just as Congress with reference to powers under the commerce clause, State legislatures may exercise these powers or not as they choose, subject only to their own and the Federal Constitution. The real problems arise when the exercise of these powers come in conflict with the commerce clause. There, the Federal power is paramount. *Parker* v. *Brown* (317 U. S. 34). *Southern Railway Company* v. *Railroad Comm. of Indiana* (236 U. S. 439). But, as was pointed out in the latter case, Congress could have circumscribed its regulation so as to occupy a limited field. This intention to occupy a limited field is the very essence of the McCarran Act.

Just how far the majority would go in disregarding this intention is well illustrated in the case at bar. For example, suppose a State having the model code should decide that certain advertising disseminated therein did not violate the law. Nevertheless, the Federal Trade Commission asserting its paramount power to regulate the flow of commerce into the State comes to an opposite conclusion. Or suppose the State officials held the advertising was illegal, while the Federal Trade Commission held to the contrary. The majority decision does not recognize State regulation; it destroys it.

The cases cited do not support the majority position. Of course, the Federal Government, under the commerce clause, may regulate the flow of lottery devices into a State, regardless of State laws on the subject. The reason is that Congress has never enacted in the lottery field an equivalent of the McCarran Act. It requires a violent stretching of the imagination to find any support in the Sylvanus decision. There, the defendant was indicted under a statute prohibiting the use of the mails to defraud. The power of Congress in mail fraud matters does not depend on interstate commerce; it is based on the exclusive constitutional right to control the mails. Prior to the South-Eastern Underwriters case, immediately after and prior to the McCarran Act, and under the McCarran Act, the result would have been the same. As the court well expressed it, "This indictment does not have to do with the regulation of the insurance business in Illinois. Rather it has to do with the question of whether defendants have used the mails in pursuance of a scheme so to manipulte their authorized regulated business in Illinois as to result

in fraudulent deception of its prospective policyholders. The charge is not that the corporate charter should be ignored or that the administrative officers of Illinois may not perform their statutory duties and supervise and regulate the company's insurance business in Illinois, but goes to the use of the mails over which Congress has by the Constitution paramount power and authority."

The McCarran Act arrests the overriding power of the Federal Government under the commerce clause as it affects insurance, where the States have regulatory laws. Nowhere does the act express any intention of doing the same with the power to regulate the mails, the power to enforce due process, or the many other constitutional powers.

To us, the conclusion is inescapable that under the majority view, the McCarran Act accomplished nothing. Courts will not presume that a statute was meant to have no effect. On the contrary, it will be presumed that the legislative body intended to make some change in existing laws, particularly where the whole history shows they intended to remedy what they thought was an existing evil. This rule is usually applied in situations where the overall intent is not clearly expressed in clear language.

Here the majority would reverse these well-known rules of statutory construction in order to prove that Congress accomplished nothing. They, in effect, rewrite portions of the McCarran Act as follows:

"That the Congress hereby declares that paramount regulation and taxation by the Federal Government of the business of insurance, rather than the continued regulation and taxation thereof by the several States, is in the public interest.

"SEC. 2. (a) The business of insurance, and every person engaged therein shall be subject to the laws of the several States which relate to the regulation or taxation of such business, only to the extent that such laws do not conflict with the paramount Federal power under the commerce clause.

"SEC. 2. (b) Any act of Congress, whether it specially relate to the business of insurance or not, shall be construed to invalidate, impair, or suspend any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon such business, whenever the State law conflicts with such act of Congress. The act of July 2, 1890, as amended, known as the Sherman Act, and the act of October 15, 1914, as amended, known as the Clayton Act, and the act of September 26, 1914, known as the Federal Trade Commission Act, as amended, shall be applicable to the business of insurance regardless of any State regulation on the subject."

II

Our second objection to the majority opinion is that it would return the insurance business to the confusion into which it was plunged by the Southeastern Underwriters decision. The nature and extent of that confusion was well expressed by the dissenting judges. The late Mr. Chief Justice Stone said:

"And in view of the broad powers of the Federal Government to regulate matters which, though not themselves commerce, nevertheless affect interstate commerce, *Wickard* v. *Filburn* (317 U. S. 111); *Polish Alliance* v. *Labor Board, supra*, there can be no doubt of the power of Congress if it so desires to regulate many aspects of the insurance business mentioned in this indictment.

"But the immediate and only practical effect of the decision now rendered is to withdraw from the States, in large measure, the regulation of insurance and to confer it on the National Government, which has adopted no legislative policy and evolved no scheme of regulation with respect to the business of insurance. Congress having taken no action, the present decision substitutes, for the varied and detailed State regulation developed over a period of years, the limited aim and indefinite command of the Sherman Act for the suppression of restraints on competition in the marketing of goods and services in or affecting interstate commerce, to be applied by the courts to the insurance business as best they may.

"In the years since this Court's pronouncement that insurance is not commerce came to be regarded as settled constitutional doctrine, vast efforts have gone into the development of schemes of State regulation and into the organization of the insurance business in conformity to such regulatory requirements. Vast amounts of capital have been invested in the business in reliance on the permanence of the existing system of State regulation. How far that system is now supplanted is not, and in the nature of things could not well be, explained in the court's opinion. The Government admits that statutes of at least 5 States will be invalidated by the decision as in conflict with the Sherman Act, and the argument in this Court reveals serious doubt whether many others may not also be inconsistent with that act. The extent to which still other State statutes will now be invalidated as in conflict with the commerce clause has not been explored in any detail in the briefs and argument or in the Court's opinion."

The late Mr. Justice Jackson said:

"The States began nearly a century ago to regulate insurance, and State regulation, while no doubt of uneven quality, today is a successful going concern. Several of the States, where the greatest volume of business is transacted, have rigorous and enlightened legislation, with enforcement and supervision in the hands of experienced and competent officials. Such State departments, through trial and error, have accumulated that body of institutional experience and wisdom so indispensable to good administration. The Court's decision at very least will require an extensive overhauling of State legislation relating to taxation and supervision. The whole legal basis will have to be reconsidered. What will be irretrievably lost and what may be salvaged no one now can say, and it will take a generation of litigation to determine. Certainly the States lose very important controls and very considerable revenues.

"The recklessness of such a course is emphasized when we consider that Congress has not one line of legislation deliberately designed to take over Federal responsibility for this important and complicated enterprise. * * *

"It is imposible to believe that Congress, if it ever intended to assume responsibility for general regulation of insurance, would have made the antitrust laws the sole manifestation of its purpose. Its only command is to refrain from restraints of trade. Intelligent insurance regulation goes much further. It requires careful supervision to ascertain and protect solvency, regulation which may be inconsistent with unbridled rate competition. It prescribes some provisions of policies of insurance and many other matters beyond the scope of the Sherman Act.

"Also it requires sanctions for obedience far more effective than the $5,000 maximum fine on corporations prescribed by the antitrust laws. Violation of State laws are commonly punishable by cancelation of permission to do business therein—a drastic sanction that really commands respect."

The accident and health insurance industry is a large and important one; yet, it is a small part of the business of insurance. This case, under section 5 of the Federal Trade Commission Act, involves only a matter of advertising. But section 5 is a comprehensive section which covers many things, such as combinations and restraints under the Sherman Act and at common law, price fixing, and many other things which the Federal Trade Commission might hold to to be unfair methods of competition.

As has been frequently said, insurance is a business effected with a public interest. Many years of regulation in 48 States have developed the fact that insurance has some problems peculiar to the business. One is the necessity of maintaining an industry whose financial ability to meet obligations accruing many years in the future will not be undermined by short term considerations. Consequently, the States have asserted their right to regulate the financial policies of the companies licensed to do business in their States, to demand the deposit of certain reserves, to regulate and even limit competition, to fix rates, etc. Some of the regulations permit, or even require, cooperative action among insurance companies which could easily be contrary to the philosophy of the Federal antitrust laws.

In this connection, the majority opinion says:

"However, as we have already said, our proceeding to abate deceptive practices by such companies does not impinge on those State functions, and we do not believe that the Federal Trade Commission Act can be properly interpreted to interfere with the taxing or rate-fixing powers."

We have already called attention to the breadth and extent of the Federal power to regulate the flow of commerce and also to the extensive power under the "affecting interstate commerce" theory to regulate matters entirely within the State which were once thought to be far removed from Federal authority. In South-Eastern Underwriters, the Supreme Court called attention to the many activities of a modern insurance company which involved or affected interstate commerce as we now know it. Such activities are necessarily centered in a home office. From there and to there flows a constant stream of advertising brochures, policies, applications, statements, rate schedules, directions, etc. These have to do with all the activities of the insurance business and are not restricted to advertising.

In this case jurisdiction is based on the admitted fact that the respondent sent bundles of advertising matter into States where it was licensed to do business. Actual dissemination of the advertising occurred entirely within the State. Except for the McCarran Act, it is clear this limited proof would sustain paramount Federal jurisdiction. Just how the majority arrive at the conclusion that similar proof would not sustain Federal jurisdiction in taxing and rate-making matters is not clear.

In fact, the decision in *North Little Rock Transportation Co.* v. *Casualty Reciprocal Exchage, supra,* is to the contrary. That case involved an appeal from a summary judgment of dismissal of a treble damage suit. The dismissal was based upon a determination that the fixing of rates by the National Bureau of Casualty Underwriters for casualty insurance written in the State of Arkansas by the members and subscribers of the Bureau is not violative of the Sherman Act, as amended. The Court adopted the findings of the district court, one of which was:

"3. In the absence of public regulation or congressional exemption, the price fixing activities of the Bureau involved in this case would constitute a violation of the Sherman Act" (85 F. Supp. 961, at p. 964).

The circuit court of appeals affirmed the holding of the district court that the Mc-

Carran Act permitted the State Arkansas to continue the regulation of insurance in the matter of rate fixing, which regulation, without the McCarran Act, would have violated the Sherman Act.

It is our conclusion that the majority opinion would bring tremendous confusion in the insurance industry and would open the door wide to complete Federal control. We are not discussing the relative merits of Federal versus State control. All we say is that the decision belongs to Congress and not to a Federal bureau.

The hearing examiner, after applying the jurisdictional tests to which we subscribe, concluded that in all States in which respondent was licensed to do business, except Mississippi, State regulation did exist. The hearing examiner then considered the alleged illegal advertising in Mississippi and concluded that it did not violate the Federal Trade Commission Act.

We have repeatedly pointed out that, under the McCarran Act, the Federal Trade Commission has some jurisdiction in the business of insurance. Within that jurisdiction, and in performance of duties imposed by Congress, 41 complaints have been issued. Where the Commission has jurisdiction, we would hold insurance companies to a high degree of responsibility in their dealings with the public. Consequently, we do not approve of some of the statements made by the hearing examiner in his consideration of the advertising in question.

However, that matter is not now before us. Since the filing of the initial decision, Mississipi has adopted the model code, effective as of February 29, 1956.

The law governing such a situation is clearly expressed in *United Corporation et al.* v. *Federal Trade Commission* ((1940), 110 F. 2d 473), as follows:

"And since the power of the Federal Trade Commission is purely regulatory and not punitive, it is clear that jurisdiction must exist at the time of the entry of its order. Jurisdiction at the time of the commission of acts objected to as unfair trade practices or at the time of the filing of the complaint with regard thereto is not sufficient; for the order to be entered does not relate to past practices or determine rights as of the time of the filing of the complaint, as in an action at law, but commands or forbids action in the future."

In *Chamber of Commerce of Minneapolis et al.* v. *Federal Trade Commission* ((1926), 13 F. 2d 673), the Court said:

"As the orders of the Commission are purely remedial and preventative, the effect thereof is entirely in the future. Therefore, the jurisdiction of the Commission should, in this respect, be measured as of the time of the order rather than as of the filing of the complaint or as of the hearing thereon."

It thus appears that in every State involved in this case, State regulation now prevents further action by the Commission.

In accordance with the views expressed in this dissent, we would deny the appeal and dismiss the complaint.

APRIL 24, 1956.

RECESS TO 10 O'CLOCK A. M. ON MONDAY

Mr. DANIEL. In accordance with the order previously entered, I move that the Senate stand in recess until 10 o'clock a. m. on Monday next.

The motion was agreed to; and (at 6 o'clock and 21 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until Monday, May 28, 1956, at 10 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of May 24), 1956:

NATIONAL SCIENCE FOUNDATION

The following-named persons to the National Science Board, National Science Foundation:

Laurence McKinley Gould, of Minnesota, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Paul M. Gross, of North Carolina, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

George D. Humphrey, of Wyoming, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Frederick A. Middlebush, of Missouri, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Edward James McShane, of Virginia, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Samuel Milton Nabrit, of Texas, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Julius A. Stratton, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Edward Lawrie Tatum, of California, to be a member of the National Science Board, National Science Foundation, for a term of 6 years expiring May 10, 1962.

Warren Weaver, of Connecticut, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1960.

PUBLIC HEALTH SERVICE

The following candidates for appointment in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

To be senior assistant sanitary engineers

John E. Munzer — George F. Mallison
Richard Moore — John L. S. Hickey
Eugene J. Nesselson — Thad Patrick

To be assistant sanitary engineers

John E. McLean — Ernest D. Harward, Jr
Herbert A. Bevis — Charles A. Froman, Jr.
Richard V. Vaughan — Jack F. Neel

To be junior assistant sanitary engineers

Charles S. Oulman — Robert J. Kleffmann
Harry C. Vollrath III — Joseph L. Gerit
Joseph H. Norman, Jr. — Jack L. Witherow
Morton D. Sinkoff — John C. McMahon
Jules B. Cohen — Lynn D. Wilder
James G. Gardner

IN THE NAVY

The following-named persons to the grades indicated, subject to qualification therefor as provided by law:

To be ensign in the Navy

Sidney F. Davis III

To be commanders in the Dental Corps of the Navy

Theodore R. Hunley
Alvin E. Riehl

To be lieutenant in the Dental Corps of the Navy

Gary E. Rademacher

To be captain in the Medical Corps of the Navy

Stephen H. Tolins

To be commander in the Medical Corps of the Navy

Francies Marshall

The following-named Naval Reserve officers to the grade indicated in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

To be lieutenant commanders

Scott G. Kramer
Carter B. Sigel

To be lieutenants

Eugene M. Joly
Carl W. Rogers

The following-named civilian college graduates to the grade indicated in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

August Miale, Jr.
Russell Miller, Jr.

The following-named officers for permanent appointment to the grade indicated in the United States Navy, subject to qualification therefor as provided by law:

To be chief warrant officers, W–4

Charles F. Pape
Samuel O. Grayson

To be chief warrant officer, W–3

Vincent Kozlowski, Jr.

EXTENSIONS OF REMARKS

Niagara River Power Legislation

EXTENSION OF REMARKS

OF

HON. HERBERT H. LEHMAN

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, May 25, 1956

Mr. LEHMAN. Mr. President, on Sunday, May 20, it was my privilege to address the concluding session of the Electric Consumers Conference, the chairman of which was the Honorable Clyde Ellis.

I ask unanimous consent that the remarks I prepared for delivery on that occasion be printed in the CONGRESSIONAL RECORD.

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

REMARKS OF SENATOR HERBERT H. LEHMAN AT ELECTRIC CONSUMERS CONFERENCE, HELD AT THE STATLER HOTEL, WASHINGTON, D. C., ON SUNDAY, MAY 20, 1956

This is a most satisfying occasion. Last Wednesday we tasted together the fruits of victory. As deeply gratifying as that victory was to me, I am sure that it was no less gratifying to you.

But while we claim it as our victory, climaxing not only months, but years of effort—it was in a real sense a victory for the people of the United States.

This I deeply believe. With this, I think you wholly agree.

This organization, encompassing as it does many of the public-interest groups in our country which are interested not only in public power but in the public welfare, contributed much to the successful outcome of the Senate vote on the Niagara bill.

But that was not your sole contribution. You contributed much also to the formulation of the bill. Your representatives in Washington spent long hours in consultation with members of my staff and with me, in working over the provisions of the bill, not only this year and last year, but during all the years that the Niagara bill passed through its many forms and changes.

From the beginning I wanted a bill that served not only the immediate interests of New York State, but also the interests of the Nation. The formulation of legislative provisions that would serve the interests of the people of New York and simultaneously advance the interests of the country as a whole, was the result of these long studies, deliberations, and consultations.

That is one of the reasons, I said, a moment ago, that the passage of S. 1823 was not only our victory, but a victory for the people. It was, of course, a great victory for New York State, and a long step forward in a direction desired and needed by New York State. But it was more, very much more.

It was a resounding reaffirmation of principles which have been fought for by far-sighted men, and men of good will generally, since the turn of this century—basically the principle that our water resources belong to all the people and should be developed in a manner to provide the maximum possible benefits to the maximum number of people.

One of the leading opponents of the Niagara bill said, in the course of the debate, that he did not see the difference between our water resources and our resources of coal, oil, and farmland. Senator KERR, I believe, in his own picturesque manner, effectively answered that argument.

But the most convincing answer was given by the Senate itself in voting, by a substantial majority, the approval of a bill which asserts the inalienable right of the people of New York State to develop the great waters of the Niagara River primarily for the benefit of the people, and not—I repeat, not—for the benefit of private, profit-seeking monopolistic utility corporations.

This victory was not an isolated one, although it has been some time since we have had such a satisfying and resounding one. This victory was built upon other victories of the distant and recent past—victories against the same kind of selfish and self-serving forces as those which sought, and still seek, to oppose our Niagara power development legislation.

In recent years, in the years during which I have been in the Senate, we well recall the strenuous efforts which were made to defend the public's right to another public resource—the offshore oil deposits; and more recently still, the public's interest in the peacetime uses of atomic power. All those efforts, those which succeeded and those which failed, contributed in good measure to the victory on the Niagara bill.

And, my friends, the victory on Niagara will contribute, I trust and believe, to victory sooner or later, and I hope sooner, in the fight for a Federal high dam at Hells Canyon.

I pledge my efforts to supplement yours toward this end.

Sometimes in our concentration on the battle, we foget that low-cost power is not the final object of our efforts. Electric power, high cost or low, means nothing in and of itself. It is with the use of electric power that we are ultimately concerned. We see the real consequences of low-cost hydroelectric power in terms of happier lives, relief from needless drudgery in the home and on the farm, and a vast expansion in industrial development. It is in this context that I see the benefits from public development of our publicly owned water resources.

It is for this reason that it is necessary for the Congress to be ever-vigilant to protect this precious public resource and prevent its alienation to private monopoly.

The victory in the Senate means we have won the initial battle in this Congress. Yet we know that final victory is not won until the bill is safely through the House and is signed into law by the President.

So even while we join in mutual congratulations over success in the Senate, we must waste no time in girding for the fight ahead.

Make no mistake about it, there is a real fight ahead—a tough and uphill fight all the way.

Remember that the private utilities' lobby has historically considered the House of Representatives its own particular hunting ground—and their hunting license seems to cover all sorts of weapons.

So we should be sure our own ammunition supply is adequate. I would like to review with you briefly the strategy and tactics involved in this grueling fight ahead.

In the House, there will be many more than in the Senate openly opposed to any form of public power development, and openly favoring a naked giveaway of Niagara to private monopoly interests.

But, of course, there will also be the bus-bar boys—those who pay lipservice to public development and then demand that the power produced be immediately turned over to private utility interests right at the project site.

We must, therefore, be sure that the Members of the House thoroughly understand the basic issues so familiar to all of us.

We will have to explain again and again why public development is necessary to preserve the public interest in resources belonging to all the people.

We will need to say over and over again that not one cent of Federal money is involved in paying for the Niagara development since the New York Power Authority is ready, willing, and able to finance the construction.

Then we will need to reeducate the House—and the general public, too—on the difficult but vital subject of preference and transmission lines.

Referring to the preference provision, we must make sure that we get over to Members of Congress, and the general public, exactly what "preference" means. In the course of the Senate debate, it was evident that there still lingers in the minds of some the mistaken impression that preference means discrimination in favor of a few selected customers.

You, of course, know that the preference clause is really an antimonopoly clause. Perhaps it should be called an equal-opportunity clause in that it insures a supply of low-cost publicly developed power to rural consumer cooperatives and to municipally owned utilities—in other words, to nonprofit and public groups—to the people themselves.

That is what the preference clause is: a device for marketing the people's power to the people, and at the same time establishing a rate yardstick for the benefit of those people who are served by private utilities—so that all the people benefit.

Nor is it enough to show that private utility companies tend to reduce their rates to their own customers when there are municipal utilities and rural electric cooperatives in the area. It should also be brought home that the private power companies are not only not driven out of business by the rate reductions resulting from the yardstick, but actually, to their own surprise, sell more power and reap greater profits.

We must anticipate that the private monopoly interests will step up their propaganda efforts. We must recognize and explode their phoney arguments about the taxes they pay—and want to pay. A person hearing these arguments might be led to believe that the highest aspiration and most urgent desire of the private utilities is to pay more taxes. A moment's sober reflection should convince anyone that this is not their goal. The fact is that the private utilities do everything they can to escape paying taxes. And as soon as they pay them, or even before, these taxes are passed directly on to the consumers. We know that. But do the Members of the House know it? Does the general public realize it? We must make sure that they do know it, and that they understand further that even greater revenues come to the Federal, State, and local governments when there is, in any area, an abundant supply of low-cost power.

Well, there is much more I can say. But it isn't necessary. I am sure we all realize what must be done in this fight and in others which we face on this whole issue of public power.

If we can get the Niagara bill through the House, it will help break trail for a Federal high dam in Hells Canyon. It is, in essence, all one fight. But let us not forget for a moment that the fight ahead will be rough and tough. The private utility lobby will see to that.

But let us take heart and look at the larger picture. Our efforts on behalf of a public-power policy are but a part of our larger concern for the cause of conservation and for the proper use of all of our natural resources for the benefit of all our people.

And this, in turn, is but an integral part of our struggle for the general welfare. Each success adds that much to the ultimate living for all of our people. Each success is one degree of fulfillment.

Our fight on this front—public power—is part of a great fight for the public good. Let us get on with it, and spare no efforts.

The Highway Program and How It Affects the State of New Hampshire

EXTENSION OF REMARKS

OF

HON. STYLES BRIDGES

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Friday, May 25, 1956

Mr. BRIDGES. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article by the very able junior Senator from New Hampshire [Mr. COTTON] on the highway program and how it affects the State of New Hampshire.

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

YOUR SENATOR REPORTS

(By Hon. NORRIS COTTON, of New Hampshire)

The President's highway program, which has been batted back and forth for the last 2 years like a bird caught in a badminton game, went through another bout in our Committee on Public Works this week.

The committee rejected the new House bill and resurrected last year's Senate bill, expanding it to a complete 13-year program so that it conforms more nearly to the President's plan. The House bill was acceptable in the main to the administration, and had the blessing of the Federal Bureau of Public Roads and the State highway commissioners. Yet I voted for the Senate version. Why?

Because the apportionment of Federal funds under the House bill is monstrously unfair and New Hampshire is about the worst victim.

A few facts and figures will demonstrate this clearly. Two years ago each State was invited to furnish the Bureau of Public Roads an estimate of the cost of completing its interstate highways. Apparently no standards were set, and each State was allowed to use its own judgment and imagination as to how much it would spend and how elaborately it would build. New Hampshire, with typical Yankee thrift and frugality, estimated about $300,000 a mile. Vermont's estimate was $500,000, Delaware a million and a half, and New Jersey nearly $4 million per mile. Result: Under the House bill, New Hampshire's share of Federal funds is second lowest in the Nation. Delaware, with only 42 miles to be built, gets only slightly less than New Hampshire, with 214 miles. Little District of Columbia, with 28 miles of road, gets twice as much as our State. Both our neighbors, Maine and Vermont, far outstrip us, and New Jersey, with only 354 miles, gets 19 times as much Federal money. Figuring it another way, we would get back only 83 percent of what we pay the Federal Government in gasoline taxes. Maine would get 111 percent; New Jersey, 173 percent; Vermont, 317 percent.

Now you are asking, "Why would the administration and the highway commissioners agree to such a bill?" The answer is that, on the face of it, the discrimination is corrected later in the bill. It provides that at the end of 2 years the Bureau of Public Roads shall review the requirements of each State, standardize them, and recommend a fair reapportionment for subsequent years, taking into consideration overpayments already made. The fly in this ointment is that the new schedule must be approved by the Public Works Committees of the Congress. I wouldn't worry about my own Senate committee. Eight out of the thirteen members come from the poorer States which have made modest estimates, and no State has more than one member. The House committee, however, is a horse of a different color. It has 34 members. Eight of the larger, richer States have two members or more, and these dominate the committee. New England has one lone member. The Bureau and the administration may press for a complete and fair reapportionment, but don't think that the more powerful States will give up the frosting on their cake without a fight. Everyone who has ever served in a legislature knows what would then happen—a compromise. That means that a portion, at least, of the discrimination would be frozen into the law permanently and the loss to the less fortunate States over the whole 13-year period would run into many millions.

The method of apportionment in the Senate bill is based on population, area, and highway mileage as reflected in mail routes. It is not perfect, but it is at least a definite formula, not a haphazard group of independent estimates. Under it, the same yardstick would be applied to every State. For the first 2-year period the Senate bill gives New Hampshire's interstate highways $17 million; under the House bill, we would get less than $8 million. The House bill dishes out $160 million to New Jersey in those 2 years; the Senate bill reduces it to $60 million.

Many other provisions of the highway bill are controversial and must be ironed out in the Senate and in committee of conference. On these I shall report to you later. Whichever of the highway bills is finally enacted into law, we shall fight to include in it a definite formula for a just division of Federal aid among the States.

Above all, our first and main objective must be to secure the passage of an adequate national highway program this year. Otherwise the 40,000 deaths and a million and a half injuries occurring annually on our highways will continue undiminished.

Social Security

EXTENSION OF REMARKS

OF

HON. HERBERT H. LEHMAN

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, May 25, 1956

Mr. LEHMAN. Mr. President, on Thursday morning, May 24, I addressed one of the sessions of the convention of the Amalgamated Clothing Workers of America, a fine organization with a very large representation among the people of my State.

I spoke, for the most part, on the subject of social security, a subject which will be before the Senate very soon.

I ask unanimous consent that the remarks I made at the Amalgamated Clothing Workers' convention be printed in the CONGRESSIONAL RECORD.

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

REMARKS OF SENATOR HERBERT H. LEHMAN BEFORE THE 20TH BIENNIAL CONVENTION OF THE AMALGAMATED CLOTHING WORKERS OF AMERICA, SHERATON-PARK HOTEL, WASHINGTON, D. C.

It is good to be here with you today. It is always deeply satisfying for me to attend an Amalgamated convention. It is like old home week. I know that here I am not only with friends, but with tried and true, first-line friends.

The Amalgamated is like a familiar landmark to me. It has been part of the economic and political scene in which I have moved as long as I can remember. The great names in the history of this union were friends and associates of mine from the earliest days of my mature life. It was a privilege then, and a source of satisfaction still, to have had the friendship of the late great pioneer leader and president of this union, the late and deeply beloved Sidney Hillman.

I remember the early days of struggle of your union—when one of the main objects of struggle was mere existence and bare recognition. Those days are long gone now. But it is well to think of them once in a while, in order to realize how far we have come.

One of the highest tributes I can pay this union, however, is to say that you do not look backward into the past, but forward into the future. You continue to struggle toward the goals which lie ahead.

It is good to be with a group which sees and clearly realizes that great challenges confront us, and great efforts are needed to meet those challenges. Indeed, one of the greatest dangers our entire Nation faces today is the false, but widely spread impression that all is well with us, at home and abroad, and that those in charge of our Government have found the keys to lasting peace and permanent prosperity.

The hard facts indicate quite a different situation. In my judgment, the economic situation is far from sound. Great segments of our economy, including farmers and small-business men, are experiencing distress to a greater or lesser degree. There are many for whom this is a time of real hardship.

And over and above this, is the fact of the deepest internal crisis this country has experienced in many years—the crisis resulting from the Supreme Court decision and decree in the school segregation cases. Tensions rise steadily in some parts of the South. The Constitution is openly defied and flouted. Tides of hate and fear roll through the delta lands and canebreaks of the Deep South.

Abroad, the new masters of Soviet Russia move in triumphal procession from one country to another, not with armies, but with false words of peace. They speak in new terms which fall on willing ears, and the initiative of leadership has been taken from us.

What are the leaders of our Government doing or saying about all these things? Very little. They say as little as possible about the danger spots in our economy. They maintain what amounts almost to a conspiracy of silence about the segregation crisis. They move with slow and timid steps to counter the bold Russian moves on the world front.

In such troubled areas as the Middle East, where the existence of the democratic Republic of Israel is at stake, our Government exhibits a hesitant policy of part appeasement and part aloofness, trying to be all things to all men, and succeeding only in passing the buck—and the leadership—to others.

I do not wish to be harsh in my judgment, or criticize for the sake of criticism. But I am deeply disturbed and alarmed, at the present situation at home, and the trend of events abroad. Most of all, I am concerned over the lack of concern over the dangers and problems of the day exhibited by the leaders of our Government, and over the climate of complacency which has been so assiduously cultivated and so widely disseminated throughout our land.

These are the real dangers.

But I do not think I need to convince the leaders and delegates of the Amalgamated Clothing Workers that what I have said is so. Your union is one of the organizations which is trying, I know, to dispel the fog, to point out the dangers, and mobilize the American people for action on all the troubled fronts we face.

You see the dangers of Soviet initiative in the world abroad.

You understand the menace of the Middle East.

You favor and support, as I do, all necessary measures to bolster up the sagging sectors of our economy, and to restore to it an expanding and dynamic momentum, designed to bring an ever-higher standard of living to more and more people.

You favor and support, as I do, a comprehensive program of action to assure to all Americans the full enjoyment of all basic rights, including the right to vote, the right to be secure in one's person, and the right of equal opportunity, without segregation, in employment, in access to public and semi-public facilities, and in education.

But these are not the only challenges that face us. There are others, many others. One which I want to discuss briefly today is the need for vast improvement in our provision for the aged, the disabled, and the disadvantaged members of our society.

A great man once said, "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

The man who said this was a historic apostle of the creed of practical humanitarianism, a man who led our country out of darkness into light, and out of the shadow of defeat into victory, a hero to all of us, Franklin Delano Roosevelt.

He spoke wise words, and we may well examine our present condition in the light of them.

We have a system of social security, an old-age and survivors insurance, enacted under the leadership of Franklin Delano Roosevelt in 1935.

But there are still millions of employed persons who are not covered by that system.

And there is a growing number in our country who, for reason of age or disability, can no longer work, and who live today, in this land of plenty, on the barest level of subsistence, and dependent for even that on public or private charity or on relatives.

The question is one of revising our social-security laws. We must extend coverage to classes of workers and self-employed individuals who are not now covered. We must lower the age at which women, for instance, can become eligible—it is now 65—for social-security benefits. And we must provide for payment of social-security benefits to men and women whose working years are suddenly cut short by permanent and total physical disability.

As most of you know, there is legislation pending in the Senate—it has already been approved by the House—to make desirable changes in our social-security laws.

The changes approved by the House do not go far enough to suit me. But apparently they went too far to suit a majority of the members of the Finance Committee in the Senate. And so the bill reported out by the Senate Finance Committee eliminated the provision for payments to the permanently disabled, and struck out the provision reducing the retirement age of women from 65 to 62.

There will be a fight on the floor of the Senate on these two major provisions. It will be a sharp fight, pitting against each other two distinct philosophies of government—those who think of government in terms of promoting the general happiness and welfare of all, and especially of those least able to care for themselves, and those who think of government in terms of promoting the special interests of the few—and especially of the already strong and the already powerful.

The case for the lowering of the retirement age of women from 65 to 62 is obvious. I would prefer to see it lowered to 60, but I will support the House-approved provision for 62.

Not so obvious, but even more appealing, is the case for making benefits available to the permanently disabled.

Here are men and women who, in the prime of life, while engaged in gainful employment covered by social security, are suddenly rendered physically incapable of continuing work. Struck down by crippling disease or totally maimed by accident, they are thrown upon the mercy of society.

Will our society recognize them as part and parcel of present company, and entitle them to receive at least the minimum benefits of our social-security system, or will we continue to say, as we do today: Shift for yourself, live on charity, starve to death if you must, but you will not get social-security benefits until you are 65.

The House approved a provision making the physically disabled—those who were working in jobs covered by social security before they were disabled—eligible for social-security benefits when they reach the age of 50. The Senate committee eliminated even this improvement.

I strongly favor striking out the age limit entirely. But the majority of the Senate Finance Committee does not wish to make these unfortunate people eligible for social-security benefits until they reach the statutory age of 65—if they ever do. What happens to these people between the time of their disability and the time they reach the age of 65 is not a matter of Government concern, under the terms of the bill reported by the Finance Committee.

Two major arguments were made against the disability amendment by the powerful lobby which worked against this provision. And I regret to say that the Eisenhower administration joined in the opposition to this humane provision and worked with the lobby of the National Manufacturers Association, the American Medical Association, and other like-minded organizations.

First it was maintained that this provision was administratively impractical—which is just gobbledygook—and second, that it would lead to socialized medicine, which is even worse gobbledygook.

They said further that making these disabled people eligible for social security will discourage their rehabilitation and return to productive life.

This argument, too, is sham and humbug. The fact is that only a percentage of those who become totally disabled can be rehabilitated under any conditions. And it is a further fact that the facilities which are available in this country for rehabilitation of the physically handicapped is so pitifully inadequate that only a fraction of those who could be rehabilitated are actually rehabilitated.

There are already more than 2 million physically handicapped persons in this country. A total of 250,000 people are added to the list of totally disabled every year, by disease and accident. Of these, only 50,000 annually are being restored to productive life. I have fought for many years for an expansion of Government assistance for the training of experts and the increase of facilities for the rehabilitation of the physically handicapped. Some of the very same lobbyists who are now fighting the disability provision in the social security bill, using this argument, opposed me in my efforts to get more money for vocational rehabilitation.

No, the disability provision must be included in the social-security legislation we shall enact this year. The people must insist upon it. Organizations like yours must insist upon it. The Congress must know that the people want this provision.

In every session of Congress since 1950, I have introduced a social security bill which included a provision for benefit payments to the permanently disabled, at whatever age. I now have an amendment pending which proposes the same thing. So has Senator GEORGE, of Georgia, the ranking Democratic member of the Finance Committee. Once this was considered a visionary proposal. Now it is within reach.

We must join the battle on the ground of principle. Are these disabled people, growing in number year by year, and the aged women who can no longer work past 60 or 62, to be thrown on the scrap heap of our society, with no more consideration than is given to a broken or wornout machine?

Are these unfortunate people to continue to be one of the abandoned, forgotten, and neglected elements in our society? No social order imbued with a philosophy of human dignity can continue to tolerate the present situation.

But the issue is even deeper. The issue is whether the motive of fear is to continue to be used as the impelling force in our society—fear of want, fear of old age, and fear of physical disability. The reactionaries believe and profess that with these fears, people must be driven to work, to save and to provide for their own security.

I do not agree with this philosophy. I believe that the driving force of life is and should be fulfillment, contentment, and happiness for all individuals everywhere.

I believe that material comforts are a means, not an end, and if our social and economic order cannot provide for the weak, the aged, and the infirm—those who can no longer themselves carry their share of the load—there is something drastically wrong with the social and economic order.

Life expectancy is being extended. People are living longer. Our social and economic order must be so managed as to keep pace with this advance. This is one of the most arresting problems we face today. I have just touched on one aspect of it. There are many others of equal urgency, and even greater complexity.

My friends, there are horizons of challenge beyond even the horizons we see today. We must advance. We must have a leadership which calls constantly for advance. The explosion of the H-bomb out in the Pacific a few days ago was not only a warning to the Russians. In a sense, it was even more of a warning to us.

Can we master the arts of building and living as well, or even nearly as well, as we are mastering the arts of destruction and killing?

Will that blinding flash and shocking roar that came out of the far Pacific usher in a new day, or does it herald the coming of a total darkness?

We do not know the answers, but we must find the answers. We must hasten our advance in the area of the heart and the mind. The greatest achievements and victories in that area remain to be won.

SENATE

MONDAY, MAY 28, 1956

(Legislative day of Thursday, May 24, 1956)

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

Dr. Lawrence D. Folkemer, pastor, Church of the Reformation, Washington, D. C., offered the following prayer:

Lord God of power and giver of grace and wisdom, we commend to Thee all who are engaged in the government of our land; grant to them clean hands, pure hearts, and unfailing devotion to the cause of righteousness. To Thee, merciful Lord, we commend their work, praying that it may be such as will promote Thy work in our midst, to the aid of the poor, the relief of the oppressed, the putting down of all social evils, and the redress of all social wrongs. Let all they think or speak or do be for Thy glory and the good of Thy people. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 25, 1956, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 24, 1956, the President had approved and signed the following act and joint resolution:

S. 3254. An act to authorize the county of Custer, State of Montana, to convey certain lands to the United States; and

S. J. Res. 166. Joint resolution to designate the dam and reservoir to be constructed on the lower Cumberland River, Ky., as Barkley Dam and Lake Barkley, respectively.