SENATE

MONDAY, AUGUST 12, 1957

The Senate met at 11 o'clock a. m.

Rev. W. Kenneth Haddock, D. D., senior minister, Arlington Methodist Church, Arlington, Va., offered the following prayer:

Our Father, we thank Thee that Thy love embraces all Thy children, and that the concerns of these honorable Senators for the well-being of the people and the affairs of our beloved Nation find in Thee both their source and their solution. Aid them, we pray, never to despair because of the vastness and the complexity of their task, knowing that always at their disposal is the wisdom of Him who is eternal, and whose care a fallen sparrow does not escape.

Keep before all who bear the responsibility of public office, and all other citizens, as well, the principles of elemental justice, and personal and national liberty, vouchsafed to us by the sacred documents of our earlier days, which under God have been the foundation of our spiritual and temporal prosperity and the cherished treasure of all who name our land their home.

May this be a blessed day for the Members of the Senate, and for those whom they represent, to the glory of Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Saturday, August 10, 1957, was approved, and its reading was dispensed with.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia be permitted to meet during the session of the Senate today.

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:

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED, RELATING TO TRAINING OF EMPLOYEES

A letter from the Administrator, General Services Administration, Washington, D. C., transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for training of employees (with accompanying papers); to the Committee on Government Operations.

REPORT OF PRESIDENT'S COMMITTEE ON EDUCATION BEYOND THE HIGH SCHOOL

A letter from the Chairman, the President's Committee on Education Beyond the High School, Washington, D. C., transmitting, pursuant to law, a report of that Committee, dated July 1957 (with an accompanying report); to the Committee on Labor and Public Welfare.

AUDIT REPORT ON REVIEW OF ATOMIC ENERGY COMMISSION CONTRACT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on Review of Atomic Energy Commission Contract No. AT (11-1)-476 with Power Reactor Development Co., dated May 1957 (with an accompanying report); to the Joint Committee on Atomic Energy.

RESOLUTION OF THE WESTERN UNION BAPTIST ASSOCIATION, XENIA, OHIO

The VICE PRESIDENT laid before the Senate a resolution adopted by the Western Union Baptist Association, at Cincinnati, Ohio, favoring the enactment of legislation to provide financial aid to Liberia and Ghana, which was referred to the Committee on Foreign Relations.

RESOLUTION OF MINNESOTA CHAPTER, INTERNATIONAL ASSOCIATION OF PERSONNEL IN EMPLOYMENT SECURITY

Mr. HUMPHREY. Mr. President, the Minnesota Chapter of the International Association of Personnel in Employment Security has recently sent me a copy of their resolution endorsing S. 1693. This legislation proposes the coverage of State employment security workers under the Federal Employees' Group Life Insurance Act of 1954.

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

There being no objection, the resolution was referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF PERSONNEL IN EMPLOYMENT SECURITY

Whereas the Federal Employees' Group Life Insurance Act of 1954 provides the basis for extending the benefit of group life and dismemberment insurance to Federal employees at a very attractive rate; and

Whereas as a result of this beneficent legislation many Federal employees are enabled to provide a degree of insurance protection to their families and dependents that would not otherwise be possible; and

Whereas all employees can render more effective service with the peace of mind that attends this type of security for their loved ones; and

Whereas the employees of the Minnesota Department of Employment Security are wholly compensated by Federal funds, and these employees have, generally speaking, somewhat lower salary scales than do the Federal employees with comparable duties and responsibilities; and

Whereas the need for this type of insurance protection is, therefore, even more needful in their case than in the case of the Federal employees; and

Whereas a bill identified as H. R. 4959 has been introduced in the House of Representatives by Congressman JOHN BELL WILLIAMS of the State of Mississippi and a bill identified as S. 1693 has been introduced in the Senate by Senator JAMES O. EASTLAND, of Mississippi, which are designed to extend the privileges of the Federal Employees' Group Life Insurance Act of 1954 to certain State employees wholly compensated by Federal funds which includes the employees of the State employment security agencies; and

Whereas the number of new employees sought to be covered by H. R. 4959 and S. 1693 is very few when compared with the number of Federal employees presently covered, and the increased cost to the Government would be very small and more than balanced by the improved service rendered by employees who would have the peace of mind and security that goes with the protection for their dependents; and

Whereas the Minnesota Chapter of the International Association of Personnel in Employment Security is an organization that represents the employees of the Minnesota Department of Employment Security: Now, therefore, be it

Resolved by the Minnesota Chapter of the International Association of Personnel in Employment Security in annual convention assembled, That this body go on record as enthusiastically endorsing H. R. 4959 and S. 1693 and the purposes that they are designed to attain; and be it further

Resolved, That the officers of this organization be and are hereby directed to take all lawful steps to encourage passage of this legislation and report its progress in detail to the individual members; and be it further

Resolved, That this organization express its appreciation to all who have expended and who will expend their time and their effort in connection with this measure; and be it further

Resolved, That copies of this resolution be mailed to Congressman JOHN BELL WILLIAMS of Mississippi and Senator JAMES O. EASTLAND of Mississippi as authors of the bills, to Congressman TOM MURRAY of Tennessee as Chairman of the House Committee on Post Office and Civil Service, to the individual members of said committee and to Minnesota's Senators and Congressmen.

Adopted May 3, 1957, by the Minnesota Chapter of the International Association of Personnel in Employment Security in annual convention assembled at St. Paul, Minn.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BYRD, from the Committee on Finance, without amendment:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein (Rept. No. 846);

H. R. 1953. An act to provide that checks for benefits provided by laws administered by the Administrator of Veterans' Affairs may be forwarded to the addressee in certain cases (Rept. No. 847);

H. R. 2237. An act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tenn.) to Johnson City National Farm Loan Association and the East Tennessee Production Credit Administration (Rept. No. 848);

H. R. 3658. An act to liberalize certain criteria for determining eligibility of widows for benefits (Rept. No. 849);

H. R. 4098. An act to provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, Calif., to be used for National Guard purposes (Rept. No. 850);

H. R. 5757. An act to increase the maximum amount payable by the Veterans' Administration for mailing or shipping charges of personal property left by any deceased veteran on Veterans' Administration property (Rept. No. 851);

H. R. 5924. An act relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter (Rept. No. 852); and

H. R. 8705. An act to permit articles imported from foreign countries for the purpose of exhibition at the St. Lawrence seaway celebration, to be held at Chicago, Ill.,

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to be admitted without payment of tariff, and for other purposes (Rept. No. 853).

By Mr. BYRD, from the Committee on Finance, with an amendment:

S. 1746. A bill to provide for the conveyance of certain property of the United States in Gulfport, Miss., to the Gulfport Municipal Separate School District (Rept. No. 845).

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

H. R. 2842. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts (Rept. No. 854); and

H. R. 7096. An act to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber (Rept. No. 855).

BILLS INTRODUCED

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

By Mr. POTTER:

S. 2758. A bill for the relief of Charles Edward Carniel; and

S. 2759. A bill for the relief of Martha Harwood; to the Committee on the Judiciary.

By Mr. CARROLL:

S. 2760. A bill for the relief of Sherrie Kay Crum (Kim Ran); to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 2761. A bill to implement the treaties, agreements, and protocols regarding the status of the military forces of the United States; to the Committee on Foreign Relations.

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

By Mr. BIBLE:

S. 2762. A bill for the relief of Floyd R. Lamb, Carlton Lamb, and Monte C. Lamb; to the Committee on the Judiciary.

By Mr. CASE of New Jersey:

S. 2763. A bill to provide assistance to the States in certain survey and planning with respect to college facilities; to the Committee on Labor and Public Welfare.

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

By Mr. BEALL (by request):

S. 2764. A bill to credit certain teachers in the District of Columbia for services performed by them between September 1944 and July 1, 1955; to the Committee on the District of Columbia.

By Mr. JACKSON:

S. 2765. A bill to provide for the promotion of certain persons who participated in the defense of the Philippines; to the Committee on Armed Services.

By Mr. REVERCOMB:

S. 2766. A bill for the relief of Shyoichi Tanaka Jenkins; to the Committee on the Judiciary.

By Mr. IVES:

S. 2767. A bill for the relief of Simon Brimberg; to the Committee on Post Office and Civil Service.

RESOLUTION

Mr. JOHNSON of Texas submitted a resolution (S. Res. 182) providing for memorial addresses on the life, character, and public service of the late Senator Walter F. George, of Georgia, which was considered and agreed to.

(See resolution printed in full when submitted by Mr. JOHNSON of Texas, which appears hereafter in Senate proceedings of today.)

IMPLEMENTATION OF TREATIES, AGREEMENTS, AND PROTOCOLS REGARDING THE STATUS OF THE MILITARY FORCES OF THE UNITED STATES

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a bill to implement the treaties, agreements, and protocols regarding the status of the military forces of the United States.

No incident during this session of Congress has aroused more public concern than that involving Army Specialist William Girard. The Girard case crystallized a growing demand for revision of status-of-forces treaties and agreements.

Accordingly, the bill I propose would provide a much needed revision of such treaties and agreements. It would abrogate no provision of such treaties and agreements. Instead, it would implement the treaties, agreements, and protocols regarding the status of the military forces of the United States.

This proposal seeks to implement article XVI of the NATO Status of Forces Agreement and article XXVI of the administrative agreement with Japan.

It is my judgment that, in the case of Girard, primary jurisdiction rested with the United States. Article XVII of the administrative agreement with Japan declares that primary jurisdiction rests with the sending state, that is the United States, in relation to (ii) offenses arising out of any act or omission done in the performance of official duty.

According to the testimony of Secretary of the Army Wilber Brucker, Girard's platoon commander certified that the incident occurred while Girard was in performance of official duty. This was concurred in by Girard's company commander, regimental commander, division commander, and by the Eighth Army commander and the United Nations and American forces commander.

Also according to Secretary Brucker, the decision not to assume jurisdiction was made by the American member of the joint committee established to resolve such matters under article XVII.

It is my belief that when an American serviceman is charged with violation of the laws of a foreign nation when in performance of official duty it is his right to have the decision whether the United States will have primary jurisdiction made by a responsible official of the United States Government who is charged by law with guarding the rights and well-being of our servicemen.

This bill provides, therefore, that such a decision shall be made only by the Secretary of the Army, Secretary of the Navy, or Secretary of the Air Force, depending on the serviceman involved.

Whenever there is a question whether the primary jurisdiction rests with the United States, this bill provides that the decision may be delegated to an Under Secretary or an Assistant Secretary. But when the request is for waiver of our primary jurisdiction, only the Secretary of the military department concerned may make the final decision.

This bill does not alleviate all the ills which I believe are involved in status-of-forces agreements and treaties. It does provide, however, a clear designation by statute of the responsibility for decisions to be made under these agreements and treaties—and corrects one of the most flagrant wrongs in these agreements and treaties.

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

The bill (S. 2761) to implement the treaties, agreements, and protocols regarding the status of the military forces of the United States, introduced by Mr. HRUSKA, was received, read twice by its title, and referred to the Committee on Foreign Relations.

ASSISTANCE TO STATES IN CERTAIN SURVEYING AND PLANNING WITH RESPECT TO COLLEGE FACILITIES

Mr. CASE of New Jersey. Mr. President, I introduce, for appropriate reference, a bill to provide assistance to the States in certain surveying and planning with respect to college facilities. I ask unanimous consent that the bill, together with a statement regarding the bill, which I have released, be printed in the RECORD.

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

The bill (S. 2763) to provide assistance to the States in certain surveying and planning with respect to college facilities, introduced by Mr. CASE of New Jersey, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc.—

STATEMENT OF PURPOSE, AUTHORIZATION OF APPROPRIATION, AND DEFINITIONS

SECTION 1. (a) For the purposes of assisting the States to inventory existing college facilities, to survey the need for additional college facilities especially in relation to the distribution of population, to develop State plans for college expansion programs, and to study the adequacy of State and other resources available to meet college facilities requirements, there is authorized to be appropriated the sum of $2,500,000 to remain available until expended. Sums appropriated pursuant to this section shall be used for making payments to States whose applications for funds for carrying out such purposes have been approved.

(b) Grants under the provisions of this act shall not be deemed to commit the Congress in any way to authorize or appropriate funds for any college facilities or college expansion programs.

(c) As used in this act—

(1) the term "State" means a State, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

(2) the term "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare;

(3) the term "school-age population" means that part of the population which is between the ages of 5 and 17, both inclusive, and the school-age population of the several States shall be determined on the basis of the most recent estimates by the Department of Commerce.

STATE APPLICATIONS

SEC. 2. The Commissioner shall approve any application for funds for carrying out the purposes of this act if such application—

(1) designates the State agency for carrying out such purposes;

(2) provides a plan, in such detail as may be required by the Commissioner, for carrying out such purposes; and

(3) provides that such State agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

ALLOTMENTS AND PAYMENTS TO STATES

SEC. 3. (a) Amounts appropriated in accordance with section 1 of this act shall be allotted among the several States in the same proportion as their respective school-age populations bear to the total school-age population of all the States, except that no such allotment to any State shall be less than $10,000. Within its allotment each State shall be entitled to receive an amount equal to 50 percent of its expenditures in carrying out the purposes of this act in accordance with its application.

(b) The Commissioner shall from time to time estimate the sum to which each State will be entitled under this section during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Commissioner finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Commissioner, the amount so certified.

WITHHOLDING OF CERTIFICATION

SEC. 4. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearings to a State agency designated in accordance with section 2 of this act, finds (1) that such State agency is not complying substantially with the provisions of this act or the terms and conditions of its application approved under this act, or (2) that any funds paid to such State agency under this act have been diverted from the purposes for which they had been allotted or paid, the Commissioner may forthwith notify the Secretary of the Treasury and such State agency that no further certification will be made under this act with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

(b) The final refusal of the Commissioner to approve any application made under this act, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States court of appeals for the circuit in which the State is located, in accordance with the provisions of the Administrative Procedure Act.

ADMINISTRATION

SEC. 5. (a) The Commissioner is authorized to delegate to any officer or employee of the Office of Education any of his functions under this act except the making of regulations.

(b) There are hereby authorized to be appropriated for Federal administrative expenses such sums as may be necessary to carry out the provisions of this act.

The statement presented by Mr. CASE of New Jersey is as follows:

STATEMENT BY SENATOR CASE OF NEW JERSEY

It is impossible to read yesterday's report by the President's Committee on Education Beyond the High School without realizing the tremendous problem which this country faces if it is to provide adequate college facilities for the young people of our Nation.

As the report put it:

"Our colleges and universities are expected by the American public to perform something close to a miracle in the next 10 to 15 years. They are called upon to provide education of a continually improving quality to a far larger number of students—at least 6 million by 1970 compared to 3 million now. The sharp rise in births which began in the 1940's and which has already overcrowded the schools will shortly begin to strike the colleges. Meantime, with the college-age group in our population at its lowest point in 25 years, enrollments in higher education are at the highest level in history because a steadily increasing proportion of young people are going to college.

"This great expansion of capable young people seeking education beyond high school represents an enormous opportunity and challenge for our society. But our institutions of higher learning, despite their remarkable achievements in the past, are in no shape today to meet the challenge. Their resources are already strained; their quality standards are even now in jeopardy, and their projected plans fall far short of the indicated need."

Obviously, we will have to take tremendous steps to overcome this deficit in educational facilities. College education is not a luxury, but rather a necessity in today's world of nuclear tensions and constant ideological competition.

The failure to expand facilities for higher education will take its toll as our population continues to grow and the number of doctors, scientists, teachers, and ministers does not grow apace. It will take its toll in industry and commerce as higher and higher skills are demanded and proportionately fewer and fewer young people can provide them. The Nation will lose the benefits of the talents and brainpower of the bright youngsters and this loss can be counted in discoveries unmade and in services unrendered.

The President's Committee points out:

"The growing demands require development of national, regional, State, and local plans. The Committee endorses the planning steps taken quite recently in many forward-looking States and in the Southern, western, and New England regional groups. Such activity must be extended and go forward continuously. Plans should not be allowed to become dated.

"Plans must be comprehensive. They should be made by and account for all institutions of education beyond high school, public or private, vocational or liberal, rural or urban, and whether serving youth or adults. They should result in integrated or interrelated, flexible, action programs."

I plan to introduce a bill today to provide assistance to the States to inventory college facilities, survey the need for additional college facilities, develop State plans for college expansion and to study the adequacy of State and other resources available to meet college facilities requirements.

My bill would authorize the appropriation of up to $2,500,000 to be made available to the States on a matching basis to carry out the purposes of this act. The funds would be apportioned on the basis of school-age population except that no participating State would receive less than $10,000 in matching funds. The administration of the program would be placed in the hands of the Commissioner of Education in the Department of Health, Education, and Welfare.

Under this program, estimates indicate the following allotments:

Alabama	$55,141
Arizona	15,602
Arkansas	32,671
California	169,357
Colorado	22,203
Connecticut	29,404
Delaware	10,000
District of Columbia	10,000
Florida	46,873
Georgia	62,942
Idaho	10,401
Illinois	124,484
Indiana	62,875
Iowa	39,472
Kansas	29,204
Kentucky	51,140
Louisiana	49,740
Maine	13,802
Maryland	38,139
Massachusetts	65,009
Michigan	104,881
Minnesota	47,340
Mississippi	40,006
Missouri	56,408
Montana	10,000
Nebraska	19,803
Nevada	10,000
New Hampshire	10,000
New Jersey	69,743
New Mexico	14,269
New York	201,629
North Carolina	74,877
North Dakota	10,601
Ohio	124,417
Oklahoma	35,138
Oregon	23,937
Pennsylvania	154,355
Rhode Island	10,935
South Carolina	43,073
South Dakota	10,601
Tennessee	56,408
Texas	135,152
Utah	13,335
Vermont	10,000
Virginia	56,608
Washington	36,872
West Virginia	35,338
Wisconsin	53,741
Wyoming	10,000

The bill is intended to stimulate the States—and the public at large—to recognize the extent of the problem which we face and to begin making plans for its solution. Before the Senate completes its business for this year, I plan to introduce another bill to provide a program of assistance for the establishment and expansion of public community colleges. These 2-year institutions can do a great service in providing college education for youngsters preparing for professional careers and for other youngsters who are interested in the subprofessions and technical occupations. We must consider programs such as this now if we are to avoid a denial of adequate education for our talented youngsters.

PRINTING AS A SENATE DOCUMENT COLLECTION OF EXCERPTS AND BIBLIOGRAPHY ON UNITED STATES AID TO FOREIGN COUNTRIES

Mr. GREEN. Mr. President, during the academic year 1957–58 students of our national high schools will be debating the topic: "What Should Be the Nature of United States Foreign Aid?" This is under the auspices of the National University Extension Association. Needless to say, this question has generated a great deal of interest and, as a result, many Members of the Senate have received letters from high school students asking for sources of informa-

tion where debate material might be obtained.

The Legislative Reference Service of the Library of Congress is preparing a collection of excerpts and a bibliography dealing with United States aid to foreign countries. I believe this information will provide useful background as to the various points of view with respect to foreign economic assistance programs. In addition, the bibliography will furnish a useful guide to some of the extensive published materials on this subject.

Mr. President, we can help the young citizens of this country to acquire an improved understanding of United States foreign assistance programs by making available to them information we here in the Senate have at our disposal. Therefore, I ask unanimous consent that the collection of excerpts and bibliography referred to be printed as a Senate document. The document will not exceed 50 printed pages.

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. WILEY:

Editorial entitled "A Warning," published in the Textile Challenger of August 1957.

THE CIVIL-RIGHTS BILL AND THE JURY-TRIAL AMENDMENT

Mr. JOHNSON of Texas. Mr. President, throughout the debate on the civil-rights bill, one fact has emerged consistently. It is that time has worked in favor of the men of good will who truly desire a workable and enforcible bill; and time has worked against those who seek to take partisan advantage of a highly emotional issue. Time has been the important factor simply because it has helped to produce understanding of highly technical issues.

I doubt whether any other Senate debate has served such an important role in educating the American public. Once again, time is serving to dispel an illusion, and to replace it with a reality.

Mr. President, the illusion is that the Senate has somehow weakened what was supposed to be a strong bill. The reality is that the Senate has eliminated provisions of doubtful constitutionality, granting vague and poorly defined powers, and has replaced them with workable, enforcible provisions which represent a step forward in the cause of civil rights.

Mr. President, there are those who are interested in maintaining the myth that the bill has been weakened. They can do so only by a constant drumfire of statements which are notable for strong language backed by weak arguments. Most of these statements center upon the jury-trial amendment which was adopted by a substantial vote of the Senate. Probably never before has there been such a concerted effort to misrepresent the provisions of a bill.

The jury-trial amendment adopted by the Senate is completely different from the one which was considered by the House. It is based upon a different concept and a different approach. But even this elementary fact is ignored by those who pretend that there is something immoral about maintaining the jury trial—the oldest and the surest guaranty of our liberties.

Mr. President, it is not surprising that the distinction between civil contempt and criminal contempt—a distinction drawn by the Senate—is unfamiliar to the man on the street. It is somewhat abstruse legal concept. But there is nothing abstruse about the distinction between the power of a court to punish and the power of a court to compel compliance. And that is the only issue involved in the jury-trial amendment the Senate adopted.

Those who are opposed to the Senate version believe that a court should have the power to punish a man for criminal contempt without a jury trial. Those who are in favor of the jury-trial amendment the Senate adopted believe that a court should have the power to compel obedience, and obedience only, without a jury trial.

I believe it is in order at this point to review the powers a court has to compel obedience without a jury trial. These are powers which would not be touched by the amendment the Senate adopted.

First, the court can assess heavy fines. Second, the court can imprison a man until he obeys. Third, the court can require the posting of a heavy bond, which will be forfeited upon noncompliance. Fourth, the court can assess compensatory damages, if noncompliance goes beyond the point where the order can be obeyed.

Mr. President, what other powers of compulsion do the opponents of this amendment now seek? Are they asking for the thumbscrew, the rack, and the red-hot pincers?

Under the Senate version, there is only one set of circumstances in which a jury can intervene. It is a case in which a judge desires to punish a man for criminal contempt—in effect, to brand him as a criminal in the eyes of his fellow citizens. The idea that a man who is brought before a court can determine for himself whether he will face civil contempt or criminal contempt is ridiculous. The practical situation is that this question is something for the court, and the court alone—the court alone, I emphasize—to determine.

Under civil contempt, the man or women who is being enjoined or coerced has the power to call off the injunction or the coercion at any time, simply by obeying the court's order. But that man or that woman does not have the power to convert civil contempt into criminal contempt, unless we are to assume that our courts are corrupt or are lacking in initiative.

And to make the further assumption that a man will suffer fines, suffer imprisonment, or suffer forfeiture of bond and payment of compensatory damages, merely for the doubtful pleasure of having a jury trial, is to fly in the face of all reality and all experience.

Mr. President, the widespread assumption that the court orders issued under the proposed act will be disobeyed on a wide scale is, in my opinion, not justified. The further assumption that the courts will be powerless to handle those who disobey again is not justified.

The true power of the bill lies in the court order. But if the order is disobeyed, there are ample powers to compel obedience. And to assume that they are nonexistent, in my opinion is an incorrect assumption.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a staff memorandum analyzing the memorandum prepared by the legal office of the Department of Justice on the effect of the jury-trial amendment. The Department of Justice memorandum has appeared in the press, and I believe it has appeared in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that this staff memorandum be printed in the RECORD, and also, in the event it has not previously been placed there, I ask that the Department of Justice memorandum be printed in the RECORD, immediately prior to the memorandum prepared by my staff.

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

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL REGARDING EFFECT ON CONTEMPT PROCEEDINGS IN THE SUPREME COURT AND THE COURTS OF APPEALS OF THE JURY-TRIAL AMENDMENT TO THE CIVIL RIGHTS BILL

This Office has been asked by you to make an analysis of the effect of contempt proceedings in the appellate courts of the United States of the so-called jury-trial amendment to the civil-rights bill.

Since the jury-trial amendment to the civil-rights bill applies to all criminal contempt proceedings for violation of orders of any court of the United States or any court of the District of Columbia, the amendment plainly covers the Supreme Court of the United States and the 11 Federal Courts of Appeals. In all criminal contempt proceedings in those courts for violation of their own orders—except where the contempt was committed in or near the presence of the court, or by a court officer—a jury trial would be required by the bill as it now stands.

1. The Supreme Court customarily issues, each year, various kinds of stay or injunctive orders, for the purpose of preserving its jurisdiction pending a decision in a case. If those orders are violated, criminal contempt proceedings can be instituted by the Court to punish the violator. Up to now, it has not been necessary to provide a jury trial. Under the bill, a jury trial will be mandatory.

For instance, it is not infrequent for the Court (or one of its justices) to stay the execution of a criminal by State prison authorities while the Supreme Court is considering the prisoner's case. If the prisoner should nevertheless be executed, or given over into the hands of a mob to be lynched, the Court's order would be violated, and the violators could be punished in contempt. *United States* v. *Shipp* (203 U. S. 563, in 1906), was just such a case. After a stay of execution had been issued by the Supreme Court, the sheriff was charged with delivering the prisoner—a colored man accused of

raping a white woman—into the hands of a local mob which lynched him. The Supreme Court then instituted contempt proceedings, and took testimony through a commissioner whom it appointed specially[1] (214 U. S. 471); on the basis of the written record of this testimony, the Court entered its judgment, after argument that the defendants were guilty (214 U. S. 386). Some of the defendants were sentenced to 90 days and some to 60 (215 U. S. 580).

Under the present version of the civil-rights bill, the Supreme Court would be required in these circumstances to impanel a jury (even though no proper provision is now made for finding and impaneling such a jury in the Supreme Court)[2] and to hold a full jury trial (as in the ordinary criminal case), before it could convict the violator and punish him. The jury would have to sit in the District of Columbia and in the presence of the Court; undoubtedly, the Court's other business would have to be delayed pending the trial which could take days or possibly even weeks.[3]

By contrast to the obsolescence of title 28, United States Code, section 1872, the Court and its Justices issue, each year, a substantial number of stay orders of various types.

The case would be similar if the Supreme Court should grant bail to a defendant and some official should refuse to recognize that order. The trial before the Supreme Court would have to be by jury. Other kinds of injunctive orders are also commonly issued, staying official or private action of some kind pending review by the Supreme Court—e. g., staying the effectiveness of railroad and other utility rates, staying mergers, staying the enforcement of Federal or State statutes, etc.

2. The same observations can, of course, be made with respect to the 11 courts of appeals which likewise issue stay, injunctive, and bail orders. An example of a contempt proceeding in a court of appeals is the well-known case of *Sawyer* v. *Dollar* (190 F. 2d 623 (C. A. D. C.)), involving the disputed stock in the American President Lines, Ltd. Under the present bill, the criminal aspects of that complicated contempt proceeding would have had to be tried by a jury.

This is a particularly serious matter for the courts of appeals which have constantly to issue decrees enforcing the orders of such agencies as the Federal Trade Commission, the National Labor Relations Board, and others. Under the bill, jury trials in the courts of appeals would have to be had in all such cases—with all the incongruities, difficulties, and delays already mentioned.

MEMORANDUM

You have requested an analysis of the memorandum supplied to the Acting Attorney General by the Office of Legal Counsel of the Department of Justice on the effect of the jury-trial amendment upon the Supreme Court and courts of appeal.

In brief, the memorandum correctly states that the jury-trial amendment would apply to the orders and decrees of the Supreme Court and the courts of appeal. Beyond this statement, the memorandum rests upon strained and inaccurate assumptions, and a clear attempt by legal obfuscation to make the jury-trial amendment appear disastrous to the orderly functioning of the courts of appeal. Interestingly enough, the memorandum totally ignores the greater powers of civil contempt which are available to the Supreme Court and the courts of appeal, as well as to all district courts.

The number of violations of orders and decrees issued by the Supreme Court and courts of appeal are negligible. Nor is it correct to assume that they are negligible because of the threat of quick punishment by criminal contempt proceedings. It is more accurate to recognize that the heavy civil penalties that can be imposed even more rapidly in civil-contempt proceedings are the most compelling deterrent to any individual who might otherwise be assumed willing to flout the authority of any Federal court.

It is noteworthy that as the single instance of where the Supreme Court's stay orders have been violated, the office of legal counsel has used a case which arose in 1906. This was used either because of its civil-rights overtones, which it seems safe to assume reflects a desire to argue with emotion rather than with evidence and reason, or because the office was unable to find any other instances in recent history where an order of the Supreme Court has been willfully disobeyed.

Moreover, a reading of *United States* v. *Shipp* discloses that the case was one where a jury trial would not be available under the present amendment. The principal defendant was the sheriff. The court stated that from the time the stay of execution was granted the prisoner was no longer in the custody of the State but was a Federal prisoner. "Shipp understood that thereupon Johnson was held as a Federal prisoner." As custodian of a Federal prisoner, for a Federal court, the Sheriff was a Federal court officer. Under the present amendment the sheriff would not be entitled to a jury trial since the contempt involved is misbehavior, misconduct, or disobedience of any officer of the court. As to the other defendants the court found them to have engaged in a direct obstruction of justice. This falls within a second exception in the amendment.

The memorandum assumes that criminal contempts arising out of orders of the Supreme Court and courts of appeal would necessarily have to be tried by these courts, and with juries. In virtually every instance, the court, if it desired, could exercise its civil contempt power to deal effectively with a violator to impose civil penalties and secure both compliance as well as compensatory payments to any injured party.

The separate memorandum sent to Senator O'MAHONEY by the Department shows that the courts of appeal would have no difficulty in trying criminal contempts before juries if they should so desire. But there would be no need for jury trials in either the Supreme Court or the courts of appeal.

If these courts desired to act punitively and impose punishments they could remand the proceeding, which is in any event a separate proceeding at law (*Gompers* v. *Bucks Stove & Range Co.* (221 U. S. 418, 445)) to a Federal district court for determination. In the rare instances where such courts might desire to try a criminal contempt action, it could scarcely be argued that it was an undue burden for them to provide the basic right to trial by jury in a criminal case.

In summary, the Justice Department memorandum attempts to create an atmosphere of impairment and obstruction in the Supreme Court and courts of appeal as the result of the jury trial amendment. Rare instances of criminal contempt proceedings brought in the past, and hypothetical cases not likely to arise in the future, are used to reach the unsound conclusion that jury trials in such courts would be required in connection with all criminal contempt proceedings arising out of violations of all orders and decrees issued by them.

Nothing could be further from the truth. These courts can, within the narrow confines of this amendment, enforce all of their orders and decrees without the use of juries; vindicate their authority by sanctions imposed without juries for a major proportion of the willful violations likely to occur in connection with the orders of such courts; and, where the jury trial amendment is applicable, direct that the proceeding to impose criminal punishment for willful violations be tried in the appropriate district court.

[1] When the Supreme Court (in an action commenced in that Court) is in need of testimony, it is its practice to appoint a commissioner or special master to take the testimony at any place in the country where it is convenient to do so. The commissioner, in the Shipp case took testimony at Chattanooga, Tenn., where the lynching took place.

[2] The provisions with respect to the impaneling of juries—contained in title 28, ch. 21, of the United States Code (28 U. S. C. 1861 et seq.)—are phrased in terms of "the judicial district," "the district," or "district courts" and were obviously intended to apply only to the Federal district courts. They do not fit the impaneling of juries in the Supreme Court or the courts of appeals.

[3] It should be noted that the statutes now provided that "in all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury" (28 U. S. C. 1872). The Court has been able to live with this provision—which is probably required by the seventh amendment guaranty of jury trial in civil suit at common law in the Federal courts—because original action at law in that Court against an individual citizen have been practically nonexistent almost since the beginning of our history. As a whole, original actions in the Supreme Court are very few; those few are rarely at law but mostly in equity; and they almost always involve States or governmental entities. The obsolescence of this provision of title 28, United States Code, sec. 1872, is indicated by the fact that the United States Code does not contain any mechanism for drawing a jury for the Supreme Court. See footnote 2, supra.

TRIBUTE TO THE NEUROLOGICAL DIVISION OF THE NATIONAL INSTITUTES OF HEALTH

Mr. JOHNSON of Texas. Mr. President, I should like to read into the RECORD a brief letter from a constituent and a close friend of mine, Mrs. Garland Woodward, of Coleman, Tex.

The letter requires no comment, but I think it will be of deep interest to every Member of the Senate who is interested in advancement and progress for our people.

It reads as follows:

COLEMAN, TEX., *August 8, 1957.*

Senator LYNDON JOHNSON,
Washington, D. C.

DEAR SENATOR JOHNSON: On May 28 of this year, my daughter, Sara Barnett, was admitted to the Neurological Division of the National Institutes of Health in Bethesda, Md. Her trouble was not new, in fact for 15 years we have sought the answer to her difficulties.

On August 1 surgery was performed, which uncovered the cause of her seizures. There is great hope that this operation will greatly improve her condition, or even bring about complete recovery. To us this is a bright and shining hope, but even before this is decided, I must express my appreciation for the services of National Institutes of Health. In the words of Sara: "Whether I'm improved or cured, or whether my condition remains the same, I shall always be glad I came to the National Institutes of Health." Someone who conceived the National Institutes of Health possessed great wisdom and those who direct it continue in the same spirit. It seems that every one of the 6,000 people who work there are dedicated to relieve human suffering. I saw a cultured attaché from one of the South American

Embassies and a 6-year-old Negro girl receive the same careful and loving treatment. Isn't it wonderful to live in a country where, regardless of race or color, fundamental and basic needs are met with no distinction? And to you who set aside the money that makes this service possible, I wish to give my personal thanks. All our family shall always remain debtors to our country.

Results of the research that emanates from National Institutes of Health will eventually reach out all over the world, due to the doctors who are trained there.

Someday when the threat of war shall cease we will have money to build such a center in every region of our country. Then many of the diseases which plague us will be conquered.

Mrs. Johnson and so many of the people in your office were so helpful and kind to us during our stay in Washington. We are indeed grateful. With kindest regards to you and each member of your family and staff, I am,

Sincerely yours,

HELEN WOODWARD.

I wanted to read that letter so that the distinguished minority leader and the distinguished Senator from Alabama [Mr. HILL], both of whom serve on the Appropriations Committee, could know the wonderful results of some of the work they have done.

THE CIVIL-RIGHTS BILL

Mr. KNOWLAND. Mr. President, on last Saturday the distinguished majority leader put into the RECORD and made some comments regarding a brief statement which had been issued on behalf of Mr. Meade Alcorn in regard to the civil-rights legislation. At that time I pointed out that, in my judgment, the bill was one that both the Senate and the House could handle, and perhaps it would be helpful if there were no outside activity in the effort to enact a civil-rights bill. I pointed out, however, that if the statement was issued by the chairman of the Republican National Committee, there had been ample precedents for it, because on March 18 the chairman of the Democratic National Committee, commenting on a whole series of bills then pending before the Congress, had pointed out in a letter sent to Democratic Senators how helpful it would be in the coming fall campaign to act on certain of those bills.

In making my comment I was not speaking particularly of what either the chairman of the national committee of the minority or majority party had done, but at that time I did not have available to me what has come into my hands over the weekend, a statement issued by the chairman of the National Democratic Committee on the civil-rights bill now pending. The statement is dated the 8th of August.

I have had some little part, I believe, in bringing the bill before the Senate so that it could be fully debated and so that in the process of legislation we might be able to act without passion and without prejudice to secure a civil-rights law for the first time in some 80 years of our history.

Mr. President, it seems to me the distinguished majority leader might well have also criticized specifically the statement of the chairman of the national committee of his party. Before I read extracts from the statement, I ask unanimous consent to have the entire statement printed in the RECORD at this point.

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

DEMOCRATIC NATIONAL COMMITTEE,
Washington, D. C., August 8, 1957.

Paul M. Butler, chairman of the Democratic National Committee, today described the Senate civil-rights bill as a major step forward and urged its passage.

"Now that a Democratic Senate is prepared to enact the first significant piece of civil-rights legislation since the Reconstruction era," Mr. Butler said, "the Republican Party is making a desperate effort to sabotage the bill and prevent a major step forward in protecting the rights of our citizens.

"The history of this bill makes it clear that the Republicans are more interested in partisan politics than in a progressive step in the field of civil rights. After sending a badly drafted bill to the Senate, the Attorney General took off on a junket to Europe. He left behind a President who said he did not understand the bill which was supposed to be his own proposal. During the debate in the Senate the President provided no leadership whatever. But after the bill was ready for final passage in the Senate, the President criticized certain provisions of the bill which he had failed to fight at the time of the debate.

"It would seem that some Republicans have decided that their best vote-hunting strategy is to try to block any civil-rights bill from passage in this session of Congress and to make it a political football in the 1958 elections. This is cynical partisanship at its worst, and it ill behooves the President to be a party to it.

"Many Democrats wanted and fought for provisions which are not in the present bill. But this does not obscure the fact that the present Senate bill is an important step forward in civil rights. It is certainly much better to have this civil-rights bill passed in its present form than to have no civil-rights bill at all.

"The bitterest criticism of the bill comes from members of a political party which poses in the North as the friend of civil rights and in the South as the friend of segregation. It comes from members of a political party which cynically used the civil-rights issue to prevent passage of a badly needed school-construction bill.

"The present effort of the President and the Republican leadership in the Congress to sabotage the Senate civil-rights bill is only the latest incident of partisan politics by Republicans on the civil-rights issue.

"I do not think it will fool the public. I do not think it will succeed in blocking civil-rights legislation in this Congress. I am confident that this Democratic Congress will pass the first major civil-rights bill in this century."

Mr. KNOWLAND. Mr. President, the statement says, and I deeply resent this, I may say:

The history of this bill makes it clear that the Republicans are more interested in partisan politics than in a progressive step in the field of civil rights.

Further on:

This is cynical partisanship at its worst, and it ill behooves a President to be a party to it.

Finally he says:

The present effort of the President and the Republican leadership in the Congress to sabotage the Senate civil-rights bill is only the latest incident of partisan politics by Republicans on the civil-rights issue.

Mr. President, I am becoming a little fed up with this situation. I recognize that in a closely divided Senate or House, no legislation can be enacted without substantially bipartisan support. During the whole period when the civil-rights bill was being considered, I paid tribute to those on the other side of the aisle who stanchly stood with us in attempting to have a constructive civil-rights law enacted during this session of Congress. I hope that through the legislative processes, we shall at this session of Congress, pass a civil-rights bill which can and will be signed by the President of the United States. But I do not think we are being helped by statements of the kind I have just read.

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

Mr. KNOWLAND. In a moment.

The statements I have just read are far more extreme and far more capable of resentment by Members of the Senate on this side of the aisle rather than was the rather moderate statement issued by the chairman of the Republican National Committee.

What are the facts in regard to the civil-rights bill? In the first place——

Mr. JOHNSON of Texas. Mr. President, will the Senator yield on the point he made with reference to the committee statement, or does he decline to yield?

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

Mr. JOHNSON of Texas. I have no knowledge of the statement to which the Senator refers. I made it abundantly clear the other day I did not embrace all of the statements or actions of any political committee. The Senator is aware of that.

The Senator states he is "fed up," and that he resents the statement of the Democratic committee chairman. I ask the Senator if he is aware of the letter to me from Mr. Washington, director of the minority groups, and if he feels the same way about that type of approach from his committee that he does about the Democratic committee.

Mr. KNOWLAND. I have not seen the letter to which the Senator refers, but I would feel the same way about a letter from any political committee, under the circumstances. The letter of the chairman of the Republican National Committee was very moderate in tone compared with the statement issued by the chairman of the Democratic National Committee. I think that Members on both sides of the aisle should resent it, and I do resent it.

Mr. JOHNSON of Texas. I hope the Senator will examine the conduct of the Republican National Committee, and compare it with the conduct of the Democratic National Committee. I think we have not come to the point where it is necessary for a national committee to issue press releases attempting to tell distinguished men who have served in the Congress 20, 30, and perhaps 40 years, what they ought to do in matters of legislation. That goes for the Democratic committee as well as for the Republican committee. I am prepared to, and I think we can, complete action on this bill without any assistance, advice, or telephoning from either

committee. I do not believe the chairman of a political committee who wants an issue rather than a bill should be on the telephone calling Members of the Congress telling them what to do.

Mr. KNOWLAND. I concur with the Senator.

What was perhaps the most crucial vote on the civil-rights bill took place on June 20. That was when the issue was raised as to whether H. R. 6127 would have to go to the committee which had buried the Senate version of the bill for the entire session, and for a period of more than 6 months. On that crucial vote, which I think was the key vote as to whether we would have an opportunity to have a civil-rights bill, the RECORD shows. On the point of order raised by the Senator from Georgia [Mr. RUSSELL], there were 39 votes in the affirmative, made up, as I recall of 5 Republicans and 34 Democrats. Voting against sustaining the point of order, and in effect bringing the bill before the Senate, 34 Republicans were joined by 11 Democrats. I pay tribute to those 11 Democrats, who made it possible to get the bill before us at this session of the Congress.

The next vote came on the motion to make the bill the unfinished business of the Senate. That was on the 16th day of July. That motion was adopted by a vote of 71 to 18. The party division on that vote was as follows: Republicans voting to make it the unfinished business, 42. Democrats voting to make it the unfinished business, 29. I congratulate the Members of both parties who so voted.

Voting against making it the unfinished business were Republicans none, Democrats 18.

The next crucial vote came on the Morse motion to refer the bill to the Judiciary Committee with instructions. It is the belief of at least some of us on both sides of the aisle that this in effect would have meant the killing of the bill so far as any action at this session of Congress was concerned. The vote on that motion was 35 yeas and 54 nays. On the vote to refer the bill to the committee, which had buried the Senate bill for the entire session, 4 Republicans voted to refer the bill and 31 Democrats voted to refer it. Thirty-eight Republicans voted against referring the bill and 16 Democrats voted against referring it. Again I express my appreciation to those on the other side of the aisle. Without their votes it would not have been possible to win that fight.

The next crucial issue came on the question of striking from the bill part III, which dealt with civil rights other than voting rights. Part III dealt primarily with the rights guaranteed by the 14th amendment as distinguished from the 15th amendment, which deals with voting. When the vote came on the motion to strike part III from the bill, it was stricken by a vote of 52 to 38. It is shown on that vote that 18 Republicans and 34 Democrats voted for the motion to strike. Voting against the motion were 25 Republicans and 13 Democrats.

The next amendment dealt with the jury-trial provision, on which there is certainly an honest difference of opinion, despite comments to the contrary. In the form as finally passed by the Senate, there are many of us who believe this amendment will not only weaken the voting-right protections under the 15th amendment, but in addition to that, will endanger the entire bill by spreading the jury-trial provision into laws previously enacted, which I believe was not the intention of many of those who supported the amendment. There are many who believe such an amendment greatly weakens the provisions of the antitrust laws, the provisions of the law governing the Federal Trade Commission, and provisions of a great many other laws.

Even now I think there is a considerable body of opinion in both Houses which hopes that, regardless of what final action is taken, at least the jury-trial provision will not be retained as it was adopted by the Senate. That amendment was carried by a vote of 51 to 42. On that question, voting "yea" were 12 Republicans and 39 Democrats. Voting "nay" were 33 Republicans and 9 Democrats.

On final passage of the bill, it is shown that voting for final passage were 43 Republicans and 29 Democrats. Voting against final passage were no Republicans and 18 Democrats.

Mr. President, I would not have raised this issue had it not been for the statement by the chairman of the Democratic National Committee. I have consistently recognized the fact that this great debate should not be a narrow, partisan one. Without the able support of Senators on both sides of the aisle we would never have been able to bring the bill before the Senate, we would not have been able to conduct the great debate which has taken place, and we would not have been able finally to send the bill back to the House of Representatives as amended.

I sincerely hope we will have a bill agreed to at this session of the Congress. But when the chairman of the Democratic National Committee makes the statement that—

> The present effort of the President and the Republican leadership in the Congress to sabotage the Senate civil-rights bill is only the latest incident of partisan politics by Republicans on the civil-rights issue.

I say that our record on this issue at this session of the Congress and prior sessions of Congress is one that can be more than favorably compared with the record of the other party, which controlled the executive branch of the Government for 20 years, and controlled both the legislative and executive branches of the Government for 18 of those years, without passing an effective civil-rights bill.

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

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

Mr. JOHNSON of Texas. First of all, the Senator from Texas wants to make it abundantly clear that nothing he has said questioned either the motives of the President of the United States or the good intentions of the President, or what the President will ultimately do in this matter.

The Senator from Texas thinks that we will get a bill at this session of Congress. If the politicians do not get into this to the point where they insist, as the Senator says, "on burying this thing in a committee," I think we will get a bill.

The Senator from Texas feels that Republicans and Democrats on both sides of the aisle will be responsible for the legislation and will be entitled to whatever credit may flow from it.

The Senator from California talks about the bill being buried. The Senator was the majority leader for this body in the 83d Congress. How many civil-rights bills did the Senator report to the calendar during that period of 2 years under this administration?

Mr. KNOWLAND. With the problems before that committee, we did not get the bill out of the committee.

Mr. JOHNSON of Texas. I am not talking about problems, I am talking about bills. The Senator talks about the bill being buried. If the Senator had the votes to put the bill on the calendar, the Senator had the votes to discharge the committee.

The Senator says that the Morse motion would have resulted in burying the bill. I want to point out that certainly for many years we have not had civil-rights legislation. For 82 years, when the Democrats and Republicans were in control of the Congress, no legislation was passed.

The Senator was here in the 80th Congress, I believe. Is that not true?

Mr. KNOWLAND. The Senator from California was here, and he voted for cloture.

Mr. JOHNSON of Texas. The Senator was the leader for a substantial portion of the 83d Congress, but no civil-rights bill was reported to the Congress.

Mr. KNOWLAND. If the Senator will recall——

Mr. JOHNSON of Texas. If the Senator's views, and I fully grant their sincerity, had prevailed in my opinion no bill which could have been adopted this year would have passed the Senate.

Mr. KNOWLAND. Well——

Mr. JOHNSON of Texas. The point I want to make is this: The House of Representatives, with support of members of both parties, regardless of who was in the lead or who was behind, passed the civil-rights bill, and sent it to the Senate. The Senate, acting in line with its finest traditions, debated the bill for several weeks, and finally, as a result of a majority decision, passed it. That bill stands a chance of becoming law. It may be that some amendments will have to be adopted. It may be that some modifications will have to be accepted. Certainly men of good will of both parties will have to sit down and work it out.

The position the Senator from Texas took the other day is that it could be done without the chairman of the Republican National Committee getting on the telephone and calling anybody.

Mr. KNOWLAND. Or the chairman of the Democratic National Committee.

Mr. JOHNSON of Texas. And the same thing applies to the chairman of the Democratic National Committee.

And the Senator from Texas so stated then, and repeats it now.

Mr. KNOWLAND. I might say to the Senator that I regret very much that earlier we have not gotten through civil-rights legislation. I recall that on several occasions civil-rights bills were reported to the Senate. Motions were made to consider them. The threat of prolonged discussion intervened. It was late in the session. Finally motions were made to supplant the bills by other measures, and no further action was taken.

On a few occasions petitions of cloture were circulated. I think on each of those occasions after a period of time had elapsed during which debate occurred when it became obvious that the debate was designed to prevent the Senate from even considering the bill, much less from passing it, it will be found the Senator from California, who was then not minority leader of the Senate, signed the petitions for cloture, so that at least the Senate of the United States might have an opportunity to conduct the type of debate which took place on the civil-rights bill at this session, and finally obtain action on the proposed legislation then pending.

The minority leader regrets that during the period of time he was majority leader—and I think I need not remind the distinguished Senator from Texas, who has been my good friend, associate, and colleague, of that fact—there occurred the only period in history when a majority leader served without having a majority.

Mr. JOHNSON of Texas. I would not wish to agree to that.

Mr. KNOWLAND. The actual majority of the Senate was on the other side of the aisle.

Mr. JOHNSON of Texas. I found a similar situation to exist a few days ago, when the Senator, operating with his effective coalition at that time, was actually the majority leader. Although I had the title of majority leader, as the Senator has pointed out, in connection with some of the votes I was in the minority on a number of occasions.

I have not invited the advice, assistance, or pressure of either the Democratic or Republican National Committees, and I am not bound by their activities. They have their responsibilities and I have mine. I do not have to accept their views.

Mr. KNOWLAND. Neither do I.

Mr. JOHNSON of Texas. I understand that to be the position of the Senator from California.

I agree that Members of both parties have made a great contribution in advancing the bill to its present state. I express the hope that the bill will not be buried by sending it to a committee from which it will never emerge.

I observe that in 82 years no civil-rights bill has advanced this far. I express the hope that the House of Representatives, in its wisdom, and in accordance with its procedures and its own best judgment, without the advice of a political committee, or any Member of the Senate, will take such action as it deems necessary and wise, which will lead to a meaningful bill, which the President of the United States, without regard to partisanship, can approve.

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

Mr. JOHNSON of Texas. I yield.

Mr. ERVIN. I do not believe the facts quite justify the statement of the distinguished minority leader that the committee kept the Senate version of the civil-rights bill bottled up for 6 months. Of the members of the Subcommittee on Constitutional Rights, to which the bill was referred, 5 were for a civil-rights bill, and only 2 against it. Those 2 agreed to a session of the subcommittee while the Senate was in session, in order that the subcommittee might vote on the bill.

So far as the full committee is concerned, I made the proposal in the committee on several occasions that if the committee would be willing to wait until the House bill came to the Senate and was referred to the Judiciary Committee, at the very next meeting of the full committee, which would have been on the following Monday, we would sit down with the other members of the committee and try to mark up the two bills.

Let me say, as one who has lived with this subject since the subcommittee began hearings, on the 14th day of February 1957, that I am firmly of the opinion that the Senate bill would have been before the Senate for consideration long before this if the course which I suggested had been followed.

It had been stated in the press that the Senate would not take up the civil-rights bill until the House had acted upon its bill. It seems to me that was a reasonable procedure to follow. Let me say to the distinguished minority leader that if that procedure had been followed, in my judgment, the provisions of part I, which are, in effect, an infringement of the right of freedom of the press and freedom of speech, would not have been in the bill.

In the committee there was a great deal of intemperate action with reference to the bill. The first day the subcommittee met, there was an effort to have all the bills reported immediately, without hearing. As a matter of fact, the subcommittee was denied the privilege of extending to a number of attorneys general and governors of Southern States the right even to be heard through the action of a majority of the subcommittee in fixing in advance an arbitary date for ending the hearings. All we insisted upon in the full committee, so far as I am concerned, was that action on the Senate bill be delayed until the House bill had passed the House and had been referred to the Senate Judiciary Committee.

So I cannot agree that the statement of the distinguished minority leader is completely accurate. I have great respect and the deep affection for him. I cannot agree that his statement that the committee bottled up the bill for 6 months is accurate, because it did not begin hearings until the 14th of February.

All I insisted upon was, first, that an opportunity be afforded to have the evidence printed; second, that action on the Senate bill be withheld until the House bill came to the Senate and was referred to the committee. I made that statement on behalf of the chairman [Mr. EASTLAND]. I made it on behalf of the distinguished senior Senator from South Carolina [Mr. JOHNSTON], and on behalf of the distingiushed senior Senator from Arkansas [Mr. MCCLELLAN]. There were only four members of the committee who were opposed to a civil-rights bill. We have never seen any so-called civil-rights bill of modern vintage proposing to grant rights to certain individuals which did not propose robbing other citizens of other rights equally as precious.

With respect to the jury-trial amendment, I make this observation: The Federal law with respect to contempt proceedings, as it stands at the present time, is a disgrace to any legal system which makes any pretense of being a system of justice. Under that law one man is tried in one way, and another man is tried in another way. One is subject to limited punishment, and another is subject to unlimited punishment. The jury-trial amendment was adopted to place all men on an equality under the law in Federal contempt proceedings.

One of the unfortunate things is that we have been getting more propaganda than law from the Department of Justice in respect to the civil-rights bill. The assurances given the American people by the President respecting his devotion to basic American principles indicate that he would not have been opposed to the amendments made in the bill if he had obtained some independent legal advice from a source other than the Department of Justice, which, as I have said, is short on law but long on propaganda.

Mr. JOHNSON of Texas. Mr. President, I commend the distinguished minority leader for his efforts in behalf of a civil-rights bill. I have differed with him as to the kind of bill which should be passed, and the kind of bill which could be passed by the Congress. However, I have never questioned his motives or his patriotism, although I have doubted his judgment with respect to some parts of the bill, as he has doubted mine.

The minority leader says that the vote upon the motion to send the bill to the committee with instructions to report it back in 7 days was a very crucial vote. That is his opinion. He is entitled to it. He thinks that course would have resulted in burying the bill. For myself, I will not say that when we send a bill to a committee even without any instructions, and without any time limitation, we are burying the bill. I will not go that far.

I think the Congress is perfectly willing, able, and eager to take whatever action it should take, without the necessity of any national political committee getting on the telephone and telling Members of Congress that they ought to send the bill to a committee, where, if the interpretation of the minority leader is correct, it would be buried. That is what the Senator from Texas is talking about. The Senator from Texas did not say that the Democratic national chairman ought to get on the telephone and round up votes, and say, "Get the bill before

the committee. We would rather have an issue than have the right to vote." The Senator from Texas is not making any such statement. The Senator from Texas has said that a national committee ought not to be calling Members of Congress and issuing press releases saying, "We are getting them on the telephone and telling them how to handle this matter."

If the Democratic national chairman is on the telephone attempting to guide Members and telling them what to do on this issue, so far as the Senator from Texas is concerned, he is not aware of it. I hope the telephone calls to which I have referred will not have any influence on any other Member. I do not believe such calls would have any influence on the distinguished minority leader.

Mr. KNOWLAND. I again wish to say that, while I do not condone the activities of the national committee of either party with respect to the situation, I find no such language in the statement issued by the Republican National Committee as the Senator suggests, that we would rather have an issue than a bill. To the contrary, the statement makes very clear that both the President and Mr. Alcorn and—as the statement of Mr. Martin is interpreted—Mr. Martin wants an effective bill.

I assume the Senator from Texas also wants an effective bill. He believes that the bill is effective as passed. Some of us believe it is at least less effective because of some of the amendments which have been added. That is an honest difference of opinion.

Mr. JOHNSON of Texas. The Senator is correct.

Mr. KNOWLAND. There is no indication in the statement, of the committee, that we want an issue rather than a bill. I can say to the Senator from Texas, whether or not that was the viewpoint—and I do not believe it was the viewpoint—so far as the Senator from California is concerned, he wants a bill, and he wants it at this session of Congress, and he wants a bill which will reflect credit on Members of both parties who helped to pass it, and a bill which can be approved by the President, who recommended it in his message to Congress.

Mr. JOHNSON of Texas. I am in complete agreement with the last statement of the Senator from California. I should like to ask him this question: When the Senate voted on the Morse motion to send the bill to committee with instructions to report it to the Senate in 7 days, the Senator said to do so would bury the bill. Does he think that if the bill should be sent to conference without instructions, where it could be discussed ad infinitim, it would not serve to bury the bill?

Mr. KNOWLAND. No; I do not believe so.

Mr. JOHNSON of Texas. Why does he believe a conference committee would act any more expeditiously than another committee, which would have instructions to report the bill back within a limited time?

Mr. KNOWLAND. Because for 6 months we had before the Senate Judiciary Committee a bill which had not been reported to the Senate. In the normal process of getting the two Houses together, the procedure is to have a conference. We have just had a conference committee report on the mutual aid authorization bill, and we have had a conference committee report on an appropriation bill. The House did not see fit to delay those bills. The normal legislative process is to have a conference. That is not the only way whereby we can get a bill. If the House wished to recede from its stand and concur in the amendments of the Senate, we could get a bill in that way. I hope we will get a bill by one process or another before Congress adjourns sine die.

Mr. JOHNSON of Texas. I believe we could expedite the matter a great deal if all outside forces would refrain from attempting, by telephone calls, to direct Congress in its activities. I assume the Senator from California agrees with me in that view.

Mr. KNOWLAND. I agree with the Senator. I have had no such telephone calls.

With respect to the Morse motion to recommit, and whether that would have had the effect of killing or burying the bill for the session, I should like to recall the legislative history which existed at that point.

We had followed, under rule XIV, the procedure which made unnecessary sending the House bill to the Senate Committee on the Judiciary, which had already considered and had had under consideration for approximately 6 full months the Senate version of the bill.

Secondly, a period of time under the gentleman's agreement had passed, and we had finally come to the point where, upon motion, the House bill, which had been placed on the calendar, became the unfinished business of the Senate, and was open to discussion.

At that point the Senator from Oregon [Mr. MORSE] made his motion to commit the bill to committee with instructions. The effect of that motion would not only have been to delay the bill for at least 7 days, with such additional time as might have been required to print reports and hearings, and so forth, but, on top of that, when the bill came back to the Senate, it would not have come back as the unfinished business before the Senate; instead, it would have been placed on the calendar, and we would have had to follow the same process all over again, and would have had a prolonged educational campaign, before the bill could have been taken from the calendar and made the pending business again.

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

Mr. KNOWLAND. In a moment I shall be glad to yield.

With respect to a conference report, if a bill goes to conference and it comes back to the Senate in a conference report, it is a privileged matter before the Senate. When the conference report comes to the Senate—and I should hope it would came back with reasonable promptness—the report could be taken up without displacing any pending business the Senate might have before it at the time. Therefore that is the great difference.

That is why I said in my judgment—although I recognize the fact that the majority leader has the right to his own opinion—I believed the Morse motion would, in effect, have killed any hope of getting an effective civil-rights bill at this session of Congress. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I do not care to prolong the discussion, other than to repeat an observation I made previously. My friend finds himself confronted with the inconsistent position of having said to the Senate, a few weeks ago, that if we send the bill to committee with instructions we kill it——

Mr. KNOWLAND. For the reasons I have stated.

Mr. JOHNSON of Texas. And now he comes forward and says if we send the bill to conference, we revive it. I do not believe we would have killed the bill by sending it to committee under a motion which required it to be reported back to the Senate in 7 days, because the majority of the Senate could act on that bill and make it the pending business just as a majority of the Senate could act upon a conference report. The minority leader, therefore finds himself in the position of having said a few weeks ago we would kill the bill if we sent it to committee, and this week saying that we do not kill it if we send the bill to committee. The Senator from Texas hopes that the House will act on the measure so that we may get a bill. I am willing to leave it there.

Mr. KNOWLAND. I am willing to leave it there, too, but I am sure my good friend from Texas thoroughly understands the difference between a bill going to a committee of the Senate and being reported back, then having unlimited debate on the motion to make it the pending business before the Senate, and, on the other hand, a bill coming out of a conference committee, in which case it is a privileged matter and can be taken up at any time.

Mr. JOHNSON of Texas. The Senator from California, I am sure, does not wish to draw a curtain here and have us believe that a conference report is not subject to unlimited debate. The Senator must know that a conference report can be debated as long as the Senate desires to debate it. The Senator must know that a majority vote is required to take up a bill on the calendar, just as a majority vote is unecessary to adopt a conference report.

Mr. KNOWLAND. The Senator, I am sure, knows that on a conference report there can be only one period of prolonged debate, but when a measure is placed on the calendar, there can be prolonged debate on the question of taking it from the calendar, and then further prolonged debate to secure its passage. So there would be two prolonged debates, not one.

Mr. JOHNSON of Texas. The Senator from Texas is not going to assume that there will be any prolonged debate, if we legislate properly and wisely, as he thinks the Senate has done in this instance. The Senator from Texas has

confidence that the House will do likewise. In that event, there will be no necessity for having any prolonged debate at all.

DEATH OF DR. RAYMOND R. PATY, MEMBER OF THE TENNESSEE VALLEY AUTHORITY

Mr. HILL. Mr. President, many of us were saddened on last Thursday morning to learn of the sudden death of Dr. Raymond R. Paty, a member of the Board of Directors of the Tennessee Valley Authority. Dr. Paty was a generous and loyal friend, a gentleman and a scholar, and an able and devoted public servant. He began his career as a teacher in the school system of his native city of Bellbuckle, Tenn., and became associate professor of Bible and religious education at Emory University. He won distinction as president of Birmingham-Southern College, as president of the University of Alabama, and as chancellor of the university system of Georgia. In 1952 he became a member of the Board of Directors of the Tennessee Valley Authority and served with courage, with wisdom, and with vision, making many fine contributions to the work and the achievements of the Authority. In his death not only the Tennessee Valley Authority and the people of the Tennessee Valley but the entire Nation suffered a great loss. We shall sorely miss him.

THOMAS L. BLANTON

Mr. JOHNSON of Texas. Mr. President, Thomas L. Blanton, who was a Texas Member of the House of Representatives for 19 years, passed away on Sunday at his home in Albany, Tex.

Mr. Blanton represented the 17th District of Texas from 1917 to 1937, with the exception of a single year.

Tom Blanton was a man of strong views. He expressed those views forthrightly and vigorously. He was a man who often met with opposition, but he never met with misunderstanding.

During his 19 years of service in the House, he made a reputation as a fighter in debate and on the stump. The people of the west Texas district he represented traditionally love a fighter, and they returned him to Congress term after term.

Mr. Blanton was 84 years of age at the time of his death. He had retained a lively interest in governmental affairs and followed his lifelong policy of never hesitating to speak his mind.

Mr. President, I wish to express my deep personal sympathy to surviving members of Mr. Blanton's family.

MUTUAL SECURITY AUTHORIZATION

Mr. SMITH of New Jersey. Mr. President, it was the greatest regret to me as one of the conferees on the proposed mutual security authorization legislation that I felt it necessary to vote for the conference report which will presently be submitted to both the Senate and the House. While we saved some of the dollar cuts because of the action of the Senate, the compromise cuts are so drastic and so far below what the President and the administration asked for that I feel the country may be in danger.

After a year of close study by the Foreign Relations Committee of our whole so-called foreign-aid program, and the unanimous recommendations of all the experts whom we had invited to contribute their views on the subject to us, and after the introduction of an authorization bill substantially carrying out these recommendations, we are now compelled not only to reduce the dollar figures beyond the point of safety, but also to hold back the new revolving loan-fund authorization to a year-by-year basis.

The authorization bill is vitally important. If the appropriation which will follow the authorization is drastically cut further, we certainly would have our bargaining power with the Soviets reduced, and the President and the Secretary of State might later find themselves in a position to call for an emergency appropriation.

I cannot urge upon my colleagues too strongly the careful consideration and study of the whole matter before any further cuts are made in the appropriation.

Mr. President, in this connection, I ask unanimous consent to have printed at the conclusion of my remarks two editorials, one from the New York Times entitled "The Foreign Aid Cuts," and the other from the New York Herald Tribune, entitled "Compromising Mutual Security," both of which appeared on August 10.

There being no objection, the editorials were ordered to be printed in the RECORD.

(See exhibits 1 and 2.)

Mr. SMITH of New Jersey. Mr. President, I also call attention to an article entitled "India's Great Adventure, 10 Years Later," written by Mr. A. M. Rosenthal, who is the New York Times correspondent in India, and published in the New York Times magazine section of August 11. The article describes vividly the dynamic relation of the mutual-security program to a free India and the essential retention of India in the ranks of the free nations.

We must consider these worldwide implications of what we are doing, and when we realize that the total foreign-aid budget originally asked for by the President was less than $4 billion as compared to our overall defense budget of nearly $40 billion, we must think twice before we jump to the conclusion that these drastic budget cuts can be made in the mutual-security program which is vital to America's security.

EXHIBIT 1

[From the New York Times of August 10, 1957]

THE FOREIGN-AID CUTS

In preparation for the new mutual security program the Senate and House committees concerned initiated at considerable expense 21 separate official and private studies. All these studies agreed that in view of the continued threat of Communist aggression, and despite the $60 billion, including loans, already spent on it, both military and economic "foreign aid" must continue. They also made, with remarkable unanimity, certain specific recommendations on the basis of which President Eisenhower submitted to Congress a program designed not only to make "foreign aid" more effective but also to remove it as an annual football of domestic politics.

But Congress paid little heed to either the studies or the recommendations of the President and his aides. On the contrary, in the name of a false economy and falsely understood Congressional prerogatives, it has now cut the program to shreds.

After trimming his original program by half a billion dollars, President Eisenhower asked for $3,865 million for it. This, he warned, was a rock-bottom figure. Any further cut would imperil our own national security and that of our friends. The Senate-House conference has finally cut it to $3,366 million. This compares with $3,766,570,000 authorized and nearly $5 billion actually spent last year.

Such a cut might be welcomed if it were based on the same careful analysis and far-sighted statesmanship that guided the President's program. But how was the final figure fixed? Why, by simply splitting the difference between the Senate and House figures. The cut will inevitably weaken free-world defenses in the Far and Middle East, where the Communists are now probing for weak spots. And the administration will still have to fight for the actual money appropriation, which is also subject to Congressional politics.

In keeping with the recommendations mentioned, President Eisenhower had also proposed to put military aid in the regular defense budget, where it belongs, and so take it out of politics. But Congress refused. In line with the same recommendations he likewise proposed to create a revolving development loan fund from which repayable loans would be made to underdeveloped countries. For this the President asked $2 billion over the next 3 years. Congress authorized only the $500 million asked for this year plus $625 million for the next year, which must still be translated into actual money.

The best that can be said for the conference bill is that it could have been worse. One can only hope that it will not cost us much more than the cut has "saved."

EXHIBIT 2

[From the New York Herald Tribune of August 10, 1957]

COMPROMISING MUTUAL SECURITY

The best that can be said for the compromise worked out by the Senate-House conference committee on the mutual-security bill is that it is better than the House was originally willing to accept. But it is worse than the Senate bill and falls far short of what President Eisenhower requested. In sum, it not only compromises the differences between the two Houses of Congress, but compromises mutual security.

In a period when Soviet military aid is spreading over an ever wider territory—the British charge that arms from the Communist bloc are going to Yemen, for example—the conference committee has agreed on mutual-security authorizations which fall short of the President's request by half a billion dollars. And at a time when political and economic conditions are in a state of flux in the lands that lie geographically between East and West, the President's long-range loan-fund proposal has been held to 2 years. This is better than the House decision to keep the fund to 1 year, but it would make it difficult to give real stability to the economic planning of nations whose present difficulties offer opportunities to communism and thus threaten the peace.

The shadow which hangs over every authorization measure is the queer practice of

Congress of trimming such bills when it comes to actually appropriating the money. Why Congressmen should, within the short space that elapses between authorization and appropriation, regard the former as only an ideal, to be cut down to smaller compass, is a standing puzzle of American legislative practice. Knives are already being sharpened in the appropriations committees to whittle more away from mutual security than Congress was willing to authorize.

But it is at this point that the line must be held. It is easy enough to find culprits to blame for the original reductions in the mutual-security program. The President's ambivalent attitude toward his budget and the failure to take the fight strongly enough and clearly enough to Congress are principally at fault. Whatever the reason for the present cuts, however, it is of national importance that they go no deeper. The United States cannot afford to gamble its own existence and that of the Free World on cheeseparing.

HEROISM DURING HURRICANE AUDREY

Mr. PURTELL. Mr. President, a little more than a month ago, the hearts of the people of this country went out to the people of Louisiana who were victims of a terrible natural disaster. Hurricane Audrey ripped through Cameron and Calcasieu Parishes in that State and exacted a terrible toll of devastation. More than 500 lives were lost, and property damage will finally be totaled in many millions of dollars.

The people of my own State of Connecticut, who themselves had a similar terror visited upon them only 2 years ago, were particularly saddened because they know at firsthand of the death, the suffering, the pain, and the dreary tasks of rehabilitation which are the inevitable results of the rampaging forces of nature on the loose.

In Louisiana, as they did in Connecticut in 1955, people rose to the emergency and teamed with their fellow citizens to fight the raging terror and to help one another in the many ways which mark man's humanity to man when disaster strikes.

Heroism was commonplace. Yet in the midst of great heroism there were recorded certain acts of certain people which will remain shining inspirations long after the devastation has been repaired and when the winds and the waters have receded from the memories of those living in the affected areas.

Such were the actions performed by three doctors. At the storm's beginning, they were the only doctors in the hardest hit area. They worked without sleep for days and their efforts were responsible for the saving of many lives.

These brave men of medicine were Dr. C. W. Clark, of Cameron, and Drs. G. W. Dix and S. E. Carter, of Creole.

Mr. President, 3 of Dr. Clark's 5 children perished in the flood. For many hours, the fate of his wife and his two sons was unknown to him.

Providentially, for those who were to receive his ministrations, Dr. Clark was at the medical center in Cameron when hurricane Audrey hit.

As he continued to treat the injured, Dr. Clark learned piecemeal that his home had been destroyed, that his wife and 2 sons were missing, that his 3 daughters had perished. He learned that his home had been swept away. Yet through all those agonizing hours, surrounded by the injured and the dying, Dr. Clark stayed at his post doing his job.

We can only guess at the emotion which must have racked him in this terrible period of trial. A paraphrase of the taunt hurled at the Lord himself when He hung from the cross must have reechoed through his mind: You are saving others, why can you not save those near and dear to you?

What memories must have crossed his mind as he treated young girls the same ages as his daughters. First, terrible uncertainty, then shocked certainty, then more agonizing hours as to the fate of the other members of his family. Yet, all the while, his fingers were busy, healing, soothing, saving.

Not far away two other men of medicine worked to save the living and ease the dying. Drs. Dix and Carter knew their own hospitals were being swept away. They too remained at their posts, beacons of hope and survival for those who had been brutally struck down by the hurricane. These men gave and gave and gave.

Mr. President, here were men who did not waiver in their duty. Here was duty above and beyond the call of duty. Here was devotion to a profession, but more important, to mankind, which marked the performances of these men with a nobility for which mankind often strives but seldom achieves.

Only a few years before, these three young men had sworn the Hippocratic oath, never dreaming that in the course of their practices in the rural part of Louisiana they would be tested under conditions far exceeding the most exacting trials that might be described by the most exacting fate.

These men, particularly Dr. Clark, have written a new chapter in the continuing history of medicine and its practitioners. They have inspired new hundreds of young men and women throughout the world to seek their lives' work in the medical profession. They have reaffirmed the faith of the people in their doctors. They have reaffirmed man's trust in his fellow man.

Even though they are still comparatively young men, these doctors have left us a heritage which cannot help but move all of us a step further toward the perfection in our calling, which we all seek daily.

Their motivation was plain. People, the people they had chosen to serve, needed their help. They gave it. There was no time for them to think of self. Their people needed doctors. They were doctors. How simple, yet how powerful, a motivation. These men rose to the heights of selflessness. They truly served.

Mr. President, there is a lesson to be learned from every disaster, and one which comes out of the terrible tragedy of hurricane Audrey is that the effective organization of civil defense with the various medical societies in Louisiana and Texas prevented a much greater loss of life. Doctors and nurses and other medical personnel in those two States were organized and prepared for disaster emergency. Their response was magnificent, their work was effective, and they proved both the necessity and efficiency of prudent and well-planned disaster emergency organization.

The medical profession is paying tribute to these heroic doctors. This week's issue of the Journal of the American Medical Association carries an account of the work of these men and the organizations of doctors and nurses who helped reduce the toll which might have been exacted had not these valiant people served so effectively. The magazine contains an editorial entitled, "Medicine's Finest Hour," which pays additional tribute to the work which was done.

Mr. President, I believe a special decoration should be available from the Government of the United States to be conferred upon men and women who perform the kind of services which these three doctors have rendered. I would like to see an honor society or some similar organization based upon an award for such special performances of duty under such demanding circumstances.

In honoring Drs. Clark, Dix, and Carter we honor also other men and women of the medical profession who have performed similar deeds, but whose performances have gone unnoticed or unheralded. There were other doctors and nurses who worked tirelessly and selflessly in the recent terror in Louisiana and in the floods in Connecticut in 1955 and in the other disasters which have struck down our people.

These three men in particular, and all those others who brought the knowledge of their professions to bear to aid the victims of hurricane Audrey, receive our gratitude and appreciation, both as personal figures and as symbols.

These three men are symbols of the medical profession, which is the deliverer and keeper of life, the giver of comfort, and the strong voice of scientific progress in our midst.

Here is a splendid example of the medical profession at its best. The efforts of these men and of the hundreds of others, unnamed and unsung, who perform similar heroic duty every day in the year richly deserve the accolade of their professional colleagues contained in the American Medical Association Journal, to which I referred earlier, and which is entitled, "Medicine's Finest Hour."

Mr. President, the work of Dr. Clark and of his fellow doctors has been recognized by the Surgeon General of the United States, who has written to Dr. Clark a letter expressing to him the appreciation of the Surgeon General for the outstanding work Dr. Clark did.

I ask unanimous consent that the letter sent by the Surgeon General to Dr. Clark be printed at this point in the RECORD, in connection with my remarks.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D. C., August 7, 1957.

Dr. CECIL W. CLARK,
Cameron, La.

DEAR DR. CLARK: May I express, both for myself and on behalf of every physician in

the United States Public Health Service, our deep sense of gratitude, pride, and admiration for the manner in which you, Dr. G. W. Dix, and Dr. S. E. Carter answered the call of medicine when Cameron and Calcasieu Parishes in Louisiana were devastated by a hurricane last June.

We share your great personal sorrow in the loss of your children. All of you have our deepest sympathy for the destruction of your homes, your offices, and your clinics.

At great personal sacrifice, you gave medical care and brought relief to hundreds of people who were injured and distraught. You worked calmly, skillfully, and tirelessly under the most difficult conditions to minister to the needs of the hurricane victims. There is no way of telling how many lives you saved, how many families you helped reunite. One thing is certain, however: Your services, and those of your colleagues, did much to help the people of Cameron and Calcasieu Parishes resume their normal lives in the wake of a devastating disaster.

Sacrifice and devotion to duty are the hallmarks of the medical profession. Your actions, as well as those of Drs. Dix and Carter, in a time of great emergency epitomized those qualities. But there was something more. There was the seed of true greatness. Your acts of heroism and selflessness will shine for all men to see, and for all time. You have not only brought fresh honor to the profession we proudly share but to your community and to your Nation.

I understand you are reestablishing your practices in the towns in which you lived. As a result, I am sure that the people of Cameron and Calcasieu Parishes face the future with courage and hope. As Surgeon General of the United States Public Health Service, I have no fear that men and women of your caliber in local communities throughout the Nation will help us meet and conquer whatever medical emergencies may arise.

Again, let me express the profound tribute of the Public Health Service on your heroic deeds.

Sincerely yours,

L. E. BURNEY,
Surgeon General.

THE BRICKER AMENDMENT TO THE INTERNATIONAL ATOMIC ENERGY AGENCY BILL

Mr. HICKENLOOPER. Mr. President, in this morning's Washington Post there appears an editorial entitled "House Recovers Fumble." The editorial is so inaccurate as to amount, in my opinion, to irresponsibility. Certainly the author of the editorial did not carefully canvass the subject matter about which he wrote, for if he had, he could not possibly, in my opinion, have written the editorial.

I shall read the editorial, which is as follows:

HOUSE RECOVERS FUMBLE

The House did a good day's work in stripping Senator BRICKER's sabotage amendment from the bill authorizing a United States representative to, and financial support for, the International Atomic Energy Agency. Mr. BRICKER had attempted to require a separate act of Congress for every consignment of fissionable material by this country to the IAEA. Such a vote of no confidence in the President and his Atoms for Peace program would have exposed the United States to scorn and ridicule abroad. It might have blighted the hopeful experiment in the international development of atomic power for peaceful purposes. The House vote of 298 to 99 on the question of striking out the amendment—thus signifying that the House has no intention of interfering with the program—certainly reflects a large element of statesmanship.

Much of the credit for the outcome goes to the House members of the Joint Congressional Committee on Atomic Energy. Last month the committee had carelessly approved the amendment, apparently without full awareness of its implications. In the debate on the floor, however, both Republican and Democratic members of the committee denounced the amendment as a reflection on the good faith of the United States. We hope that the Senate members of the committee will now be equally candid in acknowledging their error and in guiding the Senate to acceptance of the House version. Incidentally, the time is overripe for a strong administration stand against Mr. BRICKER's niggling.

Mr. President, I have a few comments to make on the editorial and its inaccuracies and its responsibility.

In the first place, the editorial refers to the portion of the bill which was stricken by the House of Representatives as "Senator BRICKER's sabotage amendment."

Mr. President, the amendment was no such thing. I shall read the amendment. This is the language which was stricken:

In the case of the International Atomic Energy Agency the Commission may distribute only such amounts of special nuclear materials as are authorized by Congress: * * *

So far as that provision is concerned, it follows the language used in the letter of the President of the United States to the Chairman of the International Atomic Energy Agency, in New York, written about February 15 last, in which the President said that in making such materials available to this agency, he would expect to come to the Congress to secure the authorization of the Congress for that purpose. So that part of the language of the amendment follows the President's own statement in his own letter.

The rest of the amendment reads as follows:

Provided, however, That notwithstanding this provision, the Commission is hereby authorized subject to the provisions of section 123, to distribute to the Agency 5,000 kilograms of contained uranium 235, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to July 1, 1960.

The PRESIDING OFFICER (Mr. CLARK in the chair). The time available to the Senator from Iowa, under the 3-minute rule, has expired.

Mr. HICKENLOOPER. Mr. President, during the morning hour is it possible for a Senator to rise to a question of personal privilege?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized for 5 additional minutes, if that additional amount will be sufficient for his purpose.

Mr. HICKENLOOPER. I think it will be sufficient.

Mr. JOHNSON of Texas. Then, Mr. President, I ask unanimous consent that the Senator from Iowa may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HICKENLOOPER. I thank the Senator from Texas.

Mr. President, with respect to the 5,000 kilograms and the matching amount, as provided for in the Bricker amendment, that provision was specifically included in the amendment by the Senator from Ohio in order to conform with the position the President took in his statement—which was made to the Agency itself—that he would do that.

The editorial insinuates—in fact, it flatly suggests—that the Bricker amendment would "pull the rug out from under" the President. Mr. President, the amendment would do no such thing.

Second, the editorial says, in referring to the Bricker amendment, that—

Mr. BRICKER had attempted to require a separate act of Congress for every consignment of fissionable material by this country to the IAEA.

Of course, Mr. President, that is untrue and is unfactual. Amounts over and above the 5,000 kilograms, plus the matching amounts which his amendment authorized—amounts over and above that—could be provided for periodically in one act, for distribution from time to time. The amendment would not necessarily require a separate act every time a quantity of fissionable material would be made available to the Agency.

Mr. KNOWLAND. Mr. President, will the Senator from Iowa yield to me?

Mr. HICKENLOOPER. I am glad to yield.

Mr. KNOWLAND. I should like to say—although perhaps the Senator from Iowa is going to mention it—that another gross inaccuracy in the editorial is its indication that this matter did not have full and proper consideration.

Mr. HICKENLOOPER. I shall come to that point.

Mr. KNOWLAND. The amendment was considered more than once by the Joint Committee. It was fully discussed, and was brought back a second time, and again was fully discussed; and the committee, after full discussion and debate, and after having additional witnesses before it, reaffirmed the position it had originally taken.

Mr. HICKENLOOPER. The Senator from California is correct, and in just a moment I shall enlarge upon that point.

The editorial also says:

Such a vote of no confidence in the President and his Atoms for Peace program would have exposed the United States to scorn and ridicule abroad.

Mr. President, the amendment is diametrically the opposite of that. It expresses confidence in the President. It sustains the proposition he made to the Agency.

What the amendment does do—and we might just as well understand this clearly—is this: It says that the Congress will not abandon for all time its control over valuable United States property, the ownership of which, once divested from the United States, could never be recaptured. That is what the Bricker amendment says; and it calls upon the Congress to make these authorizations from time to time, for amounts, over and above the amounts

which the President has already offered; and those offers are protected by the Bricker amendment.

A little further in the editorial we find a statement—although the inaccuracy in this instance probably is of little consequence:

The House vote of 298 to 99—

Mr. President, apparently the writer of the editorial did not read the CONGRESSIONAL RECORD, for the RECORD shows that the vote was 298 to 100. I do not call that point to the attention of the Senate for any purpose except to illustrate another inaccuracy and another irresponsible statement by the writer of the editorial, if the CONGRESSIONAL RECORD of August 8 is correct.

The editorial further says:

Last month the committee had carelessly approved the amendment, apparently without full awareness of its implications.

Mr. President, the suggestion of the Senator from Ohio was made on the floor of the Senate, and was discussed at the time when the treaty was before the Senate for ratification.

When the act of implementation went to the Joint Committee on Atomic Energy, the Senator from Ohio [Mr. BRICKER] presented his amendment. It was thoroughly discussed over a period of 2 days by the committee. The committee knew exactly what was in the amendment. The committee then, after thorough discussion, both pro and con, adopted the amendment and put it into the bill. A day or so later—I believe it was the next day—at the committee meeting, one of the members of the committee who was opposed to the Bricker amendment moved that the action of the committee in adopting the amendment be reconsidered, for the purpose of permitting further discussion of the amendment and for the further purpose of placing in the record other matters which he thought were important. The committee allowed that courtesy—although it was apparent that, following reconsideration, the amendment would be adopted again. So the motion to reconsider was adopted; and in the Joint Committee the Bricker amendment was considered again. Those who were opposed to it had their opportunity to present their side of it again; and again the amendment was thoroughly discussed. Thereafter, again the amendment was adopted by the votes of a substantial majority of the members of the Joint Committee on Atomic Energy. Yet this newspaper says that the committee had carelessly approved the amendment, apparently without full awareness of its implications.

The Senator from California was at the meetings. He has just verified that statement as to what happened. The editorial says in effect that the amendment would be a reflection on the good faith of the United States. The bill and the amendment authorize the giving to this Agency almost every gram of U-235 it has available from any place. We are supporting the Agency practically 100 percent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HICKENLOOPER. Mr. President I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator is recognized for 2 additional minutes.

Mr. HICKENLOOPER. From a physical standpoint we are today the sole support of the Agency. The Senate passed the bill a few days ago. The bill will be in conference. But I could not, not only as a member of the committee, but as one interested in safeguarding the property of the United States, let the editorial go unchallenged. That is why I wanted to bring it to the attention of the Senate. At the end the editorial reads:

Incidentally, the time is overripe for a strong administration stand against Mr. BRICKER's niggling.

The argument of this editorial is in some ways astounding. As a friend and a long time acquaintance of the senior Senator from Ohio, who needs no apology on the part of anybody for the sterling patriotism and outstanding Americanism which he has always exhibited, I may say that I myself have the utmost faith and confidence in his devotion to the United States and constitutional government. If that be "niggling," they can make the most of it.

MUTUAL SECURITY AUTHORIZATION BILL

Mr. JOHNSON of Texas. Mr. President, I pay my respects and my compliments to the very able chairman of the Committee on Foreign Relations. I know of no Member of the Senate who has worked so constructively or who has had a better record of achievement than my friend, the Senator from Rhode Island [Mr. GREEN].

We are coming to the end of this session of Congress. We have to consider the conference report on the very important mutual security bill, which the Senator guided through the Chamber and which went to conference. I understand that the conferees have agreed and have filed a report. Before action can be taken on the appropriation bill, it will be necessary for the Congress to act on the authorization bill and, I assume, for the President to sign it, in order that we will know what the ceiling figure is.

Today we have scheduled for consideration the calendar; eulogies for the late Senator George, who served so long as chairman of the great Committee on Foreign Relations; the military construction bill, which is a very important piece of legislation; and the Niagara power bill. I am hopeful we can finish that late today or early tomorrow.

I wish to ask the distinguished Senator from Rhode Island a question. As I understand, the Senate will act first on the conference report, because the Senate passed the authorization bill first, and I wonder if it would be agreeable to the Senator, as chairman of the conference committee, to call up the conference report sometime tomorrow, even if it may be late in the day.

Mr. GREEN. I should be glad to try to do so. I think I can.

Mr. JOHNSON of Texas. If the Senator will notify the members of the conference committee who may be desirous of addressing themselves to the report, and if other Senators will take notice, it is the intention of the leadership, in cooperation with the chairman of the Committee on Foreign Relations, to consider sometime late tomorrow or, at the latest, on Wednesday, the conference report on the mutual security authorization bill. I believe we can get to it tomorrow. I hope we can. Unless our plans go astray, we will.

Mr. GREEN. I shall try to send out notices, so that all Senators will be available.

Mr. JOHNSON of Texas. I thank my friend.

REDUCTIONS IN ARMED FORCES

Mr. MANSFIELD. Mr. President, about a year ago at this time there was talk of the so-called Radford plan, which sought to reduce the armed services of the United States by some 800,000 men. At least, that was the rumor.

I attempted to obtain information as to the proposed reduction of the Armed Forces last year, but did not have any success. Then came the Suez crisis, and all talk of reductions in the defensive strength of this country ceased.

Within the past month the Secretary of Defense has announced there will be a 100,000-man reduction in the 4 branches of the armed services of the United States.

During the course of the debate on the Defense Establishment appropriation bill, I raised the question as to a possible further reduction of strength with the distinguished chairman of the committee, the Senator from New Mexico [Mr. CHAVEZ], and the chairman of the Senate Committee on Armed Services, the Senator from Georgia [Mr. RUSSELL]. Those Senators had no indication as to the truth of the rumor which I had heard, to the effect that a further reduction of 120,000 to 130,000 was planned for the next fiscal year.

However, I noted that in a press conference that same day the Secretary of Defense, Mr. Wilson, said there would be further reductions, although he did not give out any figure or estimate. I note also in today's Washington Daily News that the Defense Department is shooting for a 2.5 million man Armed Force by next July 1. That will be at the end of the present fiscal year—some 10 months away. If this story is true such a reduction would mean that instead of a total decrease of from 220,000 to 230,000, which I had heard would be the goal, approximately 300,000 men will be separated from the 4 branches of the armed services by next July 1.

Mr. President, I think in the delicate and difficult age in which we live the Congress ought to have a little more information as to exactly what is intended in the way of reductions in the numbers of our armed services during the coming fiscal year.

Furthermore, I should like to invite the attention of Mr. Wilson and his successor, Mr. McElroy, to the fact that while, as the distinguished Senator from Georgia pointed out, 3 of the armed services—the Army, the Navy, and the Air Force—have a manpower ceiling, 1 of the armed services, the Marine Corps, has a floor. That floor has been guaranteed by Congress, to the extent of 3 combat-size divisions and 3 air wings.

I sincerely hope, Mr. President, that the Defense Department, which may have good reasons for what it is doing, will tell Congress some of the reasons it may have for the contemplated reduction at this time. I suggest, most respectfully, that, at the very least, the chairmen of the Armed Services and the proper appropriations subcommittee be informed and the reasons for such cuts be explained.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Jim Lucas, one of the Nation's most able military commentators, entitled "Pentagon Plans To Slash Armed Forces by 300,000," published in the Washington Daily News of Monday, August 12, 1957.

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

PENTAGON PLANS TO SLASH ARMED FORCES BY 300,000

(By Jim Lucas)

The Defense Department is shooting for a 2.5-million-man Armed Force by next July 1.

This will be 300,000 less than the present force of 2.8 million. It will mean manpower cuts of 200,000 in addition to the 100,000 already ordered by Defense Secretary Charles E. Wilson.

There is scant possibility that Mr. Wilson's successor, Neil H. McElroy, will reverse this decision. It was made at the White House—presumably after long discussion in the National Security Council—and transmitted to the Pentagon through the Budget Bureau.

REASONS

Rising costs and continued inflation are responsible.

As a result:

The Air Force, which already has called its 137 wings down to 128, will eliminate 5 to 8 more, principally in the tactical air force.

(The United Press reported that a Pentagon spokesman disclosed that Mr. Wilson has decided to restore to the Air Force 25 percent of the $1.250 billion cuts in its fund. The official indicated most of the $300 million will go for weapons, particularly guided missiles. The greater portion of the restored money was transferred out of the Army's account.)

The Army, which has come down 20 to 17 combat divisions, will inactivate 1, and perhaps 2, more.

The Navy will mothball more large ships.

For Gen. Nathan F. Twining, who takes over as Chairman of the Joint Chiefs of Staff this week, this is sobering news. It will make even more difficult his job of keeping the service chiefs together as a team.

BUDGET LID

Not only will he have a manpower ceiling, but the budget lid also is firmly in place. The services from now on can ask for no more than $38 billion a year.

This, in effect, means that none can ask for what its leaders believe to be the minimum necessary to carry out its missions. They can, however, try to get as close as possible, even if its means cutting some other service.

The sparring already has begun. Air Force Secretary James Douglas recently said the Air Force will need $2 billion more next year. Under budget ceilings, that could only come from the money now earmarked for the Army and Navy.

COMPETITION

Gen. Thomas D. White, Air Force Chief of Staff, refers to the days ahead as an "era of intense competition for funds" in which "tactical requirements must be fully screened to insure that we retain only essential forces."

Of all the services, only the Marines have legal protection. A law passed several years ago guarantees them 3 divisions and 3 air wings. But Senators PAUL DOUGLAS, Democrat of Illinois, and MIKE MANSFIELD, Democrat of Montana, both World War II marines, have protested recently that the Defense Department intends to "skeletonize" these.

On the face of it, that would seem a safe bet.

POLICY OF MARITIME BOARD

Mr. DIRKSEN. Mr. President, in other days, when I had more time to devote to it, I used to follow the work of the old United States Maritime Commission, mainly because it was a subject matter which came before the Subcommittee on Appropriations of which I was a member. I am unable to follow its activities closely, but I noticed some reference to a decision made by the Board not long ago in a controversy between the Far East Pacific Lines and the Matson Lines. I think an application was pending for service to Hawaii by the unsubsidized portion of the Far East Pacific Lines. There was a recommendation by the Board's examiner, there was a recommendation by the public counsel for the Board; but notwithstanding that fact, the Far East Pacific application was denied by a vote of 2 to 1.

I am not insensible of the fact that this is a quasi-judicial Board, but it seems that an element of monopoly is involved. I expect to present the case to the appropriate committees and the appropriate persons in the executive branch, and at the same time to respect the judicial character of the Board.

In connection with my remarks I ask unanimous consent to have printed in the RECORD at this point an article entitled "Stop-Go Policy on Monopoly," written by a very reputable reporter, Roscoe Drummond, and published in the New York Herald Tribune of August 4, 1957.

I ask also to have printed in the RECORD at this point an article on the same subject which was published in the Chicago Tribune of August 11, 1957.

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

[From the New York Herald Tribune of August 4, 1957]

STOP-GO POLICY ON MONOPOLY

(By Roscoe Drummond)

WASHINGTON.—The Eisenhower administration is proud, bordering on the boastful, of its record of energetically enforcing the antitrust laws.

The President aims to keep it that way.

This is why the White House, if my information is correct, is pained and dismayed by the recent decision of the Federal Maritime Board protecting what the Matson Navigation Co.'s would-be competitors call its near-perfect monopoly of the shipping business between the west coast and Hawaii.

It is embarrassing to any administration when two arms of the executive branch are found fighting opposite battles—the battle of the Justice Department to combat monopoly and, in the Matson-Pacific Far East Lines case at least, the battle of the Maritime Board to protect monopoly.

Certainly the objective and the effect of Attorney General Herbert Brownell's vigorous application of the antitrust laws are to increase competition.

Certainly the effect, whatever the objective, of the Maritime Board decision in the Matson-PFEL case is to prevent competition.

It is the kind of schism in policy which frustrates any President, and which cannot fail to be especially galling to Mr. Eisenhower, who has given the green light to his Justice Department to use the law to nourish competitive enterprise at every opportunity, not to dry it up.

This schism stems from the Matson-PFEL decision, and here are pertinent facts:

The Pacific Far East Lines, Inc., which operates a subsidized line to Japan, Korea, the Philippines, and Hong Kong, and a nonsubsidized service to Guam and Japan, asked the Federal Maritime Board for permission to stop at Hawaii three times a month on its nonsubsidized run. The hearings took a year and a half, and at their end the Board's examiner recommended:

"The Board should find that the granting of PFEL's application will not result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or be prejudicial to the objects and policy of the act. Accordingly, the application should be granted."

The public counsel of the Maritime Board concurred and ruled: "The proposed service of PFEL will be consistent with the objects and policy of the act, and will not result in unfair competition to Matson."

Whereupon the Board itself voted 2 to 1 to guard the Matson Line's run to Hawaii from competition. The majority opinion held that Matson's favored position should be protected on the ground that it was a domestic, unsubsidized operator engaged in coastwise trade. But the judgment of the Board's examiner on this point was that both companies were on the same footing.

I am not assuming to judge the legal merits of the Maritime Board's action. Its legality and validity now are before the Federal district court at the instance of PFEL's attorneys.

But the consequence of the Board's action, which aids monopoly, is clearly at variance with the administration's avowed purpose of curtailing monopoly as in the Du Pont-General Motors case, the Eastman Kodak case, and many others.

It is true that the Maritime Board is a quasi-independent agency whose actions the President cannot directly influence. But the White House is involved and to a degree responsible for the Board's policies in light of the fact that it now is wholly made up of Mr. Eisenhower's appointees.

On the basic issue I am reminded of a paragraph which comes from the pen of Bernard Baruch in his forthcoming autobiography. It reads: "In time the Government forced the breakup of the Tobacco Trust despite Duke's bitter opposition. I happened to meet Duke some years later. 'As hard as I fought the dissolution of the Tobacco Trust,' he told me, 'I'd fight even harder any effort to put it back together again. We made more money after we were broken up and had competition.' "

[From the Chicago Tribune of August 11, 1957]

MARITIME BOARD'S POLICY IS CRITICIZED—DIRKSEN TO BRING MATTER BEFORE CONGRESS

(By Walter Trohan)

WASHINGTON, August 10.—While the strong right arm of the Eisenhower administration—the Justice Department—is energetically enforcing the antitrust laws, the Federal Maritime Board has been found to be not less strongly supporting a monopoly of the shipping business between the Pacific coast and Hawaii.

This apparent contradiction between the declared intention of the administration and the actual operation of one of its more important agencies has aroused the interest of Senator DIRKSEN, Republican, of Illinois. The Senator is interested in saving the administration embarrassment and in straightening out what he views as an injustice.

DIRKSEN will call the attention of Congress next week to a charge that the Maritime Board is supporting what has been termed the "near-perfect monopoly" by the Matson Navigation Co. in trade with the Hawaiian Islands. The charge was leveled by the Pacific Far East Lines, Inc., of San Francisco.

BOARD DENIES APPLICATION

PFEL was denied, under a ruling of May 14, the right to call three times a month at Hawaii in connection with its unsubsidized service between the west coast and Guam. The ruling was made by a 2 to 1 decision of the Federal Maritime Board over the recommendation of a trial examiner after a year and a half of hearings.

"The Board should find that the granting of PFEL's application will not result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or be prejudicial to the objects and policy of the Maritime Act," the examiner reported. "Accordingly, the application should be granted."

In a separate report, the public counsel of the Board concluded that granting the application would not be unfair to the Matson Line. Yet, the Commission by its 2 to 1 vote ruled that the Matson Line is a coastwise trader and should be protected.

The Matson Line owns and controls Oceanic Steamship Corp., which is a subsidized international line to the Far East, with ports of call in Australia and New Zealand. PFEL also operates a subsidized route to the Far East with ports of call in Japan, Korea, the Philippines, and Hong Kong.

DOMINATES HAWAIIAN TRADE

Matson gets no Government subsidy on its Hawaiian run. This line is owned by 3 of the 5 companies which dominate Hawaiian commerce and industry and gets 98 percent of coastal shipping to Hawaii. It has acted to get 100 percent by petitioning the board to revoke permission granted the Pacific Transport Lines, the only competitor, to make a monthly trip to Hawaii.

PFEL gets no subsidy on its run to Guam. It asks that since it is on the same basis as Matson it be allowed to make three monthly stops at Hawaii on the nonsubsidized route.

In a suit filed in the Federal district court here, PFEL charges that the Maritime Board improperly disregarded the fact that Matson has a near perfect monopoly. It contends that the Board erred in ruling against the finding of its own examiner. PFEL is asking that it be permitted to serve Hawaii.

PROPOSED MUNICIPAL STADIUM FOR THE DISTRICT OF COLUMBIA—PERSONAL STATEMENT BY SENATOR LAUSCHE

Mr. LAUSCHE. Mr. President, yesterday in the Washington Post, in an article by one of its sportswriters, there was carried the following question:

When Ohio Senator FRANK LAUSCHE cast the lone vote that threatens to kill funds for a municipal stadium in Washington, was it in his craw that Congress had refused to approve a new $10 million stadium for the pan-American games in Cleveland?

Mr. President, it is not my habit to take exception to what I believe to be erroneous statements made by newspapermen when there is a semblance of justification for their utterances. But this statement is so patently in error that I feel obliged, for purposes of the record, lest my colleagues be misled by it, to state that the question put by the reporter is predicated upon an erroneous assumption of fact.

The Senator from Ohio vigorously opposed the granting of any money by the Federal Government for the building of a pan-American stadium in Cleveland. When I made that opposition—and I did so on the floor of the Senate—I connected it with a statement that I would not ask for Ohio that which I was not willing to give to any other State. That is exactly my position with respect to the building of a stadium in Washington at this time of inflation.

The President has made the statement that one of the menaces to our country is inflation, and that nonessential projects ought not to go forward at this time. I believe in the principle enunciated in that statement; and it was for that reason—although there would be no expenditure on the part of the Federal Government—that I voiced my opposition to a perfunctory passage of the bill when it was called up last week.

Furthermore, I wish to state that if I had been present on Friday when this measure was voted upon, I would have opposed it. Let the record be clear that I never asked for any money for Cleveland or for Ohio for the building of a stadium. I opposed it. I am sure that the citizens of Ohio who are indignant because of my past opposition to the allocation of funds for the building of a pan-American stadium in Cleveland would be astounded by what this sports reporter said.

Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

GOVERNMENT GUARANTY OF PRIVATE LOANS TO CERTAIN AIR CARRIERS

Mr. LAUSCHE. Mr. President, I wish to enter a motion to reconsider the vote by which Senate bill 2229 was passed on Friday last. Is such a motion in order at this time?

The PRESIDING OFFICER. Such a motion is in order.

Mr. LAUSCHE. I enter such a motion.

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

Mr. LAUSCHE. I yield.

Mr. JOHNSON of Texas. I understand that the Senator from Ohio is entering a motion to reconsider the vote whereby a certain bill was passed.

Mr. LAUSCHE. That is correct.

Mr. JOHNSON of Texas. What is the bill?

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

The LEGISLATIVE CLERK. A bill (S. 2229) to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes.

Mr. JOHNSON of Texas. As I understand, that was a bill which came from the committee of which the Senator is a member.

Mr. LAUSCHE. That is correct.

Mr. JOHNSON of Texas. And it was considered by the Senate in the absence of the Senator, while he was attending a funeral.

Mr. LAUSCHE. That is correct.

Mr. JOHNSON of Texas. And the Senator desires that the vote by which the bill was passed be reconsidered.

Mr. LAUSCHE. That is true.

Mr. JOHNSON of Texas. Mr. President, I would favor reconsideration by the Senate of the action by which the bill was passed. I hope that can be done at the conclusion of the call of the calendar today. That will allow opportunity for ample notification to all Senators.

If I may have the attention of the distinguished minority leader, I have a suggestion to make. I should like to have unanimous consent of the Senate that, at the conclusion of the calendar call today, the Senate reconsider the vote by which Senate bill 2229 was passed, with the understanding that discussion of the bill be limited to not more than 20 minutes to a side. I am told that that will be satisfactory to the Senator from Ohio. I am sure it will be satisfactory to the Senator from Oklahoma [MR. MONRONEY], who is the author of the bill. I think that would be an expeditious way to dispose of the situation in which we find ourselves, and at the same time preserve the rights of the Senator from Ohio. I wonder if that suggestion would appeal to the distinguished minority leader.

Mr. KNOWLAND. I have no objection.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that, at the conclusion of the calendar call today, the vote by which Senate bill 2229 was passed be reconsidered, that the bill be placed before the Senate, and that there be not to exceed 20 minutes discussion on each side.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, I take it the bill would be subject to amendment.

Mr. JOHNSON of Texas. Certainly.

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

ALLEGED DELAY BY SENATOR MORSE IN CONSIDERATION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE BILL

Mr. MORSE. Mr. President, sometimes I think one of the greatest political allies I have in the State of Oregon is the Portland Oregonian, or any of the

similar reactionary smear sheets in my State, because they lie about me so profusely and so frequently that the people of the State are perfectly aware of the despicable journalism that characterizes them.

From time to time I make my record by way of reply to some falsehood reported in one of these reactionary sheets, such as the Oregonian. I can do so only a part of the time, if I am to carry on my other duties in the Senate. Time does not always permit a full reply to the reactionary press of my State. Once in a while, however, when there appears in the Oregonian an editorial so ludicrous as that of August 2, I make a reply, if for no other reason than to supply my friends in the State with the ammunition they need. Therefore, I ask unanimous consent to have printed in the RECORD as a part of my remarks at this point a letter which I wrote to the editor of the Oregonian under date of August 7, 1957.

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

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
August 7, 1957.

EDITOR, THE OREGONIAN,
Portland, Oreg.

DEAR SIR: The editorial appearing in the Oregonian of August 2 could only have been written on the assumption that your readers would never find out the truth about my action in blocking a request for unanimous consent during the Senate civil-rights debate. The complete story is set forth below, and in justice not so much to myself as to your readers, who are consistently denied the facts in your political news stories and editorials, I request that it appear in full in your column, the People Speak.

Your charge that I blocked the Agricultural Trade Development and Assistance Act in which pear growers are interested and various appropriation bills, and that the Senate proceeded to act on them "despite Senator MORSE," is wrong on two counts: First, none of these bills was subject to unanimous consent. They were in the form of conference reports which are privileged; a motion to consider any of them was in order at any time and did not require unanimous consent. I stated repeatedly that I would not oppose action on any privileged business.

Second, had my motion of July 16 to send the civil-rights bill to the Judiciary Committee with instructions to report it back within a week been adopted, the conference reports would have been acted on in that week. The agricultural trade report had been ready since July 9; Republican Leader KNOWLAND and 37 other Republican Senators helped vote down my motion. Why was not the Oregonian outraged at that blocking of the agricultural bill and the appropriations?

What we were in fact asked to consent to was the setting aside of civil rights for both privileged and unprivileged matters. There was nothing in the agreement to assure that when we did return to the civil-rights bill there would be a limit on debate on the jury-trial amendment. Had I not insisted on a limitation of that debate as a part of any agreement, a full civil-rights filibuster could easily have developed and lasted indefinitely. Would that have pleased the Oregonian more?

Your grotesque series of assumptions to the effect that the Senate might have tried to punish me personally by putting aside civil rights to take up unprivileged bills, that a filibuster would have ensued when an effort was made to return to civil rights, leading to a conclusion that I had therefore risked a filibuster by my action is too outlandish to merit much analysis. It is the most far-fetched effort on your part to question my sincerity I have yet heard. The civil-rights bill itself afforded all kinds of opportunities for filibuster, and one was then in the making. The exact opposite of your charge is what really happened: My objection to the first agreement resulted in the fixing of a time to vote on the amendment and headed off a filibuster.

It is no surprise to me any more to find the Oregonian lying in ambush of my legislative record, or anything else about WAYNE MORSE it can think of. Perhaps the paper has not yet recovered from the lacing it took last fall as the publicity lackey for the State's reactionary political forces. But I think this time it is obvious that the Oregonian got overanxious and dropped its lead pipe on its own foot.

Sincerely,

WAYNE MORSE.

Mr. MORSE. Mr. President, I shall take the time to read only the closing paragraph:

It is no surprise to me any more to find the Oregonian lying in ambush of my legislative record, or anything else about WAYNE MORSE it can think of. Perhaps the paper has not yet recovered from the lacing it took last fall as the publicity lackey for the State's reactionary political forces. But I think this time it is obvious that the Oregonian got overanxious and dropped its lead pipe on its own foot.

Mr. President, I now turn to another matter.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

THE HIGH HELLS CANYON DAM

Mr. MORSE. Mr. President, I ask unanimous consent that there be published in the RECORD at this point a letter which I received from the acting secretary of the Hood River Democratic Central Committee, Hood River, Oreg., on the Hells Canyon Dam issue.

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

HOOD RIVER COUNTY
DEMOCRATIC CENTRAL COMMITTEE,
Hood River, Oreg., August 1, 1957.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: At our last board meeting, the unanimous conclusion was reached that our central committee should express by letter our wholehearted approval of the way in which you have battled for the high Hells Canyon Dam. We wish you to know that we feel the battle was won in the Senate by your personal efforts and through your great ability to convince your coworkers of the advantage of the high dam over the contemplated three low dams of the Idaho Power Co.

Sincerely yours,

HOOD RIVER DEMOCRATIC
CENTRAL COMMITTEE,
ARLUNE MOARE,
Acting Secretary.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. O'MAHONEY. Mr. President, will the Senator withhold his request for a moment?

Mr. MORSE. I withhold it.

The PRESIDING OFFICER. The Senator from Oregon withholds his suggestion of the absence of a quorum.

THE CIVIL-RIGHTS BILL

Mr. O'MAHONEY. Mr. President, I desire to announce that at an appropriate time, when I have the opportunity to secure the floor, it will be my intention to discuss again the so-called civil-rights bill, which the Senate has passed, and which is now pending before the House of Representatives.

I have found a great deal of confusion in the minds of those who discuss the bill, or rather, I should say, perhaps, in the expressions which they make with respect to the meaning of the jury-trial amendment and about the value of the bill passed by the Senate.

I wish to make it clear that the bill the Senate passed is a very, very excellent civil-rights bill. It does more than Congress has done in 80 years to protect the right of voting, and it does it by a measure which guarantees that in protecting the right to vote the basic civil right of trial by jury shall not be lost.

I am familiar with the fact that many Members of the Senate and some commentators in the press and, rather surprisingly, some persons in the Department of Justice, are continually harping on what they contend to be a basic principle. They say that the Constitution of the United States does not grant jury trial in criminal contempt; therefore, they say, it is within the power of the courts, created by the Constitution, to punish criminally, by fine and imprisonment, for past acts or acts out of the presence of the court, without such acts having been defined as criminal in the statutes of the United States.

The answer to that statement, Mr. President, is very clear. There is nothing in the Constitution which gives to any court of the United States the power to punish for criminal contempt without a jury trial. There is no such constitutional right for any court to prosecute for criminal contempt. I read into the RECORD article III of the Constitution of the United States:

ARTICLE III

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other than public Ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizen of another State; between citizens

of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting Ambassadors, other public Ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Here I digress to say that this is a direct grant of power to the Congress of the United States to make exceptions from the jurisdiction of the Supreme Court and to provide regulations to govern the activities of the Supreme Court. I return to the reading:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States, shall consist only in levying war against them, or, in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

I have read every word of article III of the Constitution of the United States.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that I may proceed for 1 more minute.

The PRESIDING OFFICER. Without objection the Senator may proceed for 1 more minute.

Mr. O'MAHONEY. Mr. President, in the language I have read from the Senate Manual, beginning on page 484, there is not a single word which says that there is no right of trial by jury for criminal contempt. "Criminal contempt" is a phrase which was never used in the Constitution of the United States. It was never used in any statute of the United States until 1941, when Congress gave to the Supreme Court, under the power here described, the right to draw a rule with respect to the trial of criminal contempt cases.

That rule, known as rule 42, contains two paragraphs, one of which preserves the right of the Court to enforce its orders by civil contempt through fine and imprisonment; the other provides for the method of procedure which must be followed by open notice in court on all other kinds of contempt.

Mr. MORSE. Mr. President, before I renew my request for a quorum call, I may say that any discussion of the law by the brilliant lawyer from Wyoming is always a great education and seminar for us in the Senate. I shall await with much interest his promise to speak later today on the civil-rights bill.

I say to my good friend that neither will he find in the Constitution of the United States a single word which authorizes the Supreme Court to declare acts of Congress unconstitutional; but there is no question that that is inherent in the power of the judiciary.

Likewise, I say to the Senator from Wyoming that the question as to the power of the courts in regard to criminal contempt goes to the matter of the inherent power of the judiciary to protect itself.

I have never taken the position, and do not now, that Congress cannot pass legislation requiring the calling of a jury in criminal contempt cases; but it will have to be done by legislation. In the absence of legislation, the court, to protect its inherent judicial power, is within its province to proceed, as courts have from time immemorial, to exercise their power in so-called criminal contempt cases and to hold a party liable without the calling of a jury.

So the issue is one of public policy. That has been the issue from the very beginning. The issue is not whether the Constitution requires or does not require the calling of a jury in criminal-contempt cases; the issue is whether, as a matter of public policy, Congress ought to require that by statute. That is the issue. On that issue I differ with my friend from Wyoming. I happen to believe that Congress should not impose that requirement on the courts by legislation.

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

Mr. MORSE. I yield.

Mr. O'MAHONEY. I agree with the Senator from Oregon, whom I also call a friend of long standing, in his declaration that we are dealing with a matter of public policy. But when the Senator from Oregon, in response to my statement, that there is nothing in the Constitution which gives to the courts the right to punish for criminal contempt without a jury, says there is nothing in the Constitution which gives to the Supreme Court the right to pass upon the constitutionality of the statutes of the United States, I say I think my good friend and great lawyer has misread one sentence. He has misread the very first sentence of section 2 of article III, which I have just read, and which I shall read again:

The judicial power shall extend to all cases in law and equity, arising under this Constitution.

If anyone raises a question under the Constitution that a law is not constitutional, there is the grant of power to the Supreme Court.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may speak for 2 minutes, in order to reply to my friend from Wyoming.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. I respectfully recommend to my good friend a rereading of Marbury against Madison, in which the Supreme Court, by a decision rendered by the great Marshall, said it was inherent in the power of the Court to interpret the Constitution to determine whether an act of Congress was unconstitutional. In that case the Court said:

It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So, if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the court must either decide that case, conformable to the law, disregarding the Constitution; or conformable to the Constitution, disregarding the law; the court must determine which of these conflicting rules governs the case; this is of the very essence of judicial duty. If then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle, that the Constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, and see only the law. This doctrine would subvert the very foundation of all written contitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare, that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be gving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure. That it thus reduces to nothing, what we have deemed the greatest improvement on political institutions, a written constitution, would, of itself, be sufficient, in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the Constitution of the United States furnish additional arguments in favor of its rejection. The judicial power of the United States is extended to all cases arising under the Constitution. Could it be the intention of those who gave this power, to say, that in using it, the Constitution should not be looked into? That a case arising under the Constitution should be decided, without examining the instrument under which it arises? This is too extravagant to be maintained. In some cases, then, the Constitution must be looked into by the judges. And if they can open it all, what part of it are they forbidden to read or to obey? (*Marbury* v. *Madison* (5 Cranch 137 at 177–179).)

I respectfully submit that the language which the Senator from Wyoming has recited is not apropos that great constitutional issue at all.

I repeat: Whether or not there should be a jury trial in contempt cases is a matter of public policy. In my judgment, by passing such a statute, we will impair the inherent power of the courts to protect themselves in their own integrity and the sanctity of the judicial process.

Mr. O'MAHONEY. Mr. President, I read to my friend from Oregon this paragraph from article VI of the Constitution of the United States:

This Constitution, and the laws of the United States which shall be made in pur-

suance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

I point out to my friend that that sentence says:

This Constitution, and the laws of the United States which shall be made in pursuance thereof.

If the laws are not made in pursuance of the Constitution, the Supreme Court has here the power to declare them unconstitutional.

Mr. MORSE. Mr. President, one would think we were back in the year 1803, because the argument of the Senator from Wyoming was made in 1803 in the famous case of Marbury against Madison. The Court, in a decision written by the great Marshall, held that it was not that language which gave the Court the power which it exercised in the case. That language simply means that the courts are bound by the Constitution.

But the issue was raised as to who shall declare acts of Congress unconstitutional. The great Marshall took the position that that authority is to be found in the inherent power of the Court. On the basis of the inherent power of the Court, the Court declared it had the right to pass upon the constitutionality of acts of Congress. That is what Marbury against Madison means.

Mr. O'MAHONEY. Mr. President, this is not the time for the debate which I think may be forthcoming. I welcome it. But I conclude my observation at this time with this simple statement: The inherent powers of the court—the so-called immemorial usage of the courts—were an inheritance from ancient England, which ancient England itself repudiated by declaring in the Magna Carta and in other subsequent declarations the right of a citizen to be tried by a jury of his peers.

The courts of Great Britain have sought by their plea of inherent jurisdiction to expand their power. The Constitution of the United States was written to limit the power of the courts; otherwise, there never would have been written into article VI the statement that Congress has the right to make the regulations which shall govern the Supreme Court.

I shall not be guided by the pettifogging of lawyers who try to win cases for their clients by throwing dust in the eyes of the court and of the opposition, just as the Department of Justice is trying to do now to defeat the jury-trial amendment.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may have 1 more minute.

The PRESIDING OFFICER. Is there objection?

Mr. PURTELL. Mr. President, I shall not object, but I may say that I had understood the morning hour had been concluded. We of the calendar committees have been waiting around without the opportunity to get lunch, having had the understanding that there would be a call of the calendar.

There are certain rules which govern the morning hour. I shall not object to the request of the Senator from Oregon, but I think that out of consideration for the members of the calendar committees on both sides of the aisle we should proceed as quickly as we can to the call of the calendar.

FOREST SERVICE TIMBER SALES

Mr. MORSE. Mr. President, I agree with the Senator from Connecticut. So to stay within the rule, I desire to make a statement for the RECORD concerning timber sales and to place in the RECORD certain material. Then, within the 3 minutes allotted to me for that purpose under the rule, I shall make a further comment on the civil-rights bill.

On July 18, I placed in the RECORD a study by the Comptroller General on paperwork in the Forest Service timber-sale program. At that time I stated I would call upon the Forest Service to take action on the one point on which the Comptroller General recommended improvement.

Today I ask unanimous consent to have printed in the RECORD the reply I received from the Forest Service showing that they have instructed all of their offices to publicize the annual timber-sale plan where the timber-sale business is sufficient to justify it.

I am pleased with this prompt action, and I know it will be of material help to the lumber industry in planning to purchase national forest timber.

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

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE,
Washington, D. C., August 6, 1957.

Hon. WAYNE MORSE,
United States Senate.

DEAR SENATOR MORSE: This is in reply to your letter of July 24 in respect to the report you obtained from the Comptroller General on paperwork in the Forest Service. Thank you for your kind remarks on this study.

Enclosed is a copy of a circular letter which is being sent to our field organization to emphasize our policy on preparation and public circulation of annual sales program. Thank you for bringing this matter to our attention.

Sincerely yours,
RICHARD E. MCARDLE,
Chief.

By V. L. HARPER.

Regional Foresters, All Regions.

DEAR SIR: At the request of Senator MORSE the General Accounting Office recently submitted a report on Forest Service timber sale paperwork. This report was inserted into the CONGRESSIONAL RECORD of July 18 (pp. 12068–12069). The GAO report raises no objections to the appraisal reports, contract forms and other types of sales records. The report does point out there is no overall Forest Service procedure which requires timber sale plans to be prepared and publicized in advance. Even though there is nothing in the Forest Service Manual to cover this specific point, we are sure that the Forest Service policy to publicize annual timber sale programs is well understood by the field organization. Most regions have instruction on preparation and circulation of annual sales plan in their regional supplements to the Forest Service Manual. The purpose of this circular letter is to be sure that all regions and all forest supervisors clearly understand the policy of the Service is to prepare and circulate annual sales programs in all areas where there is sufficient timber business and public interest to justify the procedure. A manual revision on this matter will be prepared in due course.

We do not plan to make the circulation of annual sales programs a rigid requirement for every forest. There are a few forests where the volume of timber sales is so minor and their sales activity is such a relatively small proportion of the total economic activity in their dependency zone that interest in Forest Service sales is of little consequence. However, we want to emphasize that each region should see to it that all forests do prepare and publicly circulate their annual sales program if there is practical possibility of general interest in it.

Sufficient copies of this circular are being furnished for distribution to all forest supervisors.

Very truly yours,
RICHARD E. MCARDLE,
Chief.

By V. L. HARPER.

CIVIL-RIGHTS BILL

Mr. MORSE. Mr. President, speaking within the 3-minute limitation under the rule, I point out in reply to my friend from Wyoming that for many decades the courts have been exercising their powers to protect the integrity of the courts without jury trials in contempt cases. No legislation is needed to change that practice. However, legislation is needed to require a jury trial in contempt cases. That is exactly what the Senator from Wyoming [Mr. O'MAHONEY] succeeded in passing through the Senate. If it becomes law it will strike a serious blow against the power of the courts to protect the integrity of our judicial process.

THE CALENDAR

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The hour of 1 o'clock having arrived, morning business is concluded.

Under the unanimous-consent agreement, the call of the calendar of bills and other measures to which there is no objection, beginning with Calendar No. 11, is in order; and the clerk will proceed with the call.

BILLS AND OTHER MEASURES PASSED OVER

The concurrent resolution (S. Con. Res. 2) to create a joint Congressional committee to make a full and complete study and investigation of all matters connected with the election, succession, and duties of the President and Vice President, was announced as first in order.

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

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

Under the unanimous-consent agreement previously entered, the calendar of bills and other measures to which there is no objection is now being called; and Calendar No. 11, Senate Concurrent Resolution 2, has been announced as first in order.

Mr. TALMADGE. Mr. President, in view of the fact that all the bills and other measures on the calendar beginning with Calendar No. 11 and extending through Calendar No. 302, Senate bill 25, will be objected to, I ask unanimous consent that the call of the calendar begin with Calendar No. 389.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and Calendar No. 389 will be stated.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 931) to provide for the reorganization of the safety functions of the Federal Government, and for other purposes, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 28) to print a compilation of materials relating to the development of the water resources of the Columbia River and its tributaries was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The bill (S. 98) to provide for the establishment and operation of a mining and metallurgical research establishment in the State of Minnesota was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power, and other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1386) to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

REVISION OF TRIBAL ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

The bill (H. R. 4830) to authorize revision of the tribal roll of the Eastern Band of Cherokee Indians, North Carolina, and for other purposes, was announced as next in order.

Mr. BARRETT. Over.

Mr. PURTELL. Mr. President, the only reason why the minority calendar committee ask that the bill be passed over is that those of us who serve on the committee believe that this bill is not proper Consent Calendar business. For that reason, we have asked that the bill go over.

Mr. ERVIN. Mr. President, is not this bill Calendar No. 578?

The PRESIDING OFFICER. It is.

Mr. ERVIN. I request that the Senators who have objected withhold their objection for a moment.

Mr. PURTELL. Mr. President, I ask that the clerk again read the title of the bill.

The PRESIDING OFFICER. The title of the bill will again be read.

The LEGISLATIVE CLERK. Calendar No. 578, House bill 4830, to authorize revision of the tribal roll of the Eastern Band of Cherokee Indians, North Carolina, and for other purposes.

Mr. PURTELL. Mr. President, I withdraw the objection; I have no objection.

Mr. ERVIN. I have no objection.

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

There being no objection, the bill (H. R. 4830) was considered, ordered to a third reading, read the third time, and passed.

BILLS AND OTHER MEASURES PASSED OVER

The bill (H. R. 7383) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. PURTELL. Mr. President, the remarks I made a moment ago apply to this measure, Calendar No. 579. I object, for the reason that those of us on the minority calendar committee believe that the bill is not proper Consent Calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (S. 2150) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 491) for the relief of Joanne Lea (Buffington) Lybarger was announced as next in order.

Mr. PURTELL. Mr. President, not because we do not believe the bill is meritorious, but because the minority calendar committee believe the bill involves issues such as the determination of what should be done with private funds of which the Congress acts only as trustees, we ask that the bill be passed over at this time, and later be brought up by motion, rather than be considered during the call of the Consent Calendar. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (S. 1356) to amend the antitrust laws by vesting in the Federal Trade Commission jurisdiction to prevent monopolistic acts by certain persons engaged in commerce in meat and meat products, and for other purposes, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2127) to amend section 3 (d) of the Federal Employees' Group Life Insurance Act of 1954 relating to the reduction in amounts of insurance of persons over the age of 65 was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4240) for the relief of Cornelia S. Roberts was announced as next in order.

Mr. PURTELL. Mr. President, I ask that the bill go over, for the reason that the minority calendar committee believe the bill would establish a precedent. The bill has great merit, and probably it will be brought up later by motion

The PRESIDING OFFICER. Objection having been heard, the bill will be passed over.

The bill (S. 27) to increase the rates of basic compensation of officers and employees in the field service of the Post Office Department was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2474) to increase the rates of basic salary of employees in the postal field service was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1168) to amend the Securities and Exchange Act, as amended, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 118) to amend rule XXVI so as to require committee reports proposing legislation or ratification of treaties, involving expenditures of public funds, to show the estimated costs thereof, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 72) to increase annuities payable to certain annuitants from the civil-service retirement and disability fund, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1733) for the relief of Philip Cooperman and others was announced as next in order.

Mr. PURTELL. Mr. President, this is another bill which the minority calendar committee believe to have much merit; but, again, we believe it is not proper Consent Calendar business, but should be brought up by motion. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (S. 734) to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6282) for the relief of the former shareholders and debenture noteholders of the Goshen Veneer Co., an Indiana corporation, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 426) amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CONVEYANCE OF CERTAIN LANDS TO THE CITY OF GLOUCESTER, MASS.

The bill (S. 1113) for the conveyance of certain lands of the United States to the city of Gloucester, Mass., was announced as next in order.

Mr. TALMADGE. Over.

Mr. PURTELL. Mr. President, will the Senator from Georgia withhold his objection, so that I may submit an amendment?

Mr. TALMADGE. I withhold the objection at this time, reserving my right to object later.

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

There being no objection, the Senate proceeded to consider the bill (S. 1113) which had been reported from the Committee on Interstate and Foreign Commerce with an amendment on page 1, line 3, after the word "the", to strike out "Secretary of the Treasury" and insert "Administrator, General Services Administration".

The amendment was agreed to.

Mr. PURTELL. Mr. President, I offer and send to the desk, to be read, an amendment which is offered on behalf of the Senator from Massachusetts [Mr. SALTONSTALL].

The PRESIDING OFFICER. The amendment will be stated.

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

SEC. 2. The conveyance authorized by this act shall be subject to the condition that the city of Gloucester pay to the Administrator of General Services, as consideration for the improvements conveyed, an amount equal to 50 percent of the fair market value of such improvements as determined by the Administrator after appraisal of such improvements.

Mr. MORSE. Mr. President, I worked out the amendment with the Senator from Massachusetts [Mr. SALTONSTALL], I being the Senator who first objected to the bill.

I have studied the bill very carefully. It involves a piece of land which was conveyed to the Federal Government approximately 137 years ago.

Unfortunately, in the conveyance it was not made clear that the conveyance was for a specific purpose, and that when that purpose no longer existed, title to the property would revert to the Commonwealth.

However, as one studies the record of this case, I think there can be no doubt at all that that was the clear intention of the parties to the transaction. I believe there is adequate precedent, in the cases before the Senate in the past few years since 1946, when the Senate has consistently applied the Morse formula, for holding that in such a situation, if 50 percent of the fair market value of the improvements which have been placed on the land is paid for, then title to the property shall revert to the Commonwealth, in view of the clear intent.

Additional acreage was required in connection with the manning of the lighthouse by the lighthouse personnel. But today the lighthouse is useless, because one of the most modern signals for shipping has been installed. So the lighthouse purpose in connection with the conveyance no longer exists, and the land no longer is needed.

Furthermore, it is perfectly clear that in this instance the land will be used for a public benefit.

So I have no objection, in view of the amendment submitted by the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered on behalf of the Senator from Massachusetts [Mr. SALTONSTALL] by the Senator from Connecticut [Mr. PURTELL].

The amendment was agreed to.

The bill (S. 1113) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator, General Services Administration is authorized and directed to convey by quitclaim deed to the city of Gloucester, Mass., the following described property:

All that tract of land known as Ten Pound Island, with improvements thereon, lying in Gloucester Harbor, county of Essex, Commonwealth of Massachusetts, ceded to the United States by the Commonwealth of Massachusetts on June 14, 1820, and also conveyed by the town of Gloucester, Mass., by quitclaim deed dated July 14, 1820, and recorded in book C, page 189, records of Essex County, excepting a parcel to be retained by the United States for aids-to-navigation purposes, described as follows:

Beginning at a drill hole in ledge located 18 feet north 80 degrees 00 minutes west from center of the existing light tower, thence (1) north 62 degrees 00 minutes west 30.0 feet to a point, then (2) south 28 degrees 00 minutes west 30.0 feet to a point, thence (3) south 62 degrees 00 minutes east 30.0 feet to a point, thence (4) north 28 degrees 00 minutes east 30.0 feet to the point of beginning.

Together with an easement from the shore to the retained plot of land above described for power and control cables and the right of ingress and egress by the most convenient route from the beach or pier to the retained plot and the right to use the pier.

The lands to be conveyed herein comprise 3.5 acres more or less.

No structure shall be built on the island within an area lying between a line with true azimuth of 50 degrees 00 minutes from the new location of light and fog signal (old bell tower) through an arc counterclockwise around to a line with true azimuth of 146 degrees 00 minutes from the new location of light and fog signal, the height of which structure will obstruct the light and/or fog signal in any way as observed or heard from any boats in Gloucester Harbor, which may be located in the area lying within the 264 degrees arc bounded by lines having the true azimuths noted above.

SEC. 2. The conveyance authorized by this act shall be subject to the condition that the city of Gloucester pay to the Administrator of General Services, as consideration for the improvements conveyed, an amount equal to 50 percent of the fair market value of such improvements as determined by the Administrator after appraisal of such improvements.

BILLS PASSED OVER

The bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2672) to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2674) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

SONO HOSHI

The bill (S. 1110) for the relief of Sono Hoshi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 33 of the Trading With the Enemy Act, the Attorney General is authorized and directed to accept and consider upon its merits any claim filed pursuant to section 9 (a) of such act, within 6 months after the date of the enactment of this act, by Sono Hoshi, of Seattle, Wash., for the return of 10 shares of stock of the American Telephone & Telegraph Co., formerly owned by her, title to which was acquired by the United States under such act by vesting order No. 10132 of the Office of Alien Property, together with any dividends declared on such stock while held by the United States, or the

proceeds thereof if such stock has been liquidated by the United States. If no such return is made within a period of 60 days after the filing of such claim, said Sono Hoshi shall be entitled, within 1 year after the expiration of such period, to institute suit pursuant to section 9 (a) of such act for the return of such property.

REFUGIO GUERRERO-MONJE

The bill (S. 1456) for the relief of Refugio Guerrero-Monje was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

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

ITSUMI KASAHARA

The bill (S. 1467) for the relief of Itsumi Kasahara was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

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

HIROKO MIYAZAKI

The bill (S. 1867) for the relief of Hiroko Miyazaki was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Hiroko Miyazaki, shall be held and considered to be the natural-born alien child of Sgt. Otis C. Moats, a citizen of the United States.

STEPHEN JAMES MEIER

The bill (S. 1929) for the relief of Stephen James Meier was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Stephen James Meier, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Meier, citizens of the United States.

TODD GENE BIEDERMANN

The bill (S. 1930) for the relief of Todd Gene Biedermann was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Todd Gene Biedermann, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Norbert J. Biedermann.

JON FREDERICK CORDES

The bill (S. 1931) for the relief of Jon Frederick Cordes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Jon Frederick Cordes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Fred Cordes, citizens of the United States.

INGE GERTRAUD PURSEL

The bill (S. 1993) for the relief of Inge Gertraud Pursel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Inge Gertraud Pursel, shall be held and considered to be the natural-born alien child of Sgt. William F. Pursel, citizen of the United States.

YUKO SHIBA

The bill (S. 2111) for the relief of Yuko Shiba was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yuko Shiba, shall be held and considered to be the natural-born alien child of Masazo Shiba and Rie Shiba, citizens of the United States.

MATTHEW M. EPSTEIN

The bill (S. 2498) for the relief of Matthew M. Epstein was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Matthew M. Epstein, of Washington, D. C., the sum of $281.87. Such payment shall be in full satisfaction of all claims for the said Matthew M. Epstein against the United States for reimbursement of medical and other expenses incurred by him as a result of an accident which occurred on October 10, 1956, when a 1,200-pound weight fell from a tower clock of a United States Government building: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ACHILLE AQUINO FU' GIOVANNI

The Senate proceeded to consider the bill (S. 527) for the relief of Achille Aquino Fu' Giovanni, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of sections 101 (a) (27) (A), 101 (b) (1), and 205 of the Immigration and Nationality Act, Achille Aquino Fu' Giovanni shall be held and considered to be the unmarried minor alien child of Mrs. Maria Francesca Aquino, a citizen of the United States.

The amendment was agreed to.

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

JOSEF SALAMON

The Senate proceeded to consider the bill (S. 1284) for the relief of Josef Salamon, which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be," to insert "issued a visa and be," so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Josef Salamon may be issued a visa and be admitted to the United States for permanent residence, if he is found to be otherwise admissible under the provisions of such act: *Provided*, That the provisions of this act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of enactment of this act.

The amendment was agreed to.

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

KARIN TITTEL TAYLOR

The Senate proceeded to consider the bill (S. 1660) for the relief of Karin Tittel Taylor which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Karin Tittel Taylor may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

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

ERIKE HABERL SAIN

The Senate proceeded to consider the bill (S. 2018) for the relief of Erike Haberl Sain, which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Erika Haberl Sain may be issued a visa and be admitted to the United States for permanent residence if she is found to be

otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

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

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the bill (S. 1649) for the relief of certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 1, line 5, after the word "be", to insert "issued a visa and be", and at the top of page 2 to strike out:

SEC. 2. Notwithstanding the quota limitations of the Immigration and Nationality Act, upon application hereafter filed, immigration visas may be issued, and admission for permanent residence granted, to Rudolf Moskovits, his wife, Irene Moskovits, and their minor children, Josef, Judith, Sara, Esther, and Erwin Moskovits, if they are otherwise admissible under the Immigration and Nationality Act. Upon the issuance of such visas, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

So as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (19) of section 212 (a) of the Immigration and Nationality Act, Irene Moskovits may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendments were agreed to.

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

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

RAMON NOTARIO BOYTELL

The Senate proceeded to consider the bill (S. 2040) for the relief of Ramon Notario Boytell, which had been reported from the Committee on the Judiciary with amendments in line 3, after the word "of", to strike out "paragraph (19)" and insert "paragraphs (17) and (19)", and at the beginning of line 6 to insert "issued a visa and be", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraphs (17) and (19) of section 212 (a) of the Immigration and Nationality Act, Ramon Notario Boytell may be issued a visa and be admitted to the United States for permanent residence, if he is found to be otherwise admissible under the provisions of such act. The provisions of this act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the State of enactment of this act.

The amendments were agreed to.

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

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the resolution (H. J. Res. 339) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 4, after line 11, to insert:

SEC. 12. Notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, Brigitte Kendziorra may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That if the said Brigitte Kendziorra is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

On page 5, at the beginning of line 1, to change the section number from "12" to "13."

The amendments were agreed to.

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

The joint resolution was read the third time, and passed.

RICHARDSON CORP.

The bill (H. R. 1473) for the relief of Richardson Corp. was considered, ordered to a third reading, read the third time, and passed.

GEORGE W. ARNOLD

The bill (H. R. 1861) for the relief of George W. Arnold was considered, ordered to a third reading, read the third time, and passed.

DONALD F. THOMPSON

The bill (H. R. 2264) for the relief of Donald F. Thompson was considered, ordered to a third reading, read the third time, and passed.

MORRIS B. WALLACH

The bill (H. R. 2674) for the relief of Morris B. Wallach was considered, ordered to a third reading, read the third time, and passed.

MRS. HARRIET SAKAYO HAMAMOTO DEWA

The bill (H. R. 2740) for the relief of Mrs. Harriet Sakayo Hamamoto Dewa was announced as next in order.

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

The PRESIDING OFFICER. Is there an explanation of Calendar 837, H. R. 2740?

Mr. JOHNSTON of South Carolina. Mr. President, this bill would pay $5,280.62 to a resident of Madison, Wis., in settlement of her claims against the United States arising out of the confiscation and total loss of her sampan, the *Itsukushima Maru*, together with all the supplies and equipment, which occurred while the sampan was in the custody of the Armed Forces of the United States between December 14, 1941, and July 31, 1942.

The Department of the Army recommends enactment of the bill. The committee is in agreement with the recommendation of that Department that the claimant is entitled to recover the amount set forth.

Mr. PURTELL. I thank the Senator from South Carolina for the explanation. Mr. President, I have no objection.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the entire statement I have prepared explaining the bill be printed in the RECORD.

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

MRS. HARRIET SAKAYO HAMAMOTO DEWA

This bill would pay $5,280.62 to a resident of Madison, Wis., in settlement of her claims against the United States arising out of the confiscation and total loss of her sampan, the *Itsukushima Maru*, together with all the supplies and equipment, which occurred while such sampan was in the custody of the Armed Forces of the United States between December 10, 1941, and July 31, 1942.

Records of the Department of the Army indicate that the claimant purchased the sampan from her father on May 1, 1939, for the sum of $10 and other valuable considerations not specified. At the time the sampan was confiscated, the claimant and her husband, both American citizens, were residing in Madison, Wis. The record indicates that from December 7 to 10, 1941, the sampan was engaged in fishing off the shores of Oahu, T. H., and, since it was not equipped with a radio, its crew was ignorant of the Japanese attack on Pearl Harbor. On December 10, 1941, a Navy destroyer discovered the sampan at a point 7 miles south of Pearl Harbor, and took its crew to the naval intelligence office at Pearl Harbor for questioning. When it was established that they were not involved in hostile activity, they were released but in the meantime the sampan was taken in tow by the Navy destroyer.

The claimant's father was in Hawaii during the war period, and acted as her agent in matters concerning the sampan. After considerable effort, he finally succeeded in locating the sampan, which had been moved from the wharf where it was originally moored, and found that the vessel had a large hole in its hull and that its deck was covered with water. Its hatch covers and practically all its contents were missing. The claimant's father and brother contacted a representative of a shipyard company in the basin that was working under contract with the Government and requested that the sampan be put into drydock and repaired. The company's representative advised that it would cost from $1,500 to $2,000 to repair the vessel, but that no materials were available for such repairs. Subsequently, a representative of the above-mentioned company removed the boat from the drydock and moored it in the basin, without notifying claimant or her family.

On March 3, 1942, the United States Coast Guard notified the registered captain of the sampan that it was necessary that the boat be moved from its present mooring and suggested that it be moored in the Ala Wai Canal, where an opportunity would be afforded to service it with the permission of

the military authorities. The captain proceeded to the basin and found the sampan almost entirely submerged, with part of its bow protruding from the water. No further action was taken by him with respect to the vessel.

Although the captain of the vessel was notified to move the boat to a place where it could be serviced with Government permission, as pointed out in the report of the Department of the Army, the Government is charged with the knowledge that the vessel had been impounded for approximately 3½ months prior to that time, and thus was responsible for its condition.

The Department of the Army recommends enactment of the legislation. The committee is in agreement with the recommendations of that Department that the claimant is entitled to recover $5,280.62, the amount stated in the bill, and so recommends.

Inasmuch as an attorney has rendered substantial services in connection with this matter, the 10 percent attorney's fee proviso is left intact.

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

There being no objection, the bill (H. R. 2740) was considered, ordered to a third reading, read the third time, and passed.

HARRY AND SADIE WOONTEILER

The bill (H. R. 2928) for the relief of Harry and Sadie Woonteiler was announced as next in order.

Mr. PURTELL. Mr. President, may we have an explanation as to whether or not the Government of the United States is in fact responsible in this particular case?

Mr. JOHNSTON of South Carolina. Mr. President, this bill would pay to Harry Woonteiler, of New York, the sum of $500 and to his wife the sum of $3,500, in full settlement of their claims against the United States for personal injuries sustained by them as the result of an automobile accident involving a truck owned by the Inter-American Geodetic Survey and an automobile in which they were passengers.

Contact with the Army Map Service discloses that the Inter-American Geodetic Survey employee was a member of a group of the United States Army Map Service who went to South America in order to help South American countries in a survey of the South American coastline, and that this group were United States Government employees and under the jurisdiction of the United States at all times.

Mr. PURTELL. I thank the Senator. We find no agency report, so I propounded the inquiry. The Senator from South Carolina has answered satisfactorily the question as to whether the accident was the responsibility of the Government.

Mr. JOHNSTON of South Carolina. I thank the Senator, and, Mr. President, I ask unanimous consent to place in the RECORD the entire statement in explanation of the bill.

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

HARRY AND SADIE WOONTEILER

This bill would pay to Harry Woonteiler, of New York, N. Y., the sum of $500, and to his wife the sum of $3,500, in full settlement of their claims against the United States for personal injuries sustained by them as the result of an automobile accident involving a truck owned by the Inter-American Geodetic Survey and an automobile in which they were passengers.

According to information furnished the committee, on July 20, 1952, a panel truck being driven by an employee of the Inter-American Geodetic Survey collided with a sedan in which the claimants were passengers, at a street intersection in Barranquilla, Colombia.

The street on which the sedan was traveling is described as a preference roadway. Under the traffic regulations of Barranquilla, drivers reaching such intersection must stop, sound their horns, and make sure the roadway is clear before entering the intersection. The driver of the Government vehicle maintained that he did stop and sound his horn before entering the intersection but that, due to the speed of the sedan in which the claimants were passengers, he did not see the sedan until he was halfway across the intersection, and he attributed the accident to the fact that the sedan was traveling at an excessive rate of speed. The Colombian authorities, however, found that the driver of the Inter-American Geodetic Survey truck had violated the traffic regulation and was responsible for the collision.

Even though the driver of the sedan in which the claimants were passengers was negligent, such negligence should not be imputed to the passengers. On the other hand, under the law, the street upon which the claimants were traveling was a preferential highway and it was incumbent upon the Government driver not to proceed unless he exercised a great degree of care and caution. The committee believes that greater care could and should have been exercised by the Government driver.

The bill as originally introduced provided for an award of $2,500 to Mr. Woonteiler and $15,000 to his wife. The House of Representatives, however, reduced those amounts to $500 and 3,500, respectively, and upon the basis of doctors' statements and medical evaluations presented, it is felt that the amounts stated in the bill are fair and reasonable and that the facts warrant favorable consideration of the bill.

Contact with the Army Map Service discloses that the Inter-American Geodetic Survey employee was a member of a group of the United States Army Map Service who went to South America in order to help South American countries in a survey of the South American coastline and that this group were United States Government employees and under the jurisdiction of the United States at all times.

Work of above nature is going on in 17 South American countries.

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

There being no objection, the bill (H. R. 2928) was considered, ordered to a third reading, read the third time, and passed.

CLARENCE L. HARRIS

The bill (H. R. 2937) for the relief of Clarence L. Harris was considered, ordered to a third reading, read the third time, and passed.

ALTON B. YORK

The bill (H. R. 2985) for the relief of Alton B. York was considered, ordered to a third reading, read the third time, and passed.

MAJ. GEN. JULIUS KLEIN

The bill (H. R. 3723) for the relief of Maj. Gen. Julius Klein was considered, ordered to a third reading, read the third time, and passed.

HORACE COLLIER

The bill (H. R. 6527) for the relief of Horace Collier was considered, ordered to a third reading, read the third time, and passed.

NATIONAL KEY DEER REFUGE, STATE OF FLORIDA

The Senate proceeded to consider the bill (H. R. 1058) to preserve the key deer and other wildlife resources in the Florida Keys by the establishment of a National Key Deer Refuge in the State of Florida, which had been reported from the Committee on Interstate and Foreign Commerce with amendments on page 2, line 1, after the word "interests," to strike out "there" and insert "therein"; in line 3, after the word "County," to strike out "Florida: *Provided, however,* That no land shall be acquired by condemnation on any island which is traversed at any point by United States Highway Numbered 1, as he shall find to be suitable for the conservation and management of the said Key deer and other wildlife." and insert "Florida, as he shall find to be suitable for the conservation and management of the said Key deer and other wildlife: *Provided, however,* That no land shall be acquired by condemnation on any island that is traversed at any point by United States Highway Numbered 1."; in line 19, after the word "and", to strike out "668" and insert "666", and on page 3, line 7, after the word "the", where it appears the first time, to strike out "opinions" and insert "opinion."

The amendments were agreed to.

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

The bill was read the third time and passed.

WHITMAN NATIONAL MONUMENT, STATE OF WASHINGTON

The bill (S. 1118) to facilitate the administration and development of the Whitman National Monument, in the State of Washington, by authorizing the acquisition of additional land for the monument, and for other purposes was announced as next in order.

Mr. MORSE. Mr. President, I wish to say for the RECORD that the bill simply involves an intergovernment transfer of property. Therefore, it does not violate the Morse formula.

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

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

Be it enacted, etc., That, for the purpose of including within Whitman National Monument, Wash., certain properties that are of

historic significance in connection with the monument area and which are needed to provide suitable monument facilities, the Secretary of the Interior is authorized to procure not to exceed 50 acres of land adjacent to the existing monument and a right-of-way thereto from United States Highway 410, using therefor any land-acquisition funds available for purposes of the national park system, such property to be acquired in such manner as the Secretary shall consider to be in the public interest. Following the acquisition by the United States of land for addition to the monument pursuant to this act, such addition shall be effective in each instance upon the publication of notice thereof in the Federal Register.

SALE OF CERTAIN PUBLIC LANDS, STATE OF CALIFORNIA

The bill (H. R. 3473) to authorize and direct the Secretary of the Interior to sell certain public lands in the State of California was considered, ordered to a third reading, read the third time, and passed.

APPOINTMENT OF DISTRICT JUDGE FOR THE DISTRICT OF KANSAS—BILLS SENT TO FOOT OF CALENDAR

The bill (S. 264) to provide for the appointment of a district judge for the district of Kansas, was announced as next in order.

Mr. PURTELL. Mr. President, I ask that Calendar Nos. 849, 850, 851, 852, and 853, being respectively Senate bills 264, 697, 2700, 2701, and 2702, go over, by request.

Mr. SCHOEPPEL. Mr. President, will the Senator withhold his request until the Senator from Kansas has the opportunity to place the report in the RECORD?

Mr. PURTELL. I withhold the request.

Mr. SCHOEPPEL. I ask unanimous consent to have printed in the RECORD at this point, a copy of the report on Calendar No. 849, S. 264, which was reported to the Senate by the Committee on the Judiciary.

Mr. MORSE. Mr. President, I wish to ask a question of the Senator from Connecticut or the Senator from Kansas about Calendar No. 849, S. 264. Is the objection made by a Senator from the State in which the proposed judge comes?

Mr. PURTELL. Is the Senator referring to Calendar No. 849 now?

Mr. MORSE. Yes.

Mr. PURTELL. No; the objection is raised by Senators who are not from the States from which the appointments would be made.

Mr. MORSE. Does the Senator know whether or not Senators from the States involved approve the nominations?

Mr. PURTELL. The Senator from Connecticut has not inquired. When any Senator lodges a request that a bill go over, the Senator from Connecticut so announces.

Mr. MORSE. I shall obtain the information I seek. I only wish to say we take great heed of a suggestion by a Senator from the State from which the nominee comes.

Mr. PURTELL. I may say to the Senator, these are not nominations at all. The proposals are to provide for the appointment of district judges. These bills are simply to create additional judgeships.

Mr. MORSE. I thank the Senator. I was under a misapprehension.

Mr. JOHNSTON of South Carolina. Mr. President, we have a general bill under consideration before the Committee on the Judiciary, which carries provision for judges for various States. I happen to be chairman of the subcommittee which has been holding hearings regarding the judgeships. Our subcommittee may recommend additional judges for some States which are not on this list. Some of the bills now on the calendar are on the list which will probably be approved by the subcommittee.

We have not completed our study with respect to all the judges. For that reason, we have not reported the omnibus bill containing all the judgeships for the various districts of the United States.

Mr. SCHOEPPEL. Mr. President, my attention has been drawn to the fact that there is a rule against printing the entire report of a committee in the RECORD. I confess I did not know about it at the time I asked that the report be printed. If there is in fact such a rule of the Senate, I do not wish to violate it.

The PRESIDING OFFICER. The Chair is informed that is a rule, adopted on behalf of the Joint Committee on Printing.

Mr. SCHOEPPEL. If that is in fact the rule, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHOEPPEL. Is there any rule against having printed in the RECORD a part or a portion of a report, if it is explanatory?

The PRESIDING OFFICER. There is no rule against printing excerpts from the report.

Mr. SCHOEPPEL. Then, Mr. President, I wish to change my request. I ask unanimous consent that the explanatory part of the report be printed in the body of the RECORD.

The PRESIDING OFFICER. The Senator refers to the explanatory part of the report?

Mr. SCHOEPPEL. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the excerpts from the report (No. 825) were ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to which was referred the bill (S. 264) to provide for the appointment of a district judge for the district of Kansas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to provide that the President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Kansas, thus raising the number of judgeships for the district of Kansas from 2 to 3.

STATEMENT

This bill is in acord with the recommendations of the Judicial Conference of the United States. The Conference in April 1954, recommended the creation of a third judgeship for the State of Kansas and has reaffirmed this recommendation in every subsequent meeting up to and including the present time. This judgeship was recomended favorably to the Senate by the committee in the 83d and 84th Congresses, and that recommendation is again reaffirmed by the committee. This legislation has been the subject of hearings in the 83d, 84th, and 85th Congresses, and the results thereof clearly indicate the need for additional judge power in this district.

The State of Kansas consists of a single judicial district which for many years was presided over by a single district judge. The second judgeship was added and the position was filled on November 27, 1945.

Attached to this report and made a part hereof is a memorandum of the judicial business of the United States District Court for the District of Kansas, together with statistics for that district commencing in 1941, showing the business of that district. This memorandum and statistical table was prepared by the Statistical Division of the Administrative Office of the United States. From the statistics, it appears that the civil caseload per judgeship filed in this district in 1953 was 331, as compared with the national average of 261. In 1954, there were 396 such cases commenced per judgeship, as opposed to the national average of 210. In 1956, the total civil cases commenced per judgeship were 400, as against a national average per judgeship of 225. This indicates the tremendous caseload per judge within the district, and points up the need for additional judgepower. The statistics further indicate that as of June 1948, there were only 116 private civil cases pending, but on the same date in 1955 the figure had risen to 389 cases pending, and in 1956 the private civil cases pending had risen to 343, so that there has been a continued rise and backlog of this court, although the terminations have been substantial. The attached memorandums before referred to makes clear the need for this additional district judgeship and, on the basis of all the evidence before it, the committee recommends that the bill, S. 264, be considered favorably.

Mr. CARLSON. Mr. President, I do not wish to have this opportunity pass without making the statement that there is certainly no division of opinion in Kansas as to the need for a Federal judge. I sincerely hope the bill will be approved before this session of Congress ends. The senior Senator from Kansas introduced the bill. I hope we will get early action, because the Federal judge is badly needed.

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

Mr. CARLSON. I yield.

Mr. JOHNSON of Texas. I wonder if my friend would agree with me. I know nothing about the merits of any judgeship bill, but a number of such bills are on the calendar. I understand objection has been raised to the consideration of Calendar No. 849 through Calendar No. 854. Is that understanding correct?

Mr. PURTELL. Through Calendar No. 853, inclusive.

Mr. JOHNSON of Texas. Through Calendar No. 853.

Mr. President, I ask unanimous consent that Calendar Nos. 849 through 856 go to the bottom of the calendar. That will give us a chance to consider what

action we wish to take on these bills at a later time. If the committee is going to report some additional bills, we may be able to bring them all up, or perhaps we can resolve any differences which may exist.

Mr. KNOWLAND. Mr. President, reserving the right to object, I have no objection, of course, to the bills going to the bottom of the calendar, so long as they are not taken up on motion today.

Mr. JOHNSON of Texas. The Senator from Texas is not ever going to spring any bill on the Senator. I simply ask that the bills go to the bottom of the calendar. As stated, the committee has some other bills it wants to consider reporting, and this action will give a chance for both policy committees to review all the bills, and also any others that may be reported.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. MARTIN of Pennsylvania. Mr. President, reserving the right to object, I should like to make a comment. I think that the State of Pennsylvania needs several additional Federal judges. I appreciate the work which the Committee on the Judiciary has done, and particularly the work of the subcommittee under the leadership of the distinguished senior Senator from South Carolina. However, if it is at all possible, I sincerely trust that some relief will be given so that additional judges can be appointed in Pennsylvania. There is a very heavy backlog of cases, particularly in the western district of Pennsylvania and the eastern district of Pennsylvania.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. BARRETT. Mr. President, reserving the right to object, the Senator from Texas, I believe, is aware of the fact that there is no objection to Calendar No. 854. We might dispose of that bill.

Mr. JOHNSON of Texas. I understand several Senators feel they should object.

Mr. BARRETT. Calendar No. 854, Senate bill 2703, does not propose to create an additional judgeship.

Mr. JOHNSON of Texas. I understand, but all the bills can go over. Any one Senator can object.

What we would like to see done is to have Calendar Nos. 849 through 856 go to the bottom of the calendar. Then we can consider all additional bills which may be reported, consider when we should take them up and how they should be taken up. Otherwise they can be objected to when reached. I understand objection will be made.

Mr. BARRETT. I understand that as to Calendar No. 854 there is no objection.

Mr. JOHNSON of Texas. The minority leader has informed me there is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? Without objection, the request of the Senator from Texas is agreed to, and the series of bills mentioned will go to the foot of the calendar.

The next bill in order on the calendar will be stated.

WILLIAM HENRY DIMENT AND OTHERS

The Senate proceeded to consider the bill (H. R. 5168) for the relief of William Henry Diment, Mrs. Mary Ellen Diment, and Mrs. Gladys Everingham, which had been reported from the Committee on the Judiciary with an amendment on page 2, at the beginning of line 11, to strike out "That no part of the amount appropriated in this act shall be paid out of the Treasury until such time as the Government of the United Kingdom has paid to Mrs. Gabrielle Evans, 85 Rue Olivier de Serras, Paris (15) Seine, France, the sum of $12,000, in full settlement of all claims against the Government of the United Kingdom on account of the personal injury and resulting death of her husband, LeRoy R. Evans, who was a citizen of the United States and a civilian employee of the United States Army when he was severely injured on January 1, 1949, in an accident involving a British Army vehicle, which occurred at Fontainebleu, France: *And provided further.*"

The amendment was agreed to.

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

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 232) to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, was announced as next in order.

Mr. PURTELL. Over, Mr. President, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1483) to amend the act of August 27, 1954, relating to the rights of vessels of the United States on the high seas and in the territorial waters of foreign countries, was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

CASPER-ALCOVA IRRIGATION DISTRICT

The Senate proceeded to consider the bill (S. 1996) to approve the contract negotiated with the Casper-Alcova Irrigation District to authorize its execution, to provide that the excess-land provisions of the Federal reclamation laws shall not apply to the lands of the Kendrick project, Wyoming, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 3, after the words "excess-land", to insert "and antispeculation", and in line 4, after the word "laws", to insert "(act of May 25, 1926, sec. 46, 44 Stat. 636, 649, 43 U. S. C. sec. 423e)"; so as to make the bill read:

Be it enacted, etc., That the contract with the Casper-Alcova Irrigation District, Kendrick project, Wyoming, approved by the District Board of Commissioners on February 26, 1957, which has been negotiated by the Secretary of the Interior pursuant to subsection (a) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1192; 43 U. S. C. 485f) is hereby approved, and the Secretary is hereby authorized to execute said contract on behalf of the United States.

SEC. 2. The excess-land and antispeculation provisions of the Federal reclamation laws (act of May 25, 1926, sec. 46, 44 Stat. 636, 649, 43 U. S. C. sec. 423e) shall not apply to the lands of the Kendrick project, Wyoming, and any agreements heretofore made by any landowners of Kendrick project lands with the United States to conform their excess lands to such provisions may be disregarded by such landowners. The provisions of this section 2 are intended to meet the special conditions existing on the Kendrick project, Wyoming, and shall not be considered as altering the general policy of the United States with respect to the excess-land provisions of the Federal reclamation laws.

SEC. 3. The part of the cost of operation and maintenance of Seminoe Dam and Reservoir and Alcova Dam and Reservoir of the Kendrick project, Wyoming, incurred by the United States for the calendar year 1958, which is properly allocable for payment by project irrigation water users, is hereby assigned to be repaid from Kendrick project power revenues.

Mr. BARRETT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared with relation to S. 1996.

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

STATEMENT BY SENATOR BARRETT

I desire to make this statement in support of S. 1996, a bill to approve a repayment contract with water users of the Kendrick project in my State. This bill authorizes the Secretary of the Interior to enter into an amendatory repayment contract with the Casper-Alcova Irrigation District of Wyoming. This contract was negotiated under the special provisions of section 7 (a) of the Reclamation Project Act of 1939, and it resolves many exceedingly difficult problems of the Kendrick Federal reclamation project. The contract has been approved as to form by the Secretary of the Interior, but it cannot be executed by him until approved by the Congress. It has been presented and considered by the water users at a regular election and has received their overwhelming support.

The contract is based upon the findings of detailed investigations and analyses conducted over a period of years by the Department of the Interior, particularly with reference to soils, climate, water supply, and agricultural economics as they relate to agricultural production.

In my judgment, the contract develops a sound basis for a permanent agricultural economy of the Kendrick project, and I commend those responsible for its execution and specifically for their splendid consideration of the practicalities of local conditions.

The Kendrick project was authorized in part as a make-work project during the great economic depression of the 1930's in an area where the growing season is very short. In that locality oldtimers contend that the first day of fall sometimes comes before the last day of spring. The soils have marked limitations due to shallow depths, and they overlie an impervious shale having saline characteristics.

At first it was proposed that the project would include an irrigable area of 66,000 acres. However, canals were constructed to serve only a portion of these lands. The water supply is derived from an appropriative right to store and regulate the flood waters of the North Platte River in the Semi-

noe Reservoir with a priority of 1934. This is the most junior right in the stream basin. The long drought period since 1931 has shown that the runoff is unable to supply prior rights, including the Pathfinder Reservoir and direct-flow diversions in Wyoming and Nebraska and also to fill Seminoe Reservoir. The shortage of water supply and the changes in land classification have completely altered the original concept of this development.

The water supply even for the reduced agricultural area covered in the amended contract totaling about 23,000 acres, while generally adequate, may be subject to seasonal or annual shortages of significant proportions. The limited crop production potential of the project is indicated by the slow rate of development. Low yields of the limited number of forage crops adapted to production in this area are to be expected. However, when combined with a range livestock economy the area can make a valuable contribution by providing feed for cattle and sheep.

The statement in the report from Assistant Secretary of Interior Aandahl to the Senate Interior Committee states that "the amendatory contract necessarily recognizes the reduced acreage of the lands * * * and their relatively low repayment capacity. In addition, it takes into account the questionable water supply and the serious seepage problem on project lands."

The Assistant Secretary of Interior also states that the financial arrangements in the contract provide that the district will immediately assume managerial and financial responsibility for operation and maintenance of the irrigation works, and it is recognized that this cost is nearly the economic capacity of this project. While the Bureau of Reclamation will complete certain surface drainage facilities at a stipulated cost, the district will assume all other seepage control works and necessary drainage facilities thereafter.

Because of the limitations on intensive crop production, it has long been a recognized fact that the area could not survive and develop properly under the restrictions of the acreage limitation. In recognition of these facts, the contract and the legislation which would authorize its execution propose that the project be exempt from the excess land law which would permit full integration with the range livestock economy which surrounds it.

In spite of all of the changes in the plan for the project as they are reflected in the amended contract, the Treasury will be fully repaid by project water users and by power. Under the proposed contract the operation and maintenance of the irrigation features of the project will be transferred to the water users thereby effecting a substantial savings in operation and maintenance costs now being borne in part by the Federal Government.

The district will pay $10,000 annually for the delivery of 2 acre-feet of water per acre. The district will pay an additional 50 cents per acre-foot for water in excess thereof delivered to the project and it is estimated that in 50 to 60 years the total payment for this excess water will aggregate $600,000. Thereafter the annual repayment will be $10,000 yearly toward the cost of operating Seminole Reservoir and other incidental facilities.

Under present arrangements of Federal responsibility for the project, the annual Government outlay is $30,000 and this contract will save the Treasury that amount each year. Again I should like to point out that this project was commenced as a makework project and accordingly it requires special treatment in order to put it on a sound basis as far as the settlers are concerned. Fortunately, power will repay all of the cost to the Government.

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

The amendments were agreed to.

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that a statement I have prepared on S. 1996, the Kendrich reclamation project bill, which passed on a call of the calendar earlier in the day, be printed in the RECORD just prior to the passage of that bill.

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

STATEMENT ON S. 1996 BY SENATOR PAUL H. DOUGLAS

We have in this bill yet another example of an exemption of a project from the excess land limitations of the Federal reclamation laws.

In this particular case the exemption is justified by its proponents because of the short-growing season of the crops produced in the project and because the project itself is a marginal one where hay and pasture are the principal crops. It is entirely possible that a mistake was made in authorizing this project to begin with. Then, that mistake has been used as a justification to forego the traditional excess land limitations of the Federal reclamation laws.

Although the exemption for this particular project—now that it exists—may be argued and justified, when taken with the exemptions granted to this and other projects in recent times, it presents a very serious problem indeed. The Big Thompson project, the Arkansas-Frying Pan project, the Small Projects Act, and the Mercedes Division of the lower Rio Grande have all been exempted from the limitations of the Federal reclamation laws in recent times. The fact that one project has been exempted has been used to argue that others should be.

The excess land laws have a very real purpose. The purpose is to promote the family sized farm in America where the Government provides the money for the water. The purpose is to make certain that large-scale landlordism and corporate farming do not take over in America as they have in many European countries. Their purpose is to make certain that landlordism and corporate farming are not promoted by the policies of the Federal Government.

What these laws say, in effect, is that there shall be no limitation on land holdings by any individual, but if the Federal Government provides the money, taken in taxes from people in all parts of the country, and the water for these projects, then there shall be a limitation of land on which Federal waters shall be provided to 160 acres for each individual. In practice, since a man and his wife and their sons or daughters may also qualify, the practical limitation is not 160 acres but 320 or 480 or 640 or more acres. In almost every case this is an adequate acreage to support a farm family and the limitation should be kept intact when the Federal Government provides the money.

Various arguments are used to support an exemption for particular projects. The supplemental water argument is the one most often used. It is argued that the Federal Government should provide the water without any limitation because the water is supplemental. For a time I thought there was some merit in this argument but after a personal inspection I found that there is hardly a project which does not qualify under this argument and which does not now have water whether from surface or underground sources. Therefore, the effect of this argument is a wholesale exemption from the excess land provisions of the Federal reclamation laws. Providing water from artesian or other types of wells, for example, would mean that any Government-provided water would be supplemental.

It is also argued, as in this case, that an exemption should be provided in very high mountainous regions. There may be some case for this but the problem should be approached in terms of general policy and not one by one with these numerous specific project exemptions. It might be well to point out, however, that in citrus fruit regions, as in California and in the lower Rio Grande, a good living can be made on 20 or 40 or 60 acres, but there never seems to be any effort to make a special point of these and to limit the amount of water to a smaller acreage than 160 acres.

Before continuing on the present path, I believe that the Senate and House Interior Committees and the Department of the Interior should go into this matter very thoroughly. Some opportunity should be offered to those who have diverse opinions on this subject to testify about it. believe that a policy which keeps the traditional purpose of supporting the family sized farm and which would prevent the Federal Government from merely paying the costs while private individuals reap all the benefits, could be worked out. If it now takes more than 160 acres to support the family sized farm in some high altitude regions we could gear our policy to that problem. But, conversely, the policy should also be geared to those areas where considerably less than 160 acres is needed to support and maintain an economical farming unit. We should also deal with the question of dependents so that this feature cannot be abused, as now, to defeat the purpose of the irrigation laws.

I fear that if this piecemeal abandonment of our traditional reclamation policy continues, America may find that our Government is providing the funds for these projects while large holders of land dictate the policies to be followed. This would certainly be against the public interest and should not be continued.

I sincerely hope that before the Senate or House Interior Committees grant any further exemptions that hearings be held on this subject, that the views of those concerned with the public interest as well as those who have a stake in individual projects be heard, and that the general principle may be kept while providing some flexibility, not only by increasing the acreage limit but also by reducing it in our excess land laws.

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

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

MIRAGE FLATS IRRIGATION DISTRICT, NEBRASKA

The bill (H. R. 5679) to authorize amendment of the irrigation repayment contract of December 28, 1950, between the United States and the Mirage Flats Irrigation District, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8240) to authorize certain construction at military installations, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BEAR RIVER COMPACT, IDAHO-UTAH-WYOMING

The Senate proceeded to consider the bill (S. 1086) granting the consent and approval of Congress to a Bear River compact, and for related purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 28, after line 20, to insert:

SEC. 3. Any modification of the allocation of storage rights contained in article V shall become effective only when consented to by the Congress.

And, at the beginning of line 24, to change the section number from "3" to "4", so as to make the bill read:

Be it enacted, etc., That the consent and approval of Congress is hereby given to the Bear River compact entered into by the States of Idaho, Utah, and Wyoming. The compact reads as follows:

"BEAR RIVER COMPACT

"The State of Idaho, the State of Utah, and the State of Wyoming, acting through their respective commissioners after negotiations participated in by a representative of the United States of America appointed by the President, have agreed to a Bear River compact as follows:

"Article I

"A. The major purposes of this compact are to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River; to provide for efficient use of water for multiple purposes; to permit additional development of the water resources of Bear River; and to promote interstate comity.

"B. The physical and all other conditions peculiar to the Bear River constitute the basis for this compact. No general principle or precedent with respect to any other interstate stream is intended to be established.

"Article II

"As used in this compact the term

"1. 'Bear River' means the Bear River and its tributaries from its source in the Uinta Mountains to its mouth in Great Salt Lake;

"2. 'Bear Lake' means Bear Lake and Mud Lake;

"3. 'Upper division' means the portion of Bear River from its source in the Uinta Mountains to and including Pixley Dam, a diversion dam in the southeast quarter of section 25, township 23 north, range 120 west, sixth principal meridian, Wyoming;

"4. 'Central division' means the portion of the Bear River from Pixley Dam to and including Stewart Dam, a diversion dam in section 34, township 13 south, range 44 east, Boise Base and Meridian, Idaho;

"5. 'Lower division' means the portion of the Bear River between Stewart Dam and Great Salt Lake, including Bear Lake and its tributary drainage;

"6. 'Upper Utah section diversions' means the sum of all diversions in second-feet from the Bear River and the tributaries of the Bear River joining the Bear River upstream from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyo.; excluding the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

"7. 'Upper Wyoming section diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line above Evanston, Wyo., to the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, and including the diversions by the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal;

"8. 'Lower Utah section diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Wyoming-Utah State line east of Woodruff, Utah, to the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph, Utah;

"9. 'Lower Wyoming section diversions' means the sum of all diversions in second-feet from the Bear River main stem from the point where the Bear River crosses the Utah-Wyoming State line northeast of Randolph to and including the diversion at Pixley Dam;

"10. 'Commission' means the Bear River Commission, organized pursuant to article III of this compact;

"11. 'Water user' means a person, corporation, or other entity having a right to divert water from the Bear River for beneficial use;

"12. 'Second-foot' means a flow of 1 cubic foot of water per second of time passing a given point;

"13. 'Acre-foot' means the quantity of water required to cover 1 acre to a depth of 1 foot, equivalent to 43,560 cubic feet;

"14. 'Biennium' means the 2-year period commencing on July 1 of the first odd-numbered year after the effective date of this compact and each 2-year period thereafter;

"15. 'Water year' means the period beginning October 1 and ending September 30 of the following year;

"16. 'Direct flow' means all water flowing in a natural watercourse except water released from storage or imported from a source other than the Bear River watershed;

"17. 'Border gaging station' means the streamflow gaging station in Idaho on the Bear River above Thomas Fork near the Wyoming-Idaho boundary line in the northeast quarter of the northeast quarter of section 15, township 14 south, range 46 east, Boise Base and Meridian, Idaho;

"18. 'Smiths Fork' means a Bear River tributary which rises in Lincoln County, Wyo. and flows in a general southwesterly direction to its confluence with Bear River near Cokeville, Wyo.

"19. 'Grade Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyo., and flows in a westerly direction and in its natural channel is tributary to Smiths Fork in section 17, township 25 north, range 119 west, sixth principal meridian, Wyoming;

"20. 'Pine Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyo., emerging from its mountain canyon in section 34, township 25 north, range 118 west, sixth principal meridian, Wyoming, and in its natural channel is tributary to Smiths Fork in section 36, township 25 north, range 119 west, sixth principal meridian, Wyoming;

"21. 'Bruner Creek' and 'Pine Creek Springs' mean Smiths Fork tributaries which rise in Lincoln County, Wyo., in sections 31 and 32, township 25 north, range 118 west, sixth principal meridian, and in their natural channels are tributary to Smiths Fork in section 36, township 25 north, range 119 west, sixth principal meridian, Wyoming;

"22. 'Spring Creek' means a Smiths Fork tributary which rises in Lincoln County, Wyo., in sections 1 and 2, township 24 north, range 119 west, sixth principal meridian, Wyoming, and flows in a general westerly direction to its confluence with Smiths Fork in section 4, township 24 north, range 119 west, sixth principal meridian, Wyoming;

"23. 'Sublette Creek' means the Bear River tributary which rises in Lincoln County, Wyo. and flows in a general westerly direction to its confluence with Bear River in section 20, township 24 north, range 119 west, sixth principal meridian, Wyoming;

"24. 'Hobble Creek' means the Smiths Fork tributary which rises in Lincoln County, Wyo. and flows in a general southwesterly direction to its confluence with Smiths Fork in section 35, township 28 north, range 118 west, sixth principal meridian, Wyoming;

"25. 'Hilliard East Fork Canal' means that irrigation canal which diverts water from the right bank of the east fork of Bear River in Summit County, Utah, at a point west 1,310 feet and north 330 feet from the southeast corner of section 16, township 2 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the southwest quarter of section 21, township 12 north, range 119 west, sixth principal meridian, Wyoming;

"26. 'Lannon Canal' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, east 1,480 feet from the west quarter corner of section 19, township 3 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

"27. 'Lone Mountain Ditch' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, north 1,535 feet and east 1,120 feet from the west quarter corner of section 19, township 3 north, range 10 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

"28. 'Hilliard West Side Canal' means that irrigation canal which diverts water from the right bank of the Bear River in Summit County, Utah, at a point north 2,190 feet and east 1,450 feet from the south quarter corner of section 13, township 3 north, range 9 east, Salt Lake base and meridian, Utah, and runs in a northerly direction crossing the Utah-Wyoming State line into the south half of section 20, township 12 north, range 119 west, sixth principal meridian, Wyoming;

"29. 'Francis Lee Canal' means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyo., in the northeast quarter of section 30, township 18 north, range 120 west, sixth principal meridian, Wyoming, and runs in a westerly direction across the Wyoming-Utah State line into section 16, township 9 north, range 8 east, Salt Lake base and meridian, Utah;

"30. 'Chapman Canal' means that irrigation canal which diverts water from the left bank of the Bear River in Uinta County, Wyo., in the northeast quarter of section 36, township 16 north, range 121 west, sixth principal meridian, Wyoming, and runs in a northerly direction crossing over the low divide into the Saleratus drainage basin near the southeast corner of section 36, township 17 north, range 121 west, sixth principal meridian, Wyoming and then in a general westerly direction crossing the Wyoming-Utah State line;

"31. 'Neponset Reservoir' means that reservoir located principally in sections 34 and 35, Township 8 North, Range 7 East, Salt Lake Base and Meridian, Utah, having a capacity of 6,900 acre-feet.

"Article III

"A. There is hereby created an interstate administrative agency to be known as the 'Bear River Commission' which is hereby constituted a legal entity and in such name shall exercise the powers hereinafter specified. The Commission shall be composed of 9 Commissioners, 3 Commissioners representing each signatory State, and if appointed by the President, 1 additional Commissioner representing the United States of America who shall serve as chairman, without vote. Each Commissioner, except the chairman, shall have one vote. The State Commissioners shall be selected in accord-

ance with State law. Six Commissioners who shall include two Commissioners from each State shall constitute a quorum. The vote of at least two-thirds of the Commissioners when a quorum is present shall be necessary for the action of the Commission.

"B. The compensation and expenses of each Commissioner and each adviser shall be paid by the Government which he represents. All expenses incurred by the Commission in the administration of this compact, except those paid by the United States of America, shall be paid by the signatory States on an equal basis.

"C. The Commission shall have power to:

"1. Adopt bylaws, rules, and regulations not inconsistent with this compact;

"2. Acquire, hold, convey or otherwise dispose of property;

"3. Employ such persons and contract for such services as may be necessary to carry out its duties under this compact;

"4. Sue and be sued as a legal entity in any court of record of a signatory State, and in any court of the United States having jurisdiction of such action;

"5. Cooperate with State and Federal agencies in matters relating to water pollution of interstate significance;

"6. Perform all functions required of it by this compact and do all things necessary, proper or convenient in the performance of its duties hereunder, independently or in cooperation with others, including State and Federal agencies.

"D. The Commission shall:

"1. Enforce this compact and its orders made hereunder by suit or other appropriate action;

"2. Annually compile a report covering the work of the Commission for the water year ending the previous September 30 and transmit it to the President of the United States and to the Governors of the signatory States on or before April 1 of each year;

"3. Prepare and transmit to the Governors of the signatory States, and to the President of the United States on or before a date to be determined by the Commission, a report of expenditures during the current biennium, and an estimate of requirements for the following biennium.

"Article IV

"Rights to direct flow water shall be administered in each signatory State under State law, with the following limitations:

"A. When there is a water emergency, as hereinafter defined for each division, water shall be distributed therein as provided below.

"1. Upper Division

"a. When the divertible flow as defined below for the upper division is less than 1,250 second-feet, a water emergency shall be deemed to exist therein and such divertible flow is allocated for diversion in the river sections of the division as follows:

"Upper Utah section diversions—0.6 percent,

"Upper Wyoming section diversions—49.3 percent,

"Lower Utah section diversions—40.5 percent,

"Lower Wyoming section diversions—9.6 percent.

"Such divertible flow shall be the total of the following five items:

"(1) Upper Utah section diversions in second-feet,

"(2) Upper Wyoming section diversions in second-feet,

"(3) Lower Utah section diversions in second-feet,

"(4) Lower Wyoming section diversions in second-feet,

"(5) The flow in second-feet passing Pixley Dam.

"b. The Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal, which divert water in Utah to irrigate lands in Wyoming, shall be supplied from the divertible flow allocated to the upper Wyoming section diversions.

"c. The Chapman Bear River, and Francis Lee Canals, which divert water from the main stem of Bear River in Wyoming to irrigate lands in both Wyoming and Utah, shall be supplied from the divertible flow allocated to the upper Wyoming section diversions.

"d. The Beckwith Quinn West Side Canal, which diverts water from the main stem of Bear River in Utah to irrigate lands in both Utah and Wyoming, shall be supplied from the divertible flow allocated to the lower Utah section diversions.

"e. If for any reason the aggregate of all diversions in a river section of the upper division does not equal the allocation of water thereto, the unused portion of such allocation shall be available for use in the other river sections in the upper division in the following order: (1) In the other river section of the same State in which the unused allocation occurs; and (2) in the river sections of the other State. No permanent right of use shall be established by the distribution of water pursuant to this paragraph e.

"f. Water allocated to the several sections shall be distributed in each section in accordance with State law.

"2. Central Division

"a. When either the divertible flow as hereinafter defined for the Central Division is less than 870 second-feet, or the flow of the Bear River at Border gaging station is less than 350 second-feet, whichever shall first occur, a water emergency shall be deemed to exist in the central division and the total of all diversions in Wyoming from Grade Creek, Pine Creek, Bruner Creek, and Pine Creek Springs, Spring Creek, Sublette Creek, Smiths Fork, and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and from the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border shall be limited for the benefit of the State of Idaho, to not exceeding 43 percent of the divertible flow. The remaining 57 percent of the divertible flow shall be available for use in Idaho in the central division, but if any portion of such allocation is not used therein it shall be available for use in Idaho in the lower division.

"The divertible flow for the central division shall be the total of the following three items:

"(1) Diversions in second-feet in Wyoming consisting of the sum of all diversions from Grade Creek, Pine Creek, Bruner Creek and Pine Creek Springs, Spring Creek, Sublette Creek, and Smiths Fork and all the tributaries of Smiths Fork above the mouth of Hobble Creek including Hobble Creek, and the main stem of the Bear River between Pixley Dam and the point where the river crosses the Wyoming-Idaho State line near Border, Wyo.

"(2) Diversions in second-feet in Idaho from the Bear River main stem from the point where the river crosses the Wyoming-Idaho State line near Border to Stewart Dam including West Fork Canal which diverts at Stewart Dam.

"(3) Flow in second-feet of the Rainbow Inlet Canal and of the Bear River passing downstream from Stewart Dam.

"b. The Cook Canal, which diverts water from the main stem of the Bear River in Wyoming to irrigate lands in both Wyoming and Idaho, shall be considered a Wyoming diversion and shall be supplied from the divertible flow allocated to Wyoming.

"c. Water allocated to each State shall be distributed in accordnace with State law.

"3. Lower Division

"a. When the flow of water across the Idaho-Utah boundary line is insufficient to satisfy water rights in Utah, any water user in Utah may file a petition with the Commission alleging that by reason of diversions in Idaho he is being deprived of water to which he is justly entitled, and that by reason thereof, a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds a water emergency exists, it shall put into effect water delivery schedules based on priority of rights and prepared by the Commission without regard to the boundary line for all or any part of the division, and during such emergency, water shall be delivered in accordance with such schedules by the State official charged with the administration of public waters.

"b. The Commission shall have authority upon its own motion (1) to declare a water emergency in any or all river divisions based upon its determination that there are diversions which violate this compact and which encroach upon water rights in a lower State, (2) to make appropriate orders to prevent such encroachments, and (3) to enforce such orders by action before State administrative officials or by court proceedings.

"c. When the flow of water in an interstate tributary across a State boundary line is insufficient to satisfy water rights on such tributary in a lower State, any water user may file a petition with the Commission alleging that by reason of diversions in an upstream State he is being deprived of water to which he is justly entitled and that by reason thereof a water emergency exists, and requesting distribution of water under the direction of the Commission. If the Commission finds that a water emergency exists and that interstate control of water of such tributary is necessary, it shall put into effect water delivery schedules based on priority of rights and prepared without regard to the State boundary line. The State officials in charge of water distribution on interstate tributaries may appoint and fix the compensation and expenses of a joint water commissioner for each tributary. The proportion of the compensation and expenses to be paid by each State shall be determined by the ratio between the number of acres therein which are irrigated by diversions from such tributary, and the total number of acres irrigated from such tributary.

"D. In preparing interstate water delivery schedules the Commission, upon notice and after public hearings, shall make findings of fact as to the nature, priority and extent of water rights, rates of flow, duty of water, irrigated acreages, types of crops, time of use, and related matters; provided that such schedules shall recognize and incorporate therein priority of water rights as adjudicated in each of the signatory States. Such findings of fact shall, in any court or before any tribunal, constitute prima facie evidence of the facts found.

"E. Water emergencies provided for herein shall terminate on October 15 of each year unless terminated sooner or extended by the Commission.

"Article V

"A. Existing storage rights in reservoirs heretofore constructed above Stewart Dam are as follows:

"Idaho	324 acre-feet
"Utah	11,850 acre-feet
"Wyoming	2,150 acre-feet

Additional rights are hereby granted to store in any water year above Stewart Dam, 35,500 acre-feet of Bear River water and no more for use in Utah and Wyoming; and to store in any water year in Idaho or Wyoming on Thomas Fork 1,000 acre-feet of water for use in Idaho. Such additional storage rights shall be subordinate to, and shall not be exercised when the effect thereof will be to impair or interfere with (1) existing direct flow rights for consumptive use in any river division and (2) existing storage rights above

Stewart Dam, but shall not be subordinate to any right to store water in Bear Lake or elsewhere below Stewart Dam. One-half of the 35,500 acre-feet of additional storage right above Stewart Dam so granted to Utah and Wyoming is hereby allocated to Utah, and the remaining one-half thereof is allocated to Wyoming, but in order to attain the most beneficial use of such additional storage consistent with the requirements of future water development projects, the three Commissioners for Utah and the three Commissioners for Wyoming are hereby authorized, subject to ratification by the Legislature of Utah and the Legislature of Wyoming, to modify by written agreement the allocations of such additional storage.

"B. The waters of Bear Lake below elevation 5,912.91 feet, Utah Power & Light Co. Bear Lake datum (the equivalent of elevation 5,915.66 feet based on the sea level datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947) shall constitute a reserve for irrigation. The water of such reserve shall not be released solely for the generation of power, except in emergency, but after release for irrigation it may be used in generating power if not inconsistent with its use for irrigation. Any water in Bear Lake in excess of that constituting the irrigation reserve may be used solely for the generation of power or for other beneficial uses. As new reservoir capacity above the Stewart Dam is constructed to provide additional storage pursuant to paragraph A of this article, the Commission shall make a finding in writing as to the quantity of additional storage and shall thereupon make an order increasing the irrigation reserve in accordance with the following table:

Additional storage acre-feet	*Lake surface elevation Utah Power & Light Co. Bear Lake datum*
5,000	5,913.24
10,000	5,913.56
15,000	5,913.87
20,000	5,914.15
25,000	5,914.41
30,000	5,914.61
35,500	5,914.69
36,500	5,914.70

"C. Subject to existing rights, each State shall have the use of water for farm and ranch domestic, and stock watering purposes, and subject to State law shall have the right to impound water for such purposes in reservoirs having storage capacities not in excess, in any case, of 20 acre-feet, without deduction from the allocation made by paragraph A of this article.

"D. The storage rights in Bear Lake are hereby recognized and confirmed subject only to the restrictions hereinbefore recited.

"Article VI

"It is the policy of the signatory States to encourage additional projects for the development of the water resources of the Bear River to obtain the maximum beneficial use of water with a minimum of waste, and in furtherance of such policy, authority is granted within the limitations provided by this compact, to investigate, plan, construct, and operate such projects without regard to State boundaries, provided that water rights for each such project shall, except as provided in Article V, paragraph A thereof, be subject to rights theretofore initiated and in good standing.

"Article VII

"A. No State shall deny the right of the United States of America, and subject to the conditions hereinafter contained, no State shall deny the right of another signatory State, any person or entity of another signatory State, to acquire rights to the use of water or to construct or to participate in the construction and use of diversion works and storage reservoirs with appurtenant works, canals, and conduits in one State for use of water in another State, either directly or by exchange. Water rights acquired for out-of-State use shall be appropriated in the State where the point of diversion is located in the manner provided by law for appropriation of water for use within such State.

"B. Any signatory State, any person or any entity of any signatory State, shall have the right to acquire in any other signatory State such property rights as are necessary to the use of water in conformity with this compact by donation, purchase, or as hereinafter provided through the exercise of the power of eminent domain in accordance with the law of the State in which such property is located. Any signatory State, upon the written request of the Governor of any other signatory State for the benefit of whose water users property is to be acquired in the State to which such written request is made, shall proceed expeditiously to acquire the desired property either by purchase at a price acceptable to the requesting Governor, or if such purchase cannot be made, then through the exercise of its power of eminent domain and shall convey such property to the requesting State or to the person, or entity designated by its Governor provided, that all costs of acquisition and expenses of every kind and nature whatsoever incurred in obtaining such property shall be paid by the requesting State or the person or entity designated by its Governor.

"C. Should any facility be constructed in a signatory State by and for the benefit of another signatory State or persons or entities therein, as above provided, the construction, repair, replacement, maintenance and operation of such facility shall be subject to the laws of the State in which the facility is located.

"D. In the event lands or other taxable facilities are acquired by a signatory State in another signatory State for the use and benefit of the former, the users of the water made available by such facilities, as condition precedent to the use thereof, shall pay to the political subdivisions of the State in which such facilities are located, each and every year during which such rights are enjoyed for such purposes a sum of money equivalent to the average of the amount of taxes annually levied and assessed against the land and improvements thereon during the 10 years preceding the acquisition of such land. Said payments shall be in full reimbursement for the loss of taxes in such political subdivision of the State.

"E. Rights to the use of water acquired under this article shall in all respects be subject to this compact.

"Article VIII

"Stored water, or water from another watershed may be turned into the channel of the Bear River in one State and a like quantity, with allowance for loss by evaporation, transpiration, and seepage, may be taken out of the Bear River in another State either above or below the point where the water is turned into the channel, but in making such exchange the replacement water shall not be inferior in quality for the purpose used or diminished in quantity. Exchanges shall not be permitted if the effect thereof is to impair vested rights or to cause damage for which no compensation is paid.

"Article IX

"A. The following rights to the use of Bear River water carried in interstate canals are recognized and confirmed.

"All other rights to the use of water carried in interstate canals and ditches, as adjudicated in the State in which the point of diversion is located, are recognized and confirmed.

Name of canal	Date of priority	Primary right second-feet	Lands irrigated	
			Acres	State
Hilliard East Fork.	1914	28.00	2,644	Wyoming.
Chapman	8-13-86	16.46	1,155	Do.
	8-13-86	98.46	6,892	Utah.
	4-12-12	.57	40	Wyoming.
	5-3-12	4.07	285	Utah.
	5-21-12	10.17	712	Do.
	2-6-13	.79	55	Wyoming.
	8-28-05	[1] 134.00	-------	
Francis Lee	1879	2.20	154	Do.
	1879	7.41	519	Utah.

[1] Under the right as herein confirmed not to exceed 134-second-feet may be carried across the Wyoming-Utah State line in the Chapman Canal at any time for filling the Neponset Reservoir, for irrigation of land in Utah and for other purposes. The storage right in Neponset Reservoir is for 6,900 acre-feet which is a component part of the irrigation right for the Utah lands listed above.

"B. All interstate rights shall be administered by the State in which the point of diversion is located and during times of water emergency, such rights shall be filled from the allocations specified in article IV hereof for the section in which the point of diversion is located, with the exception that the diversion of water into the Hilliard East Fork Canal, Lannon Canal, Lone Mountain Ditch, and Hilliard West Side Canal shall be under the administration of Wyoming. During times of water emergency these canals and the Lone Mountain ditch shall be supplied from the allocation specified in article IV for the upper Wyoming section diversions.

"Article X

"Applications for appropriation, for change of point of diversion, place and nature of use, and for exchange of Bear River water shall be considered and acted upon in accordance with the law of the State in which the point of diversion is located, but no such application shall be approved if the effect thereof will be to deprive any water user in another State of water to which he is entitled. The official of each State in charge of water administration shall, upon the filing of an application affecting Bear River water, transmit a copy thereof to the commission.

"Article XI

"Nothing in this compact shall be construed to prevent the United States, a signatory State or political subdivision thereof, person, corporation, or association, from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under State or Federal law or under this compact.

"Article XII

"Nothing contained in this compact shall be deemed

"1. to affect the obligations of the United States of America to the Indian tribes;

"2. to impair, extend, or otherwise affect any right or power of the United States, its agencies or instrumentalities involved herein; nor the capacity of the United States to hold or acquire additional rights to the use of the water of the Bear River;

"3. to subject any property or rights of the United States to the laws of the States which were not subject thereto prior to the date of this compact;

"4. to subject any property of the United States to taxation by the States or any subdivision thereof, nor to obligate the United States to pay any State or subdivision thereof for loss of taxes.

"Article XIII

"At intervals not exceeding 20 years, the Commission shall review the provisions hereof, and after notice and public hearing, may propose amendments to any such provision, provided, however, that the provisions contained herein shall remain in full

force and effect until such proposed amendments have been ratified by the legislatures of the signatory States and consented to by Congress.

"Article XIV

"This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

"Article XV

"Should a court of competent jurisdiction hold any part of this compact to be contrary to the constitution of any signatory State or to the Constitution of the United States, all other severable provisions of this compact shall continue in full force and effect.

"Article XVI

"This compact shall be in effect when it shall have been ratified by the legislature of each signatory State and consented to by the Congress of the United States of America. Notice of ratification by the legislatures of the signatory States shall be given by the governor of each signatory State to the governor of each of the other signatory States and to the President of the United States of America, and the President is hereby requested to give notice to the governor of each of the signatory States of approval by the Congress of the United States of America.

"In witness whereof, the Commissioners and their advisers have executed this compact in 5 originals, 1 of which shall be deposited with the General Services Administration of the United States of America, 1 of which shall be forwarded to the governor of each of the signatory States, and 1 of which shall be made a part of the permanent records of the Bear River Commission.

"Done at Salt Lake City, Utah, this 4th day of February 1955.

"For the State of Idaho:

"FRED M. COOPER.
"MELVIN LAURIDSEN.
"MARK R. KULP.

"For the State of Utah:

"GEORGE D. CLYDE.
"J. LORENZO WEIDMANN.
"A. V. SMOOT.
"LAWRENCE B. JOHNSON.
"ALONZO F. HOPKIN.
"E. M. VAN ORDEN.
"ORSON A. CHRISTENSEN.

"For the State of Wyoming:

"L. C. BISHOP.
"H. T. PERSON.
"HOWARD B. BLACK.
"EMIL C. GRADERT.
"S. REED DAYTON.

"Approved:

"E. O. LARSON,
"Representative of the United States of America.

"Attest:

"E. J. SKEEN,
"Secretary of the Bear River Compact Commission."

SEC. 2. All officers, agencies, departments, and persons of and in the United States Government shall cooperate with the Bear River Commission, established pursuant to the compact consented to hereby, in any manner authorized by law other than this act, it being the purpose of Congress that the United States Government shall assist in the furtherance of the objectives of a Bear River compact and in the work of the commission created thereby.

SEC. 3. Any modification of the allocation of storage rights contained in article V shall become effective only when consented to by the Congress.

SEC. 4. The right to alter, amend, or repeal this act is expressly reserved.

The amendments were agreed to.

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

READJUSTMENT OF TAX FOR BREACH OF CONTRACT

Mr. BARRETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARRETT. What action was taken on Calendar No. 860, H. R. 232?

The PRESIDING OFFICER. Calendar No. 860 went over by request.

Mr. BARRETT. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 860.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill (H. R. 232) to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, which had been reported from the Committee on Finance with amendments on page 3, line 4, after the word "by", to insert "the first section and section 2 of"; and after line 8, to insert:

SEC. 4. Section 168 of the Internal Revenue Code of 1954 (relating to amortization of emergency facilities) is amended—

(a) by striking out "There" in subsection (e) (1) and inserting in lieu thereof the following: "Certifications on or before August 22, 1957: In the case of a certificate made on or before August 22, 1957, there";

(b) by striking out subsection (e) (2) and inserting in lieu thereof the following:

"(2) Certifications after August 22, 1957: In the case of a certificate made after August 22, 1957, there shall be included only so much of the amount of the adjusted basis of such facility (computed without regard to this section) as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1949, as the certifying authority designated by the President by Executive order, has certified is to be used—

"(A) to produce new or specialized defense items of components of new or specialized defense items (as defined in paragraph (4)) during the emergency period, or

"(B) to provide research, developmental, or experimental services during the emergency period for the Department of Defense (or one of the component departments of such Department), or for the Atomic Energy Commission, as a part of the national defense program,

and only such portion of such amount as such authority has certified is attributable to the national defense program. Such certification shall be under such regulations as may be prescribed from time to time by such certifying authority with the approval of the President. An application for a certificate must be filed at such time and in such manner as may be prescribed by such certifying authority under such regulations but in no event shall such certificate have any effect unless an application therefor is filed before the expiration of 6 months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition. For purposes of the preceding sentence, an application which was timely filed under this subsection on or before August 22, 1957, and which was pending on such date, shall be considered to be an application timely filed under this paragraph.

"(3) Separate facilities; special rule: After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) or (2) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1) or (2), shall not be applied in adjustment of the basis of such facility, but a separate basis shall be computed therefor pursuant to paragraph (1) or (2), as the case may be, as if it were a new and separate emergency facility.

"(4) Definitions: For purposes of paragraph (2)—

"(A) New or specialized defense item: The term 'new or specialized defense item' means only an item (excluding services)—

"(i) which is produced, or will be produced, for sale to the Department of Defense (or one of the component departments of such Department), or to the Atomic Energy Commission, for use in the national defense program, and

"(ii) for the production of which existing productive facilities are unsuitable because of its newness or of its specialized defense features.

"(B) Component of new or specialized defense item: The term 'component of a new or specialized defense item' means only an item—

"(i) which is, or will become, a physical part of a new or specialized defense item, and

"(ii) for the production of which existing productive facilities are unsuitable because of its newness or of its specialized defense features."; and

(c) by redesignating subsection (i) as (k), and by inserting after subsection (h) the following new subsection:

"(i) Termination: No certificate under subsection (e) shall be made with respect to any emergency facility after December 31, 1959."

The amendments were agreed to.

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, and to restrict the issuance of certificates for rapid amortization of emergency facilities."

Mr. JOHNSON of Texas subsequently said: Mr. President, I move that the Senate reconsider the vote by which it passed H. R. 232.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The question is on agreeing to the motion of the Senator from Virginia to lay on the table the motion of the Senator from Texas.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I have prepared with relation to H. R. 232.

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

STATEMENT BY SENATOR BYRD

I wish to call up for consideration H. R. 232. Sections 1 to 3 of the bill are the same as passed by both the House and Senate last

year. It did not become law because the Senate bill had other amendments which the House did not have sufficient time to consider before adjournment.

Sections 1 to 3 apply to taxable years ending after December 31, 1954, but only with respect to amounts received or accrued after that date in the case of awards made after such date.

These sections provide that a taxpayer who receives or accrues an award in a civil action for breach of contract or breach of fiduciary duty or relationship may spread the amount of the award over the period during which it would have been received except for the breach of contract or duty if this results in a lesser tax than would result from including the entire award in gross income of the current year. Provision is also made for the allowance of all credits or deductions the taxpayer would have received had he received the income in the absence of a breach of contract or a breach of fiduciary duty or relationship.

Section 4 of the bill, which was added by your committee, restricts the authority of ODM to issue certificates of necessity. It limits the granting of certificates of necessity after August 22, 1957, to certificates with respect to facilities to produce new or specialized defense items or components thereof, or to facilities to provide research and developmental or experimental services for the Department of Defense or the Atomic Energy Commission for defense purposes. It is estimated that these limitations will reduce the certificates to be issued in the future by approximately 80 percent. In addition, your committee amendment will completely terminate after December 31, 1959, the authority to issue certificates of necessity.

The 5-year amortization provision was first enacted during World War II in connection with the imposition of an excess-profits tax. At that time it was estimated that World War II might last for a period of at least 5 years and that the provision was necessary to provide adequate facilities for the prosecution of World War II. During the Korean war an excess-profits tax was again imposed, and the 5-year amortization provision was again enacted to speed the construction of facilities essential to the prosecution of that war. The Korean excess-profits tax expired under the terms of the law on December 31, 1953; however, the 5-year tax amortization program of the Korean war has been continued in the code, in spite of the fact that more than 3 years have elapsed since that war was terminated.

I have been concerned about the granting of these certificates of necessity allowing a 5-year writeoff of these facilities for some time. Last year I instructed the staff of the Joint Committee on Internal Revenue Taxation to investigate the matter and on December 28, 1956, the staff issued a report on this subject. It has been stated that the amortization provision is necessary to encourage construction of facilities which it is estimated will be needed in a future war. Necessarily, such estimates are highly speculative and subject to frequent changes. When a certain goal of expansion is reached today it may be modified tomorrow. Considerable hardship might occur from a competitive standpoint in granting a certificate of necessity to one manufacturer and denying it to another. After peace was declared, in 1953, 6,000 certificates of necessity were issued by the Department of Defense, covering investments of $13 billion and tax writeoffs of $7 billion. This greatly exceeds the World War II figures. On the basis of certificates issued between the years 1950 to 1956, it is estimated there will be a loss in revenue of approximately $5 billion, none of which can begin to be recovered until 1961. In addition, the entire postponement imposes an interest cost to the Government of approximately $3 billion. This 5-year amortization provision represents a hidden cost for which no appropriation is required by the Congress. Its effect makes it more difficult to balance the budget or reduce the tax burden of taxpayers not receiving such a benefit. The granting of such broad powers to the Office of Defense Mobilization is not, in my opinion, in the public interest.

The former Secretary of the Treasury, Mr. Humphrey, in his testimony before our committee in speaking in favor of the amendment said:

"Artificial stimulants may well become artificial controls. Because rapid amortization is not applied universally, it could create a competitive imbalance in the sound, vigorous growth of our free economy. It is not the American way.

"The revenue lag from certificates issued through 1956 probably exceeds $5 billion during these early years which will be recovered in the years after 1960. But the interest cost to the Government, over the entire period of lag in tax collections, will be roughly $3 billion.

"The effects of a broadly applied amortization program go far beyond the effects on Government revenue. First, there is the stimulating effect which can temporarily add to inflation, with the possibility of a lag later. Then when rapid writeoffs are permitted for facilities which will be largely used to supply eventual regular civilian demand, there inevitably will be dislocations and unfair advantages between whole industries—and individual companies within an industry.

"Much of the total has been of this type. For example, over 14 percent of the total amortizable cost of facilities through December 28, 1955, was granted to utilities and sanitary services; over 16 percent more went to railroads; and about 20 percent went to primary metal industries. Other whole industries had none."

And Mr. Humphrey continues:

"Five-year amortization may be an alternative to direct Government construction and ownership of limited-purpose facilities since private capital is not likely to go into them. But this is far different than giving rapid writeoff to selected industries for general-purpose plants or equipment in an expanding economy.

"There is no fair or logical end to such a program. The margin of excess capacity in such industries at any time will regularly be absorbed by growing civilian demand and have to be regularly reestablished in later years. There would be continuing costs and revenue lags and the creation of new competitive problems."

Under existing law, the Office of Defense Mobilization has certified for rapid amortization any investment in new facilities which they regard as necessary in the interest of national defense. Under this vague language there has been allowed for rapid tax writeoff facilities designed to serve the civilian markets on the theory that they might be necessary in the case of some future war. The committee amendment prevents this.

It is true that at the present time the Office of Defense Mobilization has by administrative action sharply curtailed the issuance of certificates for emergency amortization. The power to extend the program, however, remains. There is no reason at this time to anticipate that the international situation will be much different in 1958 or 1959 from what it was in 1955. It would appear that under existing law as good a case could be made in 1958 as was made in 1955 for issuing a new batch of certificates for electric power facilities. The existing law is the same law under which the certificate was issued to the Idaho Power Co., for the dams at Oxbow and Brownlee in the vicinity of Hells Canyon. The prospect that there could be a new flurry of certificates for fast writeoffs should concern this Congress. This device of having an administrative agency select the particular taxpayer eligible for tax benefits is inconsistent with our determination to maintain a free enterprise system. This sort of favoritism works disadvantages between companies in the same industry and between entire industries.

We should not be lulled into a false sense of security in this situation by the argument that ODM is not now issuing many of these certificates. Actually, in 1954 the ODM greatly reduced the issuance of certificates and in the last quarter of 1954 certified for fast amortization investments costing only $233 million. In the last quarter of 1955, however, certificates were issued providing rapid amortization for facilities costing almost $2 billion.

Your committee's amendment deals with this problem of emergency amortization by restricting by law the broad authority under existing law to certify projects necessary in the interest of national defense to certifications made before August 22, 1957, and by terminating the authority completely to issue any certificate after December 31, 1959. The amendment will have no effect on the future tax treatment of holders of certificates which have been made prior to that date.

As I heretofore stated, after August 22, 1957, and before 1960, it is provided by the amendment that certificates may be issued only for two narrowly restricted classes of investment. One eligible class of investments comprises those designed to provide research, developmental, or experimental services for the Defense Departments or the Atomic Energy Commission in connection with the defense activities of those agencies. Thus a certificate could be issued to build a new building to house a laboratory to carry out a research contract with, say, the Air Force.

In addition to this research area it is provided that certificates may be granted for facilities required to produce new or specialized defense items or components of new or specialized items. The category "new or specialized defense items" is defined in the bill so as to be limited to certain plants constructed to produce such items sold to the Department of Defense or the Atomic Energy Commission. In addition the committee amendment requires that existing productive facilities must be unsuitable for the manufacture of this item either because of its newness or because of its specialized defense features. Under this concept, if the Air Force contract required a new type of jetplane which could not be suitably manufactured in existing facilities, it would be permissible to issue a rapid amortization certficate for the necessary plant. A certificate could also be issued for a component of a new or specialized defense item such as a motor for a jetplane, but here again the same test is applied that existing productive facilities must be unsuitable because of the newness or specialized defense features of the product.

It is important that we pass this bill without delay.

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF MAINE

The Senate proceeded to consider the bill (S. 319) to provide for the conveyance to the State of Maine of certain lands located in such State, which had been reported from the Committee on Armed Services with amendments on page 1, line 9, after the word "thereon", to insert "except that the part of Fort Preble Military Reservation over which the Department of the Air Force exercises jurisdiction, together with all buildings and other improvements lo-

cated thereon shall not be conveyed by the aforesaid deed.", and on page 2, after line 2, to strike out:

SEC. 2. The deed effecting the conveyance authorized by the first section of this act shall provide—

(a) that, in the event such lands cease to be used for vocational or other school purposes, all right, title, and interest therein shall immediately revert to and revest in the United States; and

(b) that during any state of war or national emergency and for 6 months thereafter, if the Secretary of Defense determines that such lands are useful or necessary for national defense purposes, the United States may, without payment therefor, reenter such lands and use all or any part thereof (including improvements thereon), but upon the termination of such use such lands shall revert to the State of Maine.

And insert:

SEC. 2. The deed effecting the conveyance authorized by the first section of this act shall provide—

(a) that the State of Maine agrees to use the property only for vocational or other school purposes and in the event that such lands cease to be used for such purposes, all right, title, and interest therein shall immediately revert to and revest in the United States;

(b) that during any state of war or national emergency and for 6 months thereafter, if the Secretary of Defense determines that such lands are useful or necessary for national defense purposes the United States may, without payment therefor, reenter such lands and use all or any part thereof (including improvements thereon), but upon the termination of such use such lands shall revert to the State of Maine; and

(c) that the conveyance shall be conditioned upon an agreement by the State of Maine—

(1) to maintain the entire property in a condition suitable for immediate use by the Department of Defense in the event of mobilization;

(2) to retain all structures and improvements except for removal which may be requested by the State of Maine and approved by the Commandant, First Naval District.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized to convey, by quitclaim deed and without consideration, to the State of Maine, for vocational or other school purposes, all right, title, and interest of the United States, except as provided in this act, in and to the lands comprising the Fort Preble Military Reservation, South Portland, Maine, together with all buildings and other improvements located thereon, except that the part of Fort Preble Military Reservation over which the Department of the Air Force exercises jurisdiction, together with all buildings and other improvements located thereon shall not be conveyed by the aforesaid deed.

SEC. 2. The deed effecting the conveyance authorized by the first section of this act shall provide—

(a) that the State of Maine agrees to use the property only for vocational or other school purposes and in the event that such lands cease to be used for such purposes, all right, title, and interest therein shall immediately revert to and revest in the United States;

(b) that during any state of war or national emergency and for 6 months thereafter, if the Secretary of Defense determines that such lands are useful or necessary for national defense purposes the United States may, without payment therefor, reenter such lands and use all or any part thereof (including improvements thereon), but upon the termination of such use such lands shall revert to the State of Maine; and

(c) that the conveyance shall be conditioned upon an agreement by the State of Maine—

(1) to maintain the entire property in a condition suitable for immediate use by the Department of Defense in the event of mobilization;

(2) to retain all structures and improvements except for removal which may be requested by the State of Maine and approved by the commandant, First Naval District.

SEC. 3. In addition to conditions provided for in section 2 of this act, the Secretary of the Navy shall impose such other conditions and such exceptions and reservations as he determines to be necessary, or desirable to safeguard the interests of the United States and to insure that such lands will be used for the purpose for which they are conveyed.

Mr. MORSE. Mr. President, I wish to make a brief statement concerning the bill.

This bill involves a parcel of land now located on a Navy reservation. Under existing law, section 203 (k) of the Federal Property Administrative Services Act of 1949, the Secretary of the Department of Health, Education, and Welfare is authorized to make a determination as to the terms and conditions upon which land in such circumstances as this can be conveyed through administration action for public purposes. However, he advises the committee—and the committee report so shows—that under the law he cannot include a reverter clause. There is no question that there is a desire on the part of the Government to hold jurisdiction over this land for possible future use in case of a national emergency.

So this is not a case of an out-and-out transfer of land. I suppose it can best be described as a case of what is in effect a loan of the land for purposes of the technical training school for which the State of Maine wishes to use it.

Under those circumstances I take note of the fact set forth in the committee report, that the school, in its training program, will serve well a Federal interest in this section of the country, in connection with preparing young men for employment in the mechanical-technical occupations, including automotive mechanics, industrial electricity, machine shop, and radio-television.

In view of the fact that the Secretary of Health, Education, and Welfare could make this transfer if he had the power also to impose a condition of reverter, I shall not interpose any objection. I think it is a clear case in which there is a special Federal interest. This interest, together with the Federal reverter clause, would justify the bill.

However, I wish to make it very clear for the RECORD that I do object, and shall continue to object, to the transfer of Federal property in fee simple to States or subdivisions thereof for educational purposes, because, as I have said on the floor a good many times, that amounts to nothing more than a concealed form—and not too concealed at that—of Federal aid to education.

I have been consistent in my position. In support of that statement, I cite House bill 6772, of the 84th Congress, 1st session, introduced in the House on June 13, 1955, involving the State of Oregon. It was sought to transfer certain land from the Department of the Interior to Lake County, Oreg. I insisted that the bill include the provision requiring payment of the appraised fair market value of the land.

I cite another precedent, House bill 1797, in the 83d Congress, wherein it was proposed that a piece of land be transferred to the Oklahoma Agricultural and Mechanical College. The Morse formula was applied.

These are only two of many cases involving fee simple transfers. In my judgment, they did not involve the facts and circumstances surrounding the instant bill, which I think retains a sufficient Federal interest in order to permit use of this property for the purpose intended.

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

Mr. MORSE. I yield.

Mr. RUSSELL. The Senator has pointed out that the conveyance is not in anywise in conflict with the Morse formula, because it involves what may be described as a contingent lease of the land.

The Senator did not point out that the Federal Government derives a pecuniary remuneration in that the State of Maine agrees to maintain all the buildings on the property at its expense. It agrees to maintain them as they are today. So that is in the nature of a rental rather than a fee simple transfer.

Mr. MORSE. I thank the Senator for mentioning that additional fact. I had it in mind, but did not state it. It supports my contention that there is a retention of a sufficient Federal interest.

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

The amendments were agreed to.

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

BILLS PASSED OVER

The bill (H. R. 8996) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2462) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

Certain bills were passed to the foot of the calendar.

Mr. PURTELL. Mr. President, I ask that Calendar Nos. 849 to 856, inclusive, be passed over until the next call of the calendar.

The PRESIDING OFFICER. The bills will be passed over.

The bills passed over were as follows:

S. 264. A bill to provide for the appointment of a district judge for the district of Kansas.

S. 697. A bill to provide for the appointment of a district judge for the district of Maryland.

S. 2700. A bill to provide for the appointment of a district judge for the eastern, middle, and western districts of North Carolina.

S. 2701. A bill to provide for the appointment of an additional district judge for the southern district of Mississippi.

S. 2702. A bill to make permanent the temporary judgeship for the district of Utah.

S. 2703. A bill to provide for the redistricting of the judicial district of North Dakota, and for other purposes.

S. 116. A bill to provide for the appointment of an additional circuit judge for the seventh circuit, and for the appointment of additional district judges for the northern district of Illinois.

S. 430. A bill to provide for the appointment of a district judge for the middle district of Tennessee.

The PRESIDING OFFICER. That concludes the call of the calendar.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Under the unanimous-consent agreement, the Senate was to reconsider at this time the vote by which Senate bill 2229, a bill reported from the Committee on Interstate and Foreign Commerce, was passed.

I ask unanimous consent that I may be permitted to proceed for not to exceed 3 minutes to make certain insertions in the RECORD.

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

DESIGNATION OF SENATOR CHURCH AS REPRESENTATIVE OF THE SENATE MAJORITY AT THE ECONOMIC CONFERENCE OF THE ORGANIZATION OF AMERICAN STATES

Mr. JOHNSON of Texas. Mr. President, it is a great pleasure to announce to my colleagues that the junior Senator from Idaho [Mr. CHURCH] has accepted the designation as representative of the Senate majority at the Economic Conference of the Organization of American States.

The Senator from Idaho is one of the newest Members of this body. But he has made already a strong and lasting impression among Members on both sides of the aisle.

I know the Members of the majority will feel that we are well and ably represented at this forthcoming important conference. And he and his colleague from the minority are men who know how to cooperate in the best interests of our country.

THE WATER PROBLEM IN TEXAS

Mr. JOHNSON of Texas. Mr. President, the short-lived hurricane Bertha brought heavy rains to limited areas of east Texas over the weekend. These rains simply focused attention on the fact that there has been no happy medium to the weather in Texas.

In the last 7 months my State has been swept from one of the worst droughts in its history through a succession of destructive dust storms, tornadoes, cloudbursts, and floods. And now, I regret to have to report, there are some signs that we may be entering another period of drought.

The last 5 years of drought cost Texas farm interests an estimated $2,700,000,000.

In the spring of this year the floods came, and within a period of 10 weeks Texas lost some 25 million acre-feet of water into the Gulf of Mexico.

Mr. President, this is the water we must save in Texas.

We must save this water so it can be used for human consumption—for farm irrigation—for industry.

There is one limiting factor, and only one, on the continued growth of the Texas population and the continued expansion of the Texas economy. That is our water supply.

The problem is a big one. The solution will have to be big. It is a program calling for teamwork among all units of government—Federal, State, local.

There must be no shortsighted competition between agencies of the Federal Government that are concerned with flood control and water supply.

There must be no withholding of full cooperation and full acceptance of its responsibilities on the part of our State government.

Our population is growing. The Bureau of the Census announced over the weekend that a growth of some two million is expected in the Texas population between now and the year 1965.

Our economy is a dynamic one. Growth and expansion are in the American tradition. The economy must continue to expand in order to provide a steadily higher standard of living for more and more people.

With a growing population and an expanding economy, we urgently need—we must have—a flood-control and water-conservation program that is both realistic and courageous.

We must step up the rate of our investments in development of our water resources.

On the national level, this is the responsibility of Congress. The Congress, composed of elected representatives of the American people, is properly responsive to the needs of the American people.

Coming from Texas, where drought and flood alternate in a disastrous cycle, I am immediately and urgently aware of the need for a coordinated, integrated water development program on a scale that will dwarf all that has been done in the past.

So far as Texas is concerned, we are 25 years behind other Western States in dealing with the water problem. We have to catch up—and without further delay.

Mr. President, I am determined that we shall catch up.

I have asked the Corps of Engineers and the Bureau of Reclamation to prepare and submit to me by next April a program that will give us a basis for catching up.

Up to now, the Federal investment in Texas flood control and water supply projects total $329 million. This investment has been made in the national interest. It has been made in conformity with Texas water laws. These same standards should, of course, apply in the future.

Mr. President, the investments that have been made in these completed projects have paid off. What has been done is excellent. But we have not done enough—not nearly enough.

We are going to have to do more—much more—in the future.

PERSONAL STATEMENT BY SENATOR MORSE—ABSENCES FROM THE SENATE

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Does the Senator wish to make a unanimous-consent request?

Mr. MORSE. No. I wish to make a brief statement.

Mr. JOHNSON of Texas. How long does the Senator desire to speak?

Mr. MORSE. Two minutes.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from Oregon be recognized for 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon may proceed.

Mr. MORSE. Early this year I announced that I would make a statement for the RECORD setting forth my reasons for being absent from the Senate at the time of any yea-and-nay votes. I stated earlier this year that I intended to make that statement for the RECORD because of the gross misrepresentations and the many falsehoods which were spoken against me in the campaign last year with respect to my alleged absences from the Senate. I have done that from time to time in the Senate, and today I wish to bring the RECORD up to date.

On July 2 I missed two yea-and-nay votes. One was on the Douglas amendment to the Defense Department appropriation bill, House bill 7665, making savings of about $1 billion, and adding $500 million to the combat strength of the Army and Marine Corps. It was rejected by a vote of 7 to 68, with 21 absences. On that vote I was paired with the Senator from Texas [Mr. JOHNSON]. I would have voted for the amendment had I been present.

I may say also that on that day there was considered the Dworshak amendment to H. R. 7665, reducing the amount recommended by the committee for the Defense Department by $182 million. The amendment was rejected by a vote of 24 to 49, with 23 Senators absent. If I had been present, I would have been in favor of the amendment. The RECORD does not show my position on the amendment.

The reason for my absence was that on that evening I gave a lecture, which had been scheduled for many months, at the University of Pennsylvania, on the subject of foreign policy.

On August 10 I missed three rollcalls. The first was on the Williams motion to recommit the policemen's retirement bill, H. R. 6517. That motion was defeated by a vote of 19 to 47, with 29 Senators absent. I was announced as being opposed to the amendment.

I also missed the vote that day on the Williams motion to recommit H. R. 6517

with instructions. That motion was defeated by a vote of 30 to 32, with 33 Senators absent. I had a live pair on that motion with the Senator from Arkansas [Mr. McCLELLAN]. I wish publicly to thank him very much for the courtesy extended to me on Saturday in that connection. If I had been present, I would have voted against the motion to recommit with instructions.

The third vote I missed on August 10 was the vote on the final passage of H. R. 6517. The bill passed by a vote of 45 to 19, with 31 Senators absent. If I had been present, I would have voted for final passage. The reason for my absence was, surprisingly enough, that I had a sore throat, and I thought it was better for me to stay at home that day.

UNANIMOUS-CONSENT AGREEMENT ON FURTHER TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at this time Senators may make statements not to exceed 2 minutes in connection with insertions in the RECORD.

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

THE SIGNIFICANT NEW EXPOSÉ OF INTERNATIONAL COMMUNISM BY MILOVAN DJILAS, WHO BROKE WITH THAT SYSTEM IN YUGOSLAVIA—BOOK REVIEW FROM NEW YORK TIMES

Mr. NEUBERGER. Mr. President, the greatest and most compelling testament against any evil doctrine is the verdict of a man or woman who formerly temporarily succumbed to that doctrine. Such a testament has now been offered to the world in the significant new book written by Milovan Djilas, who was once a ruler of Yugoslavia under the Communist system.

The title of the book by Djilas is "The New Class: An Analysis of the Communist System." This is the work of a man who was at one time a dedicated and passionate Communist, a believer in that system of economics and of government. He was President of the Yugoslav Parliament. He was an heir-apparent to Tito's epaulets.

Gradually, Djilas became disillusioned with the system that had brought him power and fame. He visited free countries such as Britain, France, and Burma. He found himself hard put to defend communism against a way of life which permitted people to choose their own rulers.

And so Djilas broke with communism. Today he is in prison in Yugoslavia, where he is a symbol of resistance to tyranny and dictatorship. His book has stirred intellectuals and other thinkers all over the Free World, because it is one of the most impressive treatises against communism of our time. It is from a prison cell and not from some remote library or study.

Mr. President, for these reasons I believe there should be called to the attention of the Senate a significant book review from the New York Sunday Times of August 11, 1957, written by Jack Raymond, who was a New York Times correspondent in Yugoslavia and the Soviet Union, and now is on the Washington staff of that newspaper. Mr. Raymond has reviewed the book by Djilas, The New Class: An Analysis of the Communist System.

Mr. Raymond emphasizes that Djilas believes communism is the chief obstacle to world unity and understanding. We of the Senate, who have to live with this menace whenever we consider appropriations for national defense or support for mutual security, should take note of the significant new book by a 45-year-old patriot, who had the courage to break with communism even though his break deprived him of pomp and position and brought him only the narrow torture of a prison cell.

The courageous and enlightened views expressed by Djilas, in his challenge to the Communist system, fortify me in my decision to join with the junior Senator from Pennsylvania [Mr. CLARK] and some other Americans in urging Yugoslav authorities to give Djilas his freedom, and to liberate this man who has refused further to accept the doctrines and dogmas of communism.

Mr. President, I ask unanimous consent that Mr. Raymond's review be printed in the RECORD, together with the lead editorial from the Washington Post of August 12, 1957, which is entitled "Death by Dialectic," and analyzes the possible influences of this book on political thought.

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

[From the New York Times of August 11, 1957]

REBEL AGAINST A WORLD HE MADE—FROM A YUGOSLAV PRISON, DJILAS STRIKES AT THE ROOTS OF COMMUNISM EVERYWHERE

(The New Class: An Analysis of the Communist System. By Milovan Djilas. Translated from the Serbo-Croatian. 214 pages. New York: Frederick A. Praeger.)

(By Jack Raymond)

Once Marshal Tito's heir-apparent and now most troublesome prisoner, Milovan Djilas has written a crushing indictment of Communist rule, on its own terms, often in its own language and employing the Marxist dialectical method. Djilas was no messenger boy on the fringes of conspiracy. He was a manipulator of power, a frequenter of the Kremlin and afterward Stalin's recognized ideological adversary.

He was one of the oligarchical quadrumvirate to whom red-starred Yugoslav partisans sang, "Tito, Kardelj, Djilas, and Rankovich, we will follow wherever you lead." This background and the author's clarity of expression, make "The New Class: An Analysis of the Communist System," one of the most compelling and perhaps most important sociological documents of our time.

In simple and frequently eloquent language, Djilas seizes the major premises and conclusions not only of the modern Communists but of the giants of the past—Marx and Lenin—and shatters these as lies and errors. He holds a mirror to the nature of communism as it really is—"a form of latent civil war between the government and the people." The author never wrote so informatively as a Communist propagandist; among other things, this volume is a fine example of how lucid a man's thoughts can be when they reflect his true convictions. One must recall the fuzzy appeals for democratization he published in the official newspaper Borba in the summer and fall of 1953 to feel the difference between the rationalization of a doubter and the emphatic stand of one who feels and tells the truth.

The Djilas story is cogently illustrated by an incident that occurred in the fall of 1953 during one of Yugoslavia's one-party election campaigns. Djilas, then vice president in charge of propaganda and education, was asked by foreign correspondents whether he, Tito, and the other rulers thought they could win a western-style free election. When he replied affirmatively, the correspondents chorused: "Then why don't you have free elections?"

"We think we would win—but we are not sure," he added, a boyish grin spreading over his pale, triangular face beneath the thick, curly hair.

Elected to Parliament that year by 99.8 percent of his Montenegrin constituency and, on Tito's recommendation, named President of that body, Djilas never took office. Spurred by conscience pangs that had been aroused in the Yugoslav condemnation of Stalin's despotism, he published a series of articles against Communist-ruled bureaucracy in Yugoslavia. Also, his political equilibrium had been upset during visits to democratic countries. There he had found himself continuously on the defensive while arguing with British, French, Burmese, and other Socialists.

At that time, Tito was engaged in an intensive courtship of the West, particularly the Socialists. Although some of Djilas' articles appeared extreme—he suggested that Communists might not be necessary to bring about socialism—Tito let him go on writing. A practical man, Tito didn't mind the impression gaining currency abroad that Yugoslavia was heading toward some form of democracy. So long as he continued to rule through the party, Tito could countenance his ambassador in London citing Djilas during diplomatic negotiations. Anyway, Djilas was a known maverick.

As Djilas appealed for more and more democracy, he also spoke out against the bourgeois types who insisted upon saying "mister" instead of "comrade" when addressing each other in public. Finally, a foaming, ill-mannered essay on the snobbery and social habits of his colleagues' wives proved Djilas' undoing. With an exasperated Tito presiding as chairman, he was kicked out of the ruling central committee and stripped of his government posts. The party press solemnly announced that Djilas' constituency had unanimously voted his recall.

Thereafter, living in isolation and penury, on the clerk's salary of his wife, the now thoroughly embittered Djilas turned to the foreign press when his own was closed to him. The partisan war hero who had never wiped off the caked Nazi blood on his sword refused to be silenced despite ominous warnings. Last January, after criticizing Tito's endorsement of the Soviet suppression of the Hungarian revolt, he was sentenced to 3 years' hard labor.

In the meantime, he finished his book The New Class, which was smuggled out of the country. He could have written a juicy exposé of the Yugoslav regime he helped to install and to rule for 9 years. Instead, having always had a philosophic flair, he chose to expose communism itself. He calls himself a Social Democrat now but does not offer any political program of his own. He is concerned only with a clinical description of communism as a system, pointing out, "no other revolution promised so much and accomplished so little."

The central theme of the book is simple. It resembles the Yugoslav leaders' ideological argument against Stalin's Cominform. But Djilas says that not only the Russian but any Communist regime must turn despotic.

Party monopoly and ownership of all the means of production inevitably create a self-perpetuating bureaucracy that is the core of a new exploiting class.

It is apparent, he says, that "all changes initiated by the Communist chiefs are dictated first of all by the interests and aspirations of the new class which, like every social group, lives and reacts, defends itself and advances, with the aim of increasing its power." Nor does the elimination of the chief despot end the cycle. The author notes that "when a palace revolution actually took place after Stalin's death, it could be seen that the essence had not changed; something deeper and more lasting was involved." The effort to change the character of communism in Yugoslavia is illusory too, Djilas adds. Khrushschev, who was frightened by the institution of workers' councils as a threat to the authority of the party organization, can take Djilas' word for it. The Yugoslav party runs the workers' councils as it runs everything else. "Clearly in an unfree society, nobody can freely decide anything," the author points out.

He describes the technique of party rule behind the facade of Government, the fumblings of the planners who must combat the slow, unproductive work of disinterested millions, and the Communist primacy of politicians over the military. As a matter of fact, he notes, if a military dictatorship were to supplant a political one, it would be a step toward freedom. Having himself imposed it and suffered it, Djilas is most informed and eloquent when he rails against the Communist tyranny over the minds of people. Yet, "even under communism, men think, for they cannot help but think," he reports. But "their thinking has two faces—one for themselves, their own; the other for the public, the official."

Frequently those who visit Communist countries ask, "How do the Communists rule, everything seems so placid, there are no guns in sight?" Djilas explains, "The mechanics of Communist power is perhaps the simplest which can be conceived, although it leads to the most refined tyranny and the most brutal exploitation. The simplicity of this mechanism originates from the fact that one party alone, the Communist Party, is the backbone of the entire political, economic, and ideological activity. * * * Laws and regulations do not have an essential importance. * * * Regardless of laws, everyone knows that the Government is in the hands of the party committees and secret police. * * * Everyone knows what can and cannot be done, and what depends on whom. People adjust to the environment and actual conditions."

Djilas concludes on a note of hope and optimism. Ironically, he has discovered that communism is the chief obstacle to world unity for which the rest of the world is striving. But, still young at 45 and intellectually undaunted, he forecasts achievement of that unity, a unity of variations rather than sameness, and ever-growing expansion of progress and freedom that will not be stopped either by brutal force or theory.

This book may prove a bombshell in Eastern Europe, as some have asserted, but it should be noted that the possibilities of its distribution there are limited. Besides, the people living in Communist lands already know the truth about their plight. Where this volume should count heavily, however, is in the so-called uncommitted areas of the world, where Communist slogans have placed treacherous temptations in front of newly stirring political groupings. And even in this country, it can be invaluable to any of our leading representatives who have trouble refuting Communist arguments about idealism.

"Ideas, philosophical principles, and moral considerations, the nation and the people, their history, in part even ownership—all can be changed and sacrificed," says the author of communism. "But not power. Because this would signify communism's renunciation of itself, of its own essence."

One wonders what Marshal Tito will do about his former comrade Djilas, now sitting in Srenca Mitrovica jail, perhaps in the same cell he occupied for 5 years under prewar Royalist jailers. When Djilas first fell, Tito boasted that he did not execute him. "My circumstances are, at best, uncertain," writes Djilas in his preface, a touching bit of understatement by an often arrogant but always brave polemicist, grandson of a Montenegrin mountain rebel.

[From the Washington Post of August 12, 1957]

DEATH BY DIALECTIC

The treatise by Milovan Djilas—Marshal Tito's former friend and comrade and present prisoner—which was somehow smuggled out of Yugoslavia, is described by the American publisher as an "Anti-Communist Manifesto." In reality the New Class is something even more important than that. It is a death blow to philosophic communism devolved entirely from Marxist premises and delivered through purely Marxist reasoning. Its effect, therefore, upon wavering party members ouside the Soviet orbit and upon their remaining fellow travelers is beyond all calculation.

From the Communist Manifesto (1848) of Marx and Engels we may perceive precisely what is meant by dialectical materialism, or the translation of Hegel's formula of thesis-antithesis-synthesis from metaphysical into materialistic terms. History is conceived as a continuous process of revolution, determined wholly by the play of economic forces. By historical necessity every ruling class (thesis) creates the conditions which make possible its overthrow by the class (antithesis) immediately beneath it, which thereupon constitutes itself as the new ruling class (synthesis).

However, one great weakness of the dialectic has been the logical difficulty the Marxists have found in explaining why this historical process, which is apparently inherent in their totally materialistic universe, should not continue after the predestined victory of the proletariat. In other words, what assurance is there that the "class-conscious" proletariat—as distinguished from the dialectically uninstructed mass of workers, or lumpen-proletariat—will not set itself up as still another ruling and oppressing class? The Marxist's answer of course is their utopian vision of the "classless society" in which time, history, and determinism will have come to an eschatological end.

The trouble with this argument is that the principal instrument by which (according to Marxist theory) the historical ruling classes have endeavored to perpetuate their own economic ascendancy is the political power—in a word, the state. Yet the seizure and monopoly of political power is also to be the device whereby the proletariat will consummate its triumph. This is what led Eugen Duehring and other anarchistically minded critics of Marxism to assert that the Marxist formula, if ever realized, would lead only to a form of autocracy and tyranny worse than the worst that history had yet known. It was Dr. Duehring's criticisms that prompted Engels to come forward with the notion that after the abolition of private property and of the profit motive the function of the State would become obsolete and that the political power would accordingly wither and die.

Now the substance of Comrade Djilas' argument—confirmed by the experience of almost 40 years—is that Duehring (though the name is not mentioned) was right and that Engels was wrong. The Communist triumph in Russia and elsewhere, so far from having brought an end to the class struggle, has only intensified it. The Communist Party and its bureaucracy have constituted themselves into a new class of owners and exploiters whose political power has penetrated into every pore of human life. The fact that under communism ownership of property is theoreticaly collective should not blind us to the monopolistic reality or to the oligarchic nature of owners:

"To be an owner or joint owner in the Communist system (says Djilas) means that one has entered the ranks of the ruling bureaucracy and nothing else. * * * Open at the bottom the new [Communist ruling] class becomes relentlessly narrower at the top. Not only is desire necessary for the climb; also necessary is the ability to understand and develop doctrines, firmness in the struggle against antagonists, exceptional dexterity, and cleverness in intraparty struggles and talent in strengthening the class."

Indeed life at the narrow top of the Communist hierarchy—the rarefied stratum that, when Djilas wrote, was still populated by Khrushchev, Molotov, Malenkov, and Shepilov—sounds, as Comrade Djilas describes it, very much like a reversion to the "state of nature" as represented by Thomas Hobbes in the Leviathan wherein there was "no mine and thine distinct but only that to be every man's that he can get for so long as he can keep it." At the bottom of the Communist pyramid, however—among those "children of starvation, the wretched of the earth," in whose name the party has professed to speak—there is nothing but "despair and hatred," hatred especially of the party and its hierophants; so that the plain inference is that the very same forces which, according to Marx and Engels, predestined the triumph of communism (much as Hobbes' anarchic "state of nature" gave rise to absolutism) also predestine its death and destruction.

The doctrine of the "dictatorship of the proletariat"—that theoretical interregnum between the revolution and the "withering away of the state"—has proved to be merely part of the process toward personal dictatorship.

"There is a constant tendency (exemplified in many historical analogies) to transform an oligarchic dictatorship into a personal dictatorship. * * * The leader who succeeds in getting to the top, along with his assistants, is the one who succeeds in most logically expressing and protecting the interests of the new (ruling) class. * * * But there is a specific and pure Communist reason for personal dictatorship: authority, (i. e., power) is the basic aim and means of communism and of every true Communist. The thirst for power is insatiable and irresistible among the Communists. Victory in the struggle for power is equal to being raised to a divinity; failure means the deepest mortification and disgrace. * * * Stalin, like every other Communist dictator, was aware that a retreat from the ideological bases of the party, from the monopolism of the new class, from the ownership of the nation's good, or from the totalitarian power of the oligarchy, would result in his inevitable downfall. Indeed, no such retreat was even considered by Stalin, as he was the foremost representative and creator of the system. * * * The fact emerges that in the Communist system no one is independent, neither those at the top nor the leader himself."

This goes also for national communism, that paradoxical phenomenon of which, until recently, Djilas' compatriot and comrade, Tito, was the most eminent exemplar. National communism, according to Djilas, is a contradiction in terms; for where it cannot

be enforced like Soviet communism by a ruthless dictatorship it can only lead "toward renunciation of communism itself or toward the disintegration of the Communist Parties. * * * In reality, national communism is communism in decline."

You will recall, no doubt, that it was Djilas' essay on the Hungarian insurrection—which he interpreted in Marxist terms as the beginning of the end of the Communist epoch in history—that brought about his rearrest and imprisonment at Tito's order. What will happen to him as the result of the publication of this earlier but more elaborate treatise we must wait to discover. Meanwhile there is no doubt that this book is comparable in its potential influence on political thought to the Communist Manifesto itself.

FEDERAL TRADE COMMISSION JURISDICTION OVER CERTAIN MEATPACKING ESTABLISHMENTS

Mr. THYE. Mr. President, Calendar No. 706, S. 1356, is a bill to amend the antitrust laws by vesting in the Federal Trade Commission jurisdiction over meatpacking establishments operating in interstate commerce.

This bill was reported to the Senate by the Judiciary Committee on July 24 with majority and minority views. The minority views submitted by the Senator from Illinois [Mr. DIRKSEN], the Senator from Indiana [Mr. JENNER], and the Senator from Maryland [Mr. BUTLER] support the so-called Dirksen amendment to S. 1356.

The Dirksen amendment would leave in the Department of Agriculture the jurisdiction over trade in interstate commerce by meatpacking establishments. It would also amend the Packers and Stockyards Act so as to prevent certain other business operations from exempting themselves from jurisdiction of the Federal Trade Commission through conducting a token meatpacking operation.

Mr. President, it is my intention to support the Dirksen amendment to S. 1356 when it is taken up for consideration on the Senate floor. I have studied the matter thoroughly and in my opinion the amendment offered by the Senator from Illinois more closely accomplishes the purpose which was intended by the introduction of this legislation without divorcing an agricultural industry from the Department of Agriculture where it more properly belongs.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point in my remarks a letter and certain telegrams which I have received indicating support for the views of the minority of the Judiciary Committee.

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

NORTHFIELD, MINN., *August 9, 1957.*

Senator EDWARD THYE,
United States Senate,
Washington, D. C.

DEAR MR. THYE: I believe that there is a bill being considered which would take meatpackers out of the Department of Agriculture and put them into the Federal Trade Commission.

I don't believe that this is the proper thing to do, because meatpacking is pretty close to the farm and it seems to me that the Department of Agriculture would be best able to regulate the meatpackers; also the Federal Trade Commission might not look out for us that market and raise livestock.

Yours very truly,

CASPER PETERSON.

WEST CONCORD, MINN., *August 9, 1957.*

Senator EDWARD J. THYE,
United States Senate Building,
Washington, D. C.:

I understand there is a bill now being considered which would take the regulation of meatpackers away from the Department of Agriculture and put it under the control of the Federal Trade Commission. I don't think this is the correct thing to do because meatpacking is very close to the farm and it seems that the agency looking over farm and agriculture problems should be best equipped to regulate the meatpackers also the Federal Trade Commission might look out only for the consumer and tend to forget those of us who raise and market the livestock.

SANDEM SENJEM.

ALBERT LEA, MINN., *August 9, 1957.*

Hon. Senator EDWARD J. THYE,
Senate Office Building,
Washington, D. C.:

We are concerned over Senate bill 1356 transferring jurisdiction of meatpacking industry trade practices from United States Department of Agriculture to Federal Trade Commission. Those who are primarily and principally engaged in meatpacking are an integral part of the country's agricultural economy and should remain under the control of the United States Department of Agriculture. We respectfully urge your support of Dirksen amendment to S. 1356 which would make it impossible for concerns such as grocery chains who conduct only a minor packinghouse operation to avoid Federal Trade Commission jurisdiction over their principal business activities. As a Senator representing one of the country's leading livestock-growing States your active support of the Dirksen amendment will best serve the public interests of Minnesota.

WILSON & CO., INC.,
H. B. HOUSH,
General Manager.

MONTEVIDEO, MINN., *August 10, 1957.*

Senator THYE,
Senate Office Building:

I hear there is a bill coming up which would move the regulation of the meatpackers from the Department of Agriculture to the Federal Trade Commission. I am against this bill because the meatpackers are in close contact with the farm and I believe that the department responsible for farm and agricultural problems should be the ones to regulate the meatpackers. Also I am inclined to think that the Federal Trade Commission is apt to favor the consumer in the relation to those of us who produce market and produce livestock.

B. E. BONN,
First National Bank.

ST. PAUL, MINN., *August 9, 1957.*

Senator EDWARD THYE,
Senate Office Building,
Washington, D. C.:

We believe the interest of the livestock producer is best served by jurisdiction over meatpackers being left under the Department of Agriculture, who supervise and regulate public stockyards. Your vote against transfer to Federal Trade Commission will be appreciated.

A. L. OLSON,
President, St. Paul Union Stockyards Co.

ST. PAUL, MINN., *August 9, 1957.*

Senator EDWARD J. THYE,
United States Senate,
Washington, D. C.:

In regard to S. 1356, transferring jurisdiction over packers from USDA to FTC, strongly urge you to oppose this bill. Farmers want control in Department of Agriculture.

J. L. MORTON,
President, Minnesota Farm Bureau Federation.

PRESTON, MINN., *August 10, 1957.*

Hon. EDWARD J. THYE,
United States Senator,
Washington, D. C.:

Information has been brought to my attention that there is a bill under consideration whereby the regulation of the meat packing industry would be taken away from the Department of Agriculture and put under control of the Federal Trade Commission. This seems entirely wrong to me as I believe that meat packing and livestock farming, being so essential to each other, should both be advised and regulated by the same department which is and should be the Department of Agriculture. Also the Federal Trade Commission might be inclined to forget about us fellows that are producing and marketing the livestock and look out for the consumer only.

Sincerely,

HILMAN ERICKSON,
PRESTON, FILLMORE COUNTY, MINN.

EDGERTON, MINN., *August 10, 1957.*

Senator EDWARD J. THYE,
United States Senate,
Washington, D. C.:

Take close look at bill that will take regulation of meat packers out of Department of Agriculture and put it under Federal Trade Commission. Trade Commission may not look from farmers' point of view. We don't want to lose any advantage the packers may be able to give us.

JOHN L. OLSON,
WORTHINGTON, MINN.

ELMORE, MINN., *August 10, 1957.*

EDWARD J. THYE,
Senator, Washington, D. C.:

Understand a bill to transfer regulation of meat packers from United States Department of Agriculture to FTC is pending. We feel this may harm rather than help the great livestock industry.

C. W. MEYERS,
Director, Minnesota Swine Producers.

JACKSON, MINN., *August 10, 1957.*

Senator ED J. THYE,
United States Senator,
Washington, D. C.:

I understand there is a bill under consideration which would take regulation of meat packing out of the Department of Agriculture and put it under Federal Trade Commission. I don't think this is the way to do it, because meat packing is pretty close to the farm and it seems that the agency that looks into farm and agriculture problems ought to be best able to regulate the meat packers. Although the Federal Trade Commission might look out for the consumers and tend to forget those of us who raise and market livestock.

ELDON H. SUMMERS.

Mr. THYE. Mr. President, the letter and telegrams to which I have referred are from some of the most prominent agriculturists in the State of Minnesota, and also from some business people

who are vitally concerned with the question involved in the bill. For that reason, I have asked unanimous consent that the letter and telegrams be printed in the RECORD as a part of my remarks.

PROBLEMS OF KLAMATH INDIAN TERMINATION—ARTICLES IN EUGENE REGISTER-GUARD

Mr. NEUBERGER. Mr. President, the Eugene Register-Guard, one of the major newspapers in my State, has published a series of well-documented articles by staff reporter William Dean on the problems involved in the termination of Federal supervision over the Klamath Indian Reservation. As chairman of the Indian Affairs Subcommittee of the Senate Committee on Interior and Insular Affairs, these stories have been of particular significance to me because they effectively outline the many questions of public policy which were not at all resolved by the original termination act and are now coming to light 3 years later.

Congress last week completed action on my bill, S. 469, which postponed the termination date for the Klamath Indians and authorized the Federal Government to compensate the tribe for at least a portion of the costs involved in preparation for the end of Federal supervision. I have also introduced, on behalf of myself and Senator MORSE, legislation providing for acquisition by the United States of tribal lands of the Klamath Indians. I believe that enactment of this bill, S. 2047, is an essential step for the protection of the economy of this area of Oregon and the preservation of good conservation practices in the Klamath River Basin.

The Eugene Register-Guard should be commended for its efforts to anaylze the issues at stake in termination and present the views and opinions of those who are working on this problem. Although I do not endorse all the statements and comments contained in these articles, I think that they are worthy of close study by Members of Congress who must decide the questions involved, and I, therefore, ask unanimous consent that the first four stories by William Dean in this series be printed in the body of the RECORD. They were published in Eugene, Oreg., on August 4, 5, 6, and 7, 1957.

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

[From the Eugene (Oreg.) Register-Guard of August 4, 1957]

SECOND LOOK NEEDED—WEAK POINTS FOUND IN KLAMATH INDIAN TERMINATION ACT

(EDITOR'S NOTE.—The Klamath Indian Reservation in southern Oregon is one of the first in the Nation to come under a relatively new Government policy to terminate supervision of the Indians. Termination has been in process for 3 years. This and following articles are a report on the progress of this program.)

(By William Dean)

At the junction of United States Highway 97 and Oregon 230, a few miles south of Chemult, there is this sign: "No hunting allowed—Klamath Indian Reservation."

For more than 50 miles south of this sign—south beyond Modoc Point on Upper Klamath Lake—the high plateaus, the hills and valleys belong to the Klamath Indians.

This million acres is land kept back by three tribes of Indians when they relinquished their ownership of the 20 million over which they had roamed for thousands of years. It is rich land of ponderosa pine, aspen groves, marshes alive with waterfowl, and of grassy range which can support thousands of cattle. It is land of plentiful water. Today, in midsummer, this land east of the Cascade Mountains is greener than the often rain-drenched Willamette Valley.

Living here in towns like Chiloquin, or communities like Sprague River and Beatty, are 1,300 descendants of the Klamath and Modoc Tribes and of the Yahooskin Band of the Snake Indians. Another 700 who can trace their ancestry back to these original owners of the Klamath Basin live off the reservation—in Klamath Falls, Malin, Eugene, or Springfield, and in 18 other States.

These 2,000 people and this million acres of rich land are proving an old adage:

"You can't do anything by just passing a law and waving your arm."

ASSUME FULL RESPONSIBILITY

Yet, that is what the Federal Government set out to do in August 1954. At that time the Interior Department proposed, and Congress passed, a law which said that by August 13, 1958, the Government would terminate its trusteeship over the persons and property of the Klamath Indians. On that date next August the Indians were to assume more than just the full rights of legal citizenship, which they already have been granted. They were to assume full responsibility for their own personal welfare. Those who couldn't manage their own affairs, children and incompetents, were to be protected by the laws of Oregon.

The termination act, Public Law 587, was passed 3 years ago. Since that time the Klamaths have been put through the wringer of emotional stress and near-violence probably unparalleled in a stormy history of internal conflicts.

Today, a few days more than a year before the original termination date, most of the procedures which were to have led to complete emancipation for the Indian have ground to a halt, or they have developed critical weaknesses.

Today the contrasts between the visible intent of the law and conditions on the reservation lead one to wonder whether Public Law 587 was designed for the Klamath Indians or some other group.

These contrasts between the law and the reservation to which it was supposed to apply have caused Congress to take a second look at termination. A week ago a Senate-House conference committee adopted amendments to Public Law 587 which will delay until 1960 the termination date, and will make other changes in the program.

FURTHER STUDY NEEDED

One reason for the delay is to give the Congressmen a chance to study termination in the light of what is now known about the Klamaths. But delay may not provide a real solution to the dozens of complex problems which affect not only the Klamaths but, in some degree, most of the people of Oregon.

When Congressmen take another look, these are some of the things they will find on the Klamath:

A population held together only by the tenuous thread, often microscopically thin, of blood-lines and by an equity in common property. This tribally owned property holds a different value for one group than it does for another. The people themselves are legally and administratively considered a race somewhat different from the rest of us—and they are a people who, among themselves, have progressed toward civilization at tremendously different rates.

The Klamaths are divided in the public eye by two strongly entrenched and determined factions. Neither opposes termination—but, led by men who have been in personal conflict over the last 20 years, they are unable to agree on how soon or in what from they want termination. A major number of the Klamaths, those who refuse to be identified with either faction, nevertheless are torn and confused by the cross-currents of the fighting.

Tribal government, never a strong influence on the Klamath, now has deteriorated to a point of almost complete failure.

Many Indians feel that they and their children have been made sitting ducks who will be exploited or legally robbed of their estates in the termination process. The tribal executive committee threatened a boycott against the Klamath County legal profession because of a special guardianship fee schedule established by the county bar association.

Non-Indians of the Klamath Basin look with genuine concern, and in a few cases with anticipation, toward the day when the Indians receive their shares in the $100 million reservation. Many fear the money will be blown within a short time. This would leave the Indian with neither the means nor the background with which to support himself, and will present the Klamath Basin and Oregon with a far greater problem than it has now.

Finally, Congressmen will find that many of the men who have been hired to work on the termination program are fearful of its effects. In a report which has never been released by the Interior Department, two of these men have said that Congress was misled about conditions on the reservation and the capacity of a majority of the Klamaths to assume personal responsibility.

Public Law 587 turned out to be the key to Pandora's box—once the box was opened these and many of the other ills of life on the Klamath reservation began to come into the open.

Today, even the men who have contracted to carry out a major part of the termination program are finding themselves in contradictory positions.

One of the men is Eugene Favell of Lakeview. He said recently in his Klamath Falls office that he and his coworker, T. B. Watters of Klamath Falls are "* * * meeting ourselves coming around the corners."

These men, with William Phillips of Salem, contracted with the Secretary of Interior to carry out the physical termination of the reservation property. Phillips resigned in March, 1956, and has not been replaced.

Watters and Favell are southern Oregon businessmen who have lived most of their lives in the area. Today they both admit freely that they really knew little about the Klamath Indians and, as a result of more than 2 years of study are just beginning to get the information we should have had to start with.

Neither of the men had had previous experience as a bureaucrat and this very naivete about some of the finer points of working for Uncle Sam is credited by many as the reason the Klamath fiasco has not developed into a full-scale disaster.

To begin with, as Watters proudly points out, they were able to get a peculiar (for Federal employees) clause attached to the contract which they signed with Secretary of Interior Douglas McKay in May, 1955.

This clause gives the management specialists the right to recommend changes in the termination law. It was opposed by nearly everyone in the Interior Department, Watters says. But, he reports, "McKay said: 'You'd better listen to these men from Oregon. They are on the scene.' "

Operating under the added clause, Watters and Favell—while carrying out the letter of the law—have not hesitated to become convincing and outspoken critics of some parts of it. They have urged an extension of the

termination period and basic changes in the provisions for disposing of tribal property.

Watters, who calls himself a life-long black Republican, has become a real black sheep to many of his Klamath Falls neighbors. Yet, he and Favell have been at least partly successful in convincing others of their neighbors that Public Law 587 will create more problems than it will solve.

Paul Landry, former mayor of Klamath Falls, said recently, "I have fought with Tom for years on most local issues, but this time I am with him."

[From the Eugene (Oreg.) Register-Guard of August 5, 1957]

BATTLE WON, BUT NOT THE WAR—SPECIALISTS APPLAUD TERMINATION DELAY

(By William Dean)

"I favor termination. But if it comes right down to the final analysis I would prefer to have 587 repealed than to go through with it as it is set up now."

The statement was made in mid-July by one of the men responsible for a major part of the termination program on the Klamath Indian Reservation. At the time, a Senate-House conference committee was considering amendments from each House of Congress which primarily are intended to delay parts of the termination program so that Congressmen can take a second look at what they created in August 1954, when they passed Public Law 587.

At the end of July, Tom Watters—who was one of three men hired in 1955 to terminate Federal supervision over the physical assets of the Klamath Tribe—told the Register-Guard:

"It's important that the Klamath Indians get out from under Government supervision * * *."

But, he added, "It's also important not to cause any more damage than necessary."

FRICTION AND DISTRUST

Watters is a cheerful, outspoken man who somehow had managed to keep his emotional balance despite the friction and distrust which has developed around his job since the passage of Public Law 587. His partner in the termination job is the more reticent Eugene Favell of Lakeview. A third man, William Phillips, of Salem, resigned in March 1956.

Watters and Favell are well aware that their official title—management specialists—is spoken with all shades and degrees of contempt or irony by many persons. They are themselves of the opinion that the title is a pretentious misnomer.

But that is the least of their problems. Under Public Law 587 they have what has turned out to be an almost impossible problem.

If they carry out the provisions of the law as it was passed, Watters and Favell are convinced that:

The majority of the Klamath Indians will suffer;

The economy of the Klamath Basin will suffer.

The management specialists consider the amendment which will delay termination from August 1958, until August 1960, a battle which has been won. But, Watters says, "We still haven't won the war."

FOUR BASIC STEPS

The battle—and the war—have been going on since May 1955 when the three men signed a contract with Secretary of Interior Douglas McKay. Since that time the specialists have been in almost constant conflict with either the department, members of the Klamath Tribe, or their non-Indian neighbors. The chore the specialists contracted to carry out by March 31 of this year required them to go through these basic steps:

1. Cause an appraisal of the 800,000 acres of the Klamath Reservation which are in tribal ownership (roughly valued at more than $100 million);

2. Conduct an election among the 900 adult Klamaths in which the Indians will choose between taking their per capita share (estimated at $50,000) of the reservation's value in cash and withdrawing from tribal membership—or of remaining in the tribe to share in a management plan. This plan can't be worked out until after the election when it will be known how much land and how many members will be left in the tribe;

3. Sell enough of the reservation in economic units to pay off the equities of the withdrawing members;

4. Develop a management plan under which the remaining forest and range lands can be operated as a communal unit under a private corporation or trust.

This would seem to be a fairly simple procedure. The catch is that 70 percent of the Klamaths have indicated they might favor withdrawal and $50,000 cash in hand against some sort of management scheme which is still very much of an unidentified bird in the bush.

If as many of 70 percent of the members withdrew a lot of timber would have to be sold. Earle Wilcox, forester working for the specialists, says that the volume to be dumped on the market in 1 year would be about eight times the amount normally absorbed by all of the mills in the entire Klamath Basin. This would probably result in low, panic prices. The Klamaths would not get full value for their property. And the dumping of so much stumpage would probably not only upset the economic structure of the western pine region, but would likely have an effect in the Douglas-fir region.

Furthermore, the termination act requires that the highest possible prices be obtained for the timber. This means it would have to be offered in small tracts where competitive bidding would bring the best prices. These tracts would be offered and purchased on the basis of immediate recovery of the investment through logging. The result would almost certainly be rapid liquidation of the individual tracts and ultimately of the forest.

Watters says, "One of the finest stands of timber in the United States would be destroyed."

AMENDMENT URGED

The specialists, after a year of detailed study, recommended that Public Law 587 be amended to permit the purchase of the Klamath forest and range land by the Federal Government. They feel that only in this way can the area be kept in one management unit for long-term conservation purposes and at the same time provide a fair market value return for the Indians.

This forest which the management specialists believe should be kept in one unit covers almost 600,000 acres of the 1 million which were originally within the reservation. Another 200,000 acres are in rangeland and the marshes which provide resting places for migratory birds and—more importantly—are the sponge which pours an undiminishing stream of water into the vast irrigation works around Klamath Falls. The total 800,000 acres is owned by the tribe as a group. The rest of the million acres is in allotments which were made in past years to individual Indians and which have been held in trust by the Bureau of Indian Affairs. Under Public Law 587 clear title to these lands will pass to individuals. A program of selling the allotted land has been underway for more than 2 years. Prior to 1954 more than 100,000 acres were alienated—sold to non-Indians.

The forest itself is one of the best ponderosa stands in the Nation. It contains an estimated 4¼ billion board-feet of merchantable timber. Another 4½ billion has been removed over the 40-some years in which there has been logging on the reservation. About one-fourth of the annual timber supply for the Klamath Basin comes from the reservation, through sales supervised by the Bureau of Indian Affairs.

INCOME FOR INDIANS

More important to the Indians, and of the greatest significance in the termination program, the forest has provided the tribe with a gross income of more than $30 million in the past 40 years. This has been redistributed to tribal members, after administrative expenses have been paid, at the rate of about $800 per person per year. Each man, woman, and child will get more than $1,000 this year.

For a family of 5 this has meant an annual tax-free unearned income of $4,000 a year for the last generation—and on that fact hangs the scalp of many a Klamath.

[From the Eugene (Oreg.) Register-Guard of August 6, 1957]

"LO, THE POOR INDIAN"—GENERALITY CAUSE OF MANY DIFFICULTIES

(By William Dean)

"Lo, the poor Indian."

That phrase has been a catchword with Americans for nearly a century. The transformation of the phrase into a mental image of the Indian has led to many of the difficulties involved in termination of Federal supervision over the Klamath Indians and their reservation.

To our forebears pushing westward the Indian was a fellow creature to be exterminated because he occupied land that they wanted, because he stood in the way of progress, and because he frequently was a threat to our ancestors' own lives. But, he also was frequently an individual with great personal dignity and courage, a man with whom the non-Indian could and did live with as a neighbor.

Later, when the Indian was pushed onto reservations where the non-Indian could conveniently forget him, confident that he was out of the way—or was being cared for by a paternalistic Great White Father—Lo came into being as a figment of our imagination, a creature of the fiction and movie script writers.

The Indian ceased to be an individual and became a generality. He became Lo, the poor Indian, the wronged but noble red man. Or, to the less sentimental, he became Lo, the lazy, dirty, brawling man with dark skin and straight black hair.

It is this generality which today haunts the people who live on the Klamath Reservation and trace their ancestry back 10,000 years before a treaty was made with the white man by La-Lake, Chil-oque-nas, Chemult, Schon-chin, Sky-te-ock-et, and other tribal leaders.

These chiefs of the three tribes who today make up the Klamaths would find it hard to see any similarity between Lo and the people who live at Modoc Point, Chiloquin, Sprague River, Beatty, or Eugene.

But the non-Indian in setting up and in administering the Klamath termination has seen Lo behind every face. The 2,000 persons of Klamath descent have been pigeonholed. We have said, because among the 700 who live off the reservation there are many capable and well-adjusted persons, that all Klamaths are so. We have said, because among the 1,300 who live in the area of the reservations there are some alcoholics and spendthrifts, that all Klamaths are drunks and wastrels.

These attempts to pigeonhole the Indian—and his refusal to fit into preconceived

niches—has caused many of the contradictions in the termination program.

Yet, in the termination program it is necessary to consider them as a group with some degree of common ancestry and a common equity in the reservation property. It is necessary to know that there are only 351 full-blooded Indians, that most of the Klamaths are minors, that most of the marriages are with non-Indians or non-Klamath Indians. It is necessary to know that among the Klamaths there is a sizable group who want to escape the teepee concept of themselves; who, along with A. H. Wright, director of Oregon's Indian education and training program, ask:

"Just why is a man who is seven-eighths Swede and one-eighth Indian legally labeled an Indian?"

At the same time that it is necessary to compile group statistics about the Klamaths, it is vital to see them as individuals. Termination for most Klamaths is ultimately a problem of individual ability to leave the shelter of the reservation.

Let's break Lo into component parts and listen to some of the individuals living on the Klamath reservation.

AGENT UNDER STRAIN

The first is Seldon Kirk, for more than 20 years the chairman of the Klamath Tribal Council and a member of the Grange for a quarter of a century. Retired now from the carpenter's job which he held for many years, Kirk has aged rapidly—friends say—under the strain of trying to hold together a badly divided people.

In his comfortable farmhouse near the Council Grove, where the treaty of 1864 was signed between the United States and the leaders of the three tribes, Kirk said recently:

"The termination law wouldn't faze us one bit if the people had been brought up to be independent and to earn their own bread and butter. But they haven't been. The attitude now seems to be one of shiftlessness. Why should a man learn to work when he knows he'll get enough from the timber sales to live on? The per capita payments (distribution of timber sale receipts) have been an inducement to shirk our personal responsibilities."

One time, Kirk continued, his father called him and told him to keep their five family land claims together. Kirk extended his gnarled hands. He flexed the fingers and made a twisting motion:

"My father picked up a bunch of sticks—you know the symbol—they can be broken one at a time but in a bunch they have great strength. That is what has happened to us. We've been divided and now we're fighting among ourselves."

IMMEDIATE TERMINATION

One of the leaders of the group which wants immediate termination is Ida (Mrs. Wade) Crawford. She spends much time away from the reservation, in Washington, D. C., or in meetings with some of the one-third of the tribe who have already, in effect, terminated themselves by moving away from the reservation influence. A woman of personal charm and the strength of her convictions, Mrs. Crawford says:

"The old Roman law of divide and conquer is being followed by these interests who have ruled us for all these years. They want to pick the pockets of our children and force the Indian to bear the burden of sustained yield by delaying termination until Congress can take a second look at the economic implications of liquidating the 4¼ billion board-feet of ponderosa pine on the reservation.

"It's our equity in these resources that is being frittered down the drain while the politicians stall," Mrs. Crawford charges. At the July 13 meeting of the tribal council she read a magazine editorial which said that the Klamaths are no more ready for termination than the headhunters of New Guinea.

"See what they think of us," she cried. "See what they think of the Indian."

Boyd Jackson is one of the most outspoken opponents to the 4-year termination program started by Congress in 1954. Short and stocky, Jackson's smile-crinkled face becomes serious when he explains his view that termination should be a more gradual process.

Making circling motions with a finger, Jackson said, "The politicians come out here and stir us around this way; then another bunch comes out here and stirs us around that way—like we were something in a bowl. We've been groping around in the dark since the passage of the law. I still feel (termination) is too far off; I can't believe it is going to happen, yet the time is on our necks."

WASHINGTON PROGRAM

One of Jackson's criticisms of the termination program is that it was worked out "in Washington instead of here on the ground."

"No one really tried to find out what we wanted, only what some of us wanted. It's the same way now. The law says that there should be consultation with the tribe on the management plan so that it will be acceptable to us. But they can't consult with us until after the plan is completed. What is consultation, anyway?"

These are three of the leaders of the tribe. There are many others who, when you talk with them, take shape as individuals:

Delphine Jackson, a student in commercial art at Marylhurst College near Portland, who feels that the 2-year-old educational program on the reservation—under which she is taking her training—could be an important factor in readying tribal members for termination. But, like her grandfather, Boyd Jackson, she feels termination is premature and that not enough time has been allowed for the transition from reservation life to the outside world.

The woman who gave an impassioned invocation at the July meeting of the tribal council: "Give us the heart and mind, oh Lord, to do what is right * * * to show that we are not uneducated savages for people to look down on."

DECORATED BARRELS

Edison Chiloquin, a descendant of one of the treaty signers after whom the reservation's only incorporated town is named. Chiloquin, who has one of the few Indian surnames on the reservation, has decorated the town's waste barrels with symbolic paintings during various stints in the city lockup: The barrel in front of the State liquor store carries the ugly face of a roaring (non-Indian) drunk, in front of the post office a barrel shows on one side an Indian sending smoke signals and on the other a pony express rider.

Vina (Mrs. Friedman) Kirk, an Indian but not a Klamath who is married to the son of Seldon Kirk, and who is the first and only woman or Indian ever elected to the Chiloquin City Council.

An Indian woman speaking of the requirement that a proposed management plan for whatever part of the reservation will be left after the termination election must have the approval of the Secretary of the Interior before it can be discussed in detail with the tribal executive committee: "We're the ones being terminated, not the Secretary."

The woman leader of the on-reservation discussion group studying termination problems who criticized a leader of one of the factions for his repeated questions during a meeting by asking rhetorically: "What is greater than a fool who is always asking questions? He who already knows all of the answers."

And Hiram Robbins, one of no more than a dozen actually successful Indian ranchers on the Klamath Reservation.

MORE STUBBORN THAN MOST

Robbins, half Modoc, was born in Oklahoma where many of the Modocs were sent to exile after the war of 1872–73. He got out from under the blanket at an early age but has remained on his ranch within the reservation. "I was more obstinate and stubborn than most people, I guess," he says.

Robbins, who enjoys an excellent reputation among the businessmen of Klamath Falls, covered many subjects of Indian life during and interview in which more than 4 hours slipped by. But he returned invariably to this one theme which may be the key to many of the reasons why the Klamath termination has not worked out smoothly.

"All of these people who came out here, all of the Congressional committees and everyone else, never talked about the people. Always, when they came here to study us, they looked at the trees and the water.

"We have a race of people here, not just the timber; but they didn't visit our homes, they drove through our forests and measured our trees instead."

[From the Eugene (Oreg.) Register-Guard of August 7, 1957]

REPORTS IN DIRECT CONFLICT—ARE KLAMATHS READY FOR TERMINATION?

(By William Dean)

On January 4, 1954, Orme Lewis, Assistant Secretary of the Interior, sent that Department's draft of a bill to terminate the Klamath Reservation to Congress.

The legislation had been sought through a Congressional resolution 6 months earlier. In his letter, Lewis expressed the Department of the Interior's view that the Klamaths were not only anxious for termination but were prepared to assume the greater personal responsibility that this would entail.

Since then there have been both official and private reports which are in direct conflict over whether the Klamaths are prepared. In each case the reports speak of the Indians as a group although the reports actually deal with a so-far undefined portion of the 2,000 in the tribe.

In his cover letter, Lewis said:

"It is our belief that the Klamath Tribe and members have attained sufficient skill and ability to manage their own affairs without special Federal assistance.

"Through intermarriage with non-Indians and cooperative work and association with their non-Indian neighbors such as adult education and technical-assistance programs, education in the public schools over an extended period of years and employment in gainful occupations within and without the reservation, these people have been largely integrated into all phases of the economic and social life of the area * * *."

In August 1954, Congress passed a termination law based on the Interior Department's draft. It became Public Law 587. It also became the catalyst that set off 3 years of dissension and distrust among the Indians—and between them and their non-Indian neighbors with whom Lewis said they had been engaging in cooperative work and association.

How do you reconcile the Department's official view of the Klamaths with such statements as these:

The Klamaths are "no more able to assume the responsibilities (of termination) than the aboriginal headhunters of the Fly River area of New Guinea" (editorial in American Forests, February 1957).

"The Indians and the Klamath Reservation are receiving a very poor education. The chief difficulty is the attitude of the people. Lack of education is reflected in the scarcity of skilled workmen and the total absence of professional people. Education is the yardstick by which we measure the ability of any people to make their way in our complex society, and it is unfortunate

that the Klamath people do not nearly measure up to their non-Indian neighbors" (report of the Klamath Agency, and office under the Bureau of Indian Affairs which is part of the Interior Department).

"The material culture of the Klamath Indians is little different from their non-Indian neighbors. They drive the same type cars, live in similar houses, dress and speak the same. They do not wear their hair in braids and very few aboriginal foods are still eaten. Only in the field of nonmaterial culture, such as attitudes toward time, work, and money, are the Klamath set apart in any degree from other citizens of Oregon" (from report by Oregon State Department of Education on Klamath termination program).

OFFICIAL DEPARTMENT VIEW

Finally, how do you reconcile the official Department view with the material contained in a report made to the Secretary of the Interior last winter—a report which has never been released officially? This report on the social implications of Public Law 587 was filed by the management specialists—Tom Watters and Eugene Favell—who were hired by the Secretary to carry out termination of the physical resources of the tribe.

They say, however, "we cannot ignore the basic social implications of this legislation. Of national importance is the question of what will happen to the Klamath tribal forests. * * * Of equal importance is the question of what will happen to the 2,000 human beings who are directly affected by this law."

The report at the outset quotes the paragraph from Lewis' letter reproduced above and suggests that it can only refer to those Klamaths living on the reservation since little was known in 1954 about the one-third of the tribe living in other places.

Then, the report says, "we have become convinced that Congress acted on the basis of inaccurate information concerning the majority of Klamath tribal members. * * * The Klamaths are entitled to consideration in the light of valid factual information. The decision to terminate * * * must necessarily be based on facts."

The management specialists say that the concept apparently held by members of Congressional committees on Indian affairs that the Klamaths are and have been managing their own affairs is erroneous.

"The Klamaths have never managed their own affairs as a group since the establishment of the reservation and there is a large group * * * whose members do not manage their own affairs as individuals."

The 12-page report also states: "One month after the passage of Public Law 587, 240 adults were considered by a local committee to be incompetent to handle their own personal funds, and the funds of 600 minor tribal members were held at the agency for supervision. This means that almost 50 percent of the adult Klamaths then living on the reservation were not considered competent to handle their own funds at the time Public Law 587 was passed.

"Records disclose a number of case histories of individuals who have received substantially large sums of cash and have dissipated those sums with no apparent increase in their standard of living. Three of the more recent examples of this type involve a 40-year-old male Klamath who received $2,180 in a lump sum in December of 1955 and did not have money for food 2 weeks later; a 50-year-old female tribal member who received close to $70,000 during the summer of 1955 and who is currently (December 1956) borrowing money; and a middle-aged male Klamath who received more than $11,000 in February 1956, and by midsummer had spent more than $8,000 with no perceptible increase in his standard of living."

DEGREES OF SUCCESS

The report points out that while information furnished to members of committees on Indian affairs indicates that the Klamaths have received education in public schools comparable to that of other citizens, the fact is that in the school year 1953–54 the school work of 40 percent of the 225 Klamath children enrolled in Klamath County public schools was not sufficiently satisfactory to warrant their being promoted to the next grade.

"Insofar as experience in business management is concerned, there is at present one tribal member who appears to be successfully operating a service station and store on the reservation and a few Klamath Indians who are operating ranches with varying degrees of success.

"It appears that more than two-thirds of the 270 able-bodied male Klamaths on the reservation between the ages of 18 and 63 either do not work at all or work only off and on. The majority of this group live, so to speak, from one per capita (distribution of timber sale proceeds) to the next."

The existence and functions of the Klamath Tribal Loan Board also, the report says, "have been cited as an example of the adequate business and management ability of the Klamaths as a group. When viewed in the light of the facts this example proves otherwise.

"It became the major function of the Klamath Tribal Loan Board to make advances on per capita payments and there was little or nothing in the situation to imbue the tribal members with any sense of financial responsibility."

During the period the board was in operation there were only two applications for loans to be used to purchase land, the report says.

Discussing the degree of social integration attained by the Klamaths on the reservation, the specialists' report turns to the court records of Klamath County which indicate that a substantial majority of the local adult Klamaths have been arrested and convicted during the past 10 years for offenses other than traffic violations. The number of convictions ranges from 1 to more than 100 per individual.

"The record also shows that the Klamath Indians, whose numbers in Klamath County comprise less than 3 percent of the county population, are accounting for almost 50 percent of the child delinquency cases requiring county welfare services."

The report concludes:

"The Klamath Indians have been described to Congress as one of the most advanced Indian groups in the United States. To substantiate this has been offered a description of their material possessions and references to the absence of Indian customs and dress. We suggest that a more reasonable criterion than the extent to which the Klamaths have shed the blanket, is how well the majority of them have acquired skills and attitudes necessary for the assumption of responsibilities in a non-Indian society which they will be required to assume upon termination."

The specialists, as shown in the report, obviously do not believe the majority of the Klamaths can make the transition from the blanket to full status in a non-Indian society under the terms of Public Law 587.

At the same time, a strong and vocal group disagrees.

They assert that it is now or never for the Klamaths. These tribal members say that they and the other Indians have been shackled by the reservation system far too long.

This internal conflict is one of the keys to the Klamath problem.

Mr. KNOWLAND. 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. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN NOMINATIONS IN THE FEDERAL POWER COMMISSION AND THE DEPARTMENT OF AGRICULTURE

Mr. KNOWLAND. Mr. President, I should like to address an inquiry to the distinguished majority leader. We have had some discussion on the floor, on several occasions, relative to the nominations which were passed over on the Executive Calendar, with particular reference at this time to the nomination in the Federal Power Commission of Mr. Jerome K. Kuykendall, to be a member of the Federal Power Commission, and the nomination of Mr. Don Paarlberg, to be an Assistant Secretary of Agriculture and a member of the Board of Directors of the Commodity Credit Corporation.

I had understood from the distinguished majority leader that after we had disposed of the unfinished business, perhaps early this week—and I hope by tomorrow—we might proceed to the consideration of the nominations.

Senators on both sides of the aisle have expressed to me the feeling that the nomination of Mr. Kuykendall, which is to fill a vacancy, and the nomination of Mr. Paarlberg to two very important positions in the Department of Agriculture should be acted upon. Can the Senator from Texas give any assurance as to when the Executive Calendar may be called and action taken on these nominations?

Mr. JOHNSON of Texas. First, the Paarlberg nomination was not reported to the Senate until August 7. The Kuykendall nomination was reported on August 1. The problem which has confronted us has been that the printed hearings on both nominations have not been available. I hold in my hand the hearings on the nomination of Mr. Don Paarlberg. I had asked that they be placed on my desk when they were available. I also have now the hearings on the nomination of Mr. Kuykendall.

It is the plan of the majority leader, subject to the will of the Senate, and certainly subject to the approval of my friend, the minority leader, to have Calendar No. 866, H. R. 8240, the military construction authorization bill, and also the Niagara River power bill, taken up following the eulogies of the late Senator George today. I hope it will be possible to have both those bills considered today, perhaps late this afternoon. I give notice now that the Senate will remain in session late this evening if it is necessary to pass the Niagara bill.

It is planned to have the Senate convene at 11 o'clock tomorrow morning. I should like to have the Senate take up then the resolution which has come

over from the House to extend appropriations for certain agencies. Also, I should like to have the Senate consider the conference report on the public-works bill and the conference report on the mutual-security authorization bill. It may also be that there will be 2 or 3 other noncontroversial matters which will have to be sandwiched in.

At the conclusion of the consideration of those matters, which I hope will be not later than the middle of the day, and if it is agreeable to the minority leader, and also if the Senate will support me, I shall move to proceed to the consideration of the nominations on the Executive Calendar. I understand the nominations are controversial. I feel certain there will be some yea and nay votes. I do not want any Senator to think that a vote is being "sprung" on him.

I apologize to Senators for the delay which occurred in the publication of the hearings. I myself spoke with the Senate Printing Clerk about the matter, and the hearings are now available. I should like every Senator to take notice of that fact. Senators can now review the hearings.

Unless we get off schedule, I should think it would be possible to consider the nominations on the Executive Calendar by midday tomorrow, or late tomorrow afternoon.

I shall keep in touch with the Senator from California and with any other Senators who may be interested in the nominations. If the nominations are not reached by tomorrow afternoon, I hope they will be reached the first thing on Wednesday. But it is desired to give highest priority to the conference reports on the appropriation bills and on the mutual-security authorization bill. I have already scheduled them; otherwise I would consider moving them ahead of the bills we are about to consider. But the Senator from California knows that the feeling concerning the Niagara bill is pretty touchy, because it was the pending business before the Senate took up the consideration of the civil-rights bill, and I want to keep faith with my colleagues who are interested in the Niagara bill.

Mr. KNOWLAND. Mr. President, the program as outlined by the majority leader is satisfactory to me, but I most strongly urge that he follow the course of action which he has outlined, so that the Senate may begin to consider the nominations by tomorrow afternoon, even if it is necessary to have the Senate remain in session later in order to move along with them. I think it is necessary in fairness to the persons concerned, and also to the President, who submitted the nominations to the Senate, that we should move toward their consideration. I appreciate the cooperation of the majority leader.

Mr. JOHNSON of Texas. I thank my friend from California and assure him that that is my intention. If there is any change to be made in the plans, I shall be in touch with him.

I may state for the information of Senators who are present and for the benefit of the RECORD that the hearings on the nominations have been available since 9 o'clock last Saturday morning.

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

Mr. JOHNSON of Texas. I yield.

Mr. HUMPHREY. I did not understand that there was to be any arrangement as to a limitation of time on the consideration of the nominations.

Mr. JOHNSON of Texas. The sky is the limit. It is understood that the nominations are controversial and that there will be extended discussions.

Mr. HUMPHREY. I assure the Senator from Texas that the nominations are very controversial.

Mr. JOHNSON of Texas. I am aware of that. The Senator from Texas was made aware of the controversy in his endeavor to have the hearings printed. But the hearings have been available since Saturday. My friend, the Senator from Oregon [Mr. MORSE], wanted the opportunity not only to have the hearings printed and a copy made available to each Senator, but also the opportunity to review them. That is why I did not move to have the nominations considered on Saturday or today. But it is my plan to call them up tomorrow, after the Senate has finished with the appropriation bill and the other important business.

Mr. HUMPHREY. The majority leader is very considerate in proposing a program to which we will be glad to adhere.

Mr. JOHNSON of Texas. I appreciate the Senator's comments.

RECOMMITTAL OF NOMINATION OF VICTOR R. MILLIGAN TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JOHNSTON of South Carolina. Mr. President, while we are discussing nominations, I ask unanimous consent to have recommitted to the Committee on Post Office and Civil Service the nomination of Victor R. Milligan to be postmaster at Ketchikan, Alaska. After the nomination had reached the calendar, objections were raised to it, and a hearing was asked for. I have talked with the distinguished Senator from Kansas [Mr. CARLSON], the ranking minority member of the committee, and he also agrees to having the nomination recommitted.

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

KEEPING WILDERNESS WILD

Mr. HUMPHREY. Mr. President, many of us who have fought for preservation of our country's natural beauty welcomed a splendid article in the New York Times, Sunday, by David Cushman Coyle, entitled "To Keep the Wilderness Wild."

Mr. Coyle, an engineer by profession, has written for many years on political and public affairs. The wilderness article is in part taken from his forthcoming book Conservation and Accomplishment, which is scheduled for October publication.

Mr. President, I ask unanimous consent to have the article referred to printed at this point in the body of the RECORD, and commend it to my colleagues for review.

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

TO KEEP THE WILDERNESS WILD

(By David Cushman Coyle)

Almost a century ago Henry David Thoreau, recalling the royal game preserves that William the Conqueror and his successors established in Britain, wrote in The Atlantic Monthly:

"Why should not we, who have renounced the king's authority, have our national preserves * * * in which the bear and the panther * * * may still exist, and not be civilized off the face of the earth—our forests, not to hold the king's game merely, but to hold and preserve the king himself also, the lord of creation—not for idle sport or food, but for inspiration and our own true recreation? or shall we, like villains, grub them all up, poaching on our own national domains?"

Today only a few such uncivilized preserves remain. Some 55 million acres—about 2½ percent of the 2,300,000,000 acres in the United States and its territories—of Federal lands can be classed as wilderness. They are divided into two main groups. One consists of the undeveloped sections of the national parks—not the areas cleared for roads, picnic grounds, trailer camps and ski runs, but the reaches beyond where man is at most a brief visitor who leaves no more than a path to mark his trail. The other is composed of reserved areas in the national forests—about 14 million of the forests' 181 million acres—set aside by the Forest Service, but subject to change by its administrators, under the Secretary of Agriculture.

Other smaller wilderness areas have been designated within the National Wildlife Refuges and on Indian reservations. There are also 3 million acres of wilderness in State-owned lands, most of it in the Adirondack and Catskill forest preserves, which under the New York State constitution must be kept forever wild.

With our population heading for the 300 million mark within the next two generations and our cities and suburbs expanding at the rate of a million acres a year, these wilderness areas are meeting steadily increasing dangers of invasion. The most obvious pressures come from private commercial interests—lumbermen, stockmen, miners, and oilmen. But sometimes the Government itself invades the wilderness reservations. The attempt of the Interior Department to put through an irrigation and hydroelectric development on the upper Colorado, including Echo Park Dam in the Dinosaur National Monument, is an example. In that case, protests from nature lovers all over the country persuaded Congress to hold up the whole project until its proponents agreed not to attempt to put a dam in any reserved area. The Armed Forces, too, demand increasing amounts of land, for testing and practice with atomic and other weapons.

But the most direct pressure on the wilderness lands comes simply from the increasing population, the crowds of people who want to get into the open country for sport or relaxation, who have the leisure to go and the automobiles to take them there. In 1953 18 million people are reported to have bought tickets to baseball games, but 32 million bought hunting or fishing licenses. A report from Wisconsin in 1955 showed that, while the population had increased 25 percent since 1947, small-game hunters increased 125 percent, and out-of-State fishermen 600 percent.

There happen to be handy statistics about hunting and fishing. Countless millions who do not hunt or fish go into the open for camping or picnicking, or simply to look, for

the good of their souls. More than 50 million people visit the national parks every year, and other millions are turned away because there are no accommodations for them.

As the people coming into the parks become more numerous, park officials are led to build more roads and open up more areas to reduce the crowding. The result is deeper incursions into the unspoiled wilderness. Picnic grounds are not acceptable habitats for the many kinds of shy creatures that scorn peanuts and chocolate.

Unless something unforeseen reduces the American standard of living, indications are that for at least the next 50 years—the period in which our population can be expected to double—popular demand is going to force an increase in the acreage converted from wilderness to resorts. Other uses of wild land also will call for increased acreage, and the conflicts among rival demands will grow more severe.

This year one of the recurring battles to keep intact the best of our remaining wild areas, beyond the park lands already trampled by the herds of tourists, is going on in Congress. It centers in the Wilderness bill, introduced in the Senate by HUBERT H. HUMPHREY, Democrat of Minnesota, and others of both parties, and in the House by a bipartisan group led by Representative JOHN P. SAYLOR, Pennsylvania Republican.

The bill would establish a National Wilderness Preservation System with a council made up of the heads of interested Government agencies, the chairmen and ranking minority members of the Senate and House Committees on Interior and Insular Affairs and representative private citizens. They would maintain constant surveillance over the wild areas that have been already set aside in the Federal lands but that now are subject to the danger of transfer to other uses by a hostile administrator or overdevelopment by an ambitious one. It is possible that a few other, almost unknown, wild areas in the Federal domain might be added to the protected list under the proposed bill, notably the rugged northern Cascades in the State of Washington.

Is the preservation of these areas worth the trouble of making and enforcing laws to that end? The general conservation principle, since the time of Gifford Pinchot and Theodore Roosevelt, has been that it is wasteful to destroy unnecessarily any resource that we may want in the future.

The most familiar example of such waste is, perhaps, the creation of irretrievable soil erosion. The same principle applies also, with special force, to the preservation of wildlife habitats and wilderness reserves. Any type of landscape, in its natural form and with all its biological elements in balance, can usually be preserved by suitable means, but if it is once destroyed it may be impossible to restore by any human agency, or by nature in any foreseeable future.

Thus the issue of wilderness preservation comes down to two questions: Is the wilderness a valuable resource? What other values would have to be sacrificed in preserving it?

The greatest value of the unspoiled sanctuaries is esthetic, even spiritual. Some people always will want to go quietly into these wilderness areas, where no roads penetrate but travelers on foot or horseback are welcome, to see what virgin nature is like. Many more will find pleasure and reassurance simply in knowing that such untouched places exist. Opponents of wilderness preservation may call such reasons sentimental, but the mere fact that most of the multitudinous life of the world of our forebears still exists is a comfort to a large number of people. And spiritual comfort is as necessary as physical comfort in maintaining a high standard of living.

One important short-range economic reason is that in many cases the wild areas provide the cheapest and best form of watershed and soil conservation, storing rainwater and releasing it naturally to the land outside. For sportsmen, they assure continuing stocks of game and fish by providing wildlife with natural breeding grounds—from which members of each generation will venture into unprotected regions.

Their educational and scientific values should be obvious. They are natural museums of our country's past and natural laboratories for such studies as genetics, zoology, botany, and geology. They offer the scientist in any of these fields an invaluable control to match against experiments conducted in a civilized environment.

What is perhaps not so obvious is that we cannot tell what practical uses the technology of the future may find for some plant or animal—provided it still exists. Who would have thought, for instance, that the humble mold penicillium would suddenly spring into prominence as the source of a lifesaving antibiotic? We may have a future use for only one species in a million—but which one? The wilderness areas are insurance that it will not have become extinct.

As the New York Times noted last year: "This isn't just a question of city folk seeking outdoor recreation, or enjoying spectacular scenery, or breathing unpoisoned air. It goes much deeper; it springs from the inextricable relationship of man with nature * * *. Man needs nature; he may within limits control it, but to destroy it is to begin the destruction of man himself. We cannot live on a sterile planet * * *."

What other values, then, would have to be sacrificed to preserve the wilderness areas? In every political struggle over competing uses of land, the intangible benefits are contrasted with tangible, commercial uses. Most of the present wild land in this country, however, has remained wild because it is worthless as farmland and is relatively inaccessible. Some of it does have notable timber values, and was retained in public ownership only by the fact work of the early conservationists. Some of it may have oil or other minerals.

If the time should ever come when it would really be of first importance to invade the wildlife sanctuaries in search of food or oil or timber for want of supplies elsewhere, that would be scraping the barrel indeed, presumably in the last stages of a Malthusian disaster with hordes of hungry people crawling all over the planet. If such a possibility were to be admitted it would become one more practical argument for keeping the wild areas intact and in reserve: what we use up now we obviously cannot draw upon in some future emergency.

But the contestants over the uses of American wild land all assume a rising living standard, and with a rising standard of living the amenities will become more important and the basic necessities less so. In these circumstances, the distinction between practical and sentimental reasons for preserving our wild areas melts away.

A BILL, NOT AN ISSUE

Mr. HUMPHREY. Mr. President, everyone seriously concerned with protection of civil rights is more interested in getting a bill enacted than in political maneuvering to create an issue.

I am pleased to note that a similar position has been taken by the more objective press in our country, especially newspapers which had supported the President and supported the efforts of those of us who worked as vigorously as we know how for a stronger bill.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial from the Minneapolis Morning Tribune of August 6, entitled "A Bill, Not an Issue," and an editorial from the Washington Post of August 8, entitled "Give It a Try." I also ask consent to have printed another editorial from the Washington Post of the following day, paying tribute to the role of the majority leader in getting Senate action without a filibuster, a column by Walter Lippmann discussing the bill and what it means, and a column by Doris Fleeson discussing some of the background behind the final action.

Mr. President, I also ask unanimous consent to have printed in the RECORD an article from the Washington Post of August 9 indicating a Republican move to put off action at the present session, and a press statement of my own issued a week ago when Republican leaders began to indicate the bill was dead.

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

[From the Minneapolis Morning Tribune of August 7, 1957]

A BILL, NOT AN ISSUE

If Congress should fail to enact a civil-rights bill at this session, the whole angry controversy now centering in the Senate is sure to be revived next year. Since 1958 is a campaign year, such a revival would tend to strengthen, the political fortunes of the Republicans who could point to deep divisions on civil rights the Democratic Party.

The Democrats are largely responsible for weakening the present bill. Many Republicans, beyond any doubt, would like to refight the battle next year to wring the maximum political advantage from it.

But if civil-rights legislation were deliberately killed with this end in view, it would be a great disservice to the Nation. The Senate bill leaves much to be desired even in the limited area of voting rights which is its primary concern. There is no doubt that the jury trial amendment made it a less effective measure.

Yet as Senator HUMPHREY says, "it does represent a significant step forward and, properly administered, can serve usefully to protect civil rights." Its passage would represent a definite recognition by Congress that denials of the right to vote exist and must be dealt with by Federal authority. It would be the first Federal legislation in 80 years addressed to the strengthening of the Negro's civil rights.

Under the circumstances, any political stratagem which killed the bill merely to preserve the issue would be despicable. We believe that Senator JAVITS, Republican, of New York, took the proper attitude when he said: "I am disappointed in the bill as it is but I want a bill and not a campaign issue."

The American people, too, unquestionably want a bill and not a campaign issue. They would prefer a little progress in the field of civil rights to none at all, and they would not accept slick political maneuvering as a satisfactory substitute for progress.

There is some talk that Mr. Eisenhower may veto the bill unless the jury-trial amendment is limited to cases involving the right to vote. But disappointed as he may be in the measure as it now stands, with its sharply restrictive amendments, we do not believe that the President would arbitrarily veto it for partisan ends.

Mr. Eisenhower's interest in securing the Negro's rights has been amply demonstrated. He has placed the weight of his office and his influence on the side of those rights many

times. His whole record indicates that a capricious veto is highly unlikely. He is not the sort of man to reject the progress offered by a moderate bill to keep the fires of party controversy blazing.

[From the Washington Post of August 8, 1957]

GIVE IT A TRY

The 16 national organizations which have joined in a statement urging final passage of the civil-rights bill have taken a realistic view of what is possible. All of these groups opposed the jury-trial amendment approved by the Senate; but all of them recognize, also, that an amended bill is vastly preferable to no bill at all. It is noteworthy that among the signers is Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People. Mr. Wilkins has courageously participated in the appeal to place the goal of some progress in this area ahead of any fancied political advantage.

This ought to be a signal to legislators who are interested in seeing a meaningful measure become law, and it ought also to help persuade the President. Mr. Eisenhower seemed to be slightly more conciliatory in his remarks yesterday. He indicated, without actually saying so, that if the jury-trial amendment is narrowed so as to apply only to voting-right cases he may approve the bill, or at least may not veto it. Here at least is room for adjustment.

This sort of delimitation of the jury-trial amendment in discussions between House and Senate will be a ticklish matter in view of all the temptations to make politics over the bill, but it is nevertheless very important. The amendment as written extends to all cases of criminal contempt and could have unknown and possibly very damaging effects on established equity procedure. It can be limited so as to apply only to voting-right cases and still make the point the Senate sought to make. Also desirable is some sort of reference in the legislative history or report softening the application of the excessive penalties for unauthorized use of testimony before the proposed Civil Rights Commission.

If these improvements can be accomplished, it then will be time for the proponents of stronger civil-rights legislation to put aside their misgivings and give the bill a try. This is a compliance rather than a punishment bill, and there can be no absolute certainty that it will be effective in all cases of denial of voting rights. But it is the first real civil-rights implementation bill in more than a generation, and it carries with it strong moral obligation as well as not inconsiderable enforcement powers. If the bill should prove inadequate in practice, surely it would be a great deal wiser to repair a law already on the books than to leave the whole question of civil rights in the stage of impassioned talk but no action.

[From the Washington Post of August 10, 1957]

MR. JOHNSON'S TRIUMPH

Almost everyone can agree that Senate passage of the civil-rights bill in its present form was a personal triumph for Senator LYNDON JOHNSON. Even those who still feel that the softening of the bill amounted to mayhem, must admire the consummate skill with which the majority leader sensed the legislative weather, found a common ground for agreement between South and North that extended across party lines, and marshaled his forces to put through the jury-trial amendment.

What may have been his personal motives other than the desire to obtain an acceptable bill only Mr. JOHNSON can say. Months ago, he explained privately his thought that a civil-rights bill could be obtained in this session of Congress, if it were properly presented, and he reiterated his own feeling that the most meaningful single advance lay in better protection of the right to vote.

In the process, it should be noted, Mr. JOHNSON did not injure his own political stature. He came out of the debate a national rather than regional figure on an issue deeply affecting both South and North. He managed, moreover, to hold the Democratic Party together when it appeared as if the northern and southern factions would tear each other apart to the chortling of the onlooking Republicans. All of this surely will have a bearing on whatever future ambitions he may have.

Yet it would be a disservice to the majority leader to leave the matter there. The art of compromise is very useful, indeed essential, in a democratic society; and what must not be forgotten in the present bill is that in return for the concessions that dismayed northern liberals, Mr. JOHNSON won reluctant acquiescence without a filibuster from southern conservatives, some of whom were conscientiously determined to have no bill at all.

In a memorable speech before the bill finally was passed Wednesday night, Mr. JOHNSON listed some of the positive accomplishments. He stressed the prestige of a new Assistant Attorney General in the field of civil rights and the importance of a Civil Rights Commission with subpena powers (to which he had initially been opposed) as an instrument to sift facts from charges. He pointed out that, quite apart from the guaranty of jury trials in cases of criminal contempt, Federal judges will retain substantial civil powers to enforce compliance with their orders through fines, imprisonment, and compensatory damages. Then, he added:

"For the first time in my memory this issue has been lifted from the field of partisan politics * * * I tell you—out of whatever experience I have—that there is no political capital in this issue. Nothing lasting, nothing enduring has ever been born from hatred and prejudice, except more hatred and more prejudice * * * there is a compelling need for a solution that will enable all Americans to live in dignity and unity * * * the Senate has dealt fairly and justly with this measure. This is legislation which is good for every State of the Union, and as far as I am concerned, Texas has been a part of the Union since Appomattox. * * * I shall genuinely support this legislation with enthusiasm, secure in the belief that it represents progress and assures an advance in the rights to which all our people are entitled."

These words furnish a yardstick by which the practical performance under the bill can be measured. If the House and the President agree, and experience bears out Senator JOHNSON's glowing hopes, his own contribution in engineering consent will have been leadership of a high order.

[From the Washington Post and Times Herald of August 8, 1957]

A STRONG BILL

(By Walter Lippmann)

It is not, it seems to me, a true reading of what has happened about civil rights to suppose that the Senate has taken a good and a strong bill and has made it into a poor and a weak one. The Senate version is, on the contrary, a far better bill than the one brought forward by Mr. Brownell and accepted in the House.

The radical vice of the original bill is that it promises more than the President and the Attorney General can in fact perform. It invests the Federal Executive with nominal power and an enormous mandate, that of compelling the Southern States to cease and desist from all violation of civil rights, including segregation in the public schools. Because the bill promises so much more than the Federal Executive can possibly do, it is fair to say that it was drafted not by statesmen seriously concerned with the civil rights of southern Negroes, but by northern politicians concerned with the vote of northern Negroes.

For if the President were to do what innocent supporters of the Brownell bill have been led to expect him to do, he would find himself embroiled all over the Deep South in fierce legal battles and popular commotions. Such a massive Federal intervention as the House bill calls for would surely provoke a sectional resistance which would divide the country and would embitter the human condition of the South.

And if the President hesitated and was cautious, he would be charged with violating his oath of office. He would be subject to all manner of demagogic pressure and to popular reprisals. If President Eisenhower had understood the problem, he would now be congratulating himself on the defeat of the House bill. For he has escaped the stresses and the strains, the turmoil and the trouble, which passage of that bill would have brought upon him. He would have found himself obligated to do quickly by widespread legal coercion what can in fact be done, as he well knows, only gradually by the evolution of opinion.

The great virtue of the Senate's bill is that it reduces the responsibility of the executive branch of the Government to a manageable size. The responsibilities are manageable because the Senate bill registers an historic event—namely, an agreement with the big political leaders of the South that the time has arrived to secure and protect by Federal intervention the civil rights of qualified Negroes to vote. The reason the Senate bill is really stronger than the House bill is that underneath the powers granted to enforce the critical civil right to vote there is the agreement to acquiesce and to comply in the acknowledgment of the right. The Senate bill can be enacted without a filibuster. What this signifies is that it can be used effectively without provoking the resistance of a more or less united South.

Whether the Senate bill will be used effectively depends not on Congress but on the administration—on whether it is disinterested, on whether it is lucid, and on whether it has the imagination to make the most of what the Senate leaders have conceded. Led by Senator RUSSELL, of Georgia, and Sen- LYNDON JOHNSON, of Texas, they have acknowledged the constitutional right of qualified Negroes to vote and they have accepted the principle that the Federal Government has the right and the duty to intervene to protect this right.

To reject this concession, to treat it as uninteresting and unimportant, would be stupid and foolish. The Senate bill, precisely because it is based on such wide consent in the South, differs not in degree but in kind from the Brownell draft and the House bill.

The bill has certain defects, which are quite incidental, most importantly, the jury trial amendment should be limited to the field covered by the bill itself—namely the protection and the securing of the right to vote. Without sacrificing anything of principle or of substance, the Senate should agree to correct this mistake.

If that is done, there will be no ground on which the House can reasonably reject the Senate bill. There will be none on which the President can veto it. For the bill is not only a great advance in the civil rights of the southern Negroes. It is a very great advance in the concurrence on a dangerous issue of the Nation as a whole.

HOW JURY TRIAL AMENDMENT WON

(By Doris Fleeson)

WASHINGTON.—Senate sentiment turned toward adoption of the heavily disputed jury trial amendment to the civil-rights bill in the final day of debate.

A big factor was the South's willingness to yield on its filibuster threat if the O'Mahoney-Kefauver-Church amendment confining jury trials to contempt cases were adopted. A grinding defeat for their southern colleagues had never been palatable to the Senate moderates, who enjoy their service with those courteous, knowledgeable men.

The railroad brotherhoods picked off Midwest Republicans on whom the antijury forces, led by GOP leader KNOWLAND, had depended. These were CASE of South Dakota, CURTIS of Nebraska, and possibly SCHOEPPEL of Kansas.

John L. Lewis and his United Mine Workers bore down on Republican CHAPMAN REVERCOMB of West Virginia. It was anticipated by the liberal Democrats and KNOWLAND that Lewis might also get the gravely ill Democrat MATT NEELY of West Virginia, whom they were reluctant in any case to call.

NEELY and the senior Republican, Senator STYLES BRIDGES, of New Hampshire, a convalescent from exhaustion, were the only absentees. BRIDGES did not want to vote against his southern friends or his GOP leader.

Another Republican surprise was Senator MARGARET CHASE SMITH, of Maine, chiefly because she had voted with KNOWLAND on the issue of retaining in the bill wider provisions than the right to vote.

Mrs. SMITH consulted not only her conscience but her famout declaration against the tactics of the late Senator Joseph R. McCarthy. It called for trial by jury, not trial by accusation. This seemed to her still valid. Also she concluded that Americans generally understand trial by jury and that it would improve public acceptance of the history-making measure.

KNOWLAND had assured his Democratic allies he would lose at most 5 or 6 GOP votes. He lost 12. He had assumed SCHOEPPEL, chairman of the Senate Republican campaign committee, would stay with Mr. Eisenhower; also Senator HOMER CAPEHART of Indiana. But CAPEHART is not up for reelection until after Mr. Eisenhower has been 2 years gone from the White House, nor has the President been lavish with his gratitude for CAPEHART's defense of him.

Tactically, it was a mistake for Mr. Eisenhower to be at the Burning Tree golf course when the final wheeling and dealing took place, just as he was when title 3 was stricken from the bill.

Attorney General Brownell went off to London to the bar meeting while his brain child was being reshaped. His partisan attack there on former President Truman's Justice Department didn't help.

Among Democratic liberals disposed to the compromise, a key figure was PASTORE of Rhode Island, who took his venerable senior, THEODORE FRANCIS GREEN, along with him. PASTORE is up next year and his integrity and liberalism cannot be questioned.

He could not bring himself to feel that the jury trial amendment would hurt the bill. He argued, too, that the legislation as a practical matter was principally designed to order officials to do their duty rather than to change general public attitudes. He felt this would be achieved.

There were, of course, expedient votes cast. An example: JENNER of Indiana is normally always on the far right, normally disregardful of Mr. Eisenhower, but he is up next year in a tough fight.

Generally speaking, it was a thoughtful Senate vote, however, perhaps the most thoughtful of recent years. The better Senators weighed carefully how best to proceed on what is, after all, the first Federal legislation on civil rights since Reconstruction, an era few care to remember and none to repeat.

The Senate as a whole voted as Senators, not as men with national aspirations. When the chips are down they usually do, which is one reason they rarely become President.

An exception is being charged in the case of Senator JOHN KENNEDY. The Massachusetts Democrat, a supposed liberal left the dauntless nine who stood fast. He is accused of being mindful of the South's presumed veto power over a Democratic nominee for President. Apparently he feels that his appeal in the big city States as a Catholic will overcome their pro-civil-rights sentiments.

[From the Washington Post and Times Herald of August 9, 1957]

CIVIL RIGHTS MAY CALL CONGRESS BACK IN FALL

(By Wilmot Hercher)

Representative JOSEPH W. MARTIN, JR., of Massachusetts, Republican leader of the House, yesterday advocated a special session of Congress if necessary to get a satisfactory civil-rights bill.

He spoke as the Senate's historic civil-rights measure lay on the Speaker's table in the House and party leaders weighed their next moves.

MARTIN told reporters that if the bill in its final form fails to meet President Eisenhower's specification he will personally recommend that Mr. Eisenhower veto it and recall Congress in November to try again.

Senator WILLIAM F. KNOWLAND, of California, the Senate's GOP leader, said it was too early to say whether a special civil-rights session might be called. Congress may adjourn by the end of this month.

Other Senators said KNOWLAND had told the Republican policy committee at a private meeting that a special session is a definite possibility if Mr. Eisenhower doesn't get the legislation he wants.

Two main courses were open to the House in handling the bill which the Senate approved 72–18 Wednesday night after nearly 5 weeks of debate.

The House could accept the Senate's amended version and risk a Presidential veto. Mr. Eisenhower is opposed to the jury-trial provision inserted by the Senate, considering it "most damaging to the entire Federal judiciary."

Or the House could send the bill to a Senate-House conference committee for attempted adjustment of the differences between it and a much broader measure passed by the House June 18.

There were indications that northern Democrats were anxious to save what they can of the first civil-rights bill to get through the Senate in more than 80 years.

Representative EMANUEL CELLER, Democrat, New York, who would head the House conferees, said Wednesday he thought both branches of Congress would accept a compromise limiting the jury-trial amendment to voting-right cases.

As it now stands, the amendment would require jury trials in nearly all kinds of criminal contempt proceedings arising from efforts to enforce Federal court injunctions. These proceedings, under present law, are generally handled by judges alone

House Speaker SAM RAYBURN (Texas), leader of the Democratic majority, said he would have a statement today on what he thinks should be done with the legislation. The House may act after that.

The bill approved by the Senate contains these provisions:

Authority for the Attorney General to apply for Federal court injunctions against any violations of voting rights or threatened violations (the House bill contains authority for injunctions against all kinds of civil-rights violations).

A requirement that jury trials be given to all violators of injunctions in a wide field of law when the cases involve criminal contempt (the House rejected a jury-trial amendment).

Authority to establish a Civil Rights Division in the Justice Department under a new Assistant Attorney General.

Authority to set up a bipartisan commission with broad subpena power to make a 2-year inquiry into civil-rights problems.

THE CIVIL-RIGHTS BILL

Mr. HUMPHREY. Mr. President, it is regrettable that the fate of the civil-rights bill seems hung at dead center, during a controversy over whether it should or should not be sent to a conference committee. Unfortunately, but perhaps understandably, this controversy has turned into a battle of public statements, rather than sincere attempts by reasonable men to sit down together and agree on a course of action.

I am convinced such public controversy at this stage will serve no useful purpose for the cause of civil rights. We all become victims of the same desire for self-justification. Each statement made by one party brings forth answering statements from another. I have become embroiled in this exchange, myself; and it is for that very reason that today I want to reassert my foremost desire of getting a civil-rights bill enacted, regardless of who gets the credit.

Perhaps I can say what we all know is true: Unless we can bury the partisan hatchet for a while, we are likely to get no bill at all. I am willing to extend the olive branch—if I can find any takers. I am willing to put the civil-rights bill above all else. Our majority leader has taken the same attitude.

Quite frankly and quite sincerely, I ask: What can be achieved out of a formal conference committee, that cannot be achieved far more surely out of an informal conference of the leadership of both Houses and of both parties, meeting together in good faith to determine how to proceed now for action? What is needed is a meeting of the minds of the leadership of both Houses, in connection with this vital issue.

If we start from a premise of trying to get action completed on the best possible civil-rights bill that can be accepted by this Congress, I am convinced we can get agreement in 48 hours. Our leaders on both sides of the aisle know the views and sentiments in each House. They know how many votes exist on each side of this issue. They are reasonable men; and I, for one, am convinced they can guide us to a successful resolution of this issue.

Mr. President, I am prepared to place this issue in the hands of these responsible leaders on both the majority and the minority sides.

Again I pay tribute to the distinguished senior Senator from California [Mr. KNOWLAND] for what I believe to be his integrity of purpose and for the manner in which he has conducted himself in connection with this issue.

Let us call a truce on partisan bickering, and let us explore ways to get results. I invite my Republican friends to join me in this approach.

Mr. President, I concur in the editorial published today in the Minneapolis Tribune, which asks whether we want an issue or whether we want a bill. I want to have a civil-rights bill passed;

I do not want an issue. I want accomplishment, rather than a fight.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time available to the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I did not know the Senate was still proceeding in the morning hour.

The PRESIDING OFFICER. Morning business has been concluded. However, under the unanimous-consent agreement which has been entered into, statements made at this time, in connection with the making of insertions in the RECORD, are not to exceed 2 minutes.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered; and the Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, perhaps the leaders in both Houses may want to broaden the representation in an informal negotiating group to represent different areas of thought in their own bodies. Perhaps they would prefer to work out the matter alone. But one thing should be clear to everyone: Anything an official conference committee could agree upon could be agreed upon just as quickly—and probably a lot faster—by such an informal conference, which could clear the way for approval by the House Rules Committee, without any amendment being necessary. We need only one Republican vote to get such an agreement in the Rules Committee. What do our Republican colleagues ask, before they will release one vote?

Let us see whether we can get a meeting of the minds, based upon realism, instead of letting ourselves get further entangled in partisan battling which will produce no results.

A majority of both Houses have indicated they want a civil-rights bill enacted into law. It would be tragic to have civil-rights progress now fail just because of disagreement over mechanics, timing, or minor details. It will be a real test of good faith and good leadership to reconcile our remaining differences quickly and to complete, before we adjourn the job we started. I am convinced it can be done. I want to help do it, not hinder. Many fine Republicans worked sincerely and vigorously for a strong civil-rights bill. We worked shoulder to shoulder, putting the cause above partisanship, while the heat of the battle was on. There is no reason to change our course now. I invite every Republican seriously concerned about civil rights to assert his influence now toward completing the job at this session of Congress.

Mr. President, I ask unanimous consent that a statement I have prepared protesting against the premature burial of the civil-rights bill be printed in the RECORD.

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

STATEMENT BY SENATOR HUMPHREY

Contrary to what some Republican spokesmen are saying, the civil-rights bill is not dead. It can only be killed if Republicans now show they are more interested in stirring up a partisan issue than in getting some constructive action, however little it may be.

For those of us who put partisanship aside to work in good faith with the administration toward enacting a meaningfull bill, it is a real disappointment to see some Republicans already more interested in playing politics with the outcome than in getting action completed.

The civil-rights bill is wounded, but it is not dead. With the proper sincerity of purpose this issue deserves, both from the White House and the majority and minority leadership in the Senate and the House, we can still make a historic stride forward in the cause of human rights. But to abandon efforts at this stage, just because the bill does not contain all that many of us hoped it could, would be a distinct setback to the cause we are trying to serve. I cannot conceive of that happening unless some people are so blindly partisan they are more interested in creating an issue than they are in finding a solution.

Of course the bill does not satisfy all of us. All legislation is the product of compromise. Yet the measure does represent a significant step forward and, properly administered, can serve usefully to protect voting rights.

The American people have followed a historic Senate debate on human rights. They have a right to expect action to be completed. They will justly resent the disillusionment of seeing sincere purpose distorted in the end to political jockeying for partisan advantage, even if it means killing of the progress made so far.

GOVERNMENT GUARANTY OF PRIVATE LOANS TO CERTAIN AIR CARRIERS

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered into, the business now before the Senate is the further consideration of Senate bill 2229. In connection with the further consideration of the bill, 40 minutes have been allotted, with 20 minutes under the control of the Senator from Ohio [Mr. LAUSCHE] and 20 minutes under the control of the Senator from Washington [Mr. MAGNUSON].

At this time the bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2229) to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the understanding that the time required therefor not be charged to either side under the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

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

Mr. MAGNUSON. Mr. President, I will allow myself 2 minutes.

Briefly, S. 2229 is a bill providing for a Government guaranty of private loans to certain air carriers for the purchase of aircraft and equipment. I place great emphasis upon the word "certain." The bill applies mostly to the so-called feeder lines in the United States, of which there are a great number, which give air service to the small communities. Those lines, because of the lack of passenger traffic in some places and towns that need to be served, do not receive the revenues which accrued to the major lines, and, therefore, under the Civil Aeronautics Act, these smaller lines must receive a subsidy of the difference between cost of operation and revenues.

Because we are developing our small feeder systems, the principal progress of which has occurred since the war, and fitting them into a domestic air pattern that is second to none in the world, it is important to realize that such airlines have had a great deal of difficulty in the matter of securing up-to-date equipment. The result has been that the feeder airline subsidies have been great. None of the major lines receive subsidies. Pay for carrying mail takes care of the amount that would be required to be contributed by the Government to keep those lines operating and furnishing service to the public under the provisions of the law.

When most of the feeder airlines started in business, the planes flew short distances, and, in some places, as in my section of the country, over mountainous terrain, providing service for areas that could use it. They started operations with equipment comprised mostly of DC-3's. The DC-3 has been a fine plane in American aviation history. It is still a good plane, but it does not supply the need of faster and better service demanded by the communities served by the so-called feeder airlines.

All the feeder companies have had great difficulty in financing the purchase of new equipment. One reason was that prior to last year, when Congress passed a permanent certification bill for the feeder airlines, they were under temporary certification. No one would make them equipment loans, for the reason that some of the certificates would run for only 3 years, or 5 years at the most.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. MAGNUSON. Mr. President, I yield myself 2 additional minutes.

Since the feeder lines have been under permanent certification, they have been attempting to buy new equipment. Their inability to get loans for new equipment is largely because their operating revenues and gross capitalization make such purchases somewhat difficult. Whereas such airlines bought the DC-3 in the early days, as the report points out, for as little as, in some cases, $42,500 or $50,000 or $60,000, the new airplane suitable for the local service market, carries a price tag of half a million dollars.

The bill would allow the Government to guarantee loans up to 90 percent, so the airlines may buy new equipment. We have done as much for other regulated economic activities in this country. The loans would have to be certified and examined. They would have to be good loans.

The whole purpose of the bill is to make available to the feeder lines more efficient and better means of operation, so they may give the public better service, and so as gradually to make it possible for the airlines not to depend on subsidies. I believe that in the long run the Government would save money if the bill were enacted.

There was no yea-and-nay vote in the Committee on Interstate and Foreign Commerce on reporting the bill, but, as I recall, there was only one vote against it. It means much to the so-called feeder airlines to have such legislation enacted, so that they may be able to do what we want them to do in the development of our great domestic air system.

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

Mr. MAGNUSON. I yield.

Mr. BARRETT. I desire to ask the Senator if the necessity for a subsidy of $30 million annually to the feeder lines is occasioned by the fact that their equipment is getting out of date.

Mr. MAGNUSON. In large part it is. With new, faster, more efficient equipment, the feeder lines should be able to reduce the amount of subsidy necessary by probably 50 percent in the first year, and gradually avoid the necessity for any subsidies.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. MAGNUSON. I yield myself 2 additional minutes.

The DC-3's are good ships, but they have outlived their usefulness.

Mr. BARRETT. That was my impression. The feeder lines are rendering great service, particularly in the mountain section of the country.

Mr. MAGNUSON. I know the question could be asked, "If we give such help to the airlines, will it not establish a precedent for aiding other forms of transportation, such as railroads and trucklines?" The answer to that suggestion is that in this particular case there is a subsidy. In the other cases the companies have private licenses. They have licenses from the ICC, but no subsidy is involved.

Mr. BARRETT. Is it not true that if the feeder airlines took advantage of the opportunity to improve their facilities, they probably would be able to do without subsidies quicker than in any other way?

Mr. MAGNUSON. I think so.

Mr. President, I had intended to yield to the Senator from Florida, but he is not present at this time.

The Senator from Ohio may proceed, if he wishes.

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator allot to himself?

Mr. LAUSCHE. I desire to voice my opposition to the passage of the bill.

The PRESIDING OFFICER. How much time does the Senator desire to yield to himself?

Mr. LAUSCHE. I yield myself 12 minutes, to begin with.

I heard the statement made by the Senator from Washington in which he said that all the bill does is to guarantee the repayment of moneys the feeder airlines will borrow. I respectfully submit to my colleagues that that is the argument made in practically every instance when there is advocacy of subsidies, the making of loans, and the guaranteeing of loans by the Federal Government.

I am deeply concerned about this problem, because I believe we are reaching the point of no return. To me this expanded program of the Government in the way of lending money, guaranteeing loans, and giving subsidies is nothing more than a complete entry into private business by the Federal Government, in conflict with every cherished principle which has been enunciated by the believers in our form of government.

I recognize that the feeder airlines have financial problems, but I should like to put the question to my colleagues: How many other segments of the economy are there which are not likewise in need of financial help? It would probably require an extraordinarily large catalog if we began to list the various business enterprises in our country which felt they could not get from private lending companies the necessary financial assistance, and, therefore, felt that the Federal Government should provide it for them.

A scant 2 years ago many of the companies which are now seeking this help begged the Congress to grant them permanent certificates for their operation. They were unable to get certificates from the Civil Aeronautics Board. They came directly to the Congress and said, "Give us permanent certificates and we will lift ourselves out of our financial difficulties." The strong argument in support of that request was that permanent certificates would enable these carriers to solve their pressing financial difficulties and help them attain a status of subsidy-free operation.

I repeat that to the Senators who are here assembled that when these carriers came to the Committee on Interstate and Foreign Commerce they argued, "If you will grant us permanent certificates we will quickly relieve the Federal Government of the responsibility of subsidizing us." That is the same argument which is now advanced in favor of the bill.

Significantly, at that time they recognized debt financing as a less-than-desirable means of meeting their financial needs. A president of one of the companies made the statement in testimony that "equity capital is by far the soundest method of financing for us. Return on investment is then paid out of profits, if any. It is not forced out of capital, regardless of earnings, as is interest on debt financing."

Keith Kohle, the president of Central Airlines, Inc., made that statement. In substance he said, "If you will grant us permanent certificates, we will finance ourselves by the issuance of bonds and other types of equity capital."

My query is: What has become of that argument which was urged upon the Senate committee when the permanent certificates were awarded?

We have here a situation where the Federal Government is in effect putting more and more into private business. It is provided in the bill that the Civil Aeronautics Board is to determine if and when the Federal Government shall guarantee the loan. My query is: What is there about the Civil Aeronautics Board which specifically equips it to pass judgment on the feasibility of guaranteeing loans? It is true that at one time they acted as advisers for the Reconstruction Finance Corporation in that respect, but let us remember that the Reconstruction Finance Corporation was formed to help in a depression, and it was contemplated that when the fiscal problems had been removed the Reconstruction Finance Corporation should go out of existence. It has gone out of existance.

What has been the substitute? It has been the creation by the Congress of a multiplicity of agencies which are loaning money, granting subsidies, and guaranteeing borrowing. I do not believe we can be unmindful of the fact that more and more the Government is going into the money-lending program, into the borrowing guaranteeing program, and into the subsidizing program.

If we pass this bill, I respectfully ask my colleagues, what will we do when the railroads make a similar request, probably next year? They are asking for the creation of a Federal agency with an initial capital of $500 million, and with authority to borrow another $2 billion, which is to be used as a lending fund with which to purchase railroad equipment. If we finally enter into that program, I humbly say to my colleagues, we are beyond the point of return. We will then have a socialistic government as deep and confirmed as can possibly be imagined.

It may be that that is the goal to which we are moving. It may be that there are some who will say, "We have gone too far. We cannot return. Let us go the full length." I am not willing to be one of them. I shall not be one of them.

Let us take a look at what the fiscal picture is. In 1945 $5 billion were loaned directly to private enterprise by the Government. On June 30, 1956, that amount had risen to $17 billion.

When it comes to private loans guaranteed by the Federal Government, the amount is now $51 billion, eight times what it was in 1945.

In 1956 the total outstanding private debt of the country was $394 billion. Of that $17 billion was in the form of direct loans, and about $51 billion in the form of guaranteed loans.

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

Mr. LAUSCHE. If the Senator from Minnesota will wait until I conclude, I shall then answer his question.

Mr. THYE. I thank the Senator.

Mr. LAUSCHE. What the total contingent liability of the country is, I do not know. The distinguished Senator from Virginia [Mr. BYRD] is present in the Chamber. I should like to yield some time to him to discuss that phase of the problem.

Mr. BYRD. Mr. President, I wish to commend the Senator from Ohio for what he is saying and for the work he

has done for economy and sound government during his service in the Senate. We can look forward to many years of the same fine service the Senator from Ohio is now rendering.

The contingent liability of the Federal Government is estimated at a minimum of $250 billion. As a matter of fact, if we included in total contingent liability, the liability involved in social security, it would be in excess of that. As the Senator knows, we guarantee social security payments to about 70 million people. Therefore, the Senator is exactly right in saying that if the bill is passed, it will be an invitation to many other groups to ask for the same treatment; namely, to have the Government guarantee loans made to them.

The Senator from Ohio is eminently correct in saying that loans of this character will lead us to a more socialistic government than we have now. He knows that the trend toward socialism has been increasing greatly in the past 25 years. People then did not lean upon the Government to do anything like the extent they do now.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. I will take 5 more minutes.

Mr. BYRD. I commend the Senator, and I am in thorough accord with the position he has taken.

Mr. LAUSCHE. Mr. President, I wish to invite the attention of my colleagues on the other side of the aisle to what the Hoover Commission said on this subject. The following list of weaknesses inherent in Government lending, prepared by the Hoover Commission, may be cited in support of what I have said:

1. The tendency of such agencies to expand their functions beyond their original purposes.

2. When the function for which such agencies were established has been completed, there is an inner impulse to continue when they should be liquidated.

3. There is a tendency to create activities which could be undertaken by private agencies.

4. In some of these agencies there are concealed subsidies.

5. Congressional policies which permit the making of loans or guaranties by such agencies to individuals or concerns without adequate equities.

6. The making of loans or guaranties without adequate premiums or fees or interest rates from beneficiaries out of which administrative expenses can be paid and reserves against losses built up.

7. Departmental lending or guaranteeing programs have a fatal attraction politically. Pressure groups, whether business, farmers, or veterans, often force the abandonment of the normal standards of prudence in the organization of these agencies which alone can assure the repayments of credits granted. Thus some of these operations practically become subsidies to a small fraction of the people from the taxpayer at large.

8. Where easy money is obtainable from the Government, financial integrity tends to deteriorate and windfalls and corruption frequently flourish.

One further word, and then I shall close. I suggest to my colleagues, and especially those on the other side of the aisle, that the administration is opposed to this bill. I wish to read the testimony of Hon. Bradley D. Nash, Deputy Under Secretary for Transportation:

We are opposed to enactment of H. R. 7993. We believe that further extension of the principle of guaranty by the Federal Government of private loans is undesirable. Such guaranties should not be extended in the absence of the most compelling justification. In this particular area we do not believe that there is entirely persuasive evidence of the necessity for such guaranties. This bill would single out for extraordinary favorable treatment a particular group of air carriers which are presently guaranteed a fair rate of return by the Government provided their management is honest, efficient, and economical consistent with the mail rate standards of the Civil Aeronautics Act. In addition to this, the other two bills currently pending before the Congress are intended to aid these carriers as well as other carriers to obtain necessary financing. In view of this we cannot perceive any compelling necessity at this time for extending to these carriers the extraordinary benefit proposed by H. R. 7993. We believe that it would be most undesirable for the Government to assume such an undertaking under these circumstances. With the passage of the capital gains and equipment trust bills, and the subsidy benefits already provided, these carriers ought to be in a sufficiently strong position to finance necessary requirements. We believe that enactment of H. R. 7993 would be unnecessary and undesirable.

I assume that Mr. Nash is speaking the will of the President of the United States.

The PRESIDING OFFICER. The time of the Senator from Ohio has again expired.

Mr. LAUSCHE. I will allow myself 2 more minutes. Has my time fully expired?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. LAUSCHE. I will reserve the remainder of my time.

Mr. MAGNUSON. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. SMATHERS], 5 minutes to the Senator from Oklahoma [Mr. MONRONEY], and 4 minutes to the Senator from Nevada [Mr. BIBLE]. Those Senators held hearings on the bill, and are very familiar with the problem.

Mr. SMATHERS. Mr. President, first I wish to commend the able Senator from Ohio, who has a very worthy interest in economy. I can assure him, however, that he is not the only Senator who is interested in economy. I think we must have economy, and we must get it whenever and wherever it is practicable to obtain it. However, we should not eliminate any of the necessary Government functions which help us to strengthen the general economy of the United States, in the name of economy. In this particular instance, I believe that his proposal would do just that.

In 1938 we created the CAB, which the Senate approved of at that time. The action of the Congress at that time was designed to foster a strong aviation transportation system. Because the airline industry was in the nature of a quasi-public utility it was regulated, and today the operations of all commercial airlines are almost completely regulated. The routes are assigned, the rates are prescribed, the hours of operation are fixed, and the safety factors are established in the public interest. When the Senator from Ohio says that all other industries and all other businesses will shortly be wanting the same treatment, I think the obvious answer is that there would be no justification for a similar request from any unregulated business and fortunately most businesses do not fall into the category of regulated business. However all commercial airlines, feeder as well as trunklines, are regulated and therefore justifiably come to the Government with their problems.

This particular bill providing for a guaranty of loans to feeder lines is a Civil Aeronautics Board sponsored bill. It was not conjured up by any Member of the Senate. The Board believed it to be necessary in order to get the present feeder airlines off their present large subsidy. Twenty-four such lines today have a subsidy of $208 million.

We who support this bill desire economy. It was the thought of the CAB and our committee that this bill would enable us to achieve economy by making it possible for the feeder airlines to obtain better equipment, which would in turn enable them to operate more efficiently, and thereby reduce the subsidy which they must now receive from the Government. This new, more efficient equipment, would result in a more economical operation thereby saving the taxpayers money and at the same time developing a stronger air transportation system.

Today there are no major trunklines on subsidy, because they have modern equipment which enables them to carry a large number of passengers at a lower cost than they could with older, outmoded planes.

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

Mr. SMATHERS. I am happy to yield.

Mr. MAGNUSON. The history of commercial aviation in this country is that when the RFC was in existence the major trunklines borrowed money from the RFC, and all of that money was paid back. Is that not correct? Now we have one of the finest trunkline systems anywhere.

Mr. SMATHERS. The Senator is completely correct.

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

Mr. SMATHERS. I do not have sufficient time to yield to the able Senator from Ohio. I would prefer that the Senator direct any questions to me on the time which he controls and I would be pleased to answer them.

I wish to say, however, that the whole concept of the bill is to bring about a stronger air-transportation system, at lower cost to the taxpayer, in the United States.

We believe that the bill will bring about a more economic and efficiently operated air-transportation system. We

believe it will result in less subsidy having to be paid out by the Federal Government for the operation of the air-transportation system.

This bill has been approved by the subcommittee on aviation, of which the able Senator from Oklahoma [Mr. MONRONEY] is the chairman. It was also approved, with only one dissenting vote, by the full Committee on Interstate and Foreign Commerce. It is the kind of legislation which we believe will bring about a stronger aviation industry, and at less expense to the Government.

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

Mr. SMATHERS. I am happy to yield to the Senator from Michigan who is a member of our full committee.

Mr. POTTER. Is it not true that unless legislation of this kind is enacted, the feeder airlines will not be able to get the equipment they need? The Senator well knows that new equipment is badly needed, not only for efficient operation, but for safety, and that because it is a semi-regulated industry, it is impossible for the industry to get private financing to enable it to secure the badly needed equipment, in the interest of safety.

Mr. SMATHERS. The Senator is absolutely correct. It was our information that this proposal would not cost the Government anything, because the Government does not make the loans; it merely guarantees them. The feeder-line operation is growing at such a rapid rate that with these new airplanes and an economically run operation, the lines can meet the obligations as they come due.

Mr. BIBLE. Mr. President, I merely wish to concur in the statements made by the able chairman of the full committee [Mr. MAGNUSON], and by the Senator from Florida [Mr. SMATHERS]. It was my privilege to conduct the subcommittee hearings and thus to hear practically all the testimony in support of the proposed legisaltion.

I should like to make 2 or 3 observations. The first is merely in reiteration of what the Senator from Florida has said. It is that the pending proposal before was introduced at the request of the Civil Aeronautics Board itself. It is not a bill which was inspired either by the local service airlines or by the committee. The Civil Aeronautics Board certainly is in a position to know, from cold, hard experience, the difficulty this particular segment of our air industry is facing in getting away from subsidy.

It was the CAB's considered judgment that there was a greater opportunity of taking the local service airlines off the subsidy by the enactment of the pending bill than by any other means.

It was surprising to hear the testimony of carrier after carrier before the committee about the difficulty they have in securing adequate financing to replace the DC-3 by the F-27 and the Safari, or some other comparable high-speed aircraft design suitable to today's needs. One witness testified to the fact that the interest rate charged in some cases was from 15 to 20 percent, and, of course, it was impossible for a company to go through with the financing under these circumstances. It was the considered judgment of the committee that the pending bill will hasten the time when the local service carrier will be off subsidy.

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

Mr. BIBLE. Much as I should like to yield, I do not have the time remaining to yield. I have only about a minute remaining. If I have any time left at the end of my remarks, I shall be happy to yield to the distinguished junior Senator from Ohio, but I am working under a very limited time allowance.

I should like to make one additional point, and that is that the Comptroller General of the United States likewise recommended the enactment of the pending bill. In the last 2 or 3 paragraphs of his letter he states:

> In our report on audit of the Civil Aeronautics Board, dated October 1955, we referred to the report of the President's Air Coordinating Committee entitled "Civil Air Policy" issued in May 1954, and commented as follows:
>
> "Therefore, as stated in the President's report, to ease the transition of a subsidy-free status for air carriers, temporary financial relief, including loans, loan guaranties, or other interim measures may be justified in lieu of outright subsidy grants to meet situations in which these carriers face temporary financial difficulties, and are unable to obtain private credit on reasonable terms."
>
> Since the purpose of the proposed legislation appears to be in line with this position, we would recommend its favorable consideration.
>
> Sincerely yours,
>
> JOSEPH CAMPBELL,
> *Comptroller General of the United States.*

I strongly urge the enactment of the bill. We feel an excellent case has been made for it.

Mr. MAGNUSON. Mr. President, I yield the remainder of my time to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. MONRONEY. The issue here, Mr. President, is whether the benefits of aviation—its speed and convenience—are to be reserved for the major metropolitan cities, or whether we will assure those benefits to the whole country, and for all the people of all the 48 States.

Without the small, local service airlines we would confine our aviation transport service, and its convenience, to cities like Washington, Chicago, Pittsburgh, Memphis, and the other major cities of the country. But it would do little good to fly from Washington to Chicago for example, in an hour and 20 minutes by jetplane, and then find no railroad service available from Chicago to communities in lower Illinois, for example, to which one might want to travel, if the feeder airline facilitiy had also been removed from the transportation picture. Today, even buslines are reducing their schedules.

If we are to use aviation, as I think we should and must use it, we should maintain capable and efficient service on the feeder lines between the smaller cities and between the smaller cities and the larger metropolitan areas.

We have had endless testimony before the committee that this cannot be done if old-model planes, such as the DC-3's, are to be used. The DC-3, which began to be used around 1936, has not been built since 1946. Parts for the plane have to be handmade at a cost 10 times their original cost. Those planes are now selling at exorbitant prices even though they are used planes. Some of them are 15 years old, at least by design. There is no market to which local short-haul feeder lines can go, except to the used aircraft market, to obtain additional DC-3's. We have seen inflation rise to the point where these planes are now selling—and remember that they are used planes—for 1½ times more than their original cost.

The Chairman of the Civil Aeronautics Board, in recommending favorable action on the pending bill, said:

> The CAB believes not only that under its terms the carrier may acquire suitable and improved short-haul aircraft and thereby ultimately reduce subsidies, but also that this legislation represents the only method which basically will provide the proper equipment to the carriers without the Government's making direct grants-in-aid of some kind.

I believe that is absolutely correct, because for years suggestions have been made by interested aviation authorities that the Government should subsidize the development of a short-haul, medium-sized plane to replace the DC-3. The figure mentioned was about $100 million, which is about the total amount of the loan guaranties of the bill. The Government would have no way of reclaiming the $100 million spent for a prototype plane which would meet the Nation's basic aviation need for a short-haul plane of that design.

It seems to me that a law guaranteeing a program approved by the Civil Aeronautics Board, at an interest rate the airlines will be able to pay coupled with a service fee that will be paid to the Civil Aeronautics Board, affords just about the soundest program we can possibly have, for the benefit of our basic aviation needs and in the national interest.

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

Mr. MONRONEY. I yield.

Mr. SMATHERS. Is it not a fact that each one of the lines is limited to a maximum loan of $5 million?

Mr. MONRONEY. The Senator is correct. It is not possible to guarantee to any of the lines an amount in excess of $5 million, and the time limit is 10 years. The loan must prove to be economically feasible, not only to the lender, but also to the Civil Aeronautics Board.

Mr. SMATHERS. Is it not also a fact that there will be no aviation industry along this line built up, and no construction of this type of smaller plane, unless this kind of legislation is adopted?

Mr. MONRONEY. There is no market for such planes unless there is established a sound financial plan by which the feeder lines serving the thinly populated and thinly traveled areas of the country are able to purchase them. Otherwise the planes would be built for a market that did not exist.

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

Mr. MONRONEY. I am happy to yield.

Mr. LAUSCHE. Is it not a fact that the representatives of the feeder lines, when they appeared before the committee, of which the Senator is chairman, testified that if we would grant them permanent certificates they would solve their own financing problems?

Mr. MONRONEY. They hoped they would be able to do so. However, we are in a tight-money situation. Money is costing from 10 to 20 percent and if these lines must pay these unreasonable rates the Government would have to make up the difference and increase rather than decrease the $30 million annual subsidy. We had testimony to that effect, and I hope the Senator will read it.

Mr. MAGNUSON. Mr. President, has all time for debate expired?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining.

Mr. LAUSCHE. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS. Mr. President, I ask the Senate not to adopt the principle of further extending Government loans for this purpose. I think the best statement which could be made is that made by the agency charged with administering the program. I notice that Secretary of Commerce Weeks said:

> Generally speaking, we believe that further extension of the principle of guaranty by the Federal Government of private loans is undesirable. Loan guaranties of the type proposed would be justified, in our opinion, only if there were convincing evidence sufficient to prove that they would shortly complete the transition of these carriers to a subsidy-free status. We think the evidence is lacking.

I also notice that the Acting Secretary of the Treasury, Mr. Burgess, likewise has written a letter urging that the bill be rejected.

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

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

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, July 3, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2229, to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes.

As a general policy, the Treasury is opposed to the establishment of new loan-guaranty programs except under conditions of extreme urgency. With the present heavy demand for available credit, it is essential that we do all we can to avoid adding unnecessarily to this demand. Under these circumstances, the Department would be opposed to the enactment of S. 2229.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,
W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

Mr. WILLIAMS. Mr. President, I cannot agree with the views of my colleagues that the enactment of the bill would not cost the United States Government anything. It has been my experience that the little bills which we continue to pass, which it is said will not cost anything, eventually cost large sums of money. If this practice is not stopped, the country will become bankrupt. We are frequently told that bills of this type will not cost the Government anything. But we might as well be realistic and recognize that in many instances the Government will be called upon, in this case, just as it has been in many other cases, to pay the balances due when the carriers have defaulted on them.

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

Mr. MAGNUSON. I yield.

Mr. JAVITS. I notice a reference to helicopter companies including the New York Airways. I wonder whether it might be appropriate to ask, if helicopters are not provided for in the bill at this time, the reason why they are not included, and what precedent will be established with respect to helicopters.

Mr. MONRONEY. The committee considered that question at quite some length.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Oklahoma may have 2 minutes in which to answer the inquiry of the Senator from New York.

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

Mr. MONRONEY. All the airlines, except one which operates in the Caribbean, are permanently certificated. That means the Government has already guaranteed payments to meet borrowing costs and the depreciation to pay out the planes 100 percent during the course of their useful life.

Helicopter companies are still operating on temporary certificates. Those certificates will expire in 1, 2, or 3 years. Their routes are not yet fixed permanently as intercity routes.

The committee felt that eventually, when the routes are extended to intercity use, there will be a very large use of helicopters. But today helicopters operate chiefly from airport to airport, or from the airports to the downtown sections.

For that reason, while I strongly favor continuing helicopter service on an experimental basis, to enable helicopters to operate in a pioneering way, the committee was not willing to extend certification to include that type of equipment.

The House Committee on Interstate and Foreign Commerce reported a bill which includes helicopters. We shall be glad to consider the matter again. Our minds are not closed. But we feel that it is a little too early to take helicopters into the loan-guaranty plan.

We have tried to be conservative in the matter of having the Government lend money. But the new plan will afford ample security for the loans, in addition to which there will be the guaranty of operating costs and depreciation.

Mr. JAVITS. But this may set a precedent for helicopters. I favor the bill. I heard it discussed on the call of the calendar. I wanted to be certain that some of the helicopter lines, like New York Airways, might ultimately be considered.

Mr. MAGNUSON. There is no question that the increase in helicopter service in the large metropolitan areas has been beneficial. In my opinion, it will not be very long before the Government will permanently certificate the adjunct services. Then helicopters could come under the act. The designs of helicopters are changing from year to year. Actually helicopters are still in the experimental stage, but one of these days we shall find that they will perform a valuable service for all of us. I think that time will come very soon.

The PRESIDING OFFICER. The Senator from Ohio has 1 minute remaining.

Mr. LAUSCHE. Mr. President, has not the opposition had more time?

Mr. JOHNSON of Texas. Yes, Mr. President; they have. The Senator from Ohio may have whatever time he desires.

Mr. LAUSCHE. May I have 3 minutes?

Mr. JOHNSON of Texas. I yield 3 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. How much time does that give me in all?

The PRESIDING OFFICER. The Senator from Ohio has 4 minutes.

Mr. LAUSCHE. Mr. President, the dialog we have just heard emphasizes the processes through which our Government is moving. Today we are subsidizing feeder airlines. Tomorrow helicopters will come into the picture. Next year, the railroads will come in. What will the end be, I ask?

I submit that we are putting the Government into business. We are placing upon the taxpayers the burden of the Government's being in business. What do the bankers say about this? Certainly they subscribe to it. They want an additional umbrella over the loans which they make. But I candidly and sincerely say that there is great danger ahead.

Two years ago, the Senate committee of which many of our colleagues who spoke are members granted permanent certificates to these carriers. That was done on the basis that the carriers would finance themselves. What has become of that commitment? The statement is now made that the tight-money policy has caused the difficulty, and that, therefore, the Federal Government must provide the vehicle through which those airlines can get financial aid.

How many other segments of the economy are in that identical position? How many private citizens are in the position where they cannot borrow money from banks, but must go to 3-percent-a-month loan companies? How is the Government helping them?

We shall continue to move on in the way we have been following. What the end will be may be within our own time and vision.

I ask for a reconsideration of the vote by which the bill was passed because I

believe it was an expansion of a dangerous policy. I believe it is contrary to the views of the President. I believe it is contrary to the views expressed by most of my colleagues who, when they are speaking to the taxpayers, tell them of the need for economy in Government.

Today the argument is different. Today the argument is that we have to help the airlines; otherwise, they will perish.

I shall vote against the bill. I urge my colleagues to vote against it, in the event they believe I am sound in my thinking.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. JOHNSON of Texas. Does the Senator from Ohio desire additional time?

Mr. LAUSCHE. No.

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

The legislative clerk called the roll.

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

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

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Have not the yeas and nays been ordered on the question of the passage of the bill?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. On this vote, all Senators who are in favor of passage of the bill will vote "yea"; all Senators who oppose passage of the bill will vote "nay"; is that correct?

The PRESIDING OFFICER. That is correct.

The question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MAGNUSON. Mr. President, is the vote to be taken on the motion to reconsider?

Mr. JOHNSON of Texas. No; the vote is to be taken on the question of the passage of the bill. All Senators who favor passage of the bill will vote "yea"; all Senators who oppose passage of the bill will vote "nay." Is that not correct, Mr. President?

The PRESIDING OFFICER. That is correct.

The yeas and nays have been ordered on the question of the passage of the bill.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from West Virginia [Mr. NEELY], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

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

On this vote, if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from West Virginia [Mr. NEELY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from Nevada [Mr. MALONE] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate in order to represent the Senate at the Latin American Economic Conference in Buenos Aires.

If present and voting, the Senator from Nevada [Mr. MALONE] and the Senator from Maine [Mr. PAYNE] would each vote "yea."

The result was announced—yeas, 72, nays 9, as follows:

YEAS—72

Allott	Hayden	Morton
Anderson	Hickenlooper	Mundt
Barrett	Hill	Murray
Beall	Holland	Neuberger
Bennett	Hruska	O'Mahoney
Bible	Humphrey	Potter
Bush	Ives	Purtell
Butler	Jackson	Revercomb
Carlson	Javits	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N. J.	Johnston, S. C.	Schoeppel
Case, S. Dak.	Kefauver	Scott
Chavez	Knowland	Smathers
Church	Kuchel	Smith, N. J.
Clark	Langer	Sparkman
Cooper	Long	Stennis
Cotton	Magnuson	Symington
Curtis	Mansfield	Talmadge
Dirksen	Martin, Iowa	Thurmond
Douglas	Martin, Pa.	Thye
Dworshak	McClellan	Watkins
Ellender	McNamara	Wiley
Ervin	Monroney	Yarborough
Green	Morse	Young

NAYS—9

Aiken	Goldwater	Robertson
Byrd	Jenner	Smith, Maine
Flanders	Lausche	Williams

NOT VOTING—14

Bricker	Fulbright	Malone
Bridges	Gore	Neely
Capehart	Hennings	Pastore
Eastland	Kennedy	Payne
Frear	Kerr	

So the bill was passed.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I should like to say, for the information of the Senate, that at the conclusion of the tributes to the late Senator George, we will attempt to get an agreement of an hour's limitation of debate on the military-construction bill. When we have completed action on that bill, we will attempt to get an agreement of an hour and a half on the principal amendment to the Niagara bill, and 1 hour on the bill. We expect to have yea and nay votes in the late afternoon and evening on the Niagara bill, if we have not completed action on it before evening.

Mr. CHAVEZ. Mr. President, I did not hear what bill the Senator from Texas said would be taken up prior to the Niagara-power bill.

Mr. JOHNSON of Texas. The military-construction bill, reported by the Armed Services Committee.

THE LATE SENATOR WALTER F. GEORGE

Mr. JOHNSON of Texas. Mr. President, I send to the desk a resolution, and ask to have it stated.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read the resolution (S. Res. 182), as follows:

Resolved, That the legislative business of the Senate be now suspended for the purpose of permitting the delivery of memorial addresses on the life, character, and public service of Hon. Walter F. George, late a Senator from the State of Georgia.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent for the present consideration of the resolution.

There being no objection, the resolution was considered, and unanimously agreed to.

Mr. MUNDT. Mr. President, because the Senate Select Committee To Investigate Improper Activities in Labor Management Relations is meeting this afternoon, with an important witness before it, I shall not be on the floor during the eulogies of the late Senator George. I should like to have unanimous consent to have printed in the RECORD at some appropriate place a short statement in tribute to him.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that all Senators may have that privilege.

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

Mr. RUSSELL. Mr. President, Walter Franklin George, for more than 34 years a Senator from the State of Georgia, was one of the truly great men who has adorned a seat in this body. Volumes could be spoken and reams could be written to extol his life and services without fully describing the man and all of his endeavors.

I was permitted, Mr. President, the honor of being the principal speaker at three testimonial dinners given for Senator George in 1956, the last full calendar year of his life. It was my high privilege to render my homage, to voice my tribute, and to express my affection for this great man in his living presence. I shall not on this occasion undertake to speak at length, because I shall be eternally thankful for the fact that I was permitted to voice my sentiments and regard to Senator George personally and to receive his handclasp when the meeting had concluded.

My heart is too heavy, Mr. President, to enable me to do justice to my sentiments and my feelings here today.

I ask unanimous consent that a brief statement I issued when I received the sad tidings of the death of Senator George be printed in the RECORD at this point as a part of my remarks.

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

STATEMENT OF SENATOR RUSSELL

The passing of Senator Walter F. George removes from the earthly scene a great man, whose name is revered wherever men hope and pray for peace.

He was one of Georgia's greatest sons and occupied a prominent place among the great world figures of this era.

For nearly 25 years, I worked with Senator George in the United States Senate. It was my great privilege to claim him as a close personal friend and confidant. I loved and respected him and am proud that he often indicated the warmest affection for me.

Our laws are replete with proof of his wisdom and statesmanship. There are countless thousands throughout this land who today enjoy the benefits of his labors in the Senate. I saw him steer the lend-lease bill and great international treaties through the Senate. I believe, however, that he was prouder of his authorship of liberalizing amendments to our social security laws benefiting the disabled and enabling women workers to earlier enjoy the benefits of the retirement system than of any other single accomplishment of a long and productive career.

Without ostentation, he was a deeply religious man with unfaltering faith in God and in life beyond the grave.

I mourn his passing and the fact that I will no longer enjoy the warmth of his friendship and the benefit of his counsel, but I shall always be thankful for the heritage of our association.

His wife, "Miss Lucy," is a great person in her own right. Not only was she the perfect companion and helpmate, but her social graces and personal charm have captivated all who know her. I extend to her and to all of the members of his family, my deep and affectionate sympathy in their great loss.

Mr. RUSSELL. I likewise ask unanimous consent, Mr. President, that the remarks of Rev. L. C. Cutts, pastor of the First Baptist Church of Vienna, Ga., the small south Georgia town which claimed Senator George as its most distinguished citizen, be printed in the RECORD at this point.

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

FUNERAL OF WALTER FRANKLIN GEORGE, FIRST BAPTIST CHURCH, VIENNA, GA., AUGUST 5, 1957

There is a sense in which we are here to pay our respects to Walter Franklin George. I did not say nor would I say the last or final respects. That cannot be done to a great and good life worthily lived. We are also here to put heart alongside of heart and as best we can bear one another's burdens, to share the grief and the loss of these loved ones, a grief-stricken community, State, and Nation. It is not my desire nor my purpose to eulogize the Senator, as we affectionately knew him. All of the adjectives have been used by men who are far more able than I. There are some things that a word or words cannot do. Word or words cannot fully describe the beauty and the charm of a rose. Words cannot catch the color and the grandeur of the sunset, the rainbow, or describe the grandeur of Grand Canyon, the roar of Niagara or give to us the sparkle of a jewel. Even so no word or words can fully describe the glory, the fullness, the worth and value of a great and good man's life. The Senator was a great man, truly great. The Bible does not often use these words, "great" and "good" in referring to men. The Book speaks of a great God, of a great Saviour, a great work, a great faith, a great salvation, a great commandment, a great reward.

It was the prophet, Micah, who singled out the three elements essential to complete and to make a well-rounded life of the good and the great man. "He hath shewed thee, O man, what is good, and what doth the Lord require of thee, but to do justly and love mercy and walk humbly with thy God?" (Micah 6: 8.) Here is true goodness and true greatness, and to us here is the Senator.

Do justly, that is, integrity of character. Character is a byproduct, it comes whether we will or no. To live is to have character, the question is what kind of a character? There are six things that determine character: What one believes, what one thinks, reads, hears, what one does, what one feels. No character can rise higher than its beliefs in certain great fundamentals. The reality and nature of God, the deity and saviourhood of Christ, the presence and power of the Holy Spirit, the inspiration and authority of the Bible, the necessity for loyalty and obedience to moral law, the supremacy of faith and sacrifice, the certainty of heaven or hell. Here are great beliefs. No life can be worthwhile that lives in the shallows regarding these fundamentals. These the Senator believed. He did not hold opinions, he had convictions. Men do not die for opinions, they die for convictions, integrity of character.

What doth the Lord require of thee but to love mercy, that is, sympathy of heart. He had a warm heart for his fellow man. This showing of mercy and his consideration for all coined for him the word "reasonable." Our Lord has something to say about greatness along this line. "Whosoever would be great among you let him be the servant of all." The Senator was as Paul said of himself, "I am debtor" to all mankind, I owe myself to humanity—consideration, mercy and sympathy for his fellow man. Shakespeare speaks of that quality which he wore with grace and charm:

"The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven
Upon the place beneath; it is twice bless'd:
It blesseth him that gives, and him that takes:
'Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown:
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show likest God's,
When mercy seasons justice."

Reasonableness, sympathy of heart for his fellow man.

What doth the Lord require of thee but to do justly, to love mercy, and walk humbly with thy God, that is reverence of spirit. Here we hit rockbotton, here's the foundation, there can be no integrity of character or love of mercy apart from a humble walk with God and reverence of spirit. Here's the basic element of true greatness for where there is no reverence of God, there is no reverance of manhood or anything. Certainly to walk with, walk humbly with thy God, to walk with means that they go in the same direction. The Senator walked in God's direction. He was a spiritually minded man. And certainly to walk with Him is to be humble and to possess a genuine spirit of humility. He believed God, he trusted Christ as his Saviour, he loved his church, this church where his membership remained throughout his days.

Well do I remember an experience some few years ago when I joined him in the celebration and homecoming of a little church where he attended in his youth. Old Macedonia, it was. I was invited simply to represent our family. My father attended that church as a boy and served that church in his early ministry. The Senator was the speaker. How impressive to see this great and good man stand there and say in humility, "It was here in this little church where I first heard about God; it was here in this little church where I met Christ as Saviour; it was here in this little church where I was taught those great principles by which I have sought to live and which have guided my life."

Phillips Brooks had developed the friendship of a little girl some 4 years of age. They were great friends. When the great divine slipped on, it became the duty of the mother to tell the little girl that the great Phillips Brooks had died. She went into the room, took the little one in her arms, and said, "Phillips Brooks has died and gone to heaven." The little one clapped her hands and smiled as she said, "Oh, Mother, won't the angels be glad." Somehow, we feel that way about the Senator.

"Let fate do her worst, there are relics of joy,
By dreams of the past which she cannot destroy.
They come in the nighttime midst sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase if you will,
But the scent of the roses will cling round it still."

Blessed be his memory.

Mr. RUSSELL. Mr. President, very few men who have served in any capacity have received such worldwide recognition in the editorial columns of the press of this and other countries as did Senator George. I ask unanimous consent that a number of editorials be printed in the RECORD at this point.

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

[From the New York Times of August 5, 1957]

WALTER FRANKLIN GEORGE

A majestic decency; a civilized faith in a genteel but steel-hard political conservatism of a kind that is now all but gone into memory; a devotion to a true internationalism that has done no little in these past 30 years to shape the world's affairs—all these qualities are lessened now with the death of Walter Franklin George.

His last mission was as a foreign-policy adviser to President Eisenhower; and in this he served with a faithfulness and a small private sense of irony, both of which his friends knew always to live in him.

But his real mark upon our public affairs, and upon the pilgrim's progress toward unity and safety of the Western World, was made as George, of Georgia. George, of Georgia, was, of course, Senator George—the former chairman of the Senate Foreign Relations Committee, the former chairman of the Senate Finance Committee, the dean and patriarch of all the Senate.

His melancholy thunders from the floor left no man unmoved; he was the greatest Senate debater of many years. He was the greatest Senator, southern style, of this century, to say the very least.

Certain aspects of what is called economic democracy were not for him; he was safe and he was proud of it, and he closed his eyes in pain at the economic heresies of

the last two Democratic Presidents. These he supported magnificently "beyond the water's edge"; from them he turned in aristocratic horror when they dealt with matters like labor and civil rights.

But, in the last and highest sense, he served nothing less noble than honorable strength and honorable peace, warring first upon Hitler and his confederates and last upon Stalin and those who have followed him in the darkness of the Kremlin.

Well done, George, of Georgia—and farewell.

[From the Baltimore Sun of August 5, 1957]

SENATOR GEORGE

Senator George was a fine embodiment of that unique American institution, the southern Senator. He had been a judge and had his chance to run for the Presidency, but it was not judicial or executive office that attracted him, it was being a Senator of the United States. Coming from the South as he did, he had the advantage of tenure which southern legislators often enjoy. His was one of the longest services in the upper House and among the most fruitful.

A man of sobriety and reflection, Senator George gravitated through the subtle Senate acknowledgment of such qualities to the solidest committee assignments. He achieved distinction on both the Finance and Foreign Relations Committees, and his standing there was not due simply to seniority. He made himself into one of the esteemed taxation experts in the Congress. His work on the Foreign Relations Committee was vital and on this Democratic Senator, the Republican President Eisenhower relied for some of the most ticklish policymaking in the postwar internationalism.

Not that Senator George fell automatically into any easy groove of doctrine. The southern Senator is often an internationalist, but in the late thirties, Senator George was against American intervention in foreign quarrels. He had fought the League of Nations but supported the United Nations. The southern Senator often reflects an agrarian background and sometimes harshens into a critic if not a foe of industrialism. As a tax expert, Senator George insisted that the abundance of the revenue itself depended on buoyant business.

In his last years, indeed, there was pressure on him to narrow his broad vision of enterprise into niggling regional protectionisms in behalf of the new industry of the South. It must have been with sadness that the Senator from Georgia found himself insisting on restrictions against Japanese textile imports, because the new textile mills of Georgia were afraid of that competition. But if these and other changes in his native State raised new problems they altered not a bit the sound record that had already been written. In a long life, Senator George did well by the Senate and the South, and the Nation as a whole.

[From the Christian Science Monitor of August 6, 1957]

A SOUTHERN STATESMAN

A statesman in a functioning democracy is not a public figure who simply ignores politics and forgets parties. He is more likely to be a capable politician, but one who recognizes the issues that deserve to be lifted above partisan strivings.

Within the last decade the United States has produced two such statesmen whose especial contributions lay in pushing back partisanship from the water's edge: Senators Arthur H. Vandenberg and Walter F. George.

Senator Vandenberg, a conservative and once isolationist Republican, played an outstanding part in bringing a decisive bipartisanship behind foreign policies under two Democratic Presidents, Roosevelt and Truman—notably in American participation in the United Nations and later in NATO.

Senator George, a lifelong Democrat and a Deep South conservative, became a tower of strength to Republican President Eisenhower, notably with respect to the Formosa crisis and to the summit meeting at Geneva. His senatorial contributions to the conduct of foreign affairs were fittingly crowned by his appointment as Ambassador to NATO.

His abilities in other fields were typified in his chairmanship of the Senate Finance Committee. And if on some questions his stand may have seemed sectional and autocratic, he held to it with dignity and decency.

It was his complete integrity and innate courtliness that earned respect for Walter George regardless of differing convictions—that once prompted Franklin Roosevelt, his political foe, to declare him beyond question, a scholar and a gentleman, and Dwight Eisenhower to lament the passing of an outstanding American and a fine gentleman.

[From the Washington Evening Star of August 5, 1957]

MR. GEORGE OF GEORGIA

In American public life, Walter George long ago earned without qualification the designation of statesman. Elected to the United States Senate in 1922, the Georgian walked a steadily ascending path to distinction in the service of the Nation. In his earliest years in the Senate, Mr. George established his reputation as a lawmaker fully dedicated to the national welfare and uncompromising in his personal integrity. Through the crisis of the depression and the early excitement of the New Deal period, the Georgian applied his own calm and exacting judgment to the multitude of legislative reforms and panaceas that were being offered. His standards of what were good or bad were not determined by political partisanship. His words when he spoke in committee, in conference rooms or on the floor of the Senate were heeded not only for their eloquence but for the reasoning which they brought to bear on the problems at hand.

But it was during World War II and the troubled years since that Senator George reached his greatest stature. His influence in this later period was unquestioned and perhaps unrivaled on either side of the party aisle. Assuming chairmanship of the Foreign Relations Committee in 1955, he gave living reality to the term "bipartisanship" in the shaping and implementation of our world policies. His decision not to run for reelection in 1956 was forced in large part by Georgia's own unique political system and psychology. His retirement from the Senate was occasion for unprecedented tribute from colleagues of both parties. His subsequent service as President Eisenhower's Ambassador to the North Atlantic Treaty Organization was restricted by his failing health. His death, at 79, is a loss to the Nation and, in a sense, to the whole world.

[From the New York Herald Tribune of August 5, 1957]

SENATOR GEORGE

Walter Franklin George, who died in Vienna, Ga., yesterday at the age of 79, was unquestionably one of the great Americans of this century. He served in the United States Senate 34 years with outstanding vigor and distinction. In that body he exerted a tremendous power of leadership which was based on integrity, knowledge, hard work and the statesman's determination to act at all times for his country's welfare beyond the narrow reaches of partisanship.

In fact, it was perhaps this very quality of the disinterested titan that led to Senator George's decision last year against undertaking reelection to a seventh term. For the man from Georgia, with all his tremendous prestige in the Senate, scorned the conventional artifices of politics. He therefore chose not to run again, whereupon President Eisenhower promptly appointed him as his personal representative and special Ambassador to NATO.

As Senator George once said, "If I have any influence in the Senate today, it is because the Senate has generally credited me with being sincere." It was a characteristically modest remark, but it was the measure of his strength and the respect in which he was held by Republicans and Democrats alike. The Senator was an effective leader for the Eisenhower foreign policies, and he carried a policymaking weight with the President and Secretary of State Dulles on many occasions. It made no difference to Mr. George what might be the source of sound policy. He was concerned only with genuine bipartisanship which was truly unpartisan.

This brand of intellectual honesty made Senator George selfless and dedicated legislator. He was twice at the helm of the powerful Foreign Relations Committee and also served in strenuous wartime as chairman of the Finance Committee. The burdens were great, but he led with expertness, wisdom and the determination of principle. There was in him an aggressive sense of conviction, of Olympian insistence on what he considered to be right for America and the free world. And it is for this legacy of bipartisan accomplishment against tryanny that all free people, at home and abroad, stand in Senator George's lasting debt.

[From the Washington Post and Times Herald of August 5, 1957]

WALTER F. GEORGE

It is something of a paradox that former Senator Walter Franklin George, who in his day became the most powerful man in the Senate, was so little known as a personality. From the beginning of his career the Senator had made a practice of letting his work speak for him. He shunned both society and publicity, and demagoguery was foreign to his nature. The son of a tenant farmer and a man of simple tastes, he never exploited his homespun qualities for political purposes, except when his opponents portrayed him as a tool of wealth. Though he never attained the status of a popular hero, his solid achievements are prominently woven into the fabric of history for a quarter of a century.

The most dramatic event in his long career came in 1938 when President Roosevelt sought to defeat him for renomination because he had courageously fought the President's attempt to pack the Supreme Court the year before. Sitting on the platform at Barnesville, Ga., from which the President called for his defeat, Senator George accepted the challenge and carried his case to the voters. He had supported most of the New Deal; he was not an anti-Roosevelt Democrat; but he ripped into F. D. R.'s efforts to purge him without restraint and won two-thirds of the counties in Georgia.

It is significant that after his return to the Senate observers could detect no vindictiveness in his voting record. Much of the respect that he acquired among his colleagues stemmed from his habit of voting his convictions, and his convictions usually reflected careful study of the issues rather than mere partisan affiliation. In 1941 he gave powerful support to F. D. R.'s Lend-Lease Act and other prewar and wartime measures. In more recent years he became the anchor of the administration's strength in the Senate.

There is nothing to indicate that Senator George's political affiliations wavered when he aided the Republican administration as ardently as he had previously supported Presidents of his own party in foreign policy. He was no political opportunist. Rather, he threw his influence behind the administration in both instances because he believed that the policy being pursued was right. The

policy itself had changed but little with the shift from Democrat to Republican control, and Senator George insisted that it was as important to support the President in one instance as in the other.

This basic sincerity in the man accounts for much of the power he wielded in the Senate. His colleagues came to realize that George, as they often called him in recognition of his stature, could be relied on to vote what he believed to be the national interest with little regard for political pressures, local interests, or popular slogans. In the finest sense of the word, he was an authentic bipartisan in foreign affairs, and on domestic issues he was more likely to be influenced by what he believed to be constitutional and wise than by partisan considerations.

In his general outlook Senator George was conservative without being reactionary. Though his name is linked closely with the pay-as-you-go system of collecting the income tax, he was not an innovator. His largest contribution to the legislation of his day was that of judgment—a steadying influence. Many Senators came to rely upon him to sift out the facts with fine objectivity and draw a seasoned conclusion which would make their own decisions easier.

He took to the Senate genuine dignity without arrogance or pretense. The characterization of him as a typical southern aristocrat is far wide of the mark. His demeanor can more accurately be described as that of a judge, and indeed he did sit in three different courts of his native Georgia. His courtesy and simple manner plus his habit of knowing his business and speaking his mind when the right occasion arose brought him eminence that had no taint of aristocracy.

The Senator's brief service as the President's personal Ambassador to the North Atlantic Treaty Organization is significant chiefly as an indication of his willingness to continue serving his country after age, ill health, and changing political currents had made it advisable to give up his original plan of seeking another term in the Senate last year. It is typical of him that he remained in harness to the end. His 34 years in the Senate will be gratefully remembered as an unfolding of statesmanship of the type that democracy sorely needs.

[From the Atlanta Journal of August 5, 1957]

GEORGIA HAS LOST ONE OF ITS GREATEST MEN

Death has taken one of the greatest of Georgians. But his life and works will influence this Nation and the world for a long time to come and his name forever is written in history.

Former United States Senator Walter F. George died quietly at his home in Vienna after a long and rich life full of honors and free of reproach. He was the confidant of Presidents, the friend of kings and prime ministers, and, through his unique position in the Senate, one of the most powerful figures of our time.

The Senator was born in 1879 in Webster County in a State poverty stricken by the effects of war and bruised by military occupation. After high school he taught in order to finance his college education at Mercer and graduated with a law degree. His practice led him to the bench, first the superior court, then the State court of appeals, and the Supreme Court.

In 1922 he offered for the Senate to fill the unexpired term of the famous Tom Watson. On his retirement last year he had completed 34 years, 1 month, and 4 days in that august body. His abilities, coupled with his seniority, made him one of the most revered of statesmen. When George of Georgia spoke the world and his fellow Senators listened with respectful attention. When he put his weight behind a measure it was almost assured of passage. He was a Senator's Senator, rich in experience and wisdom, and one who grew in stature with each term.

He used his powers for the good of the country and matured beyond partisanship years ago. It was George the Democrat whose force saved President Eisenhower's foreign policy and aid programs.

It was a Senator without rancor who threw his weight behind the Roosevelt administration's lend-lease program, though only a short time earlier the President made a trip to Georgia for the express purpose of replacing him with a man more New Dealish in his views.

It was then, in 1938, that Senator George stated a principle that Georgia's representatives in Washington still use as their creed. "I am a liberal within the limitations of the Constitution. I'm sure the people of Georgia want a voice in the Senate, not an echo."

This was his answer to Mr. Roosevelt's challenge and the people gave him another term despite the formidable opposition of Gov. Eugene Talmadge and the Roosevelt-endorsed United States Attorney Lawrence Camp.

Senator George's career was one of continual development built around unswerving devotion to principle. Some called him a rich man's Senator because of his dedication to the preservation of American capitalism in the days when such a course was unfashionable. But it was Senator George who sponsored liberalization of social-security laws for the benefit of the disabled. And it was the senior Senator from Georgia who recently tried to increase personal tax exemptions for the benefit of the little man, though the current administration blocked this move.

All big men have their detractors. Senator George had fewer than most, though he did not escape entirely. But he was bigger than his enemies. He did not stoop to conquer. Gentle dignity was a facet of his character as were self-respect and a lack of the demagogic qualities that mean much in election years but are definite handicaps in the Senate Chamber.

In the Senate seniority is important and Senator George had that in the ultimate degree when he retired to accept President Eisenhower's appointment as Ambassador to the North Atlantic Treaty Organization.

We like to think this seniority may have been divine providence's reward for the gracious act that opened his career in Washington. He delayed presenting his credentials after his election so Mrs. Rebecca Felton could have her niche in history as the first woman Senator.

Gov. Thomas Hardwick had appointed Mrs. Felton to fill the vacancy created by Senator Watson's death until an election could be held. Senator George was named before the Senate convened. Mrs. Felton's honor appeared an empty one until Senator George showed the fine stuff of which he was made by delaying his appearance until Mrs. Felton had been seated for a day.

A career begun in such a way was marked for greatness of spirit and of mind. And each successive term was greater than the last. When Senator George retired it was at the peak of his powers and the zenith of his prestige.

Georgia is proud to have nurtured him and given his superior talents to the Nation and the world. He marked them both as a great man, a great Georgian, a great American and one of the foremost citizens of the globe.

[From the Christian Science Monitor of August 5, 1957]

Senator Walter George has passed on, and his old friends and colleagues are paying the heartfelt tribute which goes to an independent and honest man who put right before party.

I like to remember a little-known fact about Senator George. His Senate term might have been 2 days longer and his seniority too if—back when it started in 1922—he hadn't refrained from presenting himself at the bar of the Senate so that Grandma Felton—Mrs. Rebecca Felton, a grand old Georgia feminist leader—might present herself, qualify as a Senator, and make a speech.

Mrs. Felton had been appointed to a vacancy under the expectation she would never sit—the election would come along before the Senate met. But Grandma Felton came to Washington determined to sit, if only for a few minutes, and Walter George gallantly gave up an all-important edge in seniority so that she might be the first woman Senator.

The women of Georgia have been grateful ever since.

[From the Columbus Enquirer of August 6, 1957]

DEATH OF WALTER GEORGE DEPRIVES GEORGIA, NATION OF GREAT LEADER

The governmental councils of the United States have lost a giant—Georgia's former Senator Walter Franklin George, who died early Sunday at his home in Vienna of an illness which struck him last June.

Born near Preston, Ga., in Webster County, the Georgia statesman began his life on a tenant farm and it is said that his first regular reading material was the CONGRESSIONAL RECORD. Be that as it may, his interests, natural oratorical talent and sharpness of mind led him during his 79 years from one eminence to another, culminating in the post of special Ambassador to the North Atlantic Treaty Organization to which he was appointed at the close of 34 years of service as United States Senator from Georgia.

It would be difficult accurately to assess the effect of Senator George's life, either as to his influence upon domestic affairs or upon international relations. There is no doubt that his most important works were wrought in the Senate, where he won from the people of the Nation and from his colleagues a reputation for caution, wisdom, statesmanship, integrity, knowledge; where he was respected for his stand that if a policy were workable, reasonable and to be desired, it made no difference whether it were advanced by a Democrat or a Republican.

His close associate for nearly 25 years, Senator RICHARD B. RUSSELL, said of him that "our laws are replete with the evidences of his wisdom and statesmanship." He added: "There are countless thousands throughout this land who today enjoy the benefits of his labors.* * *"

Senator George was chiefly known for his influence and manifest good judgment in matters involving foreign relations. His efforts in this field began during the war years, when he steered the lend-lease bill and other great international agreements through the Senate. Twice chairman of the Foreign Relations Committee, he counseled President Eisenhower in international complications that have arisen since the Republicans came to power, as he did Democratic Presidents in earlier years.

But the Senator's works were not confined to international affairs. Senator RUSSELL said he believed George was prouder of his authorship of liberalizing amendments to our social-security law benefiting the disabled and enabling women workers to enjoy earlier the benefits of the retirement system than of any other single piece of legislation.

Last year, when Senator George originally announced his intention to seek reelection, the Enquirer immediately announced its support of his candidacy. Later, however, rather than undertake a campaign in the

summer at his advanced age, George decided to retire, leaving the field open to HERMAN E. TALMADGE. President Eisenhower appointed him special Ambassador to NATO in order to retain his immense knowledge and understanding of foreign affairs in the service of the United States, and it was in this post that he served until he became ill.

Georgians are apt to remember Senator George as a courtly, quiet, dignified, and sincere man who only once faced major opposition. Then, in 1938, President Roosevelt openly challenged him and tried to use his influence against him because of disagreement over the New Deal. Senator George defeated both former Gov. Eugene Talmadge and Lawrence Camp in that race, and this determination against odds was reflected again in his final illness. Gravely ill for a week, the statesman clung to life with the same tenacity that carried him to the heights of his career.

Expressions of respect and admiration came from near and far when news of the former Senator's death spread. President Eisenhower said "he served his country and the Free World for many years with distinction and integrity." Former President Harry Truman called him "a wonderful and honorable man." The Senate met only briefly yesterday and recessed out of respect for the Georgian. Georgia's Capitol Building was closed.

The good gray Senator, as he was sometimes called, was buried yesterday at Vienna, where he had begun practicing law 56 years ago, and the great and near great and their representatives were among the throng at his funeral.

It is certain that Senator George holds high position among the great figures of this era, and none is a greater son of Georgia than the man who rose from farm boy to country lawyer, solicitor general, associate justice of the Georgia Supreme Court, United States Senator and Ambassador, and who died mantled in the respect of nations and men around the world.

[From the Augusta Chronicle of August 5, 1957]

GEORGIA'S LOSS

The death of Senator Walter F. George has saddened many persons throughout the world. To Georgians in particular it has brought sorrow of the kind that does not often attend the passing of men in public life, even though they may be distinguished for one reason or another.

This is true not only because Senator George represented the people of Georgia for 34 years in the United States Senate. The stronghold that Georgia's beloved Senator had on the hearts of the people of Georgia can be attributed only in part to the distinction with which he fulfilled his duties to them.

Deeper still was the tie forged out of the knowledge that the high position held by Senator George was the reward for outstanding ability in the son of a Georgia farmer—a man to whom poverty in his youth had proved no handicap and who looked out upon the world and found it not too large for him.

From the start of his law practice 56 years ago. Senator George moved forward steadily until he attained, on the eve of his death the honor and distinction of having been chosen by President Eisenhower as his personal representative in helping to work out the involved problems surrounding NATO's efforts in the world at large.

He will be missed in Washington because he had made many close friends there during the time which he served his State in the Senate, but the sense of profound loss will be deeper still in the minds and hearts of all Georgians.

[From the Atlanta Constitution of August 5, 1957]

NATION MOURNS PASSING OF SENATOR GEORGE, ORATOR, STATESMAN, AND LEADER OF MEN

Few Americans have had a greater impact on the life and times of this country during the past three decades than has the distinguished Georgian who has just passed away at his home in Vienna, former Senator and more recently Ambassador Walter Franklin George.

A great Georgian and a great American, the Senator—as he always will be remembered to all citizens of this country—was so much more than the run-of-the-mill politician. During 33 years in the United States Senate, he proved himself a statesman equal to the best the Nation has produced. He will live in history as one of the greatest legislators the Senate has seen, ranking in stature with Webster, Calhoun, and Taft.

In the great American tradition, Walter George reached greatness from humble beginnings. The son of a tenant farmer, he worked his way through high school and Mercer University. As a youth his favorite reading matter was the CONGRESSIONAL RECORD. He started the practice of law as a young man in Vienna and first sought public office as a prosecuting attorney.

He became a district court judge in 1912 and was elected to the State court of appeals in 1916. Appointed associate justice of the State supreme court in 1917, he served with distinction in that capacity until 1922, when he ran for the Senate to succeed Tom Watson, who died in office. Reelected for each sucessive term since, he remained in the Senate until this year.

During his years of service to Georgia, he usually was unopposed for reelection. He survived the Roosevelt purge effort in 1938 to go on to greater service.

He went to Washington in 1922 as an opponent of the League of Nations in the camp of the isolationists. He soon moved to the middle court and for the remainder of his career was a middle-of-the-roader. He became the undisputed dean of the Senate, his wisdom and advice being sought by all its Members.

Serving as a member of 12 committees during his career, Senator George was chairman of five. His top fields of interest were taxes and foreign relations, although he rendered outstanding service to agriculture. He sponsored legislation which set up the vocational agriculture program—a program which has brought benefits to millions directly and indirectly.

During the critical war years, Senator George served as chairman of the Senate Finance Committee. In both World War II and the Korean conflict, he was called upon to steer tax legislation through Congress which enabled this country to meet the challenge of arming while maintaining the stability of the domestic economy. He differed frequently with President Roosevelt and with President Truman but usually won his points.

Also, during those critical years, he twice served as chairman of the Senate Foreign Relations Committee. Following loss of his son during World War II he became a firm believer in international cooperation as the best means of preserving the peace. He helped lead the fight for lend-lease and his speech in support of the United Nations Charter turned the tide toward United States participation in that organization.

An orator and a fighter for the things in which he sincerely believed, Senator George was one of the most respected men the Senate has seen. His power was such that the outcome of legislation usually could be determined by whether he was "for" or "against" it.

A mild man, he could lash his opponents with deadly venom without ever forgetting his station or the dignity of the Senate. He could wither a demagog like Senator McCarthy by describing him as "odd." When he was deeply stirred, the Senate Chamber rang with his oratory and logic.

His crowning achievement came during his last 2 years in the Senate. As chairman of the Senate Foreign Relations Committee, with a Democratic Congress and a Republican President, Eisenhower, he reached the height of his power and prestige. He became his party's most eloquent spokesman and leader in foreign affairs, reestablishing the bipartisan approach which the Republicans themselves had destroyed.

During those years he saved President Eisenhower from the isolationists in his own party who wanted the country to tread the same fatal course it did during the 1920's. He defeated the Bricker amendment to curb the President's powers in foreign policy. He played a key role in guiding foreign policy programs through the Senate, advising the President and Secretary Dulles on major issues. He became a respected figure in capitals all over the world as people everywhere turned to him for wisdom and leadership.

In one of his great utterances, which showed his willingness to put country above party and above his own political best interests, Senator George declared: "I am not concerned with party in guiding our foreign policy. If I am for the policy and if I believe it is a workable policy, it makes no difference whether it is put forward by a Democratic or a Republican President."

He thus shamed those who had played politics with the Nation's foreign affairs—shabby politics which cost the country dearly in prestige and in its efforts to win the cold war and a secure peace. He stepped in to save what was left of the only course the country could take—that of international cooperation. He did it in spite of the certain opposition he knew it would arouse. This was without doubt his greatest moment, the moment which assured his place in history.

Upon his retirement from the Senate this year, President Eisenhower appointed him special Ambassador to the North Atlantic Treaty Organization and as a special adviser on foreign affairs to the State Department. He praised him, too, for his bipartisan, unpartisan approach.

And so, today, the State which has honored him so many times and which he has represented so ably mourns the passing of Senator George. He ranks with the greatest Georgia has produced—a statesman without demagoguery, a gentleman and a scholar. He will continue to grow in the affections of the people.

The Constitution joins with all Georgians and all Americans in grateful tribute to a great citizen, a great American, statesman, and sincere public servant. To his family we offer our sincere sympathy. To the Nation we commend his example of unselfish service as the ideal to guide them in selection of those to represent them at all levels of government.

[From the Savannah Morning News of August 5, 1957]

SENATOR WALTER FRANKLIN GEORGE

Death yesterday wrote finis on the career of one of the most distinguished Americans of our time. He was former Senator Walter Franklin George, who started life as a farm boy in Vienna some 79 years ago.

But for one coincidence, Senator George might well have been President of the United States. Certainly he had the training and the ability. But for the circumstance of having been a Georgian, his chances would undoubtedly have been good. But never during his political lifetime did his native State pack the political weight or influence to propel him into a prominent position for the nomination. And never, for that matter,

did Senator George ever trade expediency for principle to the point that he could have wangled nomination by any other methods than those generally termed open and aboveboard. For George of Georgia was never that kind of man.

One could write at considerable length of his many and glowing accomplishments as a Senator and an international statesman. It is highly significant, we think, that not only was his ability recognized by the Senators and other governmental executives with whom he served, but that he enjoyed an international reputation as well. For, in our considered opinion, he was one of the greatest and most respected voices for world peace which the world has ever known. And from a thorough review of the world history of the recent past, we are quite well prepared to believe that the entire world was fully conscious of the stature of Senator George of Georgia, as a world statesman. Our State, we think, has never produced a greater.

Of all the stories of Senator George that have been told—and will be retold for many years—there is one which, to us, is most unforgettable. It is something of no great world significance. But it is a picture of the man that takes him close to the people of south Georgia whom he served so long and so well.

The CONGRESSIONAL RECORD—a document usually considered rather dreary and unrewarding by most young people—was a virtual breath of life to 16-year-old Walter George. He was planning to be a dentist, but already it was apparent that his ambitions and talents fitted him for something decidedly better. And part of his training, almost by intuition, we might say, was a daily reading of the RECORD in which the full speeches and other insertions of the Members of the United States Congress were faithfully recorded. There were few books in the George home, but luckily young George's father was interested in government and received the RECORD regularly. Walter read it from cover to cover, and speeches or articles that he particularly relished were memorized.

One day when he was but 16 he went to nearby Cordele for a Confederate Memorial Day service. A large crowd had assembled to hear an orator of wide repute. But for some still unexplained reason the orator didn't show up. The committee on arrangements finally, in sheer desperation, called on young George to make a speech.

He was ready. One of the articles which he had memorized from the RECORD—and improved on out of his own emotions—was concerned with Gen. Robert E. Lee. No subject could have been better, and so well did young George deliver his oration that he became practically a living legend over that section of south Georgia. And, just to prove that this particular performance was no fluke, George went on at Mercer University to win the coveted oratorical medal for four straight years. Then after a career as a country lawyer, prosecuting attorney, and associate justice of the Georgia Supreme Court, he went on to the United States Senate. There he served for 33 consecutive years—despite such potent influences as that of Franklin D. Roosevelt in his heyday—to purge him.

One could say almost anything in praise of Walter F. George and not be too wrong. He was a great man by whatever criterion one would judge him. But, to our way of thinking, he really proved his greatness by his constant refusal ever obsequiously to bow his will to any man or combination of men. To boil the matter to a nutshell, Senator George was his own man. Under all the administrations which he served he never hesitated or deviated in the expression of his opinions. And regardless of how thoroughly his opinions were cussed or discussed, they were always respected. That, we humbly submit, is the final measure of a man.

The Savannah Morning News pays to this great man our most sincere respects. He has served his country better than any Georgian in recent history. And his name should be revered with the alltime Georgia greats.

[From the Atlanta Constitution of August 6, 1957]

TRIBUTES TO GEORGE PROVE HIS STATURE

The great outpouring of tribute and affection from all over the Nation for Senator Walter F. George is gratifying to all Georgians. It is indeed a compliment to the citizens of the State who had the wisdom to keep him in the United States Senate for 34 years.

It often appears strange to the rest of the Nation that a region which could produce a statesman like Walter George also has been responsible for the Huey Longs, the Bilbos, and other extreme demagogues who have been typed as typical of southern politicians.

But out of the Deep South, from the sovereign State of Georgia, came one of the truly great legislators of this century, a man whose strength came from character and sincere convictions. Senator George was a fighter but he fought by the rules. He was a conservative but not one so blind as to forget the welfare of the people.

In the field of taxation, the Georgian was recognized as an expert. Frequently opposing administration tax policies, he summed up his ideas thus: "A government can confiscate only once; it can tax forever, provided it preserves free enterprise and the American way of life."

Georgians could and did believe in such a man. They returned him to office without serious opposition except on 1 occasion for 6 successive times. They proved that demagoguery is not necessarily a must for success in Georgia politics. And the Senator himself proved that to be successful one does not necessarily have to be the provincial peddler of prejudice.

So the State is proud of Senator George and grateful for the unprecedented tribute by his colleagues in the Senate and House, more than 25 of whom attended the services yesterday at Vienna. This gesture by both Democrats and Republicans was a moving thing.

Appreciated, too, are the editorial comments from newspapers all over the land. Typical among these was that of the New York Times, which, in reviewing his career, called him "the greatest Senator—southern style—of this century, to say the very least." Concluding, the editorial said:

"In the last and highest sense, he served nothing less noble than honorable strength and honorable peace, warring first upon Hitler and his confederates and last upon Stalin and those who have followed him in the darkness of the Kremlin.

"Well, done, George, of Georgia—and farewell."

It truthfully can be said that George, of Georgia, was a credit to his State and Nation—a statesman worthy of the name. His strength and his record of service will remain as inspirations to all those who follow him in the Senate.

[From the Macon Telegraph of August 5, 1957]

GEORGE DEVOTED HIS LIFE TO SHAPING BETTER WORLD

In the passing of Walter Franklin George, death has removed a true American statesman in an era that has produced too few.

No other Georgian of his time attained the status in world affairs as did this taciturn, dedicated man who came out of Dooly County not long after the turn of the century to devote more than 50 years of public service to his State, his country and a better world.

Few Americans in public life enjoyed more universal respect, if not affection, of their fellows than Walter George. There were many, of course, who disagreed from time to time with his views, since Senator George was a man not reluctant to give voice to his opinions, but when he spoke in the Senate in his stentorian manner the Chamber listened.

It will be long remembered that in 1938 when President Roosevelt, with whom Senator George had broken on the former's Court-packing plan, came into Georgia to purge Mr. George from the Senate by backing New Dealing Lawrence Camp in the Democratic primary, FDR laid his arm across the George shoulder and said, "God bless you, Walter. Let's always be friends."

How Georgians resented and repudiated the Roosevelt intervention and sent Senator George back to the Senate to become, in later years, the dean of that body, will be recounted as long as Georgians talk of politics of yore.

Walter George was a Senator's Senator. He left the dramatics and Capital society to others. His fare was work and when he arose to take the floor he had something to say. He kept himself versed with all business before the body, but his two loves were finances and foreign affairs.

After the economical emergencies of the 1930's had subsided and there existed no longer the need for drastic legislation that characterized the New Deal, Senator George moved to the middle of the road on domestic issues.

He went to Washington in 1922 as an opponent of the League of Nations, but the years broadened his view and years later as chairman of the Senate Foreign Relations Committee he supported the United Nations as the best hope of world peace.

Senator George was well rewarded for his tireless labors in behalf of the people he loved. After 10 years on the Georgia bench, as circuit judge, State appellate judge and supreme court justice, Walter George was sent by the people of Georgia to the United States Senate in 1922 and there they returned him for 34 years.

During his last 2 years in the Senate he served as President Pro Tempore of that body, making him third in lines of succession to the Presidency of the United States.

Upon his retirement from the Senate, Senator George experienced the rare satisfaction of being appointed to the rank of ambassador by a President of the opposition Republican Party, who was unwilling that the Nation deny itself the great talents of the man from Vienna. As Mr. Eisenhower's special representative to NATO, Mr. George carried on his works in the cause of world peace until his final illness.

Senator George also had among his numerous honors the distinct pleasure of seeing the Mercer University law school, where he received his law degree in 1901 and won signal acclaim as a debater, named for him in 1947.

There is widespread sadness at the passing of Senator George; a man of noble thoughts and deeds has gone. But that grief is assuaged in remembering that Senator George's life was a long one, brimming with accomplishments along the road which leads to a world of peace.

GEORGIA EDITORS LOOK OVER THE STATE—WALTER F. GEORGE EARNED A FIRM NICHE IN HISTORY

The Macon News:

"The great of the world have paid sincere and admiring tribute to Walter Franklin George. The President, the Members of the Senate, the Congressmen, the governors, so many in public life who held the great ex-Senator in the highest esteem have voiced their sorrow and their evaluation of the loss America and the world have suffered.

"He lies now in Vienna, the town he loved and lived in for more than 50 years. * * *

"But, even more than the great of the world, it is the ordinary people who will miss Senator George, the most. The Joe Smiths and the John Does owe him the most and his passing removes from this life a valiant champion of their rights.

"He was splendid in war and in peace. In the troubled times of conflict, his was the clear brain and the wise voice that went straight to the heart of a problem and saw that what had to be done was done. And in time of peace, he labored unceasingly to better the lot of his fellow man. The legislation he helped fashion will reflect his vision and statesmanship for many years to come.

"His stature, as a Senator, as a Georgian, and as an American will stand unchallenged so long as there exists our democracy of the people, by the people, and for the people."

The Valdosta Daily Times:

"In the death of Senator Walter F. George, our State, our Nation, and the Free World have suffered a grievous loss. Although his death was not unexpected, it is nevertheless a shock to those who have long considered him one of the world's outstanding statesmen.

"Through a long and useful public career he never wavered from his convictions and often he refused to permit expediency to influence his decisions.

"From a humble beginning, Walter George rose to heights attained by few men. His calm judgment, his devotion to those things he believed right, and his determination at all times to follow a course that his stern conscience dictated, made him a 'man of distinction' in a world that sorely needed leadership of the kind he provided.

"Never one to seek personal aggrandizement, he ever sought to advance those causes he believed to be right, often at sacrifice to himself.

"His long and distinguished career in the Senate where he was the acknowledged leader of those forces which sought peace and understanding made him ready to serve well when called to be personal representative of President Eisenhower on the world scene as ambassador to NATO.

"Senator George, probably more than any other man in public life, contributed to a nonpartisan approach to the Nation's foreign problems in perilous times. From the President on down his advice was sought on matterms of vital concern and his judgment was always sound.

"Senator George had a deep and tolerant understanding of the Nation's problems and on world affairs he was consulted many times when the fate of nations was in the balance.

"He was called by fate to 'walk with kings' and yet he never lost the touch of the 'common man.' "

The Marietta Daily Journal:

"Although the death of Walter F. George comes as no great shock, it leaves Georgia and the Nation with an overwhelming sense of loss. For, with the passing of this statesman-diplomat, our era is losing one of its most talented and effective leaders.

"The gradual decline in Senator George's condition braced most of his friends and admirers for the inevitable. Yet, this knowledge could in no way ease that pang of remorse felt by so many Georgians. For Georgians claimed this man for their own although his disassociation with provincialism could have well classified him as an international citizen.

"Many great tributes were paid the man by dignitaries the world over. Editorials herald his rise to lofty heights from humble beginnings. They trace his ascent in politics to his last post as ambassador to the North Atlantic Treaty Organization. His contributions to this Nation's welfare were measured and evaluated as outstanding in the course of history during the past two decades.

"Georgians hold the memory of Senator George in highest esteem—for he brought to this State something much more valuable than anything found in a pork barrel. To Georgia, Senator George bestowed a tag of dignity so precious during times when our State was being constantly undermined and scorned by outside critics. Representation in the Senate by such a respected statesman did much in the way of counteracting these attacks. A great deal of the respect accorded Senator George rubbed off on Georgia, definitely enhancing our position and prestige on the national scene."

[From the De Kalb New Era of August 8, 1957]

WALTER F. GEORGE

In the cloistered peace of his beloved home, a thousand miles from the scene of so many of his greatest triumphs, Walter Franklin George, the master general of statecraft, quietly fell into eternal sleep.

The State of Georgia, this Nation, and the Free World mourn his death. Deliberative bodies ceased their activities in his honor. Flags throughout the Nation flew at half-mast. Even the ships at sea and in a hundred ports over the world did him honor, and showed their respect for greatness.

No man lived who was his superior. In close intimacy he walked and talked with Presidents and monarchs and ministers of state. He was at home with the princes of the earth. Statesmen sought his counsel. He was the compatriot of every loyal and true American, regardless of political affiliations.

But his world was not alone in the company of the high and the mighty. The farmer, the laborer, the small-business man, the man on the street all knew him as their friend and recognized in him their ally. He spoke the language of the palace and the hovel, for he knew mankind, he understood human nature, and he had a heart big enough for all.

Silent now are those lips which for so many years advocated world peace and understanding among men. Stilled forever is the sound of his resonant voice, speaking words of logic and commonsense with a fervancy of this Nation and that of the Free World.

But not so with his tremendous influence. History has been indelibly marked with the imprint of his magnetic power, his gigantic strength and his phenomenal prestige. As long as America is what she is, a Nation loving freedom, just so long will his influence continue to reach into the basic structure of our national thinking. To a great extent he has fixed the course of our ship of state, and has left us a chart for the future, which, if we are wise, we will follow to our continued happiness as a people and which will bring the world ever nearer to a lasting and a just peace.

From the profession of law, through the judgeships of the inferior, superior, and supreme State courts, through the Halls of the United States Senate, into the worldwide post of special ambassador for the President of the United States, he followed his star with increasing honor for himself and has at the same time honored each separate toga he wore with a matchless integrity. In this long span of years he shouldered burden after burden of his people and his Nation until in his crowning years he assumed the mantle that carried with it the burden of free peoples everywhere.

In every capacity he was a man of intense feeling, of great love and compassion, of devoted loyalty to right, of impeccable honor and integrity. In conduct and character he was a Christian gentleman. Such attributes endeared him to a world with a craving for honorable leadership, and gave him a power and an influence the equal of any of this age.

His loved ones found in him a soft tenderness, a deep devotion, and an unbeguiled affection. His friends loved him for his loyalty, his understanding, and his helpfulness. His foes respected him for his utter sincerity, his consuming strength of sound reasoning, and his complete fearlessness. All saw in him the inherent greatness of character.

The man, the judge, the Senator, the statesmen, the ambassador is dead, they say. But such a one never dies. The laws he fashioned, the principles he instilled, the ideals he envisioned, the goals he set for men and governments were by his labors shaped into imperishable monuments which future generations can see and to which they can cling with assured safety. These things will live on across the frontiers of freedom as guideposts of a revealing light, as a solace to the oppressed, and as an inspiration to those who carry on the affairs of mankind. On the foundations which he was so instrumental in building, men will add piece by piece until at long last they will have builded a structure that will not be destroyed by the hands of tyrants or torn away by the vaunted ambitions of dictators.

And so we bid farewell to one of Georgia's greatest sons, to one of our Nation's wisest leaders, to one of the most powerful advocates the Free World has even known. To his family, his friends, his people, and to the cause of world peace the New Era extends its deepest sympathy in the loss of a husband, a father, a true friend, a patriot, and an advocate above reproach.

[From the Cochran Journal of August 8, 1957]

WALTER FRANKLIN GEORGE

In a way an era died when Walter Franklin George was buried in Vienna Monday in the town he loved so well, while a hot Georgia sun beat down on the hundreds who came to pay him tribute.

A statesman had died, and there are those in Congress who knew him well over a period of 34 years, who will rise and eulogize him. Once, following a major speech by George on foreign relations, the entire Senate of the United States rose to applaud him in an unprecedented move.

Few men have ever enjoyed the prestige in any legislative body that George had in the Senate. It was not a political prestige, but that rare regard that all men hold for a person who is so diligently honest, so well grounded in his field, that his word is almost a command, and his interpretation of any piece of legislation was sought as a guide.

As Arthur Edson put it, to disagree with Senator George was almost like questioning Moses on the authenticity of the Ten Commandments.

When they buried Walter George on a sun-filled afternoon in a Georgia cemetery, they buried an era with him.

But, he left behind him a great heritage, not only for his people in Georgia, but for the Nation and the world.

His name became a worldwide symbol for truth and justice and understanding among nations, and for peace among men of good will.

Our sons will reap the good harvest from the seeds of peace he sowed for them.

Mr. RUSSELL. I may say, Mr. President, that these editorials come from the great metropolitan press, and from the smaller daily papers of my State and of other States and there are several from the weekly papers of my State. This does not purport to be a fraction of the total of the editorials written paying heartfelt tribute to a truly great soul, but these few editorials do represent a fair cross section of the sentiment of the people of the United States, as expressed

through the medium of the press, on the passing of Senator George.

One of the editorials states, Mr. President, "In a way an era died," when Walter Franklin George came to his final resting place in the little cemetery in Vienna. He has left monuments to his memory that are found in the laws of our land, which will be more enduring than any stone that may be raised above his last resting place.

No man who was ever privileged to serve in the Senate with Senator George will ever forget him or fail to prize the association with him.

Mr. TALMADGE. Mr. President, Georgia, the Nation, and the world have suffered an irreparable loss in the death of the renowned and distinguished former senior Senator from Georgia, Walter F. George.

I am confident that I speak the sentiments of all Georgians when I say that no man ever was more beloved or held in higher esteem by his native State.

There is not a citizen of Georgia who does not thrill to the honor and prestige which he brought to our State.

There is not a single Georgia youth who has not found inspiration in his example.

As Georgia's ambassador to the Nation—and to the world—he did more to accentuate the human and physical resources of Georgia than any leader our State has produced this century. By his very stature he negated every barb and insult which any would-be critic of our State and region ever hurled.

When the history of the past 50 years is written and evaluated, I predict there will be no more brilliant chapter than that recounting the contributions of Walter F. George to this century.

In a fast-moving world which sometimes gives the appearance of having gone completely mad, it was a comforting reassurance to have the firm and confident hand of Senator George at the wheel of the ship of state. Looking back over the reckless course of this Nation's vacillating, ofttimes nebulous foreign policy of the past 4 years, one is appalled to think what disaster probably would have befallen had it not been for the steadying influence of Walter George upon those who, by their own admission, carried America to the brink of war itself.

The people of Georgia and the United States—and, yes, of the entire Free World—give thanks that this Nation was blessed to have the leadership of such a man with the vision and courage to champion a course for peace rather than fatalistically insisting upon drafting a blueprint for war.

Senator George was the established champion of peace in the minds and eyes of the men and women of the Free World. They respected his wisdom and trusted his judgment.

Senator George above all men understood the urgent need for collective security among the democratic nations of the Free World. His vision, his courage, his wisdom, and his humanity are attributes which will be sorely missed during the years of crisis ahead.

The biography of Walter Franklin George is a story of unparalleled achievement in the truest American tradition. It is one worthy of the best efforts of the most skilled of writers.

Of Senator George's background, one can truly say with Ralph Waldo Emerson:

> Born for success he seemed, with grace to win, with heart to hold, with shining gifts that took all eyes.

Birth in the modest circumstances of a tenant farm proved no handicap for him. From early boyhood his genius was apparent and—despite the fact that he had to put his hand to the plow to earn his way—by the time he was a young man in his teens he had an established reputation as one of the best scholars and most forceful speakers in his section of the State.

After a brilliant scholastic record in law at Mercer Univerity, he entered upon an equally brilliant legal career as a practicing attorney. So successful was he, so the story is told, the other lawyers in his town decided the only way they could make a living was to get him named solicitor-general of his circuit.

From there his career took him to the bench of the superior court and on to seats on the Georgia Court of Appeals and the Supreme Court of Georgia. At all levels of the judiciary in Georgia he added distinction to his growing reputation as a public servant and proved himself to be, as Shakespeare said:

> An upright judge, a learned judge * * * a judge that no king can corrupt.

Upon the death of the late Thomas E. Watson and at the urging of his friends throughout Georgia, Judge George offered himself to the Georgia electorate as Watson's successor. He was overwhelmingly elected and was subsequently reelected to five endorsement terms—giving him the longest continuing record of service of any Georgian in the United States Senate.

Perhaps more than any other one incident, the best index to the character and integrity of Senator George is found in his gallant decision to postpone presentation of his credentials of election to the Senate in order that Mrs. Rebecca L. Felton, who had been appointed to the Watson vacancy by Governor Hardwick, might be sworn in to become the first woman ever to sit in the United States Senate. That gesture of unselfishness was the epitome of the entire makeup of the man that Walter Franklin George was.

In his years of service as a Member of the Senate, Senator George was associated with the drafting and passage of virtually all of the progressive legislation which has blessed this generation. None earned him a warmer place in the hearts of the people of his State and Nation than his advocacy of vocational education.

Senator George was listed as author of every major bill relating to vocational education during his long and distinguished career as a Member of the Senate. And history will record him as the "father" of the program as we know it in the public school systems today.

It was fitting indeed that 6 years ago, a monument honoring his great service to the youth of our Nation in this regard was unveiled and dedicated in his hometown of Vienna, Ga.

As chairman of the Senate Finance Committee and later of the Senate Foreign Relations Committee, Senator George played major roles in the development of the economy and foreign policy of this Nation for the past quarter of a century. He was an acknowledged authority in both fields, and his advice in either was always heeded.

As befits the character of this great man, Senator George never made an open display of his power, influence, or prestige. He preferred to work modestly, but always effectively, in the background. However, when he did choose to speak, every chair was filled and every ear attuned to his words as his golden oratory reverberated through this Chamber.

All who ever had the privilege of hearing him speak will agree without hesitation that he was one of the greatest orators in the history of our country.

It was in appreciation of his myriad contributions to Georgia, the Nation, and the world and as a tangible tribute to the honor and prestige his achievements brought him that Mercer University at Macon, Ga., named and endowed its law school in his honor. And the Walter F. George School of Law is today one of the finest institutions of legal learning in the Nation with a fame among members of the bar which far transcends the boundaries of the State of Georgia.

Throughout his life, Walter George gave unselfishly and wholeheartedly of his tremendous energy and talent to the service of his fellow men.

He forwent the wealth which undoubtedly would have been his had he chosen to continue in the private practice of law or entered into the field of business.

But in foregoing the monetary rewards of life which might have been his, he gained a wealth far more lasting and precious than mere silver and gold—the wealth of love, admiration, and respect of his fellow Georgians which will live as long as there is a tongue to pass the story of his great service from one generation to the next.

There is a little poem of anonymous authorship which, I think, more aptly sums up the great attributes of Walter Franklin George than any words I might utter. It goes like this:

> He has not served who gathers gold,
> Nor has he served whose life is told
> In selfish battles he has won,
> Or deeds of skill that he has done;
> But he has served who now and then
> Has helped along his fellow men.
>
> The world needs many men today,
> Red-blooded men along life's way,
> With cheerful hearts and helping hands,
> And with a faith that understands
> The value of the simple deed
> To serve another's hour of need.

Mr. President, Walter Franklin George spent his entire life serving others' hours

of need, and history will record the great success which he achieved in his lifetime of selfless service.

He has built a monument in the hearts of the people of Georgia and this Nation which is more imposing than any memorial of stone which may ever be erected to honor his deeds and perpetuate his memory.

Though he has departed this vale of tears and strife for the peace and rest of eternity in the arms of almighty God, he will always live in the hearts of those whom he served and through the myriad concrete contributions he made to the advancement of human life here on earth.

One of our great American journalists, Walter Lippmann, once wrote that "the final test of a leader is that he leaves behind him in other men the conviction and the will to carry on."

Walter Franklin George left such a heritage—a heritage which will live so long as there is a United States and a United States Senate.

On behalf of the distinguished senior Senator from Missouri [Mr. HENNINGS], I desire to read the following letter, and then request unanimous consent that an insertion be made in the RECORD.

The letter is dated August 7, 1957, and is addressed to the junior Senator from Georgia. It reads:

UNITED STATES SENATE,
Washington, D. C., August 7, 1957.

The Honorable HERMAN E. TALMADGE,
United States Senate,
Washington, D. C.

DEAR HERMAN: My doctor has warned me against any sustained activity for awhile as yet, although I am allowed to return to the Senate for an occasional vote. I read in the RECORD that time will be set aside next Monday for tribute to Walter George. As it is likely that I will not be present, I wonder if you would be kind enough to read this letter to the Senate and to insert the attached article in the RECORD in my behalf.

The article was written several years ago by my old friend, Ed Woods, one of the outstanding reporters in Washington. It is a very able profile of an extremely able Senator and statesman. In his article, Mr. Woods describes me as a "warm admirer" of Walter George. This is indeed an understatement. He also describes a "toe to toe debate" that I had with the then chairman of the Foreign Relations Committee, with respect to the Bricker amendment. He said that this debate took place "to the amazement" of my colleagues. This was no understatement, since Walter George was probably the outstanding authority on international affairs in the Senate at that time and I respected him and his point of view vastly. Since I agreed with my colleague on almost all matters, it was only with great reluctance that I dared to debate publicly with him on this important subject. As always, Walter George deported himself on the highest plane and as a gracious scholarly gentleman for whom my admiration was exceeded only by my affection. He was always kind and helpful to me.

Therefore, I want to pay my small tribute to the memory of one whom I was privileged to call my friend. With kindest regards to you, as always, I am

Sincerely yours,
THOMAS C. HENNINGS, Jr.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

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

[From the St. Louis Post-Dispatch of February 27, 1955]

WHO'S WHO IN THE NEWS: GEORGE, OF GEORGIA, FOREIGN RELATIONS CHAIRMAN, A SENATOR FOR 32 YEARS—THE MAN ROOSEVELT WANTED TO PURGE NOW AT PINNACLE OF HIS CAREER—AT AGE 77 HE IS AN INSTITUTION IN WASHINGTON—GOT CONGRATULATIONS, THANKS FROM PRESIDENT EISENHOWER FOR BIPARTISAN SUPPORT

(By Edward F. Woods)

WASHINGTON, February 26.—When courtly Walter Franklin George, of Georgia, moves down the center aisle of the United States Senate Chamber he leaves the impression that he owns the place, or at least is about to bid on it.

If George exudes something of a proprietary interest in the meeting place of the world's greatest legislative body, he may be pardoned. For 32 years and 3 months as of Washington's Birthday the Chamber has periodically trembled at the impact of his powerful voice.

In that time he has become the undisputed dean of his Democratic colleagues. He is credited with being the only man in the Senate who can switch votes by making a speech. He has collided openly with two Presidents within his own party and today is openly a favorite of a Republican Chief Executive.

Now, in the twilight of his career, the 77-year-old Georgian has reached the pinnacle. He no longer is regarded as just another Senator. He has become an institution, taking his place in history along with the late Senators William E. Borah and Hiram Johnson. In a sense he has become the custodian of Senate traditions and the Senate's way of doing things.

As the Democratic chairman of a Democratic-controlled Foreign Relations Committee he is the Nation's most important instrument for effectuating the foreign policy of President Eisenhower. In this, he has inherited the role of the late Arthur H. Vandenberg, the Republican Senator from Michigan who was an effective collaborator in the Roosevelt-Truman foreign policy.

George now is above legislative pulling and hauling. He is not what is known here as a cloakroom trader. Lobbyists shrink in horror at the thought of buttonholing him. While he is not a member of the Democratic policy committee, Senator LYNDON JOHNSON of Texas, the majority leader, confers with him for 20 minutes to a half hour each noon hour as the Senate convenes, clearing with him such decisions as the policy committee may have reached on pending business.

His influence is such that it is hard to conceive of a coalition of which he was a member being beaten on any issue, though it did happen once. That was last year when Senator THOMAS C. HENNINGS, JR., of Missouri, a warm admirer of George, led a floor fight against the George amendment to limit the power of the President to make executive agreements with foreign governments.

To the amazement of his colleagues, Senator HENNINGS engaged in toe-to-toe debate with the distinguished Georgian, and the amendment was beaten by the margin of one vote.

Senator George's hold on his colleagues stems from two major sources: His age and tenure—and his voice and imperiously paternal bearing.

He makes a speech only when he has something very important to say, a rare quality in the Senate. On these occasions he could spellbind a rooster. He generally opens on a conversational tone, his pleasant southern accent washing soothingly over his listeners.

Then without warning, his voice hardens into a thundering rumble, one fist goes high over his head, soon followed by the second, and then down they both come as scorn and passionate indignation are commingled in a harsh finale intended to cast into outer darkness the issue or the person which is his target.

Senator George actually began to achieve the status of an institution in the last Congress, which was Republican controlled, fashioning an astounding unity among the diverse Democratic elements on two major issues.

In one instance, Senator George did not approve of the way an Eisenhower appointee to the National Labor Relations Board, Albert C. Beeson, had failed to fully and frankly inform the Senate Labor Committee of a private pension arrangement he had with his former employers. George let it be known that he would vote against Senate confirmation of Beeson. On the rollcall, only two Democrats failed to fall in line with him.

Later, he likewise made known that he was in favor of recommitting to committee, or killing off, the administration-sponsored revisions in the Taft-Hartley law. On this rollcall every Democrat joined him. It was the first time in the history of the party that the Democrats, who usually claw each other on labor-union issues, voted unanimously on such a question.

His crowning achievement, however, came last January 28, when, as chairman of the Foreign Relations Committee, he guided the administration's resolution on defense of Formosa to a whopping 85-to-2 victory in the Senate. Nary a Democrat strayed on the rollcall, and George achieved a noteworthy milestone in the conduct of bipartisanship in the cold war.

Senator George used forceful language in support of that resolution, declaring:

"I hope that no Democrat will be heard to say that because the President of the United States came to Congress he is thereby subject to criticism.

"He chose a courageous course, a course which would be taken only by a prudent man who knows the pitfalls along the course and who knows the horrors of war.

"No person can guarantee the results of any important public act. We cannot. But there is no man who is worth his salt * * * who is not willing to exercise his best judgment, his honest judgment in response to the President."

It is no secret that many Democrats found the calling for the defense of Formosa and its current tenant, Chiang Kai-shek, grossly unpalatable. And while the resolution undoubtedly would have passed anyway, the opinion here is that George alone was responsible for the overwhelming assent. George's vigorous support of the resolution was viewed by some as justifying claims during the 1954 campaign that a Democratic Congressional victory would help rather than hinder Mr. Eisenhower in foreign policy matters.

President Eisenhower was so elated over the vote that he sent George a note describing his leadership on the Formosa resolution as superb and offering his congratulations and grateful thanks. The following day, Secretary of State Dulles personally conducted George from his suite at the Mayflower Hotel to the White House to take part in the signing ceremonies. It was George's 77th birthday.

There are some here who say privately that Eisenhower and Dulles are simply using George to push projects which are not compounded on a true bipartisan basis. He rejects such contentions, asserting that the Eisenhower-Dulles approach to bipartisanship on foreign policy is genuine and complete. He attributes to the White House no disposition to confront the Democratic leadership with decisions already made.

Senator George's influence is by no means confined to passage or defeat of legislation. In this city where foot-in-mouth disease is rampant, 44-year-old Majority Leader JOHNSON frankly exults that some of the dean's aloofness and reserve has rubbed off on him, thus restraining him from popping off to the press as does the minority leader, Senator WILLIAM F. KNOWLAND, of California.

With more than 32 years' tenure behind him, Senator George is the fourth most durable man in Senate history. Ranking him in this respect were South Carolina's Ellison D. Smith and Iowa's William B. Allison, each of whom served 35 years and 5 months, and Wyoming's Francis E. Warren, who was a Senator for 37 years and 5 days.

Some of the Senator's critics regard him as an archconservative. He calls himself a liberal, but a liberal within the Constitution.

George was born January 29, 1878, at Preston, Ga., the son of a tenant farmer. His childhood was one of hard work and privation. He acquired a 1-room-schoolhouse elementary education and eventually went through Mercer University and into a successful law practice.

He became a judge and rose from the lower courts to the State supreme court. A studious and scholarly man, he devoted long hours to the history of the Constitution and its interpretation, strengthening his concept of the rights of the States and localities against potentially oppressive powers of a central government.

In 1922, firebranding Senator Tom Watson, of Georgia, died and George got the nod from Georgia business and utility interests to run for the vacant seat. His views have undergone some startling changes since then.

In a scorching 1922 campaign, George roundly denounced the League of Nations and all such foreign entanglements. He criticized the soldier bonus and proposed liberalization of immigration laws. The Volstead Act, he preached, should have stiffer penalties for illicit dealing in spirits.

Four years later, however, in the next primary campaign, his enemies attacked him for having voted for World Court and, in 1928, after receiving 52½ national convention votes for the Democratic presidential nomination, he was supporting that implacable foe of prohibition, Al Smith, for President, and was denouncing the Volstead Act as a Federal invasion "of a domain it has no business to be—the regulation of a private citizen's habits and wishes."

In 1932, George opposed the nomination of Franklin D. Roosevelt for President, a misdeed which Roosevelt never forgot. However, after Roosevelt's election, George voted for NRA, AAA, TVA, SEC, and social security. He bridled against regulation of utility holding companies, the New Deal housing bill, and Roosevelt's plan to enlarge, or as some put it, to pack, the Supreme Court. He energetically, but without success, fought the 1936 tax bill which included a levy on the undistributed profits of corporations.

His opposition to so much New Deal legislation earned him the hostility of the White House and President Roosevelt marked him for a political purge.

The President journeyed to Gainesville, Ga., in 1938 and with George seated behind him on the speaker's platform he informed the Peach State's citizens that he wanted George defeated in the upcoming primary. When the President finished, George got up, shook his hand, expressed his regrets over the President's position, and added:

"Mr. President, I accept the challenge."

He fought the President up and down his State in the best southern political tradition. He denounced outside interference, carpetbaggers, and another march to the sea. When he concluded his speeches a brass band rendered Dixie, and tears flowed.

In the voting, George won, thus becoming the hero of the anti-New Dealers. He polled 141,922 votes to 102,264 for Eugene Talmadge, and 78,223 for Roosevelt's hapless candidate, Lawrence Camp.

In 1949, George found himself at loggerheads with another Democratic President, Harry S. Truman, over the President's plan to raise taxes to cover spending contemplated in the Fair Deal program and still keep the budget balanced. George thought the budget could be balanced by slashing Truman's spending plans and leaving taxes at their current levels.

George concedes that during the war years he was reputed, undeservedly, to have been unduly tender with corporations and wealthy people in tax matters as chairman of the Senate Finance Committee.

But a year ago he rose in wrath against the whittling away of tax exemptions for lower bracket income taxpayers and he horrified his more conservative followers with a proposal that exemptions for dependents be increased immediately from $600 to $800 and eventually to $1,000. This bombshell failed to detonate.

When he is not fulfilling his function as pivot man in legislative and policy matters, George confines himself to his Mayflower Hotel rooms where he and his wife, whom he calls Miss Lucy, watch television and read. His habits are simple and he regards even White House receptions as above and beyond the call of duty.

In view of George's advanced age, it is no secret that several Georgia politicians are wondering when he will step down and give somebody else a chance, because no one will have the chance unless he gives it to him.

Asked if he might quit in 1956 and support HERMAN TALMADGE as his successor George replied:

"I do not know if I can support anybody at that time. I am somewhat in the position of an old friend of mine in Savannah who said that when he died he wished to be carried back to Savannah to be buried because every 2 years they would resurrect him at election time so he could vote. I do not know who would be my redeemer in such circumstances and, therefore, I do not know whom I would vote for."

Mr. JOHNSON of Texas. Mr. President, it has been many years since the country has suffered a loss so grievous. In the passing of Walter F. George, our Nation lost a statesman, a gentleman, and a friend. I shall not do the impossible by attempting in a few brief words to assess the role of Walter George in the history of this great Republic. I can leave that to the historians, secure in the knowledge that the name of Walter Franklin George will have a permanent and enduring place.

But I do want to sum up exactly what Senator George meant to many of us.

We are privileged in our lifetime to have a few briefs contacts with authentic greatness. I am not using that word loosely. Walter George was a great man in every sense—in ability, in integrity, in statesmanship, in devotion to his duty in the Senate and in his representation of all the people of our free land. Walter George represented to me one of those brief contacts. But it was more than that. He was always, from the time I entered this body, as a young freshman Senator, a selfless friend who helped to guide my footsteps through many trying hours, and through many difficult times.

This has been a better world for me and for all my colleagues in this body because we came in touch with Walter George. It has been better because my life has been touched by wise, disinterested advice and counsel, which was always patriotic, and because I felt the warmth of the personality of this great man.

I wish desperately that there was some way I could find comfort for his thousands of friends and for his grieving family. All that I can say to "Miss Lucy" and to his son is that this was a truly great man, who is going to be remembered long after the rest of us are gone and forgotten.

Walter Franklin George will live in the sense that his achievements as a Member of this great body which were hammered out on the anvil of the Senate are a permanent part of the history of this great land.

Mr. KNOWLAND. Mr. President, it was with a deep feeling of regret that we learned of the death of Ambassador Walter F. George.

I wish today to say a few words in memory of the distinguished career and life of our beloved former colleague. Those of us who knew and witnessed Senator George's great endeavors in this legislative hall, where he served for so many years, recognized the tremendous assets he had as a man.

He was kindly, courageous, and was possessed of great personal integrity. He was generous in his friendships for his colleagues and all of us had for him a deep and abiding personal affection.

Most of the Senators present witnessed the great humility and simplicity of Senator Walter George when he rose in the Senate in the closing days of the session of Congress in 1955 and said:

> Mr. President, I hope I shall return. Whether I do or not, the one great profound regret of my life is that I have been able to do so little for mankind.

Mr. President, if each of the 95 Senators who, at the moment, constitute this body, could leave this world with one-half the record of accomplishment that Senator George performed, history would certainly record such an era as the Senate's period of greatest achievement.

As other Senators have noted, Senator George was one of the few Members of this great body who by sheer persuasion of his eloquence could move men's minds on the floor of the Senate and produce changes on important votes.

Senator George, with his great powers of intellect and moderation, brought the highest degree of prestige and respect to the two great Senate committees of which he served as chairman, the Committee on Foreign Relations and the Committee on Finance.

It was my privilege for a time to serve on the Committee on Foreign Relations during the time Senator George was chairman of that great committee.

He performed his duties in an impartial, nonpartisan manner. He gave the same devoted service to a Republican President of the United States as he would have given, and as he would have expected another to give, to a Democratic President of the United States.

In matters concerning the welfare of his country and the defense of the Nation, there was no partisan line, so far as Senator George was concerned.

It was my privilege during the past 5 years, first as Republican majority leader and later as minority leader, to participate in conferences with him on matters of the gravest import and public concern, matters affecting the welfare of our country. His discerning judgment on those as on all other great public questions was guided by the same criteria and principles which motivated him all his life—the protection and the furtherance of the public welfare of all the people of the United States. He has been termed by one of his colleagues as "a Senator's Senator."

It was a sad journey which some of us were privileged to make to the last rites for Senator Walter George in the little town of Vienna, Ga. That community is small, but, in a sense, it is typical of America. Senator George had spent much of his life in that community. He was loved by the people there. As we went from his home to the church and thence to the cemetery, evidences of the affection in which Walter George was held by those people could be seen by all of us.

It had been my privilege a year or so earlier—and I am glad I was able to have it—to go to another affair in Georgia, in the community of Gainesville, where the people were celebrating Walter George Day. Again I had the opportunity to see the people who, because of their love and admiration for him, came to pay tribute during his lifetime to this great Senator and great son of Georgia. He was this, Mr. President, and he was more. He was a great American statesman.

I offer my heartfelt condolences and sympathy to his widow and to the other members of his family.

So long as any of us shall live, we will remember the great and outstanding service of Walter F. George, a United States Senator from the State of Georgia, but, more important than that, a Senator of the United States.

Mr. GREEN. Mr. President, during the last few days many words have been spoken on Walter F. George. We have heard words of deep-felt grief; we have heard words of fond recollection; we have heard words of praise and profound respect.

These words have come from every part of the land. They have come from people in all walks of life. They have come from those who knew him as an intimate and from those to whom Walter F. George was but a name or a familiar picture in the newspapers.

To each person who has spoken, Walter F. George had a special meaning. Now that he is gone, each seeks to recapture the essence of that meaning in words. Each seeks to hold that meaning vividly for a final moment before his great and good spirit merges into the priceless heritage of the Nation and humanity.

Many who have spoken of Walter F. George knew him longer or better than I did. I knew him best as a distinguished colleague in the Senate, and as a longtime associate on the Committee on Foreign Relations, where we served together 19 years, and as my predecessor as chairman of that committee.

Walter F. George was a man of varied talents and he gave freely of them in many public endeavors. I believe he made his greatest contribution, however, when in the closing years of his life he turned his attention primarily to international problems.

As chairman of the Committee on Foreign Relations, he led his colleagues with wisdom, with restraint, and with a gentle firmness. There were differences of view in the committee during his tenure as chairman. There always have been and probably there always will be such differences there. The leadership of Walter F. George was such, however, that these differences never became personal, never vindictive, never political. He had a way of looking at the work of the committee in the huge mirror of history. What he saw overwhelmed the petty and the inconsequential; and what he saw, he helped his colleagues on the committee to see also.

In the same fashion, he worked with the President and the Secretary of State. He gave freely to them of his wisdom, his perception, and his courage.

The contribution of Walter F. George to the foreign policy of the Nation was profound. So he helped to separate the enduring from the temporary.

He was able to serve the Nation in foreign policy as he did because he looked down the road of history from his vantage point of a long and full life. He could see clearly beyond all petty divisions to where the total interests of the Nation were to be found; and he could see even further to where the interests of humanity, beyond all national distinctions, were enshrined. Because he saw so clearly, he gave expression to the inner strength of the Nation and directed that strength into the quest for a rational peace. I believe he sought peace out of a profound abhorrence of war which was based in part on the personal tragedy which it had brought him. He sought it even more, perhaps, because, as he often asked the Senate, he had asked himself, "What is the alternative to peace?"

Walter F. George is now of the ages. Because he lived and walked among us, we shall have a greater incentive to find the way to the rational peace which he believed to be essential to the future of our Nation and of mankind.

Mr. WILEY. Mr. President, we meet to commemorate a life lived among us—the life of a very humble but great American, the life of Walter George.

I rise to pay tribute to a man who was one of the most distinguished Members in the history of the Senate; but, more than that, I rise to speak of him because I found in him a friend.

It was my privilege to serve under Walter F. George when he was the chairman of the Committee on Foreign Relations. It was my privilege to have him at my side when I was the chairman of that committee. Whether he was in the majority or in the minority, Senator George was, first, last, and always, a true American. He was always a Senator, to whom statesmanship—and I emphasize statesmanship—came first, and partisanship well behind. It was always comforting to be with him and to feel his presence. Strength radiated from him.

In our committee we could always count on him for balanced judgment, for wisdom, and for the understanding which come not only with age but with dedication to the Republic—qualities which were developed from a life well lived.

Among other things, his life demonstrates industry and clear thinking. It demonstrates qualities which a United States Senator should have. There was no hate in Walter George. As he has been described by the distinguished minority leader, Senator George was a Senator's Senator. As was stated by the distinguished majority leader, the world is better because Senator George lived. The reason is that Walter George had a reverence for this great institution, the United States Senate. He was proud of the Senate. He was determined to uphold its highest traditions.

Next, his life demonstrated character. As has been stated, he was a man of strong convictions. But he was always kind, courteous, and considerate.

At the final services in his honor, the minister well recalled the words of Micah, in applying those words to the departed. He said:

> The Senator was one who did justly, who loved mercy, and who walked humbly with his God.

But, Mr. President, when a vital issue was involved, Senator George spoke his views with firmness, with clarity, and with conviction; and he convinced others. He did not shrink from battle; but neither did he allow battle to warp his sense of decency and fair play.

His life demonstrated in a large sense what has been called the American way. He was the son of a tenant farmer. He rose through the ranks as attorney, as judge, and then as an outstanding United States Senator.

All this, his life demonstrates, and more.

It demonstrates, as well, as I have indicated, devotion to the Nation, devotion to the State in which he was born, and his State's devotion to him.

The fact that Senator George was very close to the heart of Georgia, was perhaps best demonstrated by the vote of confidence it gave him in 1938, when it refused to listen to President Roosevelt at the time when the President sought Senator George's defeat.

But it was characteristic of our late colleague, that when he came back to the Senate, there was no vindictiveness in his heart. He had accepted the President's challenge. He had triumphed. But he returned as a member of the Democratic Party, and as one of its finest members; and he served under the leadership of his President.

The tributes which are paid to him, the praise in his memory which poured from all corners of the Nation, demonstrate the position he held in the eyes of the American people.

It is appropriate that this praise should come from the very highest individual in our land—from the President of the United States. But it was echoed in the

hearts of the humblest citizen of Vienna, Ga., and of other small communities throughout this vast land.

The fact that he was a distinguished southerner did not for one moment lessen the testimonials to him which came from the North, from the East, and from the West.

We of the Senate have just emerged from an intense debate on an issue vitally affecting the great Southland. It is worth recalling that in all the civil-rights debates, which have preceded this one, never once did Senator George fail to speak his position, the South's position, with anything but reason and balance.

The flags throughout this land flew, by Presidential direction, at half-mast, in honor of Senator George, when he passed on. But, in truth, the flag will always fly high, thanks to the contributions which he and similar great Americans have made.

As has been said, he was a champion of peace. The Geneva Conference at the summit between President Eisenhower and the leaders of the Soviet Union was, in large part, due to Senator George's urging. He insisted that no stone be left unturned in the never-ending quest for world peace.

So, too, on the homefront, many a domestic bill, especially many a tax measure, bears the lasting imprint of his statesmanship.

This, then, is what his life symbolizes and what the record contains.

But what of the future? We can only say this: He is still with us. His spirit, his great ideals, and his wonderful contributions are still with us.

He has shed this mortal coil, but he has not left either our hearts, this Chamber, or this Nation, for his spirit abides with us.

We shall forever be the beneficiaries of his understanding, his selflessness, his inspiration, his friendship, and the blessings he brought to our lives.

So, Mr. President, we remember him with gratitude for the life he lived and for the contributions he made to our lives.

To his beloved wife and to all the other members of his family we extend heartfelt sympathy.

I should like to end these brief remarks with a recollection of the many times he spoke to me of his deep faith. I should like to recall that he told me how greatly his life had been enriched by faith. He well knew that his mortal existence was not all.

Let me conclude with a bit of inspiration I read a little while ago:

> How comforting it is to know that man is not just a mortal coming and going through birth and death. He is the expression of eternal life, which neither begins nor ends. Man never discontinues living. The real man—the spirit—is deathless, having been molded by the hand of God.

Mr. BYRD. Mr. President, sometimes I think of myself as the most fortunate Member of the United States Senate, because it has been my privilege to serve on the Finance Committee nearly a quarter of a century under the brilliant leadership of Pat Harrison, Eugene Millikin, and Walter George. I am greatly gratified that this Nation realizes its deep indebtedness to these great men.

Walter George did much to preserve and strengthen our form of government. He contributed an unbroken flow of wisdom and leadership—an example of American statesmanship at its best.

Of these three men, I have served longest and closest with Walter George, whose passing I profoundly mourn.

To his family, I know Walter George imparted faith and love. To his fellow man, he inspired confidence and strength, as does a great teacher, respected not only as a teacher, but equally for his teachings. In his work—as a barrister, as a jurist, as a representative of his people and his Nation—Senator George was a master of eloquence, always capable of illuminating the most difficult subjects. It may be truly said that he made his life a journey toward the ideal.

I am deeply grateful for the privilege of having been so closely associated with Senator George for so long. It was an association which never ceased to be inspiring and refreshing.

I have known his kindness and beneficence, the spell of his personality, and the inspiration of his talent.

I have been inspired by his serenity and nobility, the dignity of his spirit, the power of his knowledge, and his ability for sound judgment and judicious decision.

He was never a man to be far from reality. In his reasoning he seemed always conscious of the sequence and unity of events. He had strength and freedom and balance.

His was a rare combination of heart and intellect, with never a lapse in his ability to treat mankind and its problems charitably, firmly, intelligently, and justly.

When Senator George is measured by his character and his works, he was truly a great man, a true man, and a man in whom nature succeeded. He was a man dedicated completely to the service of his country and his countrymen.

He was a man, who, by his service, reached a position of distinction and eminence above the power of others either to add to his honor or detract from his fame.

My admiration for him was exceeded only by my love and devotion for him. Today, I voice the sorrow of all Virginians at his death and in their behalf express their gratitude for his great public service.

Mr. MARTIN of Pennsylvania. Mr. President, with a profound sense of personal loss I join in tribute to one of the greatest statesmen of our time, our dearly beloved friend and former colleague, Walter Franklin George.

It was my extreme good fortune, when I first came to the Senate, to be closely associated with Senator George as a member of the Finance Committee. That was in the 80th Congress, when the Senator from Georgia was the ranking minority member of the committee, after having served for many years as its chairman.

From the very beginning I recognized the comprehensive knowledge, the superior ability, the strength of character, and the integrity which made him such a powerful figure in the service of our Nation. He gave us an example of sincere and patriotic dedication to the public welfare that has never been surpassed.

The same may be said of his brilliant service as chairman of the Foreign Relations Committee, where his courageous leadership exerted tremendous influence on American foreign policy directed toward peace and freedom in the world.

The principles to which Senator George adhered with unswerving devotion were never compromised by political or sectional considerations. He was unmoved by partisan clamor. He did not seek popular acclaim. He always put his country above party, and his party above self-seeking groups or factions.

There is no doubt in my mind that his influence will live as an inspiration in this Chamber and to many generations of Americans, far into the future.

Mr. President, few men in public life have been so highly esteemed as has Senator George. Few men have held such a warm place in the affections of his fellow citizens, regardless of their political affiliations.

His kindliness, his unfailing courtesy, and his gentle manner endeared him to all, great and humble. He was respected and admired as a true Christian gentleman.

To his charming and gracious wife, Miss Lucy, to his son, and to all who were near and dear to him, I extend my deepest sympathy.

Mr. THURMOND. Mr. President, the people of South Carolina have always felt a common bond with the people of Georgia. Events that have made the people of one of these States happy have made the people of the other happy also. Events which have made Georgians sorrow and grieve have also made South Carolinians sorrowful.

The Nation and the world has lost a great man in the death of Senator Walter George. But Georgia has lost a son, and a man who attained honor and greatness for himself and for his native State through his masterful achievements in Government. As the people of Georgia mourn the loss of Senator George, so mourn the people of my State.

Shakespeare wrote that "Some are born great, some achieve greatness, and some have greatness thrust upon them." Senator George came neither in the first nor third categories. He could only be classified as a man who achieved greatness—a man who through his own efforts stood on a pinnacle which few ever reach.

I regret that I did not have the opportunity to serve with him longer in the Senate. But I shall never forget the solemn quiet which fell upon this Chamber whenever he rose to express his views and opinions on matters of vital import. His impact on questions before the Senate was something felt, not so much because of what he said, as because of the man who was saying it.

This Nation owes a debt of gratitude to Senator George for the part he played on behalf of humanity, his achievements in helping to create a strong Defense Establishment, and his accomplishments in developing a bipartisan approach to foreign affairs.

But above the specific attainments of the Senator and Ambassador, we who were his colleagues owe him a debt for his lessons in statesmanship. He was a man who placed his convictions above convenience when he came to consider what was best for his State and Nation.

A poet once said:

When a great man dies
For years beyond his ken,
The light he leaves behind him
Will shine upon the path of men.

Mr. President, the light left by Senator George will be a guidepost for generations yet unborn.

Mr. BIBLE. Mr. President, I join my colleagues in paying tribute to a man we all loved deeply. One of the treasured memories of my life will be my association with Walter George. He was a magnificent Senator, a stanch friend, and undoubtedly one of the great men of this generation. He rose above politics always, and became a true statesman. Yet he never forgot his beloved State of Georgia.

I am glad I was among a group last year who journeyed to the fine little town of Gainesville, Ga., where the townspeople paid tribute to their favorite son, Walter George. He was visibly moved that day by the expressions of those men and women who loved him as their neighbor, their intimate friend, and their Senator—their personal contribution to the list of great Americans who will be long remembered for the service they gave unselfishly in a time of great concern, as this troubled Nation arrived at its manifest destiny in accepting leadership of the bewildered world of today.

Senator George listened to those tributes from his friends and neighbors with the same earnest humility and deep reverence which marked his every action. Twenty-five years ago, as a law student, I listened here in the Capitol many times to that magnificent voice carrying messages of wisdom and human understanding to all of those about him. In 1940, Walter George came to Reno to pay final tribute to his friend, Senator Key Pittman; and people of the Far West came to respect and admire this man of the South who symbolized simple honesty and strength, and who reassured them in their search for men of backbone and principle in whom they could place their trust and know it would be safe.

Senator George had a political creed throughout the entire course of his public life which all of us can understand. This was, in his straightforward language, to do his "dead level best." He always exceeded his own political standard, as he inspired others to their "dead level best," too; and the world is a better place because there once lived a man like Walter George.

Mr. HILL. Mr. President, when our friend, Walter George, left the Senate I endeavored to pay my tribute to him and to express my appreciation of his great services, his many historic achievements, and his inspiring leadership as a Member of this body. In presenting him to a large assemblage of Georgians and Alabamians some 2 years ago, at the breaking of ground for the Fort Gaines Dam on the Chattahoochee River, I declared that if a visitor entered the Senate Gallery, saw practically every Senator in his seat listening attentively, and all was quiet save the voice of the Senator addressing the Senate, he could know that the speaker was Senator Walter George, of Georgia.

We know how commanding was his presence, how clear his reasoning, how incisive and convincing his logic, how persuasive and moving his eloquence as he spoke in rich, resonant tones.

He was indeed a towering figure. He fought so many good fights in this body and fought all of them so well, but I like to remember him in his last battle on this floor as he fought for amendments to the Social Security Act for the care and benefit of our totally disabled. He spoke of this battle as the one that brought him the greatest satisfaction.

Today we give our thanks for his patriotism and his statesmanship. We know that one of the strong men of our time has passed from the service of our country. In his speeches and his writings and the example of his life, his services and his character, he still speaks—speaks for the fundamentals of our Republic and for the peace of the world.

To his devoted wife, affectionately known to us as Miss Lucy, and to his fine son, Heard, who in these later years was his father's good right arm, we express our deep sympathy.

Mr. President, the day after Senator George's death the New York Times paid a beautiful tribute to him in an editorial which closed with these words:

But, in the last and highest sense, he served nothing less noble than honorable strength and honorable peace, warring first upon Hitler and his confederates and last upon Stalin and those who have followed him in the darkness of the Kremlin.

Well done, George of Georgia—and farewell.

Mr. President, I ask unanimous consent that the editorial be printed in full at this point in the RECORD.

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

WALTER FRANKLIN GEORGE

A majestic decency; a civilized faith in a genteel but steel-hard political conservatism of a kind that is now all but gone into memory; a devotion to a true internationalism that has done no little in these past 30 years to shape the world's affairs—all these qualities are lessened now with the death of Walter Franklin George.

His last mission was as a foreign policy adviser to President Eisenhower; and in this he served with a faithfulness and a small private sense of irony, both of which his friends knew always to live in him.

But his real mark upon our public affairs, and upon the pilgrim's progress toward unity and safety of the Western World, was made as George of Georgia. George of Georgia was, of course, Senator George—the former chairman of the Senate Foreign Relations Committee, the former chairman of the Senate Finance Committee, the dean and patriarch of all the Senate.

His melancholy thunders from the floor left no man unmoved; he was the greatest Senate debater of many years. He was the greatest Senator—Southern style—of this century, to say the very least.

Certain aspects of what is called economic democracy were not for him; he was safe and he was proud of it, and he closed his eyes in pain at the economic heresies of the last two Democratic Presidents. These he supported magnificently "beyond the water's edge; from them he turned in aristocratic horror when they dealt with matters like labor and civil rights.

But, in the last and highest sense, he served nothing less noble than honorable strength and honorable peace, warring first upon Hitler and his confederates and last upon Stalin and those who have followed him in the darkness of the Kremlin.

Well done, George of Georgia—and farewell.

Mr. SMITH of New Jersey. Mr. President, the passing of Walter Franklin George brings to a close a wonderful chapter in the history of America. I had the great privilege of serving with him in this body for about 13 years, and a little more than 10 years of that time on the Foreign Relations Committee.

I became accustomed to rely on the soundness of his judgment, especially in the fields in which he was an expert because of his committee assignments, namely, Finance and Foreign Relations.

We all were aware of the magnificent bipartisan leadership displayed in the Senate Finance Committee by Senator George on the Democratic side and Senator Millikin on the Republican side, in the handling of our involved and difficult financial problems.

I knew Senator George, however, more intimately because of our contacts on the Foreign Relations Committee and the opportunity afforded me to appreciate his wisdom and calmness in his approach to foreign affairs. Like his predecessor chairman of the Foreign Relations Committee, Senator Vandenberg, he was an outstanding supporter of true bipartisanship in our foreign policy and in our foreign relations. Because I have been a strong supporter of an all-American foreign policy and not either a Republican or Democratic foreign policy, I felt the inspiration of Senator George's leadership in this field.

On the more personal side I wish to say a word about my experience last Monday, when I went with colleagues from this body to Vienna in Georgia to attend the funeral of our beloved colleague. What deeply impressed me was the feeling that what "Mr. George" stood for and dedicated his life to was America at its best. Here in a little town in Georgia, away from the turmoil of the large cities, was born a boy of humble parents, who, because of the spiritual qualities of his life, was led step by step to outstanding service for his State, for his country, and for the world.

In making these brief remarks in tribute to Walter George, I must include his beloved wife, "Miss Lucy." Mrs. Smith and I became intimate friends with both Walter and "Miss Lucy," and we had

come to realize what an important part she played in his distinguished career.

Mrs. Smith joins with me in sending to "Miss Lucy" and all the beloved family our deepest sympathies on this sad occasion.

Mr. COTTON. Mr. President, like every other Member of the Senate, I honor the memory of Walter George.

Like every other Senator, I am proud and grateful to have had the privilege of serving with him in this body. Nevertheless, because my service with him was brief, I would not, on my own behalf, have ventured to speak of him today, but would have contented myself with giving reverent attention to Members of the Senate who knew him better and served with him longer.

I have addressed the Chair for the purpose of reading to the Senate the statement of my colleague, the senior Senator from New Hampshire [Mr. BRIDGES], who served in this body with Senator George for 20 years, and who is unable to be present today because he is recuperating from an illness. This is the statement which the senior Senator from New Hampshire would make were he present today. He has asked me to read it.

STATEMENT BY SENATOR BRIDGES

The passing of our former colleague and my close personal friend, Senator Walter George, has brought deep sadness to the American people.

His distinguished career in service to the United States started long before I came to the United States Senate, but I had the honor and privilege of being associated with him since 1937. In my early years in Washington, his counsel on matters of great national importance was of inestimable value to me and I shall always cherish the memory of our association.

Following his retirement from the Senate, the President of the United States wisely requested Senator George to continue in the service of his Government. As always, Walter George bowed to the needs of the American people, despite major personal considerations. I do not hesitate to predict that he will be known in American history as one of America's greatest modern statesmen.

I extend to Mrs. George my deep personal sympathy. Her love and generous personal sacrifices for her husband contributed much to his greatness.

Mr. REVERCOMB. Mr. President, it was my privilege to serve with Senator Walter F. George for 6 years during his long and able tenure as a Member of the Senate. I knew him not only on the floor of the Senate and in his office, but also in his Washington home, where he dwelt so happily with his lovely and charming wife, Miss Lucy.

Senator George was a strong man, and a man of impressive power; and yet he was filled with kindly gentleness.

Mr. President, I join my colleagues in paying tribute to our late colleague, who for so many years exerted a wide and wholesome influence in directing the destiny of our Nation.

There are those whose greatness is not fully recognized until long after their death. The greatness of Senator George was so evident to his countrymen, however, that few American statesmen have been held in such high esteem by their contemporaries. His colleagues in the Senate recognized and appreciated his greatness and his goodness. Americans everywhere sensed the deep sincerity which motivated his actions.

Senator George possessed many talents, many virtues. He was a wise man, an honest man, an able man. He was a man of convictions, a man of principles, a man of integrity. And, in addition, he was a statesman who could, and did, rise above partisan strivings in dealing with the crucial problems of his times.

As a bipartisan in foreign affairs, Senator George exercised tremendous influence in deciding some of the great issues affecting the security of this country. And it was only fitting, in keeping with his deep sense of duty and devotion to country, that he should have been appointed Ambassador to NATO following his retirement from the Senate.

Great changes were wrought in America and the world during the 34 years that Senator George served in this body. And he will long be identified with those changes. His greatness is recognized today, and I am sure that the esteem in which he was held at the time of his death will not diminish when future generations assess his labors and fix his place in history.

I am proud to have been privileged to serve in this body with Senator George. He was ever a helpful colleague to me, and I deeply regret his passing.

Mr. JOHNSTON of South Carolina. Mr. President, in remembering our late beloved colleague, Walter F. George, the world may allow his interest in international relations to overshadow the other great works which this man from my neighboring State of Georgia accomplished.

In his last years in the Senate, the national and international publications and newspapers quite naturally devoted most of their coverage of Senator George to his efforts to create and maintain bipartisan foreign policy. They, too, properly credited him with sober influence on affairs affecting the security and military strength of this Nation.

But behind this international theme that surrounded the name of Walter George stood a man who was devoted to his native State of Georgia and the people he represented. The true Walter George was just as concerned for the social and economic welfare of the smallest Georgia tenant farmer as he was for the biggest international problem.

Walter George fought through the years for parity support programs for farms; rural electrification for farmers; public power projects; reforestation; soil conservation, and numberless other measures to benefit the farmers of the Nation.

Senator George's influence in the field of taxation and fiscal policies was so great that in his later years the people took for granted his part in such matters. Especially did he have an understanding of the way complicated tariffs and international agreements could affect the farming people and small business of his South and the rest of the Nation. He was a watchdog in things of this sort.

Last year Walter F. George was at his best when the issue of broadening the social-security program came before the Senate. He led the floor flight for adoption of his now famous "George amendment." In this fight he once again touched, in the legislative way, nearly every human being in the United States.

This was typical of Senator George, who throughout his career, always found a way to do things that have touched, in good and beneficial ways, every American.

I am honored to have served in the Senate during his career. He was a splendid example of dedication to service and humility among honors.

Mr. CARLSON. Mr. President, those of us who had the privilege of knowing and working with Senator George learned not only to respect him, but to hold him in very high regard.

It was my privilege to serve as a member of the House Ways and Means Committee for 8 years and it was at that time that I first learned to know Senator George. We had many discussions and many conferences on tax matters. He was an outstanding tax authority.

As a member of the Senate Finance Committee I had the opportunity of learning to know Senator George much better. I could mention many occasions when he was of great help to me personally in analyzing some difficult tax problems.

Last Monday I had the opportunity to attend his funeral service at Vienna, Ga. The distinguished senior Senator from Georgia [Mr. RUSSELL] has placed in the RECORD the eloquent tribute paid to Senator George by Dr. Clinton Cutts, the minister who conducted the service. The text used by Dr. Clinton Cutts at the service was so appropriate for Senator George that I want to quote the Scripture he used. It is found in Micah 6:8 and reads as follows:

> He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?

Those of us who knew Senator George knew that he had true goodness and true greatness. To do justly, to love mercy and to walk humbly with God were characteristics of his entire life.

The best evidence of the love and the high regard in which he was held was demonstrated by everyone, in every walk of life who gathered at the church for the final rites.

Senator George started his life in this community and it was there that he finished the course. That to me was another mark of greatness, because so many people ofttimes forget the people and the community that started them on their successful career.

Mrs. Carlson and I extend to Mrs. George and the family our sincerest and deepest sympathy.

Mr. HOLLAND. Mr. President, I would be completely unresponsive to my own feelings and to the attitude of all the people of Florida if I did not voice briefly, here on the floor of the Senate,

the warm affection and the high respect which we held for Senator Walter George. We knew him well and loved him dearly.

His father had his home, in his later years, at Lakeland, in my home county in Florida, and Senator George was often there. Other relatives lived in Bradenton, in Jacksonville, in Miami, and elsewhere in my State. Senator George was frequently there to visit them. He liked to visit and fish near Tallahassee. He visited Florida rather frequently, as an honored speaker. The last occasion of that kind I recall was his eloquent address before the American Legion convention at Miami 2 or 3 years ago. He was always to us a distinguished and well-loved guest. The memory of his resonant voice will always linger in the hearts of thousands of Floridians.

Mr. President, to me personally some of the qualities which stood out most clearly in him and which I thought showed the essential nobility of Senator George were the following:

First, his humility and his essentially humble character. I think that quality shone out to best advantage on the various occasions when some of his grateful fellow citizens assembled to do him honor.

I was privileged to attend several of those meetings. But I think the one which I shall always remember most warmly was the occasion when he received from the Veterans of Foreign Wars, at their annual convention in Washington, the gold medal of that order—which is composed wholly of veterans of foreign service of our Nation in time of war—for the rendition of outstandingly distinguished service to his country. I never saw a great speaker more upset in his effort to accept modestly a great tribute tendered to him. His embarrassed self-deprecation on that occasion I shall always remember with a little bit of a smile, because it showed so clearly the true characteristic of the man.

The second quality which I like to remember is his great courage. He was not always displaying it because there was only rare occasion for it. I happened to be listening on the radio when the then President of the United States, President Roosevelt, in a platform address in our adjoining State of Georgia, made his open endorsement of another citizen of that State who was running against Senator George. I remember that the radio station allowed Senator George to come to the transmitter and speak. Quietly, but firmly, he said what I shall never forget: "Mr. President, I accept your challenge." They were words of dignity, words of courage, and words of trust and confidence in himself and in his own people.

Mr. President, another occasion which I shall always recall was one in which he showed his ability to put his own deep feelings below the surface and to subordinate them to what he regarded as the best interests of his Nation, and, in this case, the needs of a war-torn world.

I was on the floor of the Senate when the first group of delegates from West Germany—while that country was still under armed occupation and had not yet become a republic—came to pay us a visit. We admitted them, as Senators will remember, to the floor of the Senate. After they had been presented we took occasion to greet them on that first peaceful visit of representatives of that country to our country following the great war.

I knew, as did others on the floor of the Senate, that Senator George had lost a very deeply loved son in armed conflict with the Germans. I watched carefully to see what would be his reaction. His head was bowed, and he was sitting quietly next to the leader. For a moment or two I was not sure whether he was going to get up and shake hands with them. Then I saw him arise and, not in a casual or perfunctory way, but in a very generous and respectful manner, shake hands with each of the representatives of that great people, with whom we had only shortly before been in such grave conflict.

When he returned to his seat I sat by him and said, "Senator George, I think I saw a Senator—a close friend of mine—who had a hard task to perform just a few minutes ago." He said, "Yes, Spessard, it seemed a little hard at first. Then I thought if there ever was a time when the world needed friendship and needed peace and understanding, this is it. It seems to me that our primary duty in the Senate to our country and to the world is to leave nothing undone that will bring better understanding and will pave the way to peace. These men are trying to establish peace and freedom in Germany and we must help them to do so."

Mr. President, I shall never forget that. Following that I was not surprised when he left his cherished post of chairman of the Senate Committee on Finance to become chairman of the Committee on Foreign Relations, and then to lead, in that capacity, with tremendous ability and great vigor the waging of the great bipartisan effort for peace, so that we might bring order to this troubled world.

Mr. President, I do not believe that any Senator since that war, with the possible exceptions of Senator Vandenberg and Senator Connally, has rendered anything like so great a service to the cause of peace as did Senator George in the relatively brief period he served as chairman of that great and important committee.

I was not surprised, therefore, when, after he gave up his seat in the Senate, he accepted an important post at the hands of President Eisenhower to become our Ambassador to NATO. I am certain that he rendered good service in the few months which were permitted him to serve in that vital capacity. I only regret, as I am sure he would have regretted, that he was not allowed more time in which to render greater service in that post of tremendous responsibility.

Mrs. Holland and I extend our deepest sympathy and our warmest affection to Miss Lucy, to Heard, and to the other members of the family. I hope there may be comfort for them in knowing that they are not the only ones who deeply loved Walter George, of Georgia, and who will greatly miss him.

Mr. HICKENLOOPER. Mr. President, in the course of the memorial services which have been held on the floor today, perhaps almost all the fine words possible in commendation of and appreciation for the late Senator George have been spoken. All of us can join in associating ourselves with the very fine sentiments which have been expressed with reference to him and in his memory.

I had the very great privilege and honor of serving with Senator George for 10 years on the Committee on Foreign Relations. While we become quite well acquainted with our colleagues in the Senate in our daily associations, we get to know one another intimately in our relationships as committee members, when we are in almost daily association in connection with matters which are common to our responsibilities.

Senator George was a man of great capacity, and a man of great kindness, as has been pointed out repeatedly on the floor. He was also a man of the greatest integrity and devotion to his responsibilities, not only his responsibilities as an individual, but also his responsibilities to his country. Week after week, and year after year, the association which I had with him endeared him to me increasingly. As is usually true in our relations with other great and good men, my admiration for him grew with each day of our acquaintance.

I recall no instance when Senator George even slightly gave any indication of irritation, and certainly no occasion when he gave the slightest indication of disrespect for his associates or for his fellow man.

He contributed greatly to the good of this Nation, not only in the field of finance, but also in the field of foreign relations and in the other fields in which he labored.

I think his calm judgment had as much influence on his colleagues, regardless of their political party, as that of any other man whom I have ever known in my experience, and far more than most.

We all mourn his passing. We are sorry to lose his counsel and advice, his steady, guiding hand, and his fine judgment. Yet we are all richer because we have known him. We are all more inspired and more appreciative of the responsibilities which public officials have because of his example and because of the stimulus of our association with him.

History will write his record. The more objectively it is written, the greater will his character appear, I feel certain.

Mrs. Hickenlooper and I have privately expressed our sorrow to Miss Lucy. Today I join with my colleagues in this public expression of sorrow at the Senator's passing, but with gratitude for the help I have received from him during the years of association which I have been privileged to have with him.

Mr. SALTONSTALL. Mr. President, I shall always think of Senator Walter George as my ideal of a true southern gentleman in the best sense of that term. My colleagues today have testified to his intellectual capacity and to his ability to grasp quickly the essentials of a problem and to express it clearly in language that

everyone could readily understand. His personal courage, his political independence, which caused him to do what he thought was right, his patriotism, and his love of country were known and admired by all of us. Certainly he never forgot the people of Georgia and their needs. He fought for them and generally won, partly because he was usually right, and partly because his colleagues all respected him greatly.

These qualities of Senator George help us now and will help us in the days to come to guide our own thinking and actions. They strengthen us as individuals to carry on in these difficult times as he so patriotically carried on.

Mr. President, I shall add a personal note. Walter George was so friendly to me, always so ready to laugh and joke with me, always so complimentary about my Commonwealth of Massachusetts and his friends in my State with whom he used to go fishing each year, that I enjoyed our times together. With him and Mrs. George—Miss Lucy to all of us—Mrs. Saltonstall and I built up a warm relationship which we shall always remember with affection. Certainly we shall all miss him in the Senate as a friendly gentleman and a wise counselor.

Mr. KEFAUVER. Mr. President, I join with my colleagues in the Senate in the expression of deep regret at the passing of Walter George.

We who served with him knew what a forceful figure he was in expressing the internationalism of the United States at a time when it was most important to have strong voices raised for such a purpose in the Senate.

Since his departure from the Senate, we had great hopes for his new work as the President's personal Ambassador to the North Atlantic Treaty Organization. As my colleagues know, I have always felt that this North Atlantic Union is our surest hope of achieving a peaceful solution to the world's many problems.

The greatest tribute that I can pay to Walter George is that his death leaves a void in NATO which the President will find it hard to fill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a portion of an editorial entitled "Walter George, Statesman," published in the Kingsport (Tenn.) Times of August 6, 1957.

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

[From the Kingsport (Tenn.) Times of August 6, 1957]

WALTER GEORGE, STATESMAN

With the passing of Walter George we are reminded once more of how handicapped a man is in public life who happens to be born in the South. Politically that bars him from the Presidency. There is no question that if he had come from some other part of the country, Walter George might well have become President, and if so, he would have made a great one.

Walter George was a statesman in every sense of the word. For years he stood head and shoulders above his fellows in the Senate with perhaps one or two others who were his peers. His advice and counsel carried weight as few men's did.

George was preeminent not only in mentality and grasp of large problems, but he was great in character. For years he was not only the recognized authority on Government finances, easily the most complex subject with which Congress has to deal, but he was the man to stand up for what he thought was right and do it without fanfare.

* * * * *

It is said that some of the greatest Americans who ever lived never reached the Presidency. Walter George can join that illustrious company.

Mr. STENNIS. Mr. President, history will write the verdict and make the evaluation of the services to his country of the late Senator George. I shall mention this afternoon a few personal aspects of his record, a few personal items about his influence and his very fine character.

I notice that one of the newspaper accounts of his funeral said that Senator George requested that the services be simple. That certainly was typical of the man. He was a daily reminder to me of the old adage that simplicity is true greatness. Certainly Senator George personified true greatness without show, without affectation, and without mannerism.

When I first came to the Senate, I felt the greatness of this man and the power of his influence. Senator George never asked anyone particularly to vote a certain way or to take a certain position. His influence was somewhat like the law of gravity. One's mind would run in his direction and inquire what his ideas or his conclusions or his recommendations were. In that way, his opinion was felt throughout this Chamber.

In my estimation, his influence, certainly during the time I have been a Member of the Senate, came to its finest fruit when Senator George returned to the Committee on Foreign Relations and conducted the hearings on the Formosa Resolution. The Committee on Armed Services was sitting jointly at that time with the Committee on Foreign Relations. That was my only chance to serve on a committee with him or actually to observe him conduct a hearing.

I remember his wonderful speech on the floor of the Senate, delivered in thunderous tones of conviction, and with the ring of conviction. He rose to what I thought was the peak of his presentation and asked the question, "What are the alternatives?" There had been uncertainty—although not suspicion and doubt—in the minds of many, until they heard Senator George handle that one subject. I know when he answered that question, he left all with a real answer to it. There was no alternative.

Mr. President, Senator George was one of the few Members of the Senate who could actually make a change in the outcome of a vote by making a brief statement, even in the final phase of the debate, because of the convincing logic of his presentations.

I also like to remember his participation on the occasion when the Senate was bidding farewell to Senator Millikin, of Colorado. Certain Senators, including Senator George, made remarks on that occasion. Senator Millikin was seated across the aisle from where I now stand. I remember that Senator George walked over to Senator Millikin, and they clasped hands. Neither said a word. Then Senator George left the Chamber through the door to my left, and Senator Millikin left the Chamber through the door to my right. All other Members of the Senate, all in the press gallery, and all others who knew those 2 men, knew that 2 truly great men were retiring from this body.

I like to think of Senator George, as I believe other Senators do, as still being with us, because his influence will be felt here for many years to come.

I remember reading a story about an old prospector in the West who had journeyed as long as he could toward the setting sun, and finally, in a little cabin, while alone, reached his last hours. He realized what would happen, and he scribbled this note to whatever friend might find it:

Never think of me as having died. Just think of me as having gone on an eternal prospecting trip.

Mr. President, I feel that Senator George's soul has gone on an eternal prospecting trip, where I am sure the God he faithfully worshiped will afford that great soul an eternal resting place, while those of us who have been left behind will continue to benefit from his great character, his great mind, his great heart, and the influences of his great career of service.

During his entire career, all of us know very well the splendid part played by his beloved wife, whom all of us love and respect so highly. The work of this great man was shared by the work of a truly great lady. May God's richest blessings sustain her and rest upon her.

Mr. COOPER. Mr. President, I am very glad that I had an opportunity to know and to serve in the Senate with Walter George, of Georgia. One could not serve with him without recognizing his profound knowledge of the American system of government, and of the history and constitutional processes from which it grew. He recognized the fact of change, and knew the responsibilities of our country in the world of today. With it all, he never lost touch with the problems of the people he served. All of this gave him the unique capacity to be a great representative of his State and of the Nation. His integrity, his dignity, and his ability to express powerfully, yet simply, his beliefs, enabled him to fulfill his great capacities. It has been said—and I believe it has been said correctly—that Senator George would have been a great Senator at any time in the history of the United States.

Mr. President, the death of Senator George, of Georgia, is a loss to the whole Nation. I join with the other Members of this body in our sincere expressions of profound sympathy and friendship to Mrs. George, a great woman, and to the other members of his family.

Mr. SPARKMAN. Mr. President, I wish to join my colleagues in paying tribute to one of the great men in the entire history of the Senate of the United States, the late, beloved Senator Walter George, of Georgia.

I have often thought that whereas most of the publicity given to Senator George—certainly most of it in recent

years—had to do with his work in the field of international relations, yet it should not be forgotten that he had a profound influence upon all kinds of legislation considered by the Senate of the United States.

Particularly do I like to think of the interest he manifested throughout his entire service in the little man. I have had the privilege of going with him to the White House, when we were to speak to the President, and at other times I have had the privilege of going with him to various departments, to speak to Cabinet members in behalf of the small cotton farmer, the small peanut farmer, the small tree farmer. The little man, in whatever work he might be engaged, always had the careful attention and support of the great and fine Senator George, of Georgia.

Mr. President, there was another field in which he operated in an outstanding manner. Reference has been made to it, and it certainly causes his memory to stand as a great monument in the minds of many farm boys and farm girls. I refer to his activity in the field of vocational agricultural education. I believe one of my colleagues has already said, in the course of the tributes paid today to Senator George, that during all his service in the Senate, there was not one vocational agricultural program to which his name was not attached. What that has meant to thousands of farm boys and farm girls it is impossible to estimate.

Senator George was forceful in debate; but he was always fair, courteous, and helpful. He struck at the very heart of the issue, whatever it might be.

Mr. President, I am glad I had an opportunity to serve under this great man on the Senate Foreign Relations Committee. The manner in which he served as chairman of the committee was most impressive and constructive. He was always fair, he was always able, and he was always as completely nonpartisan as I think any man could possibly be.

I attended the funeral services which were held in Vienna, Ga., Senator George's hometown. I was impressed, as were all those of us who were present at that time, with the manner in which the services were conducted in the church he had attended, and which he had helped for so long a time to support. He was carried to rest in the town cemetery, following the sermon and services, borne to his grave by friends and neighbors, among whom he had lived for many years. We were most impressed by the remarks made at that time by the minister. I am delighted that the senior Senator from Georgia [Mr. RUSSELL] has had those remarks printed in the CONGRESSIONAL RECORD, in order that all may read them. The loving care and attention given to Senator George at that time were most impressive to all of us.

Mr. President, in an editorial entitled "Senator George, Southern Statesman," which was published in the Tuscaloosa (Ala.) News, there is one statement which I wish to read at this time:

> Certainly it can be said of him that he was a southern statesman. He served his State, his section, and his Nation with honor and distinction not as a stalwart Democrat, but as an American dedicated to the perpetuation of our way of life.

I ask unanimous consent that the entire editorial be printed at this point in my remarks.

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

SENATOR GEORGE, SOUTHERN STATESMAN

The long, valiant, and valued public-service career of Georgia's Senator Walter F. George has come to an end.

Senator George, who before his retirement last January, held the record for longest service in the upper House of Congress, died of a heart disease Sunday. Since his retirement from the Senate he had been serving as the President's Special Ambassador to the North Atlantic Treaty Organization.

The veteran Georgia Senator had an enviable political career. He was never defeated for public office starting from the time he offered himself for city solicitor in Vienna, Ga. He was first elected to the Senate in 1922 and served continuously until his last term expired in January of this year.

Senator George labeled himself a "constitutional Democrat" and it must be said that he had and showed courage of his convictions. Several times during his service in the Senate he broke with his party colleagues on matters of principle. In fact it was on this score that he became involved in his greatest political struggle. The late President Franklin Roosevelt sought to purge him in 1936 because of the Georgian's opposition to phases of the Roosevelt New Deal program. Senator George scored an overwhelming victory in this race.

During his career in the Senate many bills bore his name. It was as a champion for improved foreign relations, however, that he gained most distinction. Shedding party label, Senator George helped to win Senate adoption of many important treaties and international agreements and as chairman of the Senate's Foreign Relations Committee he was considered one of the best informed men in Congress in this field.

Certainly it can be said of him that he was a southern statesman. He served his State, his section, and his Nation with honor and distinction not as a stalwart Democrat but as an American dedicated to the perpetuation of our way of life.

Mr. SPARKMAN. In conclusion, I, too, want to pay tribute to the helpmeet who went down through the years with him, known to everyone as "Miss Lucy," a great woman, a great helper, and a great supporter for this great man through the years. We all join in expressing our sympathy to her and to other members of her family.

Mr. ALLOTT. Mr. President, I rise to speak on this occasion in memory of our greatly loved friend, Senator Walter George. In doing so, I bear, I suppose in a real sense, a double responsibility, because I must, of course, speak today not only for myself, but I must speak also for the man who I am sure was one of Walter George's closest friends and longtime colleagues in the Senate, Eugene Millikin, formerly my senior colleague, and now residing in Colorado.

If Gene were here today, I am certain he would have me, if he were unable to do so, speak a few words memorializing the greatness that was Walter George. I cannot help but recall that last year, on the floor of the Senate, upon 2 separate occasions, 2 very historic events took place. The first of these was the announcement of Senator George that he would not seek reelection. No man who was in the Senate at that time will forget the spontaneous speeches which took place to pay tribute to his greatness that day. No one can ever forget the remarks of the great Senator Millikin as he sat here on the floor and joined in paying tribute to the man who was his greatest friend in the Senate; and then shortly after that, upon the passage of a bill in which Senator Millikin was interested, there arose spontaneously on this floor, as every Senator will remember, numerous Senators successively paying tribute to the greatness that was also Eugene Millikin. So probably no Senator here, no matter the form our words take or how we weave them into thoughts, can begin to express the real emotions which came to each of those men in paying tribute to the other.

I well remember Senator George, because in the 2 years I served with him, he became one of my good and fast friends. Shortly after I came to this body, it was necessary for me to seek his counsel upon a matter which involved, in my opinion, the soundness of one of our Congressional committees and some of its personnel. I did so. It was a time when lesser men could have been political. It was a time when lesser men could have looked back and perhaps used a few weapons out of the past to even up old or imaginary scores. But that did not happen on that occasion or any other occasion, because I received from him then and afterward, the kind of advice and the kind of counsel which was what one would expect from Walter George. He was not, in the real sense, required to be a great Democrat; in his own mind and conscience, he had only to be right.

James Russell Lowell, in a beautiful poem he wrote, which was later set to an old Welsh tune, said:

> Once to every man and nation, comes the moment to decide,
> In the strife of truth with falsehood, for the good or evil side.

It seemed to me it was not just once, but many times, that Walter George, even in the short time I knew him, had to decide for the good or evil side; and it will be to his eternal credit that base motives never prompted him and never overcame him. And therein, I believe, lay his strength. Here, I believe we may all say, with truthfulness:

> His life was gentle, and the elements
> So mix'd in him, that nature might stand up
> And say to all the world, "This was a man."

Mr. BENNETT. Mr. President, it was my privilege to serve with Walter George for 4 years on the Finance Committee, but before I reached the seniority which enabled me to serve on that committee I came to realize that he was one of the few men in this body who, it could have been said, embodied the spirit and the character of the Senate itself.

The Senate is an institution. It does have a spirit and a character. And when men of essential goodness have the privilege of serving it for long periods of time, I think they come to capture and

embody that noble aspect which represents the best of the Senate.

As my colleague from Mississippi [Mr. STENNIS] has said, Walter George embodied the power on the floor of the Senate to sway men's minds with simple, and yet basically profound, logic. I am sure he is one of the few men who had changed my vote after I had come to the floor of the Senate prepared to cast it, because instinctively one trusted in his judgment even when it conflicted with his own.

In the committee I found him a kindly, wise man to follow. There hangs on the wall of the Senate Finance Committee room a picture of a younger Walter George, whom I never knew—a face that exemplified great strength, great ability, great drive. When I knew him he had settled into a kindly stability. His strength was wisdom rather than drive. His value to the committee was the tremendous wealth of experience from which he could draw when difficult problems arose.

As many of my colleagues have said, there is another aspect of this man which marks him with simplicity and greatness. I suppose no Senator who has spoken of him today has failed to mention the lovely Miss Lucy. I think it is a mark of greatness in a man when the family relationship, the power and personality of his wife, is entwined with and related to the service he gives in this kind of situation. It was Mr. George and Miss Lucy together who were respected and who represented the finest ideals of this body.

Undoubtedly, because of the contests and the responsibilities it faces, the Senate will again produce men who in their time will exemplify its spirit as he did, but the times will never produce a better, more essentially righteous representative than we had while Walter George was among us.

I am one of those who sincerely believe that in the eternal economy of things the character and ability which Walter George built into his life are not necessarily lost, and that he will find opportunities in the life to which he has gone to make use of the great experience he had here. In the meantime, those of us who remain behind and follow will find help, assurance, and a sustaining force not only in our memories but in the record he made for America in his service here.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the many beautiful tributes paid the late great Senator from the State of Georgia, the Honorable Walter F. George; and especially with the remarks made by the distinguished senior Senator from Georgia [Mr. RUSSELL], and the distinguished junior Senator from Georgia [Mr. TALMADGE].

Mr. President, about 20 years ago it was my honor to first meet Senator George through a mutual friend, the late Governor O. Max Gardner, of North Carolina, one of the Senator's closest friends and also one of the finest of all men. Since then I treasured my friendship with Senator George.

This beloved gentleman was wise and courageous, humble in his knowledge, but firm in his convictions.

At least twice in recent years, Mr. President, the Senator from Missouri has given as his opinion that Walter George was our greatest living American.

To his sweet and gracious wife, Miss Lucy, my wife and I extend our deep sympathy and affection. We also extend the same to his son, Heard George, a worthy son of this great statesman from Georgia.

Mr. MANSFIELD. Mr. President, a great man has gone to his reward. There is not much I could add to what has been said by my colleagues on the floor this afternoon.

To me Walter George was both a father and a colleague, because he gave of his wisdom, he gave of his time, he gave of his energy, and he gave of his ability. He was always courteous and considerate.

To my way of thinking, Walter George was one of the greatest Senators this country has ever produced, and he served at a time when the services he rendered were in the greatest demand. He was beloved by all his colleagues, on both sides of the aisle. He was not an intemperate man, rather he was an understanding and tolerant individual. He was willing to listen and he was willing to give of the wisdom which he possessed in such great abundance.

When I was in Vienna, Ga., last Monday attending his funeral, I was struck with the simplicity of the town in which he lived, a town which contained a population of approximately 2,500. I was struck with the simplicity of the home in which Walter George lived, a simple dwelling with a little acreage around it. I was struck with the simplicity of the lines in the service in which he was buried. I was struck most of all by the feeling of friendship and sympathy which the people of Vienna displayed toward their favorite son.

A great man has gone from us, and it will be a long day before anyone comes to take his place. I feel a deep personal loss, and I know that I shall be the poorer because of his passing and because of the fact that he was one man who gave willingly of his greatness to others, one man regardless of party whom we shall all miss.

Mrs. Mansfield and I extend our condolence and our sympathy to his devoted helpmate, Miss Lucy, and their son, Heard. They, too, contributed to the philosophy of Senator George. In their loss, we suffer too. They have lost a good husband and father; the Nation has lost a great man.

May his soul rest in peace.

Mr. DIRKSEN. Mr. President, sometimes in evaluating the contribution of a great character in public life we minimize some intrinsic virtues. That brings to mind the text of the minister at the services in Vienna. First, it was short. Second, it was very simple. Third, I thought it was extremely poignant.

The minister went back to one of the minor Prophets, Micah, for his text. There the question was hurled that has come down the corridors of time all these centuries, "What doth the Lord require of thee?"

That in itself is at once a beautiful and a challenging text. The answers are set forth on the ancient parchments.

First, "to do justly." I have no recollection, in the years that I have been either in the House or in the Senate, that I ever heard or saw anything in the nature of a punitive act or a punitive spirit in Walter George. He was intensely just, and in the pursuit of justice of course there came not only thoroughness but great wisdom.

The second answer to the question, "What doth the Lord require of thee?" is "to love mercy."

There was great mercy in Walter George. I think sometimes of the mother who appealed to Napoleon for the life of her son, who was in the French Army. When that imperial personage talked about justice, she said, "It is not justice I came for, sire; it is for mercy." So there was a merciful attribute, a great quality in a great man.

Finally there is the third answer to the question, "What doth the Lord require of thee?" which is "to walk humbly."

Walter George was the essence of humility. There was not the slightest hint of arrogance about him.

So the elements of moral and spiritual greatness are in one little package—to do justice, to love mercy, and to walk humbly. That, in essence, in a single paragraph, was the life of Walter George. That was the intrinsic man; and because he was such a man, his character shone forth everywhere he went. His character impressed itself on people wherever he might be, whether in the humble town of Vienna or in the National Capital. From it all there came a tremendous influence on people in all walks of life, an influence which is immortal in its character, and will shine down the corridors of time.

There, then, is the essence of greatness in a man; and in that sense he was truly great.

Mr. CASE of South Dakota. Mr. President, if any Member of the Senate has occasion to be grateful for the integrity and the objectivity of the judgments of the late great Senator George, it is the junior Senator from South Dakota.

My entry into politics came at a time when the people in my section of the country were appreciative of the independence of some men who would not sacrifice their convictions, even though at the particular time it seemed to be the popular thing to follow the leadership of the man who was then in the White House. We had a great deal of respect for the men who, while following him when they thought he was right, did not hesitate to take a contrary position if they felt their conscience dictated a different course.

I have had occasion, during the years I have been serving on Capitol Hill, to see further evidences of the selfless patriotism with which Walter George addressed himself to questions which concerned the country. Among the many tributes which have been paid him

by the press, none has seemed to dwell on that facet of his character with any greater directness than an editorial which was published in the Wall Street Journal on the 6th of August. I wish to read a few sentences from it. It is headed "Uncommon Men":

UNCOMMON MEN

We spent a good many years, long ago, in the galleries of Congress. Our time happened to overlap the years of such men as George Norris, William Borah, Arthur Vandenberg, Carter Glass, and Walter George.

In many ways it would be hard to find a more dissimilar group. They certainly were not joined together in any co-fraternity of political philosophy. They often disagreed with each other. The public often disagreed with them. And sometimes one or another seemed to disagree with himself from one decade to another.

Yet all these men had some qualities in common that stamped them as uncommon men. They were distinctive individuals; they had strong opinions and they asserted them with vigor. At one time or another each pridefully defied the councils of his nominal party when he felt he could not otherwise be true to himself. The action of Walter George in the famous Roosevelt "purge" was a fairly typical performance.

* * * * *

That willingness to permit a man to vote his convictions is going to have a hard time in a day when every Congressman's voting record on every bill is cataloged by pressure groups who judge him on how many times he votes "right" and how many "wrong." It can hardly survive if the voters come to adopt this modern political idea, which is not so much to weigh the man as to strike his statistical average.

And we are old fashioned enough to think that would be a pity. We are all, conservatives and liberals alike, sure to be the losers if we cannot nourish politically those who are willing, as was Walter George, to walk their own way in the corridors of our Capitol.

I have already indicated that I feel a special sense of personal appreciation for the integrity with which Walter George regarded the dictates of his judgment and his conscience.

I feel a personal obligation to all Members of the Senate who have respected that integrity, and to the people of Georgia, who respected the integrity of his judgments and kept him in the Senate for the many years he was privileged to serve as a Member of this body.

I join in all that has been said in tribute to the memory of a very great man.

Mr. MANSFIELD assumed the chair.

Mr. JAVITS. Mr. President, I should like to join my colleagues in paying tribute to Senator George. I knew him when I was in the other body, and he was a great leader of the bipartisan foreign policy. I knew him as a most distinguished and warmhearted and fine human being. The aura which he spread in this Chamber, even in the absence of those who are very new here, affects us and makes us understand the great impact he had upon the traditions, the history, and the actions of the Senate.

I join with many of my colleagues in expressing great appreciation to Mrs. George, who sustained him in an arduous life. I think we all understand the great burdens of the wife in such a union, and also the great contribution which she makes to the fruition and success of such a career.

Finally, speaking for myself and Mrs. Javits, we treasure his memory and pay deep respect and regard to it because he was an apostle of peace, for which we are all grateful. Those of us who serve here in a representative capacity for so many millions of people must be grateful to a man who exercised leadership in that field with such great integrity.

I know of no finer expression of peace leadership by any Member of Congress than devotion to the bipartisan foreign policy of our country, in which field Senators Vandenberg and George were such great leaders. He epitomized this spirit, and to him we owe a great many actions taken in that spirit, which would not have been possible without the unifying leadership which he demonstrated.

To Mrs. George and all the other members of the family we offer our deepest condolences and great appreciation as Americans.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER (Mr. JAVITS in the chair). The Senator from Washington.

Mr. JACKSON. Mr. President, I did not have the opportunity of knowing the late Walter F. George for as long a period as did some other Members of this body. During the time I had the privilege of knowing him, I came to appreciate and greatly admire his wise counsel and advice. He was a kindly man. He was always interested in the problems of others. On many occasions I found it very helpful to discuss difficult problems with him.

His judgment was sound. He might not agree with another person's views on a given subject, but Walter George always gave the other person the best of his advice.

As we all know, few Members of this body have been as effective advocates of great causes affecting our domestic and foreign policy as was Walter George. We shall all miss him greatly.

Mr. MUNDT. Mr. President, Walter George was a Senator's Senator. During his long career, he stood out in our body as a man truly exemplifying the best traditions of the Senate. He was a man of honor; a man of integrity; a man of conviction; and a man of influence in the Congress and in the country.

Perhaps the Nation's first real knowledge of the great qualities which won Walter George the respect of so many who knew him intimately was when he accepted with calm courage the cruel and unjustified effort of former President Franklin D. Roosevelt, who chose a meeting in Georgia at which he and Senator George shared the same platform, to try to purge him from the Senate and to destroy his political career. The resounding majority given Senator George in his reelection campaign bears eloquent testimony to the esteem in which the voters held him and their corresponding disregard for the President's judgment.

Walter George and his delightful helpmate, Lucy, were recognized in Washington as friendly, warmhearted public servants and the Senator's devotion to duty and adherence to principle were never questioned even by those disagreeing with him most violently. President Eisenhower acted with wisdom and with the complete approval of Walter's colleagues when he selected him as his personal representative abroad after the Senator's retirement from the Senate. It was typical of the Senator's devotion to duty that he accepted this final responsibility as an opportunity to render further service to the country which he loved so well.

Personally, Walter George was a kindly individual possessing all the graces of a southern gentleman. He was never mean, bitter, or vindictive. Able and convincing in senatorial debates, he refused to resort to personalities or demagoguery in pursuit of a victorious vote. It is sad that the country had to lose his counsel and his inspiration so soon after his retirement from the Senate.

In closing, on behalf of Mrs. Mundt and me, I want to extend our sympathies and best wishes to Lucy George and to the entire family.

Mr. PURTELL. Mr. President, the death of Senator Walter George removed from the ranks of the dedicated public servants of this Nation a most noble and able American.

Walter George dedicated a major portion of his life to the service of the people of his State and his Nation.

As a citizen of this country, I mourned the passing of an outstanding legislator and statesman.

As a United States Senator, I mourned the passing of a cherished colleague whose performance as a Member of this body was and is an inspiration to me and to all his colleagues.

Walter George was a giant among men. Yet his true stature was expressed in gentle and courtly ways. His wisdom was imparted in even, precise, and measured tones. His patriotism and his concern and love for his fellow man were evident in his every word and deed.

Walter George embodied all that we strive to be as Members of the Senate of the United States. His love of country was never swerved by partisanship. His personal dignity added stature to the Senate.

By his deeds, he was already a tradition of the United States Senate before he retired from service in this body.

He had an enormous capacity for service, and his mind was able to embrace quickly and think through the myriad responsibilities which were placed on his capable shoulders.

His leadership was gently vigorous. His motives were crystal pure. His methods reflected always his own high personal integrity.

Even after his long and distinguished service in the Senate, he was willing to undertake another assignment in behalf of his country, that of the Ambassador to the North Atlantic Treaty Organization.

We here in the Senate who were privileged to know him personally will

remember warmly and with delight the companionship and the affection which existed between the Senator and "Miss Lucy." The Georges were a couple with a special, friendly charm which made every meeting with them a memorable one.

Our hearts go out to "Miss Lucy" in her sorrow. Our thoughts and prayers are of her. Our sympathy goes also to his son, Heard, a capable right arm who devotedly served his father.

It can be truly said that Walter George gave his life for his country. He passed on only 15 years after his son, Marcus, was killed in the service of his country. Dedicated service is woven through all the fibers of the Georges.

Walter George served his State on its courts and in the Senate of the United States.

He served his country with a record of distinguished performance which will continue to shine down through succeeding generations. His convictions will guide legislation in this body for many years to come.

Walter George served his fellow man, and in so doing served his God.

We have lost a friend, a trusted and most respected colleague, and a great American.

We have not, however, lost the memories, the deeds, the inspirations for which he has been responsible.

We have gained new courage, new determination, and, I trust, more wisdom, because of him.

Mr. PASTORE. Mr. President, in the Georgia home of his career's earliest dreams, Walter Franklin George has passed into the eternity of history. It was fitting that his mortal days should find their closing in the cherished scenes of his beginnings. But these Senate Halls will forever project dimensions of his immortality.

Here in the most fateful generation of the country he served and adored, his eloquence was the expression of his transcendent loyalty to his land and his generous and genuine love for all mankind. Here he could surmount the bitterness of debate with an aristocracy of intellect that was balanced by the humility of a heart that could hate no man.

There could be about him the aloofness of a dedicated man as he sought to raise the practicality of ideas to the high plane of his ideals. Yet ever there was in him an invitation to approachability that would counsel and comfort the lowliest among his colleagues.

Many there will be among us who will appreciate our apprenticeship under a mind that reached for and resolved problems that challenged an entire world. We will treasure the tutelage of a man who could be gentle; yet with a giant's power at alert when the moment or the measure might demand a giant's strength of will and wisdom.

Men may seek to find phrases to blend the many qualities of a great man and fashion them into a single word. They would be such phrases as the bearing of a patrician, the boldness of a patriot, the intellect of a scholar, the genius of a strategist, the perseverance of a saint, the patience of a friend, the sacrifice of a sincere public servant. The sum of all those qualities would produce the term "statesman." The synonym of all those qualities we would recognize as Walter Franklin George.

May his example be not lost upon us. May his inspiration endure against all that would divide us or divert us from our common concern that our country may be strong so that the world may know justice and peace.

Such was the goal of Walter George—strength to country—justice and peace to all.

His country will be grateful to the patriot. History will be just to the just man who was Walter Franklin George.

May his God grant him eternal peace.

Mr. BRICKER. Mr. President, not even the most eloquent rhetoric can portray the affection and esteem in which Walter F. George was held by his colleagues on both sides of the aisle. Mere words cannot encompass the benign influence of this legislative giant.

When I came to the Senate of the United States in January 1947, Senator George was already the model of senatorial deportment by which junior Senators sought to orient themselves. We could not have had a more perfect embodiment of dignity, courtesy, character, and integrity. The example he set for other Senators was perhaps more important than his legislative achievements, numerous and significant though they were.

The pressures converging on this body have produced actions that are petty, rash, or inspired by base political motives. When these actions of individual Members were attributed to the Senate as a whole, the criticism was often deflected from the institution to the man merely by pointing out, "But, then, there is George of Georgia."

I did not have the privilege of serving with Senator George on either of his two standing committees. However, I accepted on faith his recommendations on complex revenue measures reported from the Senate Finance Committee. My confidence in his judgment was never misplaced.

As chairman of the Senate Foreign Relations Committee, Senator George was ideal. His advice and counsel were sought by the administration, not primarily because of his position, but because of his profound insight on questions of foreign policy. His recommendations to his colleagues were almost always accepted because few men had a better understanding of the relationship that ought to exist between modern international law and domestic constitutional law.

Since all of us are the elected representatives of the sovereign States, the influence of one Senator over another is necessarily limited. If, on the average, a Senator can influence one vote per rollcall, he deserves to be called one of the leaders of this body. Walter George did far better than that.

However, many legislative issues are somewhat ephemeral. Walter F. George will live in the memory of the Senate long after his legislative victories and defeats are forgotten. His influence will subtly shape for the better the content of bills not yet introduced and legislation not yet enacted.

Those who heard Senator George address the Senate on a major issue will never forget that magnificent voice. It was like a great organ—clear, majestic, and compelling. And that great voice was never enlisted in the service of any demagogic appeal.

A pillar of the Republic has fallen. We shall miss him greatly in the difficult days ahead.

Mr. BARRETT. Mr. President, I desire to join with my colleagues in paying respect to the memory of that great Senator, the late Walter F. George, of Georgia.

He could well be termed "a Senator's Senator," for the very simple reason that he had the admiration and respect of every Member of this body on both sides of the aisle. When he spoke he commanded the undivided attention of every Member in the Senate. Although he represented in a splendid fashion the people of his beloved Georgia, yet he was truly a Senator of the United States.

While he believed sincerely in the principles and traditions of the party of his choice, yet he put the best interests of his country above party considerations on all occasions.

Judged by any standard, Walter F. George was truly a great American.

Mr. JENNER. Mr. President, Senator Walter George was outstanding among distinguished Members of the Senate, and he will be long remembered for his contributions to constitutional government, and the separation of powers.

He was in the forefront of the Members of Congress who fought to preserve the integrity of our Supreme Court against attempts to pack it with new appointees who would reverse the solemn judgments of honorable and learned judges. Senator George knew that a fearless and independent judiciary is one of the most important safeguards of liberty.

Senator George was punished for his temerity in fighting for the independence of the courts. He felt the full weight of attempts by the President and his advisers to come into his State and to turn his own constituents against him. In spite of the vast power of the Federal executive branch, Senator George fought valiantly, and the people of his State sent him back in triumph to the Senate.

During the war years, Senator George had a choice of heading the Senate Foreign Relations Committee or the Senate Finance Committee. He chose the arduous work of the Finance Committee, to protect our economy against socialistic attempts to undermine it by misuse of the taxing power.

He fought valiantly against attempts, in the Defense Production Act, to give the executive branch unlimited and unspecified power to commandeer or to set up its own production plants.

Senator George was true to the great Senate tradition. He understood and fully sympathized with the constitutional role of the Senators as representatives of sovereign states, meeting in Washington, to find, by discussion and consensus, the best methods of protecting and strengthening the Nation.

As a Senator from the State of Indiana, which cherishes so highly the sovereign independence of our States, I am happy to pay tribute to a Senator who for so many years served the Federal Union of sovereign States which is the keystone of our liberty.

Mr. McCLELLAN. Mr. President, I wish to associate myself with all of my colleagues who have preceded me today, and also with those who may follow, in what they have said or may say in eulogizing and paying tribute to our deceased friend and former colleague, Walter F. George, of Georgia.

Nothing has been said here today, and nothing will be said, however generous and complimentary, that can possibly be regarded as an exaggeration or extravagance in praise of him whom I admired and esteemed as one of the greatest Americans I have been privileged to know.

I can truly say that my life has been enriched, and the value of my labors here in the Senate has been greatly enhanced, by reason of my knowing him, my association with him, the bond of friendship that existed between us, and his counsel which I so frequently sought and received on many perplexing problems and issues we have had to resolve.

I often sought his advice—particularly so on measures involving taxation and revenues, and on questions relating to foreign affairs. I frequently discussed with him, and sought his opinion on, the overall policies of our Government, for there was no one whose judgment I respected more than his.

He was possessed of great mental capacity, an astute and analytical mind, and a profound wisdom of a quality unexcelled among the statesmen of our time.

He was endowed with those superb and admirable qualities of human kindness, sympathy, understanding, and consideration for his fellowman; and yet he was strong, firm, and unyielding in his convictions. Motivated at all times by the highest ideals and purposes, he pursued his labors, met his responsibilities, and discharged his duties with resolute determination and with fearless and unfaltering courage.

I cannot even begin in these few remarks to enumerate or evaluate the great contribution he made to the welfare of our people, to the security of our country, and of the preservation of human liberty, of freedom, and our American way of life. History will make an accurate appraisal of that, and I am sure it will accord him his proper place among the great of all time.

We know he never sought wealth. He never permitted the material to detract from or obscure the more precious and enduring truths of spiritual values. He was loyal and faithful to friendships and obligations; he was consecrated in his faith and was wholly dedicated to the performance of his duties and to the service and welfare of all mankind.

When the President of the United States said that he felt a keen personal loss when Mr. George passed away, he spoke truly for millions of American citizens. We here in the Senate too feel, and shall always feel, that we have experienced a keen personal loss now that our friend has gone. But we have this consolation; we know that he left to us an example of sterling character, dynamic integrity, and able and devoted statesmanship worthy of our emulation and a heritage of beautiful memories that we shall always cherish and revere.

Mr. MORSE. Mr. President, on Monday afternoon, when the Senate honored the memory of Senator Walter George, I was engaged in a very important conference away from the Senate with departmental officials on proposed legislation which will be considered before the adjournment of Congress. Therefore, I was not privileged to express my very sincere feelings about Walter George.

I say now, as I said to the press at his funeral, that he was one of the great statesmen of our history. I add only that the glorious history of the United States would not be so glorious if Walter George had not lived and served the people of his State and his country in the Senate of the United States.

Mr. BEALL. Mr. President, it is with the most sincere humility and respect that I rise today to pay tribute to the memory of our former colleague from Georgia, the late Walter F. George. No eulogy from my lips could possibly add to the monument which he himself built during his years of faithful service and which he has now left as a guide for all Americans. No words could possibly indicate the loss the entire world has suffered through his death. My remarks, therefore, shall be confined to a few personal comments.

I began hearing about Senator George in the days when I was a novice to public office, and the things I heard were good. Through the years, that never changed. For those of us who were trying to serve in local public offices, Senator George offered inspiration and an example. Here, truly, was a statesman. Later, after having been elected by the people of Maryland to serve in the Congress, I obtained a much greater realization of the true greatness of this man, and I found that my former admiration had not been misplaced. It was an honor and a privilege to serve with Senator George. With millions of other Americans, I am indebted to him for the example of patriotic service he has provided. Mrs. Beall and I offer our most sincere condolences to Senator George's devoted wife, "Miss Lucy," and his son.

LIMITATION OF DEBATE ON MILITARY CONSTRUCTION BILL AND NIAGARA POWER BILL—UNANIMOUS CONSENT AGREEMENTS

During the delivery of eulogies on the late Senator George,

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may submit two proposed unanimous-consent agreements, with the understanding that this colloquy and the action thereon will appear at the end of the tributes to the late Senator George.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I submit, in behalf of the distinguished minority leader [Mr. KNOWLAND] and myself, the following two proposed unanimous-consent agreements:

Ordered, That when the Senate proceeds to the consideration of the bill (H. R. 8240) to authorize certain construction of military installations, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. LONG. Mr. President, reserving the right to object, to which bill does the Senator refer?

Mr. JOHNSON of Texas. The military construction bill, reported by the Committee on Armed Services.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I submit another proposed unanimous-consent agreement which is agreeable to the Senator from New York and the Senator from Pennsylvania. I submit it on behalf of the distinguished minority leader and myself:

Ordered, That during the further consideration of the bill H. R. 8643, the Niagara power bill, debate upon an amendment to be proposed by Mr. CLARK (for himself, Mr. NEUBERGER, and Mr. LAUSCHE), on page 2, line 21, or upon any motion or amendment relating thereto, shall be limited to 2 hours, to be equally divided and controlled by Mr. CLARK and the majority leader; that upon any other amendment or motion, debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the majority leader: *Provided*, That in the event the majority leader is in favor of any amendment proposed to the bill, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That debate on the question of the final passage of the bill shall be limited to 2 hours, to be equally divided and controlled by the majority and minority leaders: *Provided further*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill allot addititional time to any Senator during the consideration of any amendment, motion or appeal.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I should like to announce it may

be that the time allowed on both the military-construction bill and the Niagara bill amendments will not be consumed. So all Senators should be on notice that we are going to attempt to get action on both bills before we conclude our deliberations today.

ORDER FOR ADJOURNMENT TO 12 O'CLOCK NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, if it is agreeable to the minority leader, I am going to suggest, since committees have work they can do tomorrow and since we both have policy committee meetings, that the Senate convene at 12 o'clock tomorrow.

Mr. KNOWLAND. That is agreeable.

Mr. JOHNSON of Texas. I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow following an adjournment and has the usual morning hour for the transaction of routine business only, there be a 3-minute limitation on statements.

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

CONSTRUCTION AT MILITARY INSTALLATIONS

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

The PRESIDING OFFICER (Mr. JAVITS in the chair). Without objection, it is so ordered. The Chair lays before the Senate the unfinished business, which is H. R. 8240.

The Senate resumed the consideration of the bill (H. R. 8240) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement previously entered into, the time for debate is equally divided and controlled. The time allowed on each amendment is 30 minutes, equally divided, and 1 hour is allowed on the bill, equally divided.

Mr. STENNIS. How is the time divided on the bill and on amendments?

The PRESIDING OFFICER. The time for debate on the bill is limited to 1 hour, 30 minutes to each side, and 30 minutes on each amendment, equally divided between the proponents and opponets.

Mr. STENNIS. Mr. President, I allow myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, H. R. 8240 is the annual military construction bill, for military construction projects at home and abroad, classified and unclassified, exclusive of family housing, most of which is called Capehart housing, and also exclusive of Public Law 480, which has to do with agricultural commodities.

Mr. President, when the figures were first submitted by the services to the Department of Defense, the total amount requested for fiscal 1958, in round numbers, was $3.6 billion. The Department of Defense reduced that total to $2.09 billion. The Bureau of the Budget first submitted a figure of $1,779,000,000. Then there was a second request by the Bureau of the Budget—which was the figure submitted when the hearing started—of $1,561,000,000.

The bill itself recommends $1,203,000,000, which is a reduction of approximately 34 percent from the amount originally requested.

Mr. President, these reductions were effected largely through the application of certain criteria which were adopted by the committee in its early deliberations in January and February of this year. Those criteria appear on pages 2 and 3 of the committee report.

I ask unanimous consent to have printed at this point in my remarks that part of the report on pages 2 and 3 which is entitled, "Criteria."

There being no objection, the excerpt from the report (No. 842) was ordered to be printed in the RECORD, as follows:

CRITERIA

In order to insure a review procedure which would meet both the interests of economy and military need, a standard criteria was established in light of which all service requests were compared. In general outline, this criteria is as follows:

1. Items considered firm requirements:

(a) All operational aspects properly justified and for which the services plan to request fiscal year 1958 appropriations.

(b) Replacement of irreparable facilities considered essential to morale and well-being.

(c) Chapels.

(d) Community and recreational facilities and housing at isolated installations, or where local civilian community support does not exist at an adequate level.

(e) Key service school installations for which the services have a long peacetime need.

(f) Deficiency authorizations pertaining to prior-authorized projects resultant from cost-of-living increases, from changes in military technology, and new operational concepts.

2. Items considered feasible to delete or defer:

(a) Officers clubs, noncommissioned officers clubs, commissaries, post exchanges, theaters, and so forth, where adequate facilities already exist, substitute facilities are available, or local civilian community can provide similar support.

(b) Replacement of existing administration buildings, warehouses, and headquarters buildings.

(c) Barracks and bachelor officers quarters where 50 percent of permanent construction program is already provided, or under construction, or where existing World War II assets can continue to be utilized on an economical basis.

(d) Family housing where there exists adequate civilian community support or sufficient prior authorization.

(e) All items not being funded.

Mr. STENNIS. Mr. President, quite briefly with respect to the criteria: The first criterion is that all operational aspects, to be considered firm requirements, are to be properly justified and for them the services plan to request fiscal 1958 appropriations.

I can say to the Senate that in all the reductions recommended there is not one which we believe in any way would impair the bone and muscle of the bill or in any way would impair the essential requirements of the military-construction program for the fiscal year 1958.

We did not include any item in the bill for which the budget did not request authorization. Therefore, any Senator who is interested in any project which has been excluded by the committee, will know that it was not considered by the committee.

Furthermore, we made inquiry with respect to what requests the Department of Defense was going to make along the line of appropriations for the fiscal year 1958. If the Department of Defense reported that it was not going to make any request for an appropriation for a particular project in 1958, we deferred the authorization for that item. That does not mean we rejected it or that we disallowed it; it means that there would be no financing, therefore there was no need for an authorization.

Thus we bring closer into line the authorizations and appropriations. In the past few years we have had many bills which authorized military construction all over the world. Because of changing conditions many of those projects were never built.

Pursuing our trend for another year will bring the situation more into focus, and will serve to bring a closer relationship between authorizations and appropriations, which we think should prevail. Therefore, approximately $350 million worth of new authorizations have been deferred. They relate mostly to projects which have not been rejected and not condemned, but merely deferred. There was no request for an appropriation for them. I have a list of those projects, and if any Senator wishes to inquire about them, I can show him the list. Perhaps we can later put the list in the RECORD, for the information of all Senators.

I believe particular attention should be called to one phase of the bill, the one having reference to the Capehart housing. It is contemplated that in the neighborhood of 95,000 units of Capehart housing will be built in fiscal year 1958.

No line authorization is necessary and no appropriation is necessary for those items. At an average of $15,000 each they will total, in round numbers, one billion five hundred and twenty million dollars. It shows that for the Capehart housing alone the amount is something like $300 million more than is provided in the entire military construction bill. For that reason, and for other reasons, we recommend in the bill that the so-

called Capehart housing program be discontinued and repealed, and cease to exist as such, after June 30, 1958, that date having been put forward that much to allow a reasonable transition period from one program to another, because the alternative would be that it would be necessary to justify the new housing program and to get an appropriation for it, just as it is necessary to do for other military construction. There must be time in which to transfer from one system to another. It is too late to make appropriations and to justify line items.

The present program for this type of building will run for 1 year. Thereafter it goes back to line authorizations and appropriations, which we believe there will bring about a better program and a better system, will enable the Government to get more for its money, and will assure the persons for whom the houses are built better houses for the money.

The bill provides for 2,640 units at a cost of approximately $52 million. That is family housing to which, for one reason or another, the Capehart housing law does not apply, perhaps because the housing is located in remote areas or areas of inaccessibility, and because of special circumstances.

The bill contains a rather elaborate provision for substandard housing. It represents the contents of a bill which passed the House in one form and passed the Senate in another form last year. At that time the House and Senate were unable to get together on the program, and the bill did not become law. The bill this year includes the version of the program which passed the Senate last year. In the House the bill is known as the Bennett bill. I hope the differences between the two Houses on this subject can be worked out in conference, because the subject matter, we think, is very timely.

Mr. President, before I am interrupted by questions, I wish especially to thank, and to commend as well, my colleagues on the subcommittee which considered the bill—the Senator from South Dakota [Mr. CASE] and the Senator from Washington [Mr. JACKSON]. The bill contains about 4,000 lines of items and represents days and days of hearings, in addition to a large amount of fieldwork. The two Senators I have named are experts on the matter in many ways. They worked very diligently, most happily, most cooperatively, and very effectively. They have done as much work on the bill as I have, if not more. They deserve more credit than I do for what has been done. On behalf of the subcommittee and on behalf of the Senate, I thank them. It has been a great treat for me to work with them.

In a large measure, the subcommittee has been guided in the writing of the bill by the able and timely assistance of our staff member, Col. Kenneth BeLieu, who has rendered outstanding service and has helped to prepare a report which I think is really outstanding and should be in the files of every Senator and every Senator's staff. That report contains a world of up-to-date information on the entire building program, and a great number of suggestions, as well.

The bill contains a provision for $115 million as an installment on what is called the Nike program. That is the air-to-ground missile defense.

Mr. President, in that connection, I ask unanimous consent to have printed at this point in the RECORD pages 21 and 22 and half of page 23 of the report—No. 842—under the the subject Continental Air Defense.

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

CONTINENTAL AIR DEFENSE

During the course of this and last years' hearings on the military construction authorization bills, it has become increasingly apparent to the committee that more and more of our military resources are being directed to the field of continental air defense. Last year, the committee said:

"While it is not the committee's intent to delve into the broad fields of military strategy or policy, the very act of authorizing military construction and base structure facilities is in itself a policymaking function, particularly when it deals with the foundations for weapons systems and the bases from which operations will be conducted. As mentioned before, DEW line is a billion-dollar project and so is SAGE. The Nike-Talos systems is a multi-billion-dollar program. These things are basically for defensive purposes. In reviewing the requirements contained in this bill for facilities and systems to provide passive defense, the committee has had occasion to question whether there might be a dangerous trend toward a 'Maginot line' type of thinking, and with the construction and establishment of fixed defense installations, whether the military posture of the Nation might as a result be limited in offensive capabilities."

The committee is still of the same frame of mind. It believes the time has come to reevaluate and to insure that our efforts are spent only on those systems that will meet future requirements. The committee believes that close and continuous scrutiny must be given the subject in order that too great a priority is not given to defensive aspects, even to the extent of denying funds and authorizations and of cutting back existing programs in favor of those which promise greater results. Obviously, until we have an offensive weapon system which will completely deter an aggressor, we must maintain adequate defenses. An adequate defense system, however, must be designed to keep pace in a flexible manner with any threat against the United States. In view of the ever-increasing capacity of offensive weapons, both in our hands and in those of the potential aggressor, the committee cannot help but feel uncomfortable at the thought of spending increased amounts for the weapons which represent but a last-ditch symbol. Defensive operations, in the opinion of the committee, should not be hampered by an absence of initiative which the committee believes is inherent in fixed positions. One has only to remember what happened to the "Maginot line" concept to be well aware of this point.

Approximately 40 percent of this year's Army-construction program is devoted to Nike. Nike is a fixed-point defensive system. It will be remembered that when the Korean war broke out, it was decided to deploy antiaircraft units in defense of key installations in the United States. At first, conventional gun battalions were used. Then as the Nike was developed, the gun battalions were more and more replaced by Nike battalions. The committee believes the original Nike system was properly conceived to meet a need existing at that time, that it fills a requirement as of now; however, the committee questions the wisdom of future extensions of the system on a larger scale. In view of the fact that weapons of mass destruction can be released at great distances from their potential targets, the committee came to the conclusion that the time is at hand when emphasis must be placed on weapons systems which will provide greater defense in depth.

The committee also became quite concerned over the possibility that the Department of the Army might be placing too much emphasis and devoting too much of its effort to static-defense concepts. It feels that the Army must place first priority on the capability to engage in successful and sustained ground combat—that this mission must not be subordinated to any other.

In view of the foregoing, the committee seriously considered recommending that no further authorization be approved to expand the existing Nike system. It does not so recommend only because the best military advice available strongly recommended that the committee approve the program. The committee thoroughly reviewed the subject. It was made the topic of a special classified briefing conducted by a representative of the Joint Chiefs of Staff and senior departmental witnesses. Results of this briefing were such as to convince the committee that even though it still has doubts, it has no other recourse than to recommend the Nike funds be authorized in this year's construction program.

Even though the committee was impressed by the aforementioned briefing, it could not help but conclude that in many areas each military service is developing weapons systems in a seeming effort to become self-sufficient apparently with little regard to those in existence or being developed by other services. The committee requests the Secretary of Defense to take vigorous action to insure that only those systems are approved and maintained that fit in with the overall strategic doctrine (and at this point, it cannot help but state that it hopes this doctrine will be tailored to tactical and strategic requirements rather than budgetary decisions). The committee feels that it is pertinent at this time to quote from Henry A. Kissinger's article in the Foreign Affairs magazine of April 1957, entitled "Strategy and Organization":

"In the absence of a generally understood doctrine, our actions will of necessity prove haphazard; conflicting proposals will compete with each other without an effective basis for their resolution. Each problem, as it arises, will seem novel and energies will be absorbed in analyzing its nature rather than in seeking solutions. Our services will find it impossible to make a meaningful choice among the mass of new weapons with which their research and development programs will soon overwhelm them. We will continue to cede the initiative to others and our course will become increasingly defensive."

The requirements for each new weapon or system when presented to the committee have been justified mainly on the ground of technological advances and military capabilities. This is only natural and proper but it is also only logical to expect certain older and superseded systems to be discarded. Earlier this year, the Chief of Naval Operations in an appearance before a subcommittee of the Senate Committee on Appropriations, stated in part, "we are converting cruisers to missile ships—and we are building guided missile destroyers—because guns are no longer effective against modern aircraft. We are converting to a guided missile capability as fast as we can." The committee cannot help but question the retention and maintenance of conventional antiaircraft artillery units in the troop structure. At this very moment the committee is in receipt of requests to approve leasing arrangements in order that conventional AAA gun battalions may continue to be deployed

in defense of key installations. It surely would appear that if further troop reductions are to be made, they should be made in this area.

The committee believes that the Department of Defense must not only closely scrutinize the extent to which our limited military resources are allocated to air defense, including area and point missile systems and manned interceptors, but must also take positive steps to eliminate ineffective weapon systems.

Mr. STENNIS. Mr. President, in yesterday's New York Times there appeared an article by Hanson W. Baldwin entitled "New Missile Program Is Left Up to McElroy." I ask unanimous consent that the article on this great problem be included in the RECORD.

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

NEW MISSILE PROGRAM IS LEFT UP TO MCELROY—CHOICE OF WEAPONS AND ASSIGNMENT TO SERVICES YET TO BE DECIDED

(By Hanson W. Baldwin)

Secretary Charles E. Wilson, who entered office in 1953 as an economizer, is leaving with a trail of canceled projects and many noses out of joint behind him.

The ax, so far, has bitten rather deeply into the Nation's tremendous missile program. The Air Force's supersonic ram-jet winged missile Navaho, designed for a 5,000-mile range, has been canceled after half to three-quarters of a billion dollars had been spent on it.

The Navaho is perhaps the most spectacular cutback in the missile program, but many others, unannounced, are probably impending. The Navy's Triton project—like the Navaho, powered by large ram-jet engines—may be eliminated; and there appear to be a number of other projects facing cutbacks or stretchouts.

These economies may sharpen a good many unsettled or partially settled conflicts between the services which Mr. Wilson leaves as a heritage to his successor, Neil H. McElroy.

KEY DECISIONS

In one of the key decisions of his term of office Mr. Wilson last fall adjudicated a missiles dispute which was primarily between the Army and Air Force. The Air Force's Thor (developed by Douglas Aircraft and a complex of companies) was in competition with the Army's Jupiter (developed by the Army's ballistic missile agency at Redstone Arsenal, Ala.). Both missiles were designed for intermediate, or 1,500-mile, range; both services hoped to use them.

Mr. Wilson ruled that parallel development of the two missiles was to continue until late this fall when they would be evaluated and one or the other selected for final development and production. But at the same time he held that the IRBM (intermediate-range ballistic missile), like the ICBM (intercontinental ballistic missile), would be, when finished, operated by the Air Force, not the Army. He ruled that the Army should not plan to operate anything beyond the 200-mile Redstone missile, now coming into service. At the same time he assigned point antiaircraft defense to the Army; it was to operate all antiaircraft missiles up to the 100-mile range; the Air Force, with responsibility for antiaircraft area defense, would take over, beyond that range, with its 200-mile Bomarc missile.

NAVY'S MISSILES

The Navy was not directly affected by these judgments since its requirements for ship-based missiles differ technically from those that are land based. The Navy was authorized to continue development of its antiaircraft weapons and its ship-based version of the 1,500-mile IRBM—the Polaris.

The Army—particularly its junior ranks—was greatly cast down last fall by Mr. Wilson's decision. But this decision did not by any means shut the door completely to the Army's development of long-range bombardment and antiaircraft missiles and to the Army's hopes of gaining operational control of some of these missiles in the future. In fact, Mr. Wilson's decision permitted competitive development and testing of Jupiter and Thor and permitted the Army to develop in "limited feasibility studies" experimental versions of bombardment missiles which would fill the gap between Redstone's 200-mile reach and Jupiter and Thor's 1,500-mile range.

Today, as the time of decision again approaches, the Army—which some of its officers thought was underdog last year—seems to be in a rather good position. The Army's Jupiter has been successfully launched several times, and it has flown more than 1,500 miles. Thor, on the other hand, has had several abortive launchings, and one very short flight, interrupted by a malfunction.

The Army has also developed—in addition to a whole host of short-range tactical missiles—new bombardment missiles of great promise. It has developed or tested about six different configurations of ballistic missiles with ranges between 200 and 1,500 miles—a gap hitherto unfilled. These are by no means ready for production but could serve as prototypes.

The Sergeant, a bombardment missile with a range between the Corporal's 90 miles and the Redstone's 200, is another Army missile with challenging potential. Unlike the other longer ranged missiles, the Sergeant uses solid propellants, and further development of its rocket motor could put it into competition with the Navy's solid-propellant Polaris.

ARMY PROJECT

The Army also has in an early production, final development stage the improved Nike-Hercules, with 50- to 60-mile range, and nuclear warhead. And it is continuing experimental initial development work on a system to combat ballistic missiles.

This work got a great technical boost last week when a technological breakthrough was achieved which will, in time, lead to the development of so-called long-range radar capable of detecting ballistic missiles in their upper trajectories thousands of miles away.

Thus actual events between last fall and today have demonstrated Mr. Wilson's wisdom in leaving something of an open door for competitive missile development. If Jupiter had been halted and all our bets placed on the Thor, the Nation might not be anywhere near as close to an operational IRBM as it is today. This need for competitive and parallel roles in research and development has been proved time and again in the past: the air-cooled and liquid-cooled aircraft engines, for example. To this extent service rivalries pay off and competition is not only healthy but essential.

But when development reaches its final stages, someone must intervene to prevent unnecessary duplication and make a choice of one or both of two competitive systems. And at the same time top authority must decide what service is to handle and operate the weapon that is finally developed.

These problems, despite the precedent set by Mr. Wilson's order of last year, have not been finally resolved. Mr. McElroy will have to take them on his broad shoulders early in his tenure of office.

Mr. STENNIS. Mr. President, the information contained in the report on that subject is very helpful. It includes a quotation from our last year's observation and recommendations.

I speak for myself with reference to that part of the program without elaboration. But I feel we are spending too much money and placing too much emphasis on mere point defense. We are trying to defend many individual points in the United States by means of a program which is fast approaching a cost of many billions of dollars. If it is carried to its ultimate purpose, the cost will be many more billions of dollars.

Trying to defend every important point throughout the country—and the points are important—involves a tremendous cost for the installation of a missile which was brilliantly conceived. But I believe the time has passed when the kind of attack which will come can be successfully coped with. After a modern air attack of any kind has reached to within 25 or 50 miles of any city in the United States, the attacker is already here. Anyway, some of his planes most probably would get through. In modern times, only one weapon need get through in order to destroy.

There would be great merit in the system if it were proposed that we could defend everything throughout the country to the ultimate degree. But I myself think that we are making a great mistake in spending multibillions of dollars for a system which is purely defensive. We ought to put our money into and offensive striking power, obtain the very best type of warning system which can be had, and then install perimeter defenses.

But, after all, we are not the ones who make the final decision. I hope that the missiles, important as they are—and they are important—will be further evaluated, and that better and more specific recommendations will be made concerning the programs, with greater emphasis in the years to come on the offense rather than on the point defense.

As the report states, we were reluctant to abolish a system which is recommended by the Joint Chiefs of Staff. Nevertheless, speaking for myself, I am becoming a little tired of hearing so much conflicting testimony about these matters from our own military men.

I hope the program soon will be advanced to the stage where there will be more uniformity of opinion about its merits, and that the so-called big money will be put more into offense rather than into point defense.

The bill does not provide for the so-called John Towers Field, which was proposed for the Naval Academy. The committee strongly recommends that room be found for the cadets at the Naval Academy. We want the cadets to have the necessary briefing, orientation, and implementation concerning air operations, but we feel, since Annapolis is so near the Andrews Air Force Base, where the Air Force has a tremendous installation, with an immensity of space, that it is not practical to have the Government buy new land in order to make an entirely new installation.

Pages 25 to 37 of the report contain a very valuable tabulation of the different items in the bill, according to the services.

On pages 41 to 47 there is a tabulation according to States.

On pages 47 and 48 there is a tabulation according to areas outside the United States.

The PRESIDING OFFICER. The 15 minutes which the Senator from Mississippi allotted to himself have expired.

Mr. STENNIS. Mr. President, I shall not speak at great length, but in order to provide myself with some time, I offer an amendment, which I shall later ask to withdraw.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 95, line 5, it is proposed to delete "$59,056,000" and insert in lieu thereof "$58,027,000."

Mr. STENNIS. Mr. President, I have offered the amendment as a means of affording myself additional time. I allot myself 10 minutes on the amendment.

I call attention to the competitive bidding on construction of military housing. In the last year, 93 percent of the money spent was on competitive bids. The other 7 percent has been spent on noncompetitive construction, due to isolation or some other special circumstances which controlled.

Section 507 carries something which the Senate inaugurated several years ago, in placing a ceiling on the unit costs of these installations. For warehouses, we continue the ceiling of $6 a square foot, average. But for cold-storage warehouses we increased the unit cost of $22 a square foot to a possible $28 a square foot.

For barracks, the ceiling is $1,850 per man, and we continue it at $1,850.

For bachelor officers' quarters, the present ceiling is $6,500 per unit. We have increased that, on proof of what almost seemed to be necessity, to $7,500 per unit.

Mr. President, I believe that covers the high points of the bill. I certainly wish to have ample time used by other members of the subcommittee, and I shall be glad to yield to them.

Mr. JACKSON. Mr. President——

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I should like to take this opportunity to express my appreciation to the chairman of the subcommittee and to my colleague on the committee, the distinguished junior Senator from South Dakota [Mr. CASE], and to our staff assistant, Colonel BeLieu, for an outstanding job.

I think it can be said that we have made some prudent economies. I believe it can be said that we have accomplished these economies without reducing our military capabilities. I believe these are the kinds of economies that are most appropriate under the circumstances.

I should like to associate myself with the remarks made by the distinguished chairman of the subcommittee in the presentation of this authorization bill to the Senate.

Mr. STENNIS. Mr. President, I thank the Senator from Washington very much. I also thank him again for his very valuable services on the subcommittee and his very fine knowledge of many phases of this immense, worldwide program.

Mr. CASE of South Dakota. Mr. President, I should like to speak on the bill, if I may.

Mr. STENNIS. I am glad to yield to the Senator from South Dakota 20 minutes, or whatever amount of time he may care to have.

Mr. CASE of South Dakota. Perhaps I shall need 15 minutes.

Mr. KUCHEL. Mr. President——

Mr. STENNIS. Mr. President, I understand that the Senator from California wishes to ask a question. In that case, I yield first to him.

Mr. KUCHEL. I thank the Senator from Mississippi.

Actually, I should like to ask two questions.

First of all, let me say that I was most interested in the Senator's comment regarding the military-construction program for housing. Judging from some of the housing which has been constructed in the past few years, particularly in Europe, for military personnel, and judging particularly from the Air Force housing which has been constructed, it seems to me that Uncle Sam does not have the most desirable type of construction which I personally witnessed in the case of some of the housing which has been built there in connection with some of our Air Force installations.

On that point, can the Senator from Mississippi tell me whether the Capehart housing program will continue in operation until June 30, 1958, subject to having Congress carry out the recommendations which the Senator from Mississippi and the other members of the subcommittee have made in their report?

Mr. STENNIS. The bill, as we have reported it to the Senate, provides that the Capehart program may continue until June 30, 1958; thereafter, the so-called program of line items and appropriated funds will take over. But there will be no interim period or break.

Mr. KUCHEL. So the Capehart housing program will have to die on June 30, 1958; is that correct?

Mr. STENNIS. Yes; but by that time the other program will have been reinstated.

Mr. KUCHEL. I thank the Senator.

I have another problem in mind: Of course, in the Western States, water is of paramount importance. I come from a semiarid State—California—which has a continuing water problem.

I should like to ask this question: When a military installation is located in a semiarid area, and when the local people—for example, the farmers—have organized reclamation districts or irrigation districts, in order to bring water to their lands, in the opinion of the Senator from Mississippi, what is the policy which the military establishes in connection with participating in any costs with respect to the program in an area where a military installation is located and needs supplemental water? Is there a policy in that connection?

Mr. STENNIS. It is purely a local problem, depending upon the circumstances existing there. Usually the military meets the situation. In our construction program, we do not have any method of dealing directly with problems of that kind. The procedure in such a case is just like the procedure in connection with foundation problems and similar problems: They have to cope with what they find, and to deal with it.

Mr. KUCHEL. Is it fair to conclude that so far as the Army, the Navy, the Air Force, and the Marine Corps are concerned, to the extent they would benefit from having supplemental water brought into an area where such an installation is located, to that extent that branch of the service would have authority to enter into agreements in that connection?

Mr. STENNIS. Yes. It is a local matter, and they participate in working it out as best they can.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I do not wish to keep the floor, to the exclusion of the Senator from South Dakota [Mr. CASE], who is a member of the subcommittee.

Mr. CASE of South Dakota. Mr. President, I am glad to wait.

Mr. STENNIS. Very well. I believe the Senator from Missouri [Mr. SYMINGTON] had previously indicated that he wished to ask a question. At this time I shall yield to him, if the Senator from Ohio does not mind waiting.

Mr. LAUSCHE. I am glad to wait.

Mr. SYMINGTON. Mr. President——

Mr. STENNIS. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator from Ohio and the Senator from South Dakota for their courtesy.

Does the Senator from Mississippi believe that the Nike installations are obsolete?

Mr. STENNIS. If there were to be an attack on a city or military installation in the United States, it would come with weapons with which, in my opinion, Nike, unfortunately, could not completely cope or deal effectively. But there is a great difference of opinion on that point. Some military men say it could not; some say it could. But I do not think we should go so deep on that program.

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

Mr. STENNIS. Certainly.

Mr. SYMINGTON. Is it not true that approximately $3 billion has already been spent on this program, and that billions more are scheduled to be spent on it.

Mr. STENNIS. I have understood that the actual figures on that matter were classified. Frankly, I could not see any reason why they should be classified. But the Senator's information is about the same as mine. It is in the neighborhood of several billion dollars, with many more anticipated, in my estimation.

Mr. SYMINGTON. Does not the Senator from Mississippi agree that if the Army has been doing as much fine work in the ground-to-ground missile field as we have been hearing about recently, in the IRBM field—then, instead of making an arbitrary limitation——

The PRESIDING OFFICER. The 10 minutes the Senator from Mississippi has yielded to himself have expired.

Mr. STENNIS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 5 minutes.

Mr. STENNIS. Mr. President, I continue to yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator.

Does not the Senator from Mississippi agree that it would be better to continue the program in question—the IRBM program on the part of the Army—than concentrating on what the Senator from Mississippi has so ably described in his analysis of point defense?

Mr. STENNIS. That is my opinion, after hearing all the testimony, backward and forward, for approximately 2 years.

Mr. SYMINGTON. Did I correctly understand the Senator from Mississippi to state that he would place in the RECORD at this point the part of his committee's report dealing with the intercontinental air defense?

Mr. STENNIS. I asked and obtained unanimous consent to have printed as a part of my remarks excerpts from the report dealing with this very important subject.

Mr. SYMINGTON. Mr. President, I congratulate the distinguished junior Senator from Mississippi for the splendid job which he, as chairman, and the able Senator from Washington [Mr. JACKSON] and the able Senator from South Dakota [Mr. CASE] have done in reporting the bill to the Senate. They have been very thorough. Especially now that so much emphasis is being placed on the importance of additional economy, I believe the position they have taken on the bill reported is sound and wise.

Mr. President, I hope that the amount of these reductions will be taken into full consideration—reductions in our own forces and in needed construction for our forces—when the foreign-aid bill comes before the Senate.

I thank the able Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Missouri.

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

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. Referring to page 3 of the report, under the title, "Department of Defense Actions," in about the third sentence, I read:

> Originally, the total service requests for new authorization amounted to $3,641 million.

Those were the requests submitted to the Secretary of Defense by the various agencies; is that correct?

Mr. STENNIS. The Senator is correct.

Mr. LAUSCHE. Reading further, it states:

> At the Secretary of Defense level, this total was reduced to $2,098 million.

Mr. STENNIS. That is the first figure the Department of Defense settled on.

Mr. LAUSCHE. There is the further statement that:

> Following this, further reductions were made, presumably by the Bureau of the Budget, until the final official figure submitted to Congress was approximately $1,779,000,000.

Mr. STENNIS. That is correct.

Mr. LAUSCHE. Is my understanding correct that the amount finally recommended by the Senate committee was $1,203,413,000, as shown on page 2, covering new installations?

Mr. STENNIS. That is correct.

Mr. LAUSCHE. But, in addition to that, in order to have a complete picture of the total expenditures for installations, one would have to add another figure, which appears on what page?

Mr. STENNIS. On pages 39 and 40.

Mr. LAUSCHE. At the bottom of page 39.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. I allow myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. LAUSCHE. What is the total amount which will be appropriated covering new installations and supplemental allocations to complete projects previously authorized and started?

Mr. STENNIS. The appropriation bill is now before the Appropriations Committee and carries a total request of $1,665,000,000. It includes all the items in the pending bill, plus old authorizations.

Mr. LAUSCHE. That would mean the original request of $3,641,000,000 has been brought down, through screening in the various phases of its consideration, to the sum of $1,600,000,000——

Mr. STENNIS. No. The original request for new authorizations, new authorized projects, new items, has been brought down to $1,200,000,000, as reflected in this bill; but in the appropriation bill we not only have authorizations which we call new, but we have older authorizations from prior years, under which requests were made for money. Sometimes they involve a second installment or a third installment on a project.

Mr. LAUSCHE. What is the overall amount requested to implement the old authorization?

Mr. STENNIS. It is the difference between $1.6 billion and $1.2 billion; in round figures, about $400 million. Actually it is between $400 million and $440 million.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

The PRESIDING OFFICER. The Chair will remind the Senator from South Dakota that he has 15 minutes of his own on the amendment.

Mr. CASE of South Dakota. I yield to myself, if I may, 3 minutes on the amendment, merely to deal with the question which the Senator from Ohio has raised.

I think the comparative figures which the Senator wants are those dealing with new authorizations. The Senator was correct, in his reference to page 3, that the total request for new authorizations was $3,641,000,000, and that figure should be compared with the $1,203,000,000 figure, as the authorizations here reported as new authorizations. However, there is, as has been indicated by the chairman, an augmentation of prior authorizations of approximately $181 million, and that brings the authorizations as carried in the bill to a total of about $1,445,000,000.

That, technically, is the authorization carried in the bill. Of that figure, $181 million is an augmentation of prior authorizations because of a change in plans, change in cost of construction, or something of that sort. The figure which the Senator from Ohio has most recently asked about—that is, the appropriation figure—the Senator from Mississippi has suggested is approximately $1,700 million.

Mr. LAUSCHE. $1,665 million.

Mr. CASE of South Dakota. That figure is a figure known to the Appropriations Committee, but it is not necessarily carried in the bill. It deals with cash for prior authorizations in prior years. When I come to my general remarks, I expect to deal with some of those prior authorizations to some extent.

Mr. STENNIS. Mr. President, I believe I have used all my time on the amendment.

The PRESIDING OFFICER. That is correct.

Mr. CASE of South Dakota. I yield the Senator 3 more minutes.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I notice the committee has stricken out the authorization for the Fort Jackson Hospital.

Mr. STENNIS. Yes. The Senator is correct. That came about in this way. It was not a rejection or a disapproval of the item, but it was not recommended by the Budget Bureau, and there was no request for an appropriation for the fiscal year 1958. Really, the Army advised that it was not going to spend any remainder of the money on that project, so the item went out of the bill as the rest of such items do, under the rule not to authorize this year items for which no appropriation is to be requested or for which no money is to be spent. It is a deferral rather than a disapproval.

Mr. JOHNSTON of South Carolina. Was the committee's attention called to the need for 500 beds?

Mr. STENNIS. Yes. It was not in the budget recommendation of last year, but the committee recommended it to the Senate, and the Senate approved the item. Also, there was not any budget request for an appropriation last year, but an appropriation for it was approved. On the list of priorities, the Army said it was not going to build or spend any money on it, so there was not anything to do but take the item out of the bill. However, the authorization still stands and the authorization for a 500-bed hospital stands. The request was to authorize a 1,000-bed hospital. The committee did not disapprove it, but deferred it.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator this question: The bill refers to it as Camp Jackson. It is Fort Jackson. There is quite a difference between a camp and a fort. Fort Jackson is permanent. Can the Senator explain why it is designated in that manner?

Mr. STENNIS. We have understood it to be Fort Jackson. I suppose the old term was simply carried forward through error. We have a memorandum from the Army, dated in May 1957, in which it is referred to as Fort Jackson.

Mr. JOHNSTON of South Carolina. I certainly hope that is is true. When it is named "Fort Jackson" the name refers to a permanent fort. Of course, a camp is sometimes temporary.

Mr. STENNIS. We gave every consideration to the matter. That particular item went out on the grounds I have stated.

May I now yield to the junior Senator from South Carolina [Mr. THURMOND]?

The PRESIDING OFFICER. The three minutes yielded to the Senator have expired. Does the Senator from South Dakota [Mr. CASE] desire to yield any additional time?

Mr. CASE of South Dakota. Mr. President, out of the time in opposition to the amendment I yield an additional 2 minutes.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Mississippi, who was so instrumental in helping Fort Jackson obtain its authorization, in 1955, for the new hospital at Fort Jackson. Fort Jackson is a permanent military installation.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. It had been permanent for many years, until about 1949, when President Truman took it off the list. It was restored to the permanent list in 1956. Since it is a permanent installation a need is felt for permanent buildings. According to my information, the Army feels that one of its most important needs is a permanent hospital. In 1955, as I stated, the authorization and appropriation of $5 million was passed, for the purpose of building a permanent hospital at Fort Jackson. At that time the construction was calculated upon the basis of a 250-bed hospital on a 500-bed chassis. Since that time, as I am informed, one reason why no steps have been taken to go forward with the hospital is that the Defense Department and the Army feel they do not wish to proceed with plans for construction of a hospital which they believe will be inadequate, and that they really need a larger hospital. They desire a 500-bed hospital on a 1000-bed chassis. That will provide for the hospital to be expanded in the future.

I can readily see the advantage in such a hospital, and can understand the position of the Defense Department and the Army in this matter, because the larger hospital will be needed.

There is just one question I should like to ask the Senator. I observe that in the House bill——

The PRESIDING OFFICER. The 2 minutes which were yielded to the Senator have expired.

Mr. CASE of South Dakota. Mr. President, I yield an additional 1 minute from the time in opposition.

Mr. THURMOND. The five and fourtenth million dollars were put in the bill to increase the hospital to the size which is actually desired. Since the subcommittee on the Senate side left that item out this year, I should like to ask the Senator to bear that matter in mind when the bill goes to conference. The need for this hospital is urgent. We hope that the conferees will see fit in the conference committee to give most careful consideration to the matter of restoring the authorization which was put in by the House.

Mr. STENNIS. I can assure the Senator it will certainly be considered in the conference. I know of the Senator's fine interest in and diligent and consistent work on this matter for 2 years now. It has come a long way in that time.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. How much time does the Senator from South Dakota desire?

Mr. CASE of South Dakota. Mr. President, I yield myself 10 minutes of the time on the bill.

The PRESIDING OFFICER. Of the time on the bill, or on the amendment?

Mr. CASE of South Dakota. Ten minutes of the time on the bill.

The PRESIDING OFFICER. The Senator has 7 minutes remaining on the amendment and 30 minutes on the bill. The Senator is recognized for 10 minutes from his time on the bill.

Mr. CASE of South Dakota. Mr. President, the impact of this annual military construction bill on the military posture of the United States is not generally recognized, but by this bill, its predecessors and successors, we gradually determine the shape and form of the Military Establishment of the United States.

Does the Army desire a large tract of the national forest for a firing range? The authorization basically will come out of the military construction bill.

Does the Navy desire a large portion of the public domain for a flying training area suited to its needs? The answer will come out of the authorization carried in this annual bill.

Does the Air Force feel it has a need for an expansion of its military bases overseas? The basic authorizations are to be found in this bill, in its predecessors, or in the successor bills to it.

Therefore, Mr. President, the military-construction bill, whether the members of the Armed Services Committee or the members of the particular subcommittee desire it so or not, does set the pattern. The fact remains that we are compelled to make decisions which determine the military posture of the United States.

At the outset of my remarks, I should like to join in the tribute which the Senator from Washington [Mr. JACKSON], my colleague on the subcommittee, has paid to the chairman of the subcommittee for his splendid work in the long hearings which were conducted. The size of the hearings in printed form as to this particular bill, although they carry some 790 pages, do not suggest the length of the hearings which the committee conducted. By the very nature of things, a great deal of the testimony taken was off the record. It was classified and of a nature which could not be printed. The committee keeps a record of its action in all respects, and the record is preserved for the reference of the committee or those who might need it in years to come.

We do conduct many long hearings. The chairman of the subcommittee was not only efficient, but patient with the members of the subcommittee as to their desire to explore certain aspects of the problems presented.

All I say about the chairman could also be stated as my feelings toward my colleague, the Senator from Washington [Mr. JACKSON], because he has made a most valuable contribution to the deliberations of the subcommittee, by his repeated insistence upon facing the problem that is represented in the development of missiles in our several military branches at this time. The junior Senator from Washington serves not merely on our subcommittee but also on the Joint Committee on Atomic Energy, and there has access to and has a personal knowledge of the developments in the nuclear field. His experience has been most valuable to the subcommittee, and I would be remiss if I did not acknowledge the obligation which I think the Senator from Mississippi and I both feel for him in that regard.

I also wish to say that I think the report which the committee has presented is the finest report which has ever been presented from the military construction subcommittee during the period I have been a member of it, which now covers some 4 years.

Colonel BeLieu has not merely been an aid to the committee in digging up information, but in his organization of the material for the consideration of the committee he has saved us all a great deal of time. The keen analytical ability he has with respect to military problems is reflected in the organization of and in the text of the report which is submitted. I feel personally a deep obligation to him for that, and I think the country should know he has made that contribution.

While I am saying something about the personnel, Mr. President, I should like to say that Mr. Floyd S. Bryant, the Assistant Secretary of Defense, and his assistant, Mr. Ed Sheridan, have been of great assistance to the committee. I could go on and mention the assistants of the several representatives of the Air Force, Army, and the Navy, but I shall not take the time to do that. I do, however, wish to say that when Mr. Franklin G. Floete, the present Administrator of the General Services Administration, left the post of Assistant Secretary of Defense—Properties and Installations—all of us felt that we were losing a man who would be practically irreplaceable. However, Mr. Bryant, his successor, and Mr. Sheridan, Assistant to the Secretary, have been most helpful and have certainly demonstrated that they were

well qualified for the trust which is imposed upon them in the important positions they hold, in coordinating the military-construction programs of the three services for the Defense Department.

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

Mr. CASE of South Dakota. I yield.

Mr. THYE. I notice, on page 70 of the bill, that the committee has stricken section 411, which continues through most of page 71. That refers specifically to what must be done by the Defense Departments before they can close any establishment which might be considered as a business activity.

Mr. CASE of South Dakota. Section 411, as carried in the bill passed by the House, is not included in the Senate version of the bill as our committee has reported it.

Mr. THYE. I wish to commend the committee for having stricken this proposed language from the bill, because if this language were to remain in the bill, as I understand, it would deny any of the Defense Department agencies the opportunity to close out any of their activities which might be classified as strictly business activities, which might better be carried on by private enterprise, rather than by any agency of the Defense Department.

I commend the committee for having stricken this section from the bill. I hope the committee will resist any effort to reinstate this language in the bill, if an attempt should be made to do so, and I express the hope and strong conviction that in conference, if the House Members should insist upon their version of the bill the Senate conferees will resist reinstatement of this language, because the Select Committee on Small Business conducted many hearings throughout the year, extending into the spring, on this very question. The Defense Department has made an effort to dispose of its business activities wherever they are in competition with private enterprise; and if language like this remains in the bill, we tie the hands of the Defense Department, and continue defense agencies in the field of private enterprise. So I commend the committee.

Mr. CASE of South Dakota. I am sure I speak for the other members of the committee when I say that we are pleased to hear the words which the Senator from Minnesota has spoken with respect to section 411. I think I can say that our action was unanimous in reporting the bill to the Senate without section 411 of the House version. So far as I am personally concerned, I would resist its reinstatement on the floor, as I would resist its reinstatement in the conference.

Mr. THYE. I thank the Senator.

I hold in my hand a committee report dealing specifically with that question. The heading of the report is "Government Competition With Private Business." The report is dated April 16, 1957. We conducted hearings to try to establish where the Federal Government was in competition with private business.

Mr. CASE. It was not my intent to speak particularly on that section, or to go into detail. However, in view of what the Senator has said, I may say that there are two considerations——

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CASE of South Dakota. I yield myself an additional 10 minutes.

With respect to what the Senator from Minnesota has said, let me say that there are two reasons why I think we would oppose the reinstatement of this language.

The first is that which the Senator has stated. We feel that if the Defense Department wants to get out of competition with private business it should be permitted to do so.

Second, we think it should be permitted to do so without having to come to congressional committees and submit to us, on a referendum basis, the question as to whether or not the business should be continued, if it employs 10 persons or more in competition with private business. The Armed Services Committee has several responsibilities, and we do not think we should have the detailed responsibility of making a determination in such cases as that.

Mr. THYE. I thank the distinguished Senator for giving us that positive statement and assurance that the committee will continue to resist any effort to reinstate that language.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. JOHNSTON of South Carolina. I urge on the conferees—if there is to be a conference—that they look thoroughly into the question of the additional 500 hospital beds at Fort Jackson.

It may be that I am somewhat influenced by sentiment. I helped to survey the first spur track which ran from the Southern Railroad to Fort Jackson. Also I helped to survey for the first barracks there. I was in the Army at the time. Also I helped to lay out the first streets at Fort Jackson. I have kept up with it down to the present day.

Since Fort Jackson is a permanent installation, the additional 500 beds in the hospital would mean much, not only to Fort Jackson, but to a great many people in the immediate vicinity. There should be a sufficient number of beds to take care of the people of the vicinity.

I remember that in 1949 the War Department issued a standby order with regard to Fort Jackson. I remember that on many occasions I took up the subject with the War Department, and conferred with my friend Louis Johnson. Finally, I think because I talked so much about Fort Jackson, because of sentiment, he continued the fort at Fort Jackson. If Senators will look up the record, they will find many telegrams which passed between Louis Johnson and myself. At that time I think probably I helped to save Fort Jackson; and today I wish to try to help save the hospital, and get the 500 beds, if possible.

Mr. CASE of South Dakota. Mr. President, I have no doubt that the distinguished Senator from South Carolina had a great deal to do not only with starting Fort Jackson, but with saving it, as he says. He is a persuasive Senator, and I am sure the other members of the subcommittee will join with me in saying that we gave careful consideration to the proposal to increase the authorization for hospital beds at Fort Jackson.

However, unfortunately, once in a while committees must make decisions which will permit them to be consistent all along the line.

The Senator from South Carolina very properly reflects his sentiments with regard to matters affecting his State; but it would have been impossible for the subcommittee to have permitted its affection for the Senator from South Carolina and its desire to respect his sentiments to influence its decision without making it impossible for the subcommittee to draw the line with respect to other special requests. The augmentation of the hospital organization at Fort Jackson was impossible under the very first of the criteria which were established. The chairman of the subcommittee has inserted them in the RECORD, and I shall not take the time to repeat more than the very first one:

1. Items considered firm requirements:

(a) All operational aspects properly justified and for which the services plan to request fiscal year 1958 appropriations.

We were advised that the services would not ask for 1958 appropriations for the implementation of any augmentation of the hospital at Fort Jackson. Consequently, we could not, with the criterion applying to other requests, include the augmentation in the bill we reported. However, I am sure that the subcommittee will give careful consideration to any matter which may come up in conference.

Mr. President, I wish to say a few words with respect to the housing program which is presented by the bill, and then I wish to devote a few observations to the overall aspects of the bill.

The military housing program is certainly one which is of great concern to every Member of the Senate. We recognize that, in view of the way the Military Establishment is developing, we are getting an Army, an Air Force, and a Navy in which there are many older men. That grows out of the fact that we have a technological development in military affairs these days which requires some persons to have exceptional skills, and those skills are not acquired overnight. We cannot conduct a modern Army or a modern Air Force or a modern Navy and depend on 18-month enlistments or 2-year terms for the backbone of the services. We must have men who have been in the service for some period of time, in order to have personnel who will be effective in handling the machines and scientific equipment in use today.

Consequently, Mr. President, we get older men, men with families. They will not stay in the service unless they have adequate housing. The committee is entirely sympathetic with providing decent housing for these persons. At the same time we have the same responsibility in the connection that we have in passing on other requests, and that is keeping the secrets within the financial capabilities of the country.

The so-called Wherry housing was a device developed to permit the financing of new housing construction without requiring money immediately to be raised by taxes or by the sale of bonds.

Under that program, and its sucessor, Capehart housing, a great deal of additional housing is being provided. However, even that is presenting some problems, because of the financing involved. In the housing bill passed by Congress a year ago, as supplemented by the housing bill passed this year, there is a provision that Capehart housing projects shall not be undertaken until the military acquires the existing Wherry housing projects on the same installations. Personally, I think that is a mistake. It is one of the reasons why I voted against the housing bill at this session of Congress. It is unfair to the Government and it is unfair to the Treasury to require that the Military Establisment shall purchase the existing Wherry housing before it can engage in a new Capehart housing project. It is true that a formula was established for pricing the Wherry housing. Nevertheless, I make the prediction this evening that the time will come when Congress will regret the mandatory provisions with respect to the purchase of the Wherry housing before the Capehart housing is undertaken.

I say that because when we tell the Government it must buy a certain piece of property before it can engage in the building of a new piece of property, the Government is placed at a disadvantage in negotiating. Some of the Wherry housing was attended by so-called windfall profits for the sponsors of the projects, who got large guaranteed loans and then got a change of orders, or, by one development or another, built for less than the amount of the loan.

Mr. President, I yield myself an additional 7 minutes in opposition to the amendment.

Mr. LAUSCHE. Mr. President, would the Senator describe the Wherry housing? I am not familiar with it.

Mr. CASE of South Dakota. I will do so very briefly. The Wherry housing was built in accordance with a provision under which a sponsor could propose to the Government that it would build some housing at a Military Establishment, with the understanding that it would be adjacent to a military installation, and that the clients for the housing would be military personnel. The military personnel were entitled to quarters allowance, and out of that allowance they paid the rent for the housing. At the conclusion of a certain number of years, most of that housing will become the property of the Government.

When the authorization for the Wherry housing expired, the Capehart housing came into being. The Capehart housing is a similar type of venture.

During the past 2 years the housing bills have carried the requirement that the Capehart housing shall not be undertaken until existing Wherry housing has been purchased.

That grew out of the fact that much Wherry housing is substandard, and the Wherry housing sponsors, or the owners of the present Wherry projects, were afraid that if better housing were built under the Capehart housing program, they would be left with some vacancies.

Congress, therefore, provided in the housing bill that the Government would have to purchase the Wherry housing before it went ahead and provided better housing.

The formula in the housing bill provides what is supposed to be a fair price to the owner of the Wherry housing. However, in many instances the Wherry housing today could not be reconstructed for the price at which it was built, or for the price at which it was acquired by the present owners and operators of such housing. The result is that the present owners of the Wherry housing would like to get the benefit of the increased value, or unearned increment, so to speak, if they sell to the Government. I refer to it as an unearned increment because in many instances the enhancement in value has been due to the existence of a Government establishment itself. The housing is adjacent to military installations. Such housing his increased in value, not because of the enterprise of the owner of the Wherry housing, but because of the increased investment in and growth of the military installation.

Therefore, I have not felt that the owner of Wherry housing should have the benefit of an enhancement in value to which such owner made no contribution, but which was due in many instances to the additional investment of the Government itself, or due to the inflation of construction costs. Therefore, I have felt that we should not provide for a mandatory buying of Wherry housing, but that a fair price should be offered for it, and that should be the end of it. If the owners did not want to take it, they could continue to operate the Wherry housing.

The alternative to negotiation under the mandatory provision is that the owner of the Wherry housing can go to court and get a court determination. That does take from the Government, I suppose, and from Congress, the burden of paying a high price for the property. I recognize that there have been through the years established principles of law as to how high a price must be paid when property is taken for Government use. However, when the Government is not free, as in this instance, to determine whether it wants to take the housing, the Government should not be bound by the ordinary rules of eminent domain, when the property is taken for Government use.

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

Mr. CASE of South Dakota. I yield.

Mr. LAUSCHE. What were the windfalls the private owners enjoyed in the construction?

Mr. CASE of South Dakota. The windfalls which the private owners enjoyed, as nearly as I can recall the instances which were brought out by the investigation conducted by the Committee on Finance, related to a sponsor of a project, for example, getting an insured loan for X number of dollars, and then building the project for Y number of dollars, which latter amount was less than the amount of the insured loan.

In many cases the present owner of the property is not responsible for that, because the present owner, in many instances, is a corporation which bought out the interests of the original corporation, and those who might now get a windfall through an enhancement of value might not be the same ones who got the original windfall. In some cases it could be.

In any event, I sought to work out a formula whereby the committee could modify the action which was taken on the housing bill. However, I was not able to work out language on which the subcommittee members could agree. I think there is a general feeling in the committee, however, that we shall watch very closely the takings of the Wherry housing, and that the committee will be reluctant to give approval to the starting of Capehart housing projects if it feels that there has been any undue payment of windfalls to Wherry housing owners in the development of the proposed new projects.

Mr. STENNIS. Mr. President, will the Senator yield me a half minute?

Mr. CASE of South Dakota. I yield a half minute to the Senator from Mississippi.

Mr. STENNIS. I agree heartily with most of what the Senator from South Dakota has said, and also to thank him for the excellent work he has done in connection with the Wherry housing program. As for myself, the only reason why we did not fully agree with him in his proposal concerning the change of the formula was that we thought another year's experience, especially in the light of the slight change which has already been made in the formula, would be helpful. We hope that another year will bring a case into court which will test some of the questions and will obtain an evaluation of approach by the court. For those reasons, we do not fully agree with the Senator in his amendment. But his work has been very constructive and helpful in dealing with a knotty problem which has no easy answer.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CASE of South Dakota. Mr. President, I yield myself 5 additional minutes from the time on the bill.

I think the saving factor in the situation is that new Capehart projects will require clearance from the committee. Before the committee will grant clearance, I assume we will want to have a complete record with reference to the treatment of the existing Wherry housing project. We think that if the Government is going to be bilked, we will certainly deny approval of the Capehart project.

I wish to address myself in the few minutes remaining to a larger problem. The Senator from Mississippi, our chairman, has already referred to the decision which the committee had to make with respect to Nike. I think he expressed the sentiment of all of us when he stated that we were not happy about the large investment in the so-called Nike system. In fact, I should like to read for the

information of Senators present a paragraph which appears in the middle of page 22 of the report, in which the committee said:

In view of the foregoing, the committee seriously considered recommending that no further authorization be approved to expand the existing Nike system. It does not so recommend only because the best military advice available strongly recommended that the committee approve the program. The committee thoroughly reviewed the subject. It was made the topic of a special classified briefing conducted by a representative of the Joint Chiefs of Staff and senior departmental witnesses. Results of this briefing were such as to convince the committee that even though it still has doubts, it has no other recourse than to recommend the Nike funds be authorized in this year's construction program.

I wish to read also the paragraph in which the report quotes from an article written by Henry A. Kissinger, entitled "Strategy and Organization," and published in Foreign Affairs magazine for April 1957:

In the absence of a generally understood doctrine, our actions will of necessity prove haphazard; conflicting proposals will compete with each other without an effective basis for their resolution. Each problem, as it arises, will seem novel and energies will be absorbed in analyzing its nature rather than in seeking solutions. Our services will find it impossible to make a meaningful choice among the mass of new weapons with which their research and development programs will soon overwhelm them. We will continue to cede the initiative to others and our course will become increasingly defensive.

Because of this problem—and it is a very grave problem, one which our colleague on the committee, the Senator from Washington [Mr. JACKSON], has referred to as the philosophy which is involved in our defense policies—I suggest that I think the time has come for the President to appoint a commission to examine the structure of the Defense Department, and to consider the possible simplification of our present triplication of armed services by creating two basic combat services of land-based air and sea-based air.

The aims of such a study should be the age-old goals of all basic studies—efficiency and economy. In the present state of affairs, however, they are urged by the necessities of security abroad and well being at home and are dictated by the increasing competition of both the weapon users and the weapon makers.

My thought is that possibly today's realities call for 2 basic air-age combat forces, 1 land and 1 sea based, each completely integated and equipped with trained personnel and weapon systems providing proper balances between air and surface capabilities, and each designed to meet not only the needs of a purely military situation, but equally, if not more importantly, our Nation's need in the political-military area.

Mr. President, normally we think of defense as purely a military proposition. But as the series of articles which Mr. Chalmers M. Roberts is writing and which is currently being published in the Washington Post and Times Herald points out, today we are confronted by the necessity of the political values and the political impact of our military posture.

So the Commission I am proposing should consider, I think, not merely the weapons system and the military aspects, but also it should consider the impact of our military posture in the political-military area.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CASE of South Dakota. I yield myself 2 additional minutes.

The specific questions which should be considered by such a Commission as I have suggested are these:

First. Are we slipping into a dangerous Maginot-line type of defense planning, as is evidenced by the millions of dollars being spent on point defense systems?

Second. Is it too expensive to let each service interpret its roles, as witness the military rivalries touched off in Red Stone and Matador, Atlas and Jupiter, Nike and Talos, and Bomarc?

Third. The Commission should consider whether we are wasting the abilities of outstanding men by the natural limitations on interservice use of personnel. I could elaborate on that proposal, and I shall at another time. I think brilliant men are serving in one branch of the Military Establishment whose services ought to be directly available to the other branches of the Military Establishment.

Fourth. Should the airlift be transferred to the Army? Or should the Army become an integral part of a land-based air wing of the armed services, integrated into the Air Defense and Tactical Air Commands?

Fifth. What economies can be achieved by further joint use of procurement, storage, hospitalization, transportation, and other facilities of a common character?

Such a study should provide answers which would be helpful in our overall problems of security, inflation, and sound national economy. Nothing could be more disastrous than to have rivalry in weapons and contracts exhaust our materials, skills, and means. Nothing contributes more to inflation than unbalanced wage-spending power created by producing goods which wage earners do not buy.

The early retirement of senior officers in recent years affords an ample reserve of qualified men who could serve on such a Presidential commission. I earnestly commend such a proposal to the attention of the administration.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I withdraw the amendment I had heretofore offered. On the time allotted on the bill, I may say that the bill has been available to Senators for several days. The report also has been published, and all who are interested in it have had the chance to obtain it. Many Senators have communicated with members of the subcommittee and the staff of the subcommittee. I think there is great unanimity generally in support of the bill. Therefore, I do not think it is necessary to ask for a yea-and-nay vote, unless the leadership should particularly want it.

I yield back such time as I may have remaining.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CASE of South Dakota. Mr. President, do I have any time remaining on my side?

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes remaining.

Mr. CASE of South Dakota. I yield myself 2 minutes.

Mr. President, this will be the last bill for which the present Secretary of Defense, Mr. Charles E. Wilson, has had some very definite responsibility. The reductions in the authorizations under the bill are in large part due to the efficiency and to the masterly command which Mr. Wilson has had of the Defense Department.

When he took office, he asked that all the outstanding authorizations for military construction be reviewed, and that any construction program which was not at least 5 percent under way should be reevaluated.

In 1953, the military construction bill, under that directive, accomplished a rescission and a programing of authorizations in the amount of approximately $720 million—almost three-quarters of a billion dollars.

Under the leadership of Mr. Wilson there has been a continual review of these outstanding authorizations. The pending bill liquidates any authorizations over 4 years old. I think in last year's bill, any authorization over 5 years of age was liquidated.

The outstanding authorizations at the end of the fiscal year 1957 were in excess of $2 billion. Under the policies recommended by the Secretary, and followed by the committee, the outstanding authorizations at the conclusion of the fiscal year 1958 will be approximately $1,700,000,000—or a considerable reduction. Certainly, that is the right direction in which to travel. I desire to mention this as one of the ways in which I believe Secretary Wilson has earned the title of one of the greatest Secretaries of Defense the Nation has ever had.

Mr. STENNIS. Mr. President, I wish to use 1 minute of the time I have yielded back.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, I desire to commend Assistant Secretary Bryant for the very fine work he has done as Assistant Secretary of Defense; and also I desire to commend the splendid contributions made by Mr. Edward J. Sheridan, who is chief of Mr. Bryant's staff, and also is his Director of Construction. These gentleman have been very helpful to us, and have been very sincere and diligent in their work. They are very capable men.

I also desire to thank Secretary Wilson for the work he has done as Secretary of Defense. I think he has made a real contribution; and his energy and his rugged sincerity and his willingless to express himself in so frank a man-

ner have all contributed greatly to the doing of a job which is most difficult, indeed. Its size is beyond one's comprehension, unless one has made a study of the vastly complicated matters involved. Secretary Wilson has made a distinct contribution, and all of us are most indebted to him for what he has done.

Mr. THYE. Mr. President——

Mr. STENNIS. Does the Senator from Minnesota desire to have some time yielded to him?

Mr. THYE. I should like to take a moment or two to pay a tribute to these gentlemen.

Mr. STENNIS. Will 2 minutes be sufficient for the Senator from Minnesota?

Mr. THYE. Yes.

Mr. STENNIS. Very well; I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The Senator from Minnesota is recognized for 2 minutes.

Mr. THYE. Mr. President, I desire to pay my tribute to those in the Department of Defense who have aided and assisted in connection with the matters coming before the committee, by supplying the information needed in connection with the pending bill.

I wish to join my colleagues in the tributes they have paid to these gentlemen. I believe that history will prove that Charles Wilson, the Secretary of Defense, not only has performed with outstanding ability, but also has shown a tremendous amount of courage and good commonsense. As Secretary of Defense, I believe he has given the administration of President Eisenhower real administrative leadership, and he has given the Nation a Department of Defense and an industrial rebirth, so to speak, in the military, including the ordnance plants, which have brought to the Nation military strength of the most efficient type. So I desire to commend Charles Wilson, the Secretary of Defense, for having done an outstanding job.

Mr. STENNIS. Mr. President, I yield back the remainder of the time under my control.

Mr. CASE of South Dakota. Mr. President, I yield back the remainder of the time under my control.

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

The amendment was agreed to.

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

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

The bill (H. R. 8240) was read the third time and passed.

Mr. STENNIS. Mr. President, I ask unanimous consent that the bill, as passed by the Senate, be printed, showing the committee amendment.

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

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement, what is the pending question?

The PRESIDING OFFICER. Nothing is pending at the present time. The Chair is waiting for the next bill to be called.

Mr. MANSFIELD. Mr. President, I thought a unanimous-consent order had been entered. However, at this time I ask that Calendar No. 812, House bill 8643, to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill which will be read by title.

The LEGISLATIVE CLERK. Calendar No. 812, House bill 8643, to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes.

The Senate thereupon proceeded to consider the bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes.

Mr. CASE of South Dakota. Mr. President, I ask that the unanimous-consent agreement under which the bill is being considered, be read.

The PRESIDING OFFICER. The agreement will be read.

The legislative clerk read as follows:

Ordered, That during the consideration of the bill H. R. 8643, the Niagara power bill, debate upon an amendment to be proposed by Mr. CLARK (for himself, Mr. NEUBERGER, and Mr. LAUSCHE), on page 2, line 21, or upon any motion or amendment relating thereto, shall be limited to 2 hours, to be equally divided, and controlled by Mr. CLARK and the majority leader; that upon any other amendment or motion, debate shall be limited to 30 minutes, to be equally divided, and controlled by the mover of any such amendment and the majority leader: *Provided*, That in the event the majority leader is in favor of any amendment proposed to the bill, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That debate on the question of the final passage of the bill shall be limited to 2 hours, to be equally divided, and controlled by the majority and minority leaders: *Provided further*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. CASE of South Dakota. Mr. President, my only reason for requesting that the unanimous-consent agreement be read—of course it has already been entered—is that inasmuch as it was entered earlier in the day, and inasmuch as there has not been an opportunity to have it printed, I thought it would be well to have it read at this time, for the information of all Members of the Senate.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. CLARK. Several days ago, several amendments were printed and circulated; they are amendments to the Senate bill, and are identical to proposed amendments to the House bill which now has been called up.

I wish to know whether the amendments thus submitted to the Senate bill will be considered pertinent to the House bill, which I did not realize would be called up.

The PRESIDING OFFICER. The bill is open to any amendment.

Mr. CLARK. So the amendments already prepared and distributed as amendments to the Senate bill may be called up, and may be offered to the House bill; is that correct?

The PRESIDING OFFICER. Yes; so long as the amendments are germane to the bill.

Mr. CLARK. I thank the Chair.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at this time, I may suggest the absence of a quorum, with the understanding that the time required therefor not be taken out of the time available under the order already entered.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

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

Aiken	Green	Morton
Allott	Hayden	Mundt
Anderson	Hickenlooper	Murray
Barrett	Hill	Neuberger
Beall	Holland	O'Mahoney
Bennett	Hruska	Potter
Bible	Humphrey	Purtell
Bricker	Ives	Revercomb
Bush	Jackson	Robertson
Butler	Javits	Russell
Byrd	Jenner	Saltonstall
Carlson	Johnson, Tex.	Schoeppel
Carroll	Johnston, S. C.	Scott
Case, N. J.	Kefauver	Smathers
Case, S. Dak.	Kerr	Smith, Maine
Chavez	Knowland	Smith, N. J.
Church	Kuchel	Sparkman
Clark	Langer	Stennis
Cooper	Lausche	Symington
Cotton	Long	Talmadge
Curtis	Magnuson	Thurmond
Dirksen	Mansfield	Thye
Douglas	Martin, Iowa	Watkins
Dworshak	Martin, Pa.	Wiley
Ellender	McClellan	Williams
Ervin	McNamara	Yarborough
Flanders	Monroney	Young
Goldwater	Morse	

Mr. MANSFIELD. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. NEELY], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

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

Mr. DIRKSEN. I announce that the Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate in order to represent the Senate at the Latin American Economic Conference in Buenos Aires.

The PRESIDING OFFICER. A quorum is present. The bill is open to amendment.

Mr. JOHNSON of Texas. Mr. President, I yield to the distinguished chairman of the Committee on Public Works, the senior Senator from New Mexico [Mr. CHAVEZ], 5 minutes' time on the bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. CHAVEZ. Mr. President, I am most thankful for the kindness of the Senator from Texas in yielding me 5 minutes. I think the bill is of sufficient importance to the American people that one should be thankful for 5 minutes.

Mr. President, development of hydroelectric power at Niagara Falls, N. Y., was first undertaken by private enterprise over 60 years ago. Since that time there have been many proposals for additional development of power at that location.

A treaty between the Unitcd States and Canada was ratified in 1950 providing for additional diversion of waters at Niagara Falls for power purposes, and dividing such diversions between the two countries. The treaty contained a reservation that no project for use of the United States share of the water would be undertaken until specifically authorized by act of Congress. The treaty also provided that either country could utilize the other's share of water until that country completed its power installation.

Since ratification of the 1950 treaty, various bills have been introduced in each Congress providing for development of the available power on the American side of the river, but action has not been completed on the proposed legislation. In the meantime, power installations have been completed on the Canadian side, and they are now utilizing the United States share of the water provided by the treaty.

The Committee on Public Works has held numerous hearings on the measures introduced in each Congress.

I want to thank the Senator from Oklahoma [Mr. KERR], who has no direct interest in the proposed legislation whatsoever, for his patience in giving his time and energy to it.

During the 83d Congress the committee reported a bill providing for the development of the power at Niagara Falls. During the 84th Congress the committee reported such a bill and it was passed by the Senate, but was not passed by the House. At that time there were two proposals for the power development before the committee. One would have directed the Federal Power Commission to issue a license to a private corporation for the development of the power, and the other one would have directed the Commission to issue a license to the Power Authority of the State of New York, with public-preference provisions included in such license. The latter bill was the one passed by the Senate.

There were two bills before the Committee on Public Works during the present session of Congress. Each would direct the Federal Power Commission to issue a license to the Power Authority of the State of New York for construction and operation of the Niagara Falls project. One would give preference to public agencies in the distribution of the power, the other would not.

The committee held hearings on these bills. The chairman of the subcommittee, the Senator from Oklahoma [Mr. KERR], worked diligently with the various interested parties in working out a compromise bill in order that the development of the power at Niagara could proceed. The compromise bill was approved by the committee and reported to the Senate, and that is the bill now before us.

Senate bill 2406 directs the Federal Power Commission to issue a license to the Power Authority of the State of New York, requiring that 50 percent of the power developed at Niagara Falls be made available at the lowest rates reasonably possible to public bodies and nonprofit organizations within economic transmission distance. If the power subject to the preference provisions is sold to utility companies, the bill requires that flexible arrangements be made to withdraw, on reasonable notice and fair terms, enough power to meet the reasonably foreseeable needs of the preference customers.

The bill also provides that a reasonable portion of the power subject to the preference provisions shall be made available to neighboring States within reasonable economic transmission distance, in an amount not to exceed 20 percent of that power subject to the preference provisions.

The Power Authority of the State of New York was established by the legislature of that State for the specific purpose of developing the available power at Niagara Falls and the International Rapids section of the St. Lawrence River. The Federal Power Commission granted a license to the authority for development of the St. Lawrence power, and construction on that project is nearing completion.

The PRESIDING OFFICER. The time allotted to the Senator from New Mexico has expired.

Mr. JOHNSON of Texas. Mr. President, I yield 3 additional minutes to the Senator from New Mexico.

Mr. CHAVEZ. I thank the Senator from Texas for his kindness.

The power authority now desires a license and is ready to develop the Niagara power in conjunction with the St. Lawrence project. Integration and interconnection of these two great projects will increase their feasibility and prove advantageous to the region and to the State.

It should be noted that the State power authority obtains its funds from the sale of revenue bonds, just as any private power company would do, with appropriations from the State treasury. There are no Federal funds involved in this case.

The Niagara Falls project is potentially one of the greatest hydroelectric power projects on the North American Continent. No dams or provisions for storage of water are necessary. That storage is provided by the Great Lakes, which insure a fairly constant regulated flow in the Niagara River. The power head is provided by the fall in the river which is concentrated in the Niagara area.

The Buffalo-Niagara area contains a heavy concentration of industry, including electrochemical and electrometallurgical processing industries that require a vast amount of power for their operations; and unless low-cost power can be made available they cannot continue to operate. The bill makes provisions for meeting the emergency situation created for industry in the area by the collapse of the Schoellkopf powerplant of the Niagara Mohawk Power Corp. on June 7, 1956.

The New York and New England area has the highest power rate of any section of the country. It is hoped that the Niagara project will provide a source of cheap, dependable power that will provide an adequate yardstick and permit lower power rates and greater use of electricity over a large part of the northeastern section of our country.

Senate bill 2406 is a committee bill. It has the endorsement of the people of the area, the State officials, and representatives of the private-power companies of the region. It complies with the provisions of the 1950 treaty, the Federal Power Act, and the laws of the State of New York. It is not inconsistent with the New York public authorities law, nor does it conflict with any State law that might prevent the authority from accepting a license subject to the conditions of S. 2406. The power from the project is urgently needed by the existing industries in the area, many of them vital to the defense of this Nation.

I urge immediate enactment of the bill.

Mr. President, I pay my respects to and express appreciation, on behalf of the Committee on Public Works, of the diligent work and energy of the Senator from Oklahoma [Mr. KERR], who has worked so hard on this bill, notwithstanding the fact that he had no particular direct interest in it.

Mr. KERR. Mr. President, I yield 15 minutes to the Senator from New York on the bill.

Mr. IVES. Mr. President, I have labored for 7 years on the effort to resolve the Niagara power controversy. Today the Senate has before it a bill which offers the bright hope that, at long last, that controversy shall be ended. And ended it must be, at this session of the Congress. One consideration is paramount—that construction of this project may begin immediately to meet a desperate need for additional hydroelectric power from the waters of the Niagara River.

My efforts during these 7 years have been devoted to helping to bring the parties at interest together. It has been a lengthy and most difficult task. The bill before us is a compromise. As such it cannot please all of the parties at interest in all of its details; in fact, it cannot

please anyone completely. But it is a bill that all of the parties can live with, a bill that will produce the power and distribute it equitably. It is a bill which will rescue a vital industrial area from a decline threatening it by virtue of the high cost and temporary nature of emergency power now being obtained from Canada.

In this connection, I point out that this is the first time that all the interests in New York State—political, economic, business, and other interests—have united on a bill of this nature. Democrats and Republicans, private power interests and public power interests are united in favor of the bill.

As we know, this bill is before us because the Senate attached a reservation to the 1950 treaty with Canada which divides the waters of the Niagara River between the United States and Canada. That reservation specified that the Congress must pass upon the development of future hydroelectric power from the American share of the Niagara's waters.

The controversy began as a struggle between advocates of a Federal power project on the one hand and of private enterprise on the other. Late in 1951, however, I proposed that the State of New York build the project in accordance with the law of New York State providing for State development. The extremes of the controversy are implicit in the legislative history of this issue. In the 83d Congress, the House passed a bill providing for development of the project by private enterprise. The Senate refused to go along. In the 84th Congress, the Senate passed a bill which provided that the project be constructed by the Power Authority of the State of New York. But that bill contained a preference clause governing distribution of the power in such a fashion that almost 90 percent of the power generated could be distributed outside the State of New York. The House did not concur.

Now, however, we have for consideration a bill identical with the measure which was passed by the House on August 1, 1957, by a vote of 313 to 75. Now is the time to bring this issue to a head and resolve it.

I should like to note, in passing, the situation with respect to Niagara as it involves the Federal courts.

Some time ago, the United States Circuit Court of Appeals for the District of Columbia ruled on the reservation attached to the treaty with Canada by the Senate in 1950. By a 2-to-1 decision, the court held that the reservation was in fact merely an expression of opinion on the part of the Senate as to a domestic issue. If this decision is not appealed by the Federal Power Commission, or if upon appeal it should be upheld by the Supreme Court, the Power Commission could then proceed to issue a license to the New York State Power Authority to begin the project forthwith. New York State would actually be better off under this set of circumstances than it would be under the legislation now being considered.

Nevertheless, in the interests of expediting a solution of this problem and of fairness to other States involved, particularly Ohio and Pennsylvania, I feel it is essential that we proceed with the bill now before us. What we decide here will of course supersede any action of the courts or the Federal Power Commission.

Delay has been costly. The project planned by the New York State Power Authority will now cost about $600 million—all of which will be raised by issuing bonds. Had it been started in 1950, it would have cost $385 million. Rising construction and interest costs account for the difference. Today's project will require a bond issue totaling approximately $600 million. The delay thus far has increased construction costs by considerably more than $200 million and the cost of raising the money by many millions of dollars more.

The effect on the industrial complex of the Niagara frontier has also been costly, though less measurable. This is a territory of electrochemical and electrometallurgical industry, depending upon low-cost hydroelectric power. The need for additional power in this area has existed for years, if industry in that territory were to expand. The rock slide in June of last year which wiped out the bulk of the power production from the American waters of the Niagara River transformed an undesirable situation into a critical one. Most of the electric current now used on the Niagara frontier comes from Canada. It is high priced, and there is no guaranty as to how long it will be available. The best estimate is that by starting the New York State Power Authority project this year, it can go into production just in time to take over the job when the Canadian power will no longer be there for the use of American industries.

I do not believe that there is any question about the urgency of this project. No one disputes the economic feasibility or desirability of development of the Niagara River's full power potential. All parties agree that the Power Authority of the State of New York should build the project and market the power.

Thanks particularly to the leadership of the distinguished senior Senator from Oklahoma [Mr. KERR], the Public Works Committee has produced a bill which makes it possible for the New York State Power Authority to market the bonds essential for financing this project. The bill, which the House very recently passed so overwhelmingly, is identical. That bill is now before the Senate. It substantially conforms to New York State law and protects the interests of New York State, unlike its predecessor in the 84th Congress. Yet it also provides adequately, and more than adequately, for the future needs of rural cooperatives and municipal utility systems in New York, Ohio, and Pennsylvania.

This bill contains a Federal preference clause modified to accommodate the plain facts of the situation concerning this particular project. We are neither doing violence to a principle nor establishing a precedent in this legislation. This is not a Federal power project; it is a New York State project financed by the private sale of bonds—not by the taxpayers. Cooperative and municipal systems in Ohio and Pennsylvania will get a fair share of power under this bill. I might note here that the Legislatures of Pennsylvania and Ohio have not thus far seen fit to create State agencies which would contract with the New York State Power Authority for the Niagara power which may be requested in those States; but if it should be sought, the power will be there.

We in New York State have no desire to be selfish about this power. We want Ohio and Pennsylvania to have a fair share. We want cooperative and municipal systems to flourish wherever they are needed. But we plead with our colleagues for a realistic approach. We urge that this is primarily a New York project, to be built by New York, to be financed by New York, and to meet power needs which are largely in New York.

I therefore urge the Senate to adopt this bill as passed by the House and as reported by the Committee on Public Works, without amendment, so the costly delay and controversy on this issue may draw to a close.

I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. CLARK. Mr. President, I call up my amendment "7-2-57-B" which I offer on behalf of myself, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 21, of the bill, it is proposed to strike out "reasonable."

Mr. CLARK. Mr. President, I yield myself 20 minutes.

First I should like to narrow the issues which confront the Senate in considering the bill. I am in accord with the Senators from New York and with the Public Works Committee that an emergency confronts the Niagara Falls area. I am in accord with the feeling that Congress should legislate.

Mr. MARTIN of Pennsylvania. Mr. President, to which amendment is the Senator now speaking?

Mr. CLARK. I ask that the amendment be stated again, for the information of the distinguished Senator.

The PRESIDING OFFICER. The amendment will again be stated.

The LEGISLATIVE CLERK. On page 2, line 21, it is proposed to strike out "reasonable."

Mr. MARTIN of Pennsylvania. I thank the Senator.

Mr. CLARK. Mr. President, we are in accord that legislation on this subject should be enacted. Those of us who are sponsoring the amendments are content to have the project power divided into two parts, one-half to go to private power interests, and the other half to be reserved under the normal Federal preference clause. The only question which confronts the Senate in connection with the amendments sponsored by the Senator from Oregon [Mr. NEUBERGER], the Senator from Ohio [Mr. LAUSCHE] and myself is whether the bill is fair and just to the States of Ohio and Pennsylvania. It is our contention

that it is not. That will be the burden of my discussion this evening.

In order to make it just, we propose not only the present amendment, but two other amendments, which I shall presently explain, in the hope that when we come to vote on them the time needed for their explanation will have been substantially curtailed.

Ohio and Pennsylvania do not come before the Senate as supplicants to the State of New York, with tin cups in their hands. We, as sovereign States—2 of the 8 States whose waters contribute to the Niagara Falls—have an equal right with New York State and with our other sister States to the water which is the basis for the powerplant to be erected.

It is our contention that merely because the project will be constructed by the New York Power Authority, and merely because there are decisions which hold that in the absence of Federal action the rights to the Niagara River are owned by the State of New York as distinct from its citizens is no reason for departing from the almost age-old agreement in Congress that waters arising in more than one State, and which are being used for navigation or for power shall be used for the benefit of the citizens of all States within the region to which that power can be economically transmitted.

Accordingly, we contend that the question confronting us is whether the State of Ohio and the Commonwealth of Pennsylvania are being fairly treated. We contend they are not. To make that point clear, let me give a little history. A year ago the Senate, by a vote of 48 to 39, passed the Lehman bill. The Lehman bill was satisfactory at that time, or at least it was acceptable to the chairman of the New York Power Authority and the Governor of New York and all other interested parties. That bill was eminently just and fair to the Commonwealth of Pennsylvania and the State of Ohio. It contained the usual preference clause in support of the right of cooperatives and public bodies, regardless of where located, if within the economic transmission distance of the powerhouse, to get their fair share of the power.

Mr. CHAVEZ. Mr. President, I should like to say to the Senator from Pennsylvania that it was not the purpose of the Committee on Public Works to deprive Pennsylvania or Ohio of any of their rights.

Mr. CLARK. Of that I am sure. I should like to remind the Senator that I am speaking under the terms of the unanimous-consent agreement. It is with great reluctance that I can yield to the distinguished Senator from New Mexico only briefly for a question, because my time is so limited. Therefore in all humility I say I would appreciate it if the Senator would withhold his comment until I have had an opportunity to present my argument.

Mr. CHAVEZ. I am humble, too. I want to be fair to the Senator from Pennsylvania.

Mr. CLARK. I am sure of that.

Mr. President, that kind of bill, as I pointed out, would have taken care of all the legitimate interests of Pennsylvania and Ohio. What has happened since the Lehman bill to result in so drastic a change in the bill which has been reported by the Committee on Public Works? Twin catastrophes.

The first catastrophe was that a private powerplant fell into the Niagara River, and thereby some 300,000 kilowatts of power were no longer available. That created an emergency. This bill takes care of that emergency, and it takes care of the emergency in a very fair way, to my way of thinking. I have no objection to it; nor have my colleagues.

The second catastrophe was the substitution of a private-power Senator for a public-power Senator from the State of New York. The result of that—from my point of view—catastrophe—and I say that with all respect to my good friend, the distinguished junior Senator from New York [Mr. JAVITS], who fought and bled with me over the civil-rights bill, and as I hope we shall over other bills—has been a change in the proposed legislation which is adverse to the interests of Ohio and Pennsylvania.

As a result of those twin catastrophies, instead of having a bill which takes care of the legitimate interests of Ohio and Pennsylvania as well as New York, we have a bill in which, in a phrase now happily obsolete, we have been "sold down the river."

In order to make that point clear, I should like to refer to the provisions of the bill, as they are shown on the chart which has been before the Senate during the course of the afternoon.

One million eight hundred thousand kilowatts of power, more or less, will be generated at the proposed plant. The bill provides that 900,000 kilowatts shall go to private utilities of the State of New York. To that we have no objection. If we had any objection, it would not do us any good. It is with respect to the other 50 percent of the power that we feel Pennsylvania and Ohio are being unfairly treated.

Ostensibly the bill will give preference-clause priority to REA's and municipalities which purchase or generate and sell their own power. But the bill contains a clause which restricts the export of power to 10 percent of the project's total power, namely, 180,000 kilowatts of a total of 1,800,000 kilowatts, or 20 percent of the 50 percent allocation under the priority clause of the bill.

It may be asked, Why should Ohio and Pennsylvania protest if they are getting 20 percent of the part of the power which is set aside for preference purposes? This is why: It so happens that the REA's and municipalities in Pennsylvania and Ohio are now using more power, proportionately, than the relatively weak and relatively small REA's and municipal powerplants in the State of New York. Under the preference clause, if Pennsylvania and Ohio get only 10 percent of the total power, what will happen is that pretty nearly all the remaining power under the preference clause will not go to the New York REA's and municipal and other public-power systems, because they cannot use it. It will go straight back to the private-power companies. So, in effect, if the bill is passed in its present form, it is my sincere conviction that approximately 1,534,000 kilowatts of a total of 1,800,000 generated at the powerplant will go to the private utilities, and only a little more than 200,000 kilowatts will go to public-power bodies and co-ops, of which 180,000 kilowatts will go to those outside New York State.

I submit that that indicates pretty clearly that this is not a compromise public versus private-power bill at all, but is in reality a private-power bill, with a certain amount of window dressing to make it appear as though—and I say, "to make it appear," in perfectly good faith; I am charging no one with improper motives; I think the proponents of the bill are completely sincere—the end result will be that almost all the power will go to private utilities.

Getting back to the point of the injustice which will be done to Pennsylvania and Ohio, much testimony was given by Mr. Robert Moses, the distinguished and able chairman of the New York Power Authority, a gentleman dedicated to the cause of private power, to the effect that the power could not be transmitted economically any more than 150 miles from Niagara Falls. He made that statement in the face of the fact that, as the chairman of the New York State Power Authority, he has contracted to send St. Lawrence power 234 miles, and probably will be transmitting it even farther before the year is over.

On the basis of the false assumption that the power could be transmitted only 150 miles, we do not think the bill should contain a clause which provides that power can be shipped only to what he calls the economic market area. "Economic market area" is a phrase which means that power is sold as close to the plant as possible, because it can be sold cheaper. That phrase has never been used in any Federal legislative act.

The distinguished Senator from Oklahoma [Mr. KERR] and his subcommittee rejected that clause and insisted on using the usual clause, "economic transmission distance," a clause which is well known to Members of the Senate who have heretofore dealt with similar bills. "Economic transmission distance" means that the power must be shipped anywhere it can be received and used cheaper than the power which is now being used in the particular place.

It is our contention—and able engineers, including a former member of the Federal Power Commission, so testified—that the Niagara power could be shipped 300 miles from Niagara Falls and still be within economic transmission distance. But if we assume only a 150-mile radius, the REA's and the public and municipal power agencies in Pennsylvania and Ohio are presently using more than 40 percent of the total power now being used by the cooperative and public bodies of the 3 States, or twice as much as the ceiling which the bill imposes on the States of Ohio and Pennsylvania.

As the distance becomes greater and reaches a point 200 miles away, New York is using less than 25 percent of the power, and Pennsylvania and Ohio are

using 75 percent of the power consumed by the public bodies. The New York proportion becomes less as the distance is increased, and when a distance of 300 miles is reached, Pennsylvania and Ohio are using 88 percent of all the public power which is being used within the economic transmission distance.

I shall explain my first amendment, which is to strike the word "reasonable." Although the committee refused to humor Mr. Moses by including his phrase "economic market area," they did humor him to the extent of having inserted ahead of "economic transmission distance" the word "reasonable." So the bill now reads that the power can be shipped only "within reasonable economic transmission distance."

It is indeed a brave thing for a new Member of the Senate to come before his colleagues and to ask them to strike out the word "reasonable." But that is exactly what we are asking tonight. The word "reasonable" is the joker in the language of the bill. It will, in my opinion as a lawyer, make it possible for Mr. Moses to contend that the phrase "reasonable economic transmission distance," which has never been interpreted by any public body, by any court, or by any impartial authority, means the same as "economic market area."

I realize my colleague, the distinguished Senator from Oklahoma [Mr. KERR], disagrees with me. I know he is a very able lawyer, but with great deference I have to say I disagree with him—it is my contention that if the word reasonable stays in the bill, there will be a strong effort made to deny Ohio and Pennsylvania any power at all, because it will be said——

Mr. CHAVEZ. Mr. President——

Mr. CLARK. I regret that I am unable to yield to my colleague. My time has almost expired. I shall be happy to discuss the matter later with the Senator from New Mexico.

Mr. CHAVEZ. I thank the Senator for his kindness.

Mr. CLARK. The end result is that the argument will be made that reasonable economic transmission distance means that the power must be sold as close as possible to Niagara Falls. Of course, the power can be used there, and we will not get any of it. The purpose of my first amendment, then, is to strike out the word reasonable.

In order that we may save time as the later amendments are discussed, I shall discuss the second amendment, which I shall call up after the first one has been disposed of.

The second amendment would double the amount of power permitted to be exported to Ohio and Pennsylvania under the bill. Let me make that abundantly clear. At the present time, the bill provides that Ohio and Pennsylvania cannot have any more than 10 percent of the total project power, or 20 percent of the power which is set aside under the preference clause. That is the ceiling, although nothing in the bill provides that Pennsylvania and Ohio shall get as much as one kilowatt. In other words, there is no floor; there is only a ceiling.

So Pennsylvania and Ohio are prohibited from ever getting as much of a share of the public power in the area as the share they are getting now, since Pennsylvania and Ohio are using 40 percent of the power being used by, and available to, public-power groups and REA's.

Mr. President, we have tried to be reasonable about this matter, because we agree that there is an emergency, and we agree that legislation on this subject should be enacted. Although we believe that our rights in connection with this power are equal to those of the great State of New York, we have to agree that New York is going to build the project and is going to sell the bonds, and also that Niagara Falls is located in the State of New York, and that Pennsylvania has no claim to the site, by reason of geography, even though Pennsylvania produces much of the water. Furthermore, we do not wish to make to the Senate a request which would be beyond the bounds of reason.

Therefore, Mr. President, even though it may be a fact that a point 300 miles from the site is still within economic transmission distance—and we think it is, and at that distance we are using 88 percent of the public power; and even though at a distance of 250 miles, Pennsylvania and Ohio are using 84 percent of the public power; and even though at a distance of 200 miles, Pennsylvania and Ohio are using 78 percent of the public power, we are ready to reduce the distance to 150 miles, which is what Mr. Moses says is the economic transmission distance—although we disagree with him. At that point, we are still using 43 percent of the public power, and we are asking only for 40 percent of the preference power—which is only 20 percent of the total project power.

So my second amendment will provide for doubling the ceiling for Pennsylvania and Ohio, so that if we can prove that our REA's and municipalities are within economic transmission distance, we shall be able to obtain up to, but not in excess of, the proportion of the publicly distributed power which we are using now.

Mr. President, in essence, that is our case.

Before I close, I should like to answer briefly several of the arguments which either have already been made or will soon be made against the amendments proposed by my colleague and myself.

In the first place, it will be asked, "Why is Pennsylvania, one of the greatest coal-producing States in the country, trying to get electric power brought in, when she can produce power with coal and can sell it for less than she would have to charge for power brought in from Niagara Falls?"

The answer to that question is clear: In many instances we cannot produce power, by means of coal, and sell it for anywhere near as low a price as the price for which we can sell power transmitted from Niagara Falls.

One may ask, "How can you prove that?" Mr. President, we do not offer to prove that before the Senate. We are willing to leave that to bargaining and to the determination of the Federal Power Commission. If we can produce power from coal and can sell it for a lesser price than the price for the power we can wheel from Niagara, then we are not within economic transmission distance and we are not entitled to one kilowatt of that power. But we say to our colleagues, "Do not yourselves make that decision. Let us produce proof of the matter, ourselves, before the competent authorities." When we do that, if Mr. Moses is correct in his contention, then we shall not get any of the power.

The PRESIDING OFFICER. The time yielded by the Senator from Pennsylvania to himself has expired.

Mr. CLARK. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for an additional 5 minutes.

Mr. CLARK. Mr. President, the second point which will be made against our amendments is that Pennsylvania and Ohio have not created, by means of actions taken by their legislatures, any agency to bargain with New York for the power. To that point, there are two answers: First, the bill does not require them to do so. It is perfectly proper for the existing agencies—the REA's and municipalities, through their associations—to bargain for the power; there is no need for any State intervention.

But, Mr. President, more important than that, and I say this with all due deference to the Senator from Ohio—in both Ohio and Pennsylvania, private-power lobbies control the legislatures. Therefore, in Pennsylvania it has been impossible to get the Republican-dominated legislature to enact legislation creating an agency which would make it simpler to make an agreement with respect to this power.

Fortunately, Mr. President, the Governor of Pennsylvania is in a position to act in this connection; and already by executive order he has designated his secretary of commerce to represent the Pennsylvania REA's and public bodies in bargaining with the New York Power Authority. I take it that no Member of the Senate will say that the Governor of Pennsylvania, advised by his own attorney general, is exercising rights in excess of his constitutional authority. I think there still exist enough States rights for all of us to agree that we must assume that the Governor of Pennsylvania is acting within his rights.

So, Mr. President, I suggest that we discard the thought that because the private power-dominated legislatures have not created agencies to make it easy to get this power, the request of the Senator from Ohio and myself—namely, that our States get a fair share of this power—should be rejected.

Mr. President, for the time being, I yield back the remainder of the time I have yielded to myself.

Mr. KERR. Mr. President, I yield 15 minutes to the distinguished junior Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, I think the only disaster which has struck in this situation, as described by my friend and colleague, the Senator from Pennsylvania [Mr. CLARK], arises from the

fact and the reality that a proposed law has finally caught up with the illusion and the wishful thinking, for the history of this matter, as recounted by the senior Senator from New York [Mr. IVES], demonstrates that although this body has acted before, no law on the subject has been enacted by the Congress, for the reason that the other body has not concurred.

In addition, we have the problem which already has been stated by the distinguished senior Senator from New York, namely, who is going to finance this venture. That is an all-important point. Certainly that could not be decided under a bill passed by the Senate alone.

Finally, and very important, let me say that when I was attorney general of New York—a job I laid down last year, to take up this distinguished post—I stated in a legal opinion which was furnished to this body and to the other body that, according to the laws of the State of New York under which the Power Authority must operate, it could not do the things provided for in the Senate bill. In other words, neither in fact nor in law could anything of that sort happen.

But at last we have before us a bill which has been passed by the other body. So hurdle No. 1 has been successfully surmounted.

Second, the Senate has before it a bill which, in the opinion of the present attorney general of New York, and in my own opinion, squares with the law of the State of New York.

Third—and this is also very important, and the testimony shows this—under the bill the House of Representatives has passed, bonds can be financed.

Mr. President, let all Senators understand clearly what the opponents of this measure—because that is what they are, when they offer the amendments; I say this very kindly—seek to accomplish. All they could possibly accomplish would be to postpone the matter, so that this proposal would revert to its former position, because the bonds could not be sold, in view of the kind of power reservations they request; and, furthermore, legislation of that sort would not square with the laws of the State of New York.

For 7 years the United States and particularly New York State have been hamstrung from using the United States share of the Niagara waters for the development of power. For the last 3 of these years our great neighbor, Canada, because it was ready, has been able both to use its share of these waters and that of the United States as well. This situation was self-imposed by the United States through Congress' failure to authorize the use of the additional Niagara water pursuant to the 1950 treaty reservation. The time has come for Congress to spring these self-imposed bonds.

New York State is united and both political parties strongly support this compromise bill. It is not often that New York seeks and needs the direct help of the Federal Government. In the overwhelming portion of cases it is New York which contributes to the Federal Government. For example, it provides twice as much in Federal taxes as its proportion of the national population. At Niagara, New York seeks and needs the help of its sister States. We seek neither Federal funds nor Federal credit. The people of New York have faith that authority to commence this project will be granted promptly and in a generous spirit to meet the present emergency.

If all the statements the Senator from Pennsylvania [Mr. CLARK] has made are as accurate as his conclusion that I am a private-power Senator, then I think he will find himself very wrong, indeed, for, Mr. President, in the House of Representatives, it was I, as the only Member of the New York delegation, who voted against the private-power development of Niagara, and voted for the amendment which would have caused the Power Authority of New York to build the project; and that was my consistent record in the House of Representatives, where not only was I not known as a private-power Member of Congress, but I was well known as very much more—and this is most significant, considering the State from which I come—namely, as a public-power Member of Congress.

Mr. President, in connection with this entire discussion, there are two fundamental fallacies which must be shown for what they are, in order to have our colleagues understand the situation.

First and foremost, it should be pointed out that this project is not being financed with Federal funds. The project will cost the Federal Government nothing. The project is brought here only because of the fact that, by virtue of a treaty reservation made in 1950, it is necessary, in order to get the project moving—and in order not to have to depend upon the courts to resolve a very knotty legal question, a point which I emphasize—to obtain from the Congress an authorization, so that the State of New York may proceed with the project, through its own power authority.

That is a very important consideration. Every argument made by the Senator from Pennsylvania could be substantiated with greater sympathy were this a Federal project in which the Federal preference clause should be invoked, but it is not. It has been the consistent record of the Congress—and this would be the one exception to it—that where a project is financed by a State or an agency other than the United States, and the authority moves from the authority of the United States, the Federal preference clause is not imposed. Indeed, I should like to refer my colleagues to the fact that in three separate projects—namely, in the State of Alabama, in the State of Washington, and in the State of Oklahoma, within the very recent past—Congress authorized projects of this very character, not financed by the United States, without the imposition of a Federal preference clause.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. Is the Senator aware of the fact that in the case of the State of Nebraska the authority was granted to that State to develop all hydroelectric power within the State under the laws of the State; and that in the case of the State of South Carolina the authority to develop the Santee-Cooper project, and also the Greenwood district project, was given to that State to develop hydroelectric power under the laws of the States?

Mr. JAVITS. I am very grateful to the Senator from Florida for that information. I was not aware of it. I was drawing from information I had.

Mr. HOLLAND. Will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HOLLAND. Is there any reason why the same right which has been extended to several other States, either by the Congress or by the Federal Power Commission, should not be equally extended to his own State, the State of New York, so it can develop hydroelectric power within its borders under the laws of the State of New York?

Mr. JAVITS. The Senator from New York knows of no such facts or law within the points made by the Senator from Pennsylvania.

Fallacy No. 1 is that this is a Federal project, which it definitely is not. It involves no expense on the part of the Federal Government, but, very importantly, there is required legislation which can be complied with by the laws of the State of New York, which is another thing our colleagues must not overlook. It is only the authority of the State of New York that must be complied with. I will detail why it would be violated were we to adopt the amendments being proposed.

The second fallacy is this: There is no definition in the law to the effect that the only way the public can get the benefit of the power is through the REA's and the municipal systems. It is assumed in the whole argument that the public is not benefited unless the power moves through an REA or a municipal system. As a matter of fact, only 5 percent of the power generated in my State moves through an REA or municipal system. Indeed, only a fraction of the power generated in Ohio or Pennsylvania is subject to the same kind of sale. But what is extremely important is, Does the public get the benefit of the generation of power at one of these sites? Under the evidence submitted, the people of New York State, rural and domestic consumers, will get all the benefit. Power does not have to go through an REA or a municipal system for the people to get all the benefit. New York law provides that the power will go to rural and domestic consumers under strictly limited prices, determined by the power authority, in accordance with the laws of the State, which passes on to those persons the complete and full benefits of all the economies which are realized in the generation of power. This is the essence of it: Despite the fact that in

New York State only 5 percent of the power moves through REA and municipal systems, the people will get the direct benefit of all the power which results from Niagara generation which is not used for commercial or industrial purposes, or to discharge contractual obligations, and that amounts to over 400,000 kilowatts a year.

I should like to call attention to another point which I think is of very great importance. To what does my colleague from Pennsylvania refer when he talks about 150 miles and 200 miles? We are not inexperienced in the business. We are not talking in the air; again we are talking about facts. We have a project, which is the St. Lawrence project, authorized by the Federal Power Commission. It needed no Congressional authorization. It needed a license. It had no treaty complications. So we did not have to come to Congress. Our experience demonstrates that the transmission distance is about 150 miles. I know my colleague will forgive me for this. I am not trying to be too critical of him, but the distance from the generation of Niagara to the outermost point, Brattleboro is not 200 miles, but about 185 miles.

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

Mr. JAVITS. I yield.

Mr. AIKEN. The State of New York has sold the State of Vermont not less than 100,000 kilowatts of power, to be made available as soon as St. Lawrence power is available to the State of New York. However, I do not expect that the power which will come into Vermont will be St. Lawrence power exclusively. It is my humble opinion that most of the St. Lawrence power will be used within 125 miles of the place of origin. The people who live near Brattleboro will presumably get displacement power. In other words, the State of Vermont will sell to utility companies in the northern part of the State, within 100 miles or so of Messina, N. Y., where St. Lawrence power is generated, a certain block of St. Lawrence power, and in return it will secure from the utility companies on the east side of the State an equal amount of power. That means that instead of Brattleboro getting power from St. Lawrence, about 230 miles away, the people there probably will use power developed at the Vernon Dam or Whitingham Dam, a distance of 5 miles or 30 miles away, depending on which place it comes from. So St. Lawrence power is not actually transmitted that far. The State of Vermont has seen fit to equalize the price of power over the State when St. Lawrence power is available. That is how it happens that in the southeast corner of the State, which really is about half as far from Boston as it is from Messina, N. Y., the users will get power at the same price as users in other parts of the State which are nearer to the St. Lawrence.

Mr. JAVITS. I thank the Senator, who speaks with personal knowledge, and who is exceedingly well informed on this very point.

Mr. AIKEN. I might say that by equalizing the rates for the whole State, it will cost the northwestern part of the State, which is very near the St. Lawrence development, probably 1 mill or 1½ mills more than if they could have the whole 100,000 kilowatts there.

Mr. JAVITS. To buttress the argument made about economic transmission distance, the State of Massachusetts, with reference to St. Lawrence power, started out the very way my colleague from Pennsylvania started out, except they applied facts instead of rhetoric, and had a distinguished engineering firm make a study. It was found it was uneconomic to transmit St. Lawrence power to them, and they gave up any claim they had to it. On the other hand, Vermont found it was economic to get power from the St. Lawrence development. Therefore, Vermont has a firm contract for power.

Mr. AIKEN. I might add that making a contract with the State of New York was the smallest part of the job. After the power gets to the New York border, some way has to be found to get it delivered to where it is wanted in the State—either that power or displacement power—and there has to be full cooperation of all the people concerned. In our case we had to have the cooperation of the private utilities which will transmit St. Lawrence power for the State. This will be somewhat more expensive than transmission over State-owned lines would have been, nevertheless, we hope to reduce wholesale rates by a substantial amount.

Mr. JAVITS. I thank the Senator.

Mr. CLARK. Mr. President, in view of the fact that a reference has been made to my rhetoric, I wonder if the Senator will yield to me for one brief observation?

Mr. JAVITS. Certainly, I yield.

Mr. CLARK. I hold in my hand a map which shows the airline distance from St. Lawrence to Brattleboro to be 185 miles. I also have a map which shows the distance traversed by the transmission lines. I wonder if my friend will agree with me that the transmission-line distance is 238 miles?

Mr. JAVITS. I will accept the explanation of the Senator from Vermont [Mr. AIKEN]. I think he has given the situation exactly as it is.

Mr. President, the percentages we have been discussing are pretty tricky, for this reason: The percentages are premised upon the fact that the city of Cleveland, Ohio, has one of the greatest municipal systems in the United States. As soon as the percentages of the city of Cleveland, Ohio, are thrown into the picture, the percentages become enormous in terms of Ohio and Pennsylvania.

The minute one goes outside the 150-mile distance and into the 200-mile figure, the city of Cleveland, Ohio, is included; and, if that is the standard, then New York State might as well merchandise all the power. Without any question it can be used very well by large cities elsewhere.

This is not a far-western area. This is the State of New York, where 3½ million people are living around the site. They can use every bit of the power which is developed.

The only question which is involved with respect to the neighboring States is, What shall be fair treatment for them? That depends on what they need and can economically use themselves. In this case the absolute figures become extremely important, and they are found at the very end of the committee report, page 13. They show that in the States of Pennsylvania and Ohio——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 5 more minutes, please?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield 5 additional minutes to the Senator from New York?

Mr. KERR. I yield the Senator from New York an additional 5 minutes.

Mr. JAVITS. I thank the Senator.

Mr. President, these figures show that in the States of Pennsylvania and Ohio, within the 150-mile distance, the total preference demand is about 40,000 kilowatts per annum, and the allocation under this bill is a maximum of 180,000 kilowatts per annum.

Even if we go into the 200-mile range, the total preference demand in Pennsylvania and Ohio is 95,000 kilowatts. So the bill still provides for nearly twice that amount of power. I respectfully submit that upon that basis alone the bill is a very fair proposition.

The second point which my colleague, the Senator from Pennsylvania, glossed over very quickly is a fact which the map portrays very clearly. I respectfully invite the attention of the Members of the Senate to the map. The block of blue represents coal production. As all Senators are aware, when coal is immediately available power can be produced as cheaply or cheaper than it can be produced by rushing water. That is very significant in terms of the argument, for when this very matter was debated in the other body most of the Pennsylvania representatives were not only not in favor of such amendment as is proposed by the Senator from Pennsylvania, but were against it. They wanted to cut down the 180,000 kilowatts a year, because they said that they had a large number of unemployed miners and a whole lot of coal and they did not want to encourage the use of elecrticity from waterpower. They wanted electricity to be used after producing it from coal.

From the map we can see what can possibly be done. We see that one sitting, so to speak, on the coal can make power from coal cheaper than from a water source far away, from which it is necessary to wheel the power, which is an important item.

The one who prepared the report is nobody's fool. When the Senator from Pennsylvania made a tremendous thing out of this in his campaign, and subsequently reiterated it in respect to this bill, he demonstrated that fact. The facts and figures contained in this volume, to my mind, make up as intelligent and as constructive an analysis as I have

ever seen of any bill, in terms of preparation for debate in this body. The facts and figures show that practically in the case of the cooperatives which are being discussed, the power can be produced for less, or merchandized for less, right on the ground in the Pennsylvania area as compared to bringing it from Niagara.

In that case, what is this argument all about? I think what it is all about is this: It is either a doctrinaire idea that every power project in the United States, whether it applies or not, must have a preference clause applied to it as a matter of principle, or it is some idea about a yardstick, which we have always heard discussed, which was not mentioned by the Senator from Pennsylvania, but which figured in the testimony and the discussion about the bill.

The yardstick principle in this particular case is quite inapplicable by virtue of the fact that the State of New York, under New York State law, has a power authority which fixes the rates for the power it will produce which is going to be resold, no matter who resells it, even if resold over private transmission lines.

The other thing that we might speculate about is that this is a pickaback amendment, indeed, all these amendments are pickaback amendments, and the thought is that "the State of New York is going to do a fine job, so let us get as much of a free ride as we can. If we are offered 180,000 kilowatts, despite the fact that we cannot use more than 90,000 kilowatts, let us try to get twice as much, and demonstrate to the people of the communities that we are doing a very special job."

I might look at that and smile and say, "That is a nice idea. I might be able to do that myself some day, except for the fundamental point, which is that if we put these amendments in the bill they could well result in disabling the power authority from being able to sell the bonds upon which the whole project is based."

The PRESIDING OFFICER. The additional time of the Senator from New York has expired.

Mr. JAVITS. Will the Senator yield me 2 more minutes, please?

Mr. KERR. I yield 2 more minutes to the Senator from New York.

Mr. JAVITS. There is one other thing with which I should like to deal. It has been assumed in this discussion that there is desired a percentage of the 1.8 million kilowatts, which is what the project will produce, figured on what is called a 70-percent load factor. I will not take the time and trouble to explain to the Senate what the 70-percent load factor is, for I had a hard enough time learning what it meant myself. The only thing I will say is that in any case that is the capacity. It has been assumed that what is desired is a percentage of that figure. That, my friends, is the height of unfairness, and for this reason: The State of New York since 1909 has been using three-fifths of this water under licenses from the Federal Government. It has been producing power all of that time. The only thing our action will add is two-fifths. That is what we will add by this authorization. In other words, we will add about 700,000 kilowatts only, because the State of New York is financing the work and doing a good job on the whole situation right now.

I respectfully submit that the 180,000 kilowatts is about 26 percent of the roughly 700,000 kilowatts which will be added.

Finally, Mr. President, I hope very much the Senator from Oklahoma [Mr. KERR] will tell Senators about this matter, because the 180,000-kilowatts figure is not our figure. We are not interested in going that high. It seemed doubtful to us that the bonds could be sold with that figure. That was the figure set by the Senator from Oklahoma, after hearing all the testimony, when he finally convinced the members of the committee they ought to go along with it, at long last, in order to get this matter settled. That is the very maximum limit within which the bonds can be sold. We cannot do any more. That is why, as the senior Senator from New York [Mr. IVES] said, this is of vital and critical importance to us. If we "monkey" with this bill in the way now proposed, it will ruin it for all of us. I cannot believe that the proponents of the amendment want that, yet that will be the practical effect of it.

I thank the Senator from Oklahoma.

Mr. KERR. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania [Mr. MARTIN], and I shall yield more time if he desires it.

Mr. MARTIN of Pennsylvania. Mr. President, in the first place, I am opposed to public power, but my distinguished friends, the Senators from New York, have explained the situation. The catastrophe which occurred on the Niagara makes it necessary for us to move and to move promptly. However, there is a difference between Federal power and power from an authority in one of the States or from a municipality.

In Pennsylvania we already have several authorities, for sewage disposal, for water, and things of that kind. They have worked out most satisfactorily. I feel that the committee has been very generous to Pennsylvania in allocating to us the amount of power provided for in the bill; but I would dislike to see any power brought into Pennsylvania unless it was necessary to take care of our needs.

All States have certain natural resources. Pennsylvania has coal. Coal is now a drug on the market. It is very difficult to sell coal. Many miners are out of employment. They are fine, upstanding Americans who have made their contribution to the economic welfare of the Nation.

I shall not take much of the time of the Senate, because the hour is growing late, and I hope we can quickly reach a conclusion and vote on the amendments and on the bill.

If the amount of power we are now discussing were made available in Pennsylvania, the coal miners of that State would lose more than $1 million a year in wages. Our railroads, in the transportation of fuel, would lose more than $1,200,000 a year. As Senators know, our railroads now have a great struggle to exist. They are very important to our transportation system.

Furthermore, in railroad wages there would be a loss of almost $700,000 a year. That means a great deal to the economic life of Pennsylvania. The coal-mining communities have made every possible effort to bring into the State other industries, and they are succeeding to a certain extent. However, the loss of this amount in wages would be very injurious.

The junior Senator from New York has already cited certain figures. I shall offer for the RECORD later a table which shows the present costs to consumers of rural electric cooperatives, in comparison with what the cost would be if the power were transported from Niagara.

Take the Warren REA, which is only 95 miles from Niagara. One of the things we must take into consideration is the great expense of transmission lines of any great length. In the eastern part of the United States such lines go through densely populated areas.

In the Commonwealth of Pennsylvania there is a law to the effect that transmission lines must be located a certain distance from buildings. In Pennsylvania there are mountains to cross, which makes the building of transmission lines extremely expensive.

The Warren REA has 2,907 customers. The wholesale cost for the production of power locally is 8.8 mills. From Niagara it would cost 10.5 mills. The retail rate is 3.40 if Pennsylvania power is used. If the power is transmitted, the cost will be 3.57.

The Gettysburg REA is 245 miles distant; the Central, 145 miles; the Claverack, 160 miles; the Northwestern, 105 miles; the Sullivan County, 170 miles; and the Tri-County, 135 miles. The only place where there would be any retail saving would be in the Central REA, which is 145 miles distant, and there the retail saving would be only .02, which really is negligible.

These figures are given to me by the power authority of the State of New York. Their engineers have made these calculations. I think they are unanswerable.

Moreover, there is the injury which would be done to miners. When an economic injury is done to miners, it affects small retail stores, men employed in transportation, and many others.

I very much appreciate the effort and work which my colleague, the junior Senator from Pennsylvania [Mr. CLARK], has done in this connection. I know that he is absolutely sincere. He has made the statement that while the Pennsylvania Legislature—and the subject was before its committees for several months during the last session of the legislature—did not enact a law giving such authority, the Governor would have the right to grant it.

I had the honor of being the Governor of the Commonwealth of Pennsylvania for 4 years, and I am fearful that our

Governor does not have such authority. But even if he does, I sincerely trust that the Senate will reject these amendments.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the table to which I have referred.

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

Comparison of cost of Niagara power to present costs, rural electric cooperatives, Pennsylvania—Rural electric cooperatives

	Gettysburg, Adams	Central	Claverack	North Western	Sullivan County	Tri-county	Warren
Distance from Niagara (miles)	245	145	160	105	170	135	95
Customers (1955):							
Residential	5,666	8,666	4,603	7,099	1,791	6,423	2,750
Other	20	625	1,009	323	86	29	157
Total	5,686	9,291	5,612	7,422	1,877	6,452	2,907
1955 wholesale cost of power (mills/kilowatt-hours)	9.9	8.7	10.5	8.3	10.4	10.4	8.8
Wholesale cost of Niagara power (mills/kilowatt-hours)	11.4	8.5	11.7	9.2	11.9	11.6	10.5
1955 retail rate (cents/kilowatt-hour)	2.72	2.92	3.34	2.14	3.29	2.97	3.40
Retail rate using Niagara power (cents/kilowatt-hour)	2.85	2.90	3.46	2.23	3.44	3.11	3.57
1955 average monthly bill	$8.51	$6.89	$8.98	$8.56	$7.24	$7.01	$6.22
Average monthly bill using Niagara power	$8.92	$6.84	$9.31	$8.92	$7.57	$7.34	$6.53

Mr. CLARK. Mr. President, I yield 5 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

Mr. NEUBERGER. Mr. President, as a member of the Senate Public Works Committee who wrote the minority views which are on the desks of Members of the Senate, I am pleased to join my friends and colleagues from Pennsylvania and Ohio in urging that their States receive justice, equity, and fairness in the use of a great natural resource.

I should like to reply rather briefly to some of the misrepresentations and distortions which have been voiced on the floor here tonight.

It has been said that power cannot be transmitted for a greater distance than 150 miles. I am not a physical scientist. I do not know whether there are different kinds of kilowatts in the East than in the West. I thought that electricity was a universal element, whether it was made in Germany, North Dakota, New York, Oregon, British Columbia, Sweden, or anywhere else on the face of the earth. In the Pacific Northwest electricity is being transmitted for more than 320 miles, from Bonneville Dam on the Columbia River. It is being sent to rural electric cooperatives on the wonderful Oregon coast, and they are selling the power at far lower rates than the rates at which it is sold in the areas in this vicinity, and in the areas being discussed in connection with the bill.

Mr. CLARK. Transmission of electricity in the West is over high mountains, too; is it not?

Mr. NEUBERGER. It is over very difficult terrain. When we speak of terrain, one would think the transmission line under discussion here had to be thrust up over Mount Everest. In British Columbia, where one of the lowest power rates anywhere prevails, on the Great Kitimat project, a transmission line has been built on a living glacier, which moves every year, and still power can be produced for 2 mills a kilowatt-hour.

When I listened to the testimony of Mr. Moses and the other witnesses who were brought here to testify, concerning the difficulties in transmitting Niagara power, I thought the line would have to be strung across the Pacific Ocean and then over the Himalayan Mountains.

The man who was responsible for the fact that Bonneville power is transmitted 320 miles in our State, to remotely located rural electric cooperatives, was one of the greatest Governors the State of New York ever had. He was Franklin D. Roosevelt.

In fact, the preference clause was created and amplified by two Governors of the State of New York. Yet, the Senators from New York are here on the floor tonight to gut it, to end it.

The preference clause was originally written by Theodore Roosevelt, one of the most outstanding and courageous Governors the State of New York ever had. He went on to the White House, where he became an illustrious President.

The preference clause was given its widest application by Franklin Delano Roosevelt, who was another famous Governor of the State of New York, and who went to the White House, where he became the only President in history to be elected for four terms. He was one of our greatest national figures.

Franklin Delano Roosevelt came to the Bonneville Dam in 1937 to make the dedicatory address. I was in the audience at the time. The issue then was raised by my city of Portland, which is the largest community in the State of Oregon. I hope the recital of this episode will answer the claim of the distinguished junior Senator from New York that we are not talking about a far western area. At this particular time, when the Bonneville Dam was coming into existence, and the power was first coming on the line, some business leaders in the city of Portland wanted a special zoned rate established, so that nearly all of that energy could be monopolized by Portland, which is about 38 miles from the site of the dam.

Franklin Delano Roosevelt, together with Charles L. McNary, a great Republican Senator and Republican leader in the Senate for a good many years, said "No." Portland shall not monopolize the power. We will see to it that it will be sold throughout the Columbia Basin under what we will call the postage-stamp rate." They said it would be the same rate in remote Coos County, 300 miles from Bonneville, as it would be in the city of Portland. That was the policy evolved by a great Democratic President and a great Republican Member of the Senate.

As a result of that decision, the postage-stamp rate has prevailed in the Pacific Northwest, and we have had power sent more than 300 miles, and sold there at the same rate as at a city 30 or 40 miles from the dam. We have had the lowest rates which have prevailed anywhere in the United States, and perhaps in any other country of the world, with the possible exception of a few favored parts of Canada.

The Senator from New York discussed the difficulty of selling bonds. I admit that such high financing of bonds is something that is far outside my ken. I do not know very much about it. I wish I did. However, I do not understand how it would be possible to sell the bonds if they give Ohio and Pennsylvania only 10 percent of the power, but that they cannot sell the bonds if they give those States 20 percent of the power. Do not those people in Pennsylvania and Ohio have coin of the realm? Is the presumption that those people would buy power with wampum or beans? I am sure those people are civilized, and I am sure they would offer good money for the power.

Mr. JAVITS. Mr. President, will the Senator yield so that I may briefly explain that situation?

Mr. NEUBERGER. I yield.

Mr. JAVITS. The States of Ohio and Pennsylvania and cooperatives and municipal systems do not have to take any of this power. What I was talking about was that in order to sell the bonds it is necessary to have a basic number of commitments and contracts.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. CLARK. I yield an additional 5 minutes to the Senator from Oregon, but I hope the time will not be taken by the Senator from New York.

Mr. NEUBERGER. On the question of bonds, of course if we give to the bond buyers the power to determine the policies—and they are men who are not in favor of public power, and they are not in favor of the widespread application of hydroelectricity, and they never have been—that is not a very wise thing. If those men had had the right to determine our power policies, we would never have had established the policies of Theodore Roosevelt, Franklin Roosevelt, and Charles L. McNary.

The distinguished Senator from Pennsylvania, my good friend, General MARTIN, pointed out that this is not Federal power, and that this would not be Federal power. There is one thing, Mr. President, that is eternal and immutable and universal, and that is the water in the

great rivers as it rushes down from the highlands to the sea.

No matter who floats the bonds, the rivers are the same. It is a mistake to Balkanize our rivers. It is a mistake to allow them to be divided up, and monopolized, perhaps, by one State or area.

Let us look at Niagara Falls. Niagara Falls is not one little short river. Niagara Falls is all the Great Lakes rushing to the sea. The water in Ohio and the water in Pennsylvania contribute to Niagara Falls. Those States have a real stake in the project. They help originate the river.

That was the philosophy of Franklin D. Roosevelt when he laid down the postage-stamp rate proposal. He said the location of the dam that could be built is largely just a freak of bedrock or a sudden fall in the river, but that every drop of water up in the most ultimate creek and brook and glacier and snowfield contributed to that power; and the people immediately around that dam site should not be allowed to monopolize that whole benefit. President Roosevelt said the people in the remote areas, where that river rises, should have a share in the power that is created.

In conclusion, I should like to answer the statement that if the power were produced with coal it would provide extra jobs for coal miners and for people on the railroads hauling the coal. My State has had the highest unemployment, unfortunately, this winter because the lumber industry has been affected by no new housing starts. I suppose we could employ more people if we burned wood chips to produce power. However, electricity should be made with an eternal resource that goes on forever, and will go on long after all of us are gone, and perhaps even after the human race is gone. The rivers will still always be going. They will never be used up. They are an inexhaustible source of fuel. They are the cheapest source of fuel.

When Oscar L. Chapman, an outstanding Secretary of the Interior, was at Bonneville Dam, he said, "You are looking at a coal mine that will never thin out; at an oil well that will never run dry."

I am sure my time is almost up, but I wish to say one more thing before I sit down. It is that the policies which were formulated by Theodore Roosevelt in 1905 and 1906, and the policies that were pursued by Franklin D. Roosevelt and George W. Norris and Charles L. McNary are still good policies for this Senate. They are not partisan policies. In my State they were carried on originally not by a Democrat but by a great Republican.

Mr. President, may I have 2 additional minutes?

Mr. CLARK. I yield 2 additional minutes to the Senator from Oregon.

Mr. NEUBERGER. They were carried on by a great Republican Senator who was known personally by many Senators here. I am sure the Senator from New Mexico [Mr. CHAVEZ] knew Charlie McNary personally. I know that the Senator from Alabama [Mr. HILL] knew him personally, and so did the Senator from North Dakota [Mr. LANGER]. He fought for the preference clause in our State, because he wanted the power used by everyone in the area, not monopolized by a small locality right around the power site. Those principles are perennial.

It is my hope that the advocacy of the distinguished Senator from Pennsylvania and the distinguished Senator from Ohio, in seeking simple fairness for their States, will prevail in the Senate tonight.

In conclusion, I ask unanimous consent to have printed in the RECORD a brief discussion which I have prepared about those issues, to supplement my remarks.

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

STATEMENT BY SENATOR NEUBERGER

There are striking parallels in some of the provisions of the Niagara power bill and those which have been effectively and beneficially in effect in the Pacific Northwest region in connection with development and distribution of hydroelectric energy.

The Bonneville Project Act of 1938 and subsequent legislation took into account the fact that development of water resources should reflect a basinwide viewpoint. State boundaries have not been permitted to act as barriers in the use of Columbia River water resources, and as a result, the benefits have had widespread distribution throughout the length and breadth of the vast Bonneville transmission network. From the far southwestern corner of the Oregon coast to the distant site in Montana of the Hungry Horse project, power flows through the Bonneville system for the use of industries, and to the customers of private and public-owned utilities without respect to State lines.

The Niagara bill likewise gives recognition to the fact that flowing water has basinwide characteristics. I share with the able junior Senator from Pennsylvania [Mr. CLARK] some objections to the manner in which the present bill restricts the scope for application of the regionwide use of power resources, but the bill does, in a limited way, recognize that the neighboring States have a right to share in power produced from water flowing past the Niagara site.

In the Pacific Northwest, the term "economic transmission distance" as applied to distribution of power has come to have considerable flexibility. The original concept of economic transmission distance in the midthirties was applied by some engineers to mean a radius of some 50 miles around a hydroelectric project. But, through years of experience in interconnecting various generating units and through technological advances, this narrow view has been abandoned. Power is shifted and exchanged over vast distances in the Bonneville Power System, and the term "economic transmission distance" now can almost be defined as any distance over which powerlines can be strung and transmission towers erected. Thus, in the Pacific Northwest, we find low-cost Federal kilowatts being distributed through public and private outlets which are located hundreds of miles from the nearest generating plant.

It is my hope that the present bill can be amended to permit this sort of flexibility in the marketing of Niagara power. In the minority report, which I included in the committee report on the bill, need for improving the language in the bill with respect to preference to public body agencies and with respect to transmission distance is discussed at length. It is not my intention to quote extensively from this report at this point, in the interests of saving time for my colleagues, but I would like to call these minority views to the attention of the Senate.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator from Oklahoma yield me 2 minutes?

Mr. KERR. I yield 2 minutes to the Senator from Pennsylvania.

Mr. MARTIN of Pennsylvania. The distinguished Senator from Oregon mentioned the floating of bond issues. In my State and in New York State many large bond issues have been floated by different authorities. For example, in Philadelphia we have the Delaware River Bridge Authority. That authority has floated bonds to the extent of about $100,000,000, I believe. In my own community, of 40,000 people, just a year ago we floated a bond issue of $2½ million for a sewage disposal plant. I have never found that we have had any trouble selling the bonds.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield to me, and will the Senator from Oklahoma yield 1 additional minute?

Mr. KERR. I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. JAVITS. Mr. President, it seems to me that again we are thinking there is something magical about getting money from the Federal Government with which to finance these projects. The Senator from Oregon has given us an alternative. We do not have that luxury in New York. We could not go to the Federal Government. We have to sell the bonds in the market place. What is wrong with that? Does it necessarily make wrong everything we do in order to get private investors to invest their money in this project? And is getting money from the Federal Government the only right way to proceed? I will not yield to anyone in terms of my advocacy of aiding projects where it is necessary to get money from the Federal Government. At the same time, when there is not such a necessity, and when by perfectly reasonable terms and conditions it is possible to raise the money privately, it seems to me that it is almost our bounden duty to do so.

I am very proud to be a Senator from a State which is going to finance the project, as agreed, because we are situated that we can do it in exactly that way.

Mr. MARTIN of Pennsylvania. Mr. President, it seems to me the time has come when everyone must not come to Washington to satisfy his wants. The United States Government now has a bonded indebtedness of almost $275 million. We do not want to raise the debt ceiling.

Mr. FLANDERS. Billion.

Mr. MARTIN of Pennsylvania. I thank the Senator from Vermont. People from New England are always watching for misstatements like that.

If bond issues can be floated, it seems to me that that is what ought to be done.

Last week a group of governors and persons representing the Federal Government met at Hershey, Pa., in an effort to work out methods to reduce the cost of government.

I think the great State of New York is doing that now. We ought to appreciate that and thank New York for it.

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

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. KERR. Mr. President, I yield an additional minute to the Senator from Pennsylvania.

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

Mr. MARTIN of Pennsylvania. I yield.

Mr. THYE. We in Minnesota are in the Midwest. The Senator paid high tribute to a New Englander for catching the fact that the Senator said "million" instead of "billion."

I call attention to the fact, in order that Minnesota might have the credit for it, that it was the Senator from Minnesota who detected and called to the attention of his colleagues the fact that the Senator from Pennsylvania had made that error. I simply wanted Minnesota to have the credit.

Mr. MARTIN of Pennsylvania. I thank the Senator from Minnesota.

Mr. FLANDERS. I was glad to join with the Senator from Minnesota.

Mr. KERR. Mr. President, I yield myself 15 minutes.

Mr. President, I may say to the Senator from Minnesota that no one here has doubted the fine dignity and the standing of the credit of the State of Minnesota. Sometimes it is a little hard to get it and to use it. It will cost more next week than it did last week in the way of interest rates.

The amendment before the Senate has to do with one word—the word "reasonable." On page 2 of the House bill, which is now before the Senate, in line 19, are these words:

> The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) available for use within reasonable economic transmission distance in neighboring States.

Actually, the word "reasonable" appears twice in the few lines I have read. I do not know why my good friends, the Senator from Pennsylvania [Mr. CLARK], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oregon [Mr. NEUBERGER], pick upon one use of the word and not the other. But they have, and that is their privilege; and the purpose of their amendment is to strike out the word "reasonable."

First, I have the highest regard for the distinguished Senator from Pennsylvania, the distinguished Senator from Ohio, and the distinguished Senator from Oregon. I know that they are sincere in their purposes in sponsoring the amendment, and I do honor to them for their motives.

I was a little surprised at the remarks of the Senator from Oregon when he said there had been misrepresentations and distortions on the floor with reference to the meaning of the bill. I looked around. Then I remembered that I had not made any misrepresentations, or representations; so I presumed the Senator from Oregon was not talking to the Senator from Oklahoma. It was a kind of shotgun explosion, I presume, made at whom it may concern. I hope that if any Senator feels he is the one who was not identified, and wants to plead guilty and to correct any misrepresentations, I shall be glad to yield him time to do so.

Then the Senator from Oregon said that the problem of transmission from Niagara was not any different from what it was in the open spaces of Oregon and Washington. I believe that in that statement the Senator was sincerely mistaken. We know that it costs much more to obtain rights-of-way and to build transmission lines in an area which is highly developed by cities and suburbs and by industries than it does in an area where such developments have not occurred.

I ask Senators to visualize the building of transmission lines from one of the most highly industrialized areas on earth, around Niagara Falls and the city of Buffalo. I have been there, and I find that there are other attractions there than those which have brought about the spending of so many honeymoons there. It is one of the most highly industrialized areas in our Nation. In fact, it is not possible to build a transmission line from Buffalo, N. Y., within the United States, in any direction from Niagara Falls without practically going through the main street of some community, city, or suburb.

That is one of the reasons why, Mr. President (Mr. COTTON in the chair), as you yourself will recall, since you participated in the development of the bill in the Senate Committee on Public Works, for the use of the word reasonable in the bill.

I want to read to Senators an interpretation or a definition of the word "reasonable" as it appears in Webster's New Collegiate Dictionary:

> 1. Having the faculty of reason; rational.
> 2. Just; fairminded; of acts, thoughts, etc., agreeable to reason; not beyond the bounds of reason, logic, etc.

This is the first time I have ever heard reasonable men object to the application of the term "reasonable" in connection with the proposed legislation. Is the alternative that they want something unreasonable? What is the evil of the word "reasonable"?

I call the attention of Senators to the fact that many viewpoints were expressed before our committee in the preparation of the bill. Bear in mind that the House of Representatives has done something which, as my brief experience leads me to believe, is the first time it has ever been done that I know of, in my legislative experience.

The bill now before the Senate is H. R. 8643. Yet it is in identical terms and language to the provisions of S. 2406. The Senate Committee on Public Works has worked on the bill for 5 years, in one form or another. They have brought the proposed legislation to the floor in many forms. They worked on it for months this year. After weeks of hearings and weeks of deliberations, we resolved the differences between many divergent points of view.

The great senior Senator from Pennsylvania [Mr. MARTIN] is the ranking Republican member of our committee, and he did not want any bill. The junior Senator from Pennsylvania [Mr. CLARK], another great Senator, wanted a bill different from the one which was reported.

The distinguished senior Senator from Ohio [Mr. BRICKER], if he wanted any bill, has yet to apprise the Senate Committee on Public Works, or this chairman of the Subcommittee on Flood Control, to that effect. Our good friend, the distinguished junior Senator from Ohio [Mr. LAUSCHE], wants a bill. We did not have the benefit of his testimony before the committee. But we do have the benefit of his proposal on the floor of the Senate.

The two distinguished Republican Senators from New York [Mr. IVES and Mr. JAVITS] wanted a bill. The distinguished Democratic Governor of the State of New York, Mr. Harriman, wanted a bill. But they did not entirely agree on what they wanted in the bill.

Then there is a dynamic personality from the State of New York by the name of Robert Moses. [Laughter.] I wish to say to Senators that if they have not contacted that bundle of electric energy and human dynamics, then they have awaiting them an experience to which they can look forward with some degree of interest and pleasure. [Laughter.]

I have seen domestic scenes—not in which I was a principal, but of which I was an observer [laughter]—which reached the height of the intensity and forcefulness attained by Mr. Moses in his presentation of evidence before our committee; but I wish to say to the Senate that outside of such a situation or that which prevails on a baseball field in Brooklyn, after the local fans think the umpire has given the game away to the St. Louis Cardinals, Senators can hardly visualize the pandemonium which Robert Moses created in the Public Works Committee hearings on the bill. [Laughter.]

I wish to say to the Senate that, as chairman of the subcommittee, when I approached that committee hearing in the midst of Mr. Moses' presentation, I bowed to him and said to him, "Sir, do I have your permission to enter, and can you give me a certificate of safe passage to the chair?" [Laughter.]

Mr. President, if Mr. Moses, in his representation of the New York Power Authority, agreed with the viewpoint of any other living human, I have not yet found out the identity of the one with whom he harmonizes. [Laughter.]

Well, Mr. President, if I do say so myself, I undertook to harmonize the viewpoint of these divergent interests.

If the good Lord lets me live, I have taken a pledge that never again—save only when the solemn interest of the sovereign State of Oklahoma is vitally involved—will I ever thrust myself into the vortex of such convulsive human emotions as those which revolved around my head as I attempted to bring order out of the human-provoked chaos that abounded in that committee room. [Laughter.]

But resolve their difficulties, they did; and the Senate now has a bill before it, on the floor of the Senate; and the bill was made the unfinished business, a few weeks ago. Then the cyclonic eruption which took place at that time, in the attempt to have another bill made the unfinished business, met head on with the

action the Senate had taken in making the Niagara bill the unfinished business. And, Mr. President, I want to tell you that the Niagara bill suffered in that contact; it was laid aside.

In the weeks that ensued, following the taking of that action by the Senate, the House of Representatives, yielding to the great urgency and necessity existing for this project, took the amazing action of passing by a vote of 313 to 75 a bill identical—identical to the last dotting of an "i" and crossing of a "t"—to the bill the Senate Public Works Committee had reported to the Senate.

I say that so far as I know, that is the first time since I have been in Congress that such an amazing event has ever occurred.

So now the Senate has before it the bill passed by the House of Representatives; and it is identical in terms and provisions to the bill the Senate committee reported, which bill was made the unfinished business some weeks ago; and the bill passed by the House of Representatives has again been made the unfinished business, and it is now before the Senate.

I think the bill is a good bill, and I would hate to see it amended. I do not believe it is a reasonable thing for reasonable men to refuse to permit the word "reasonable" to remain in a reasonable bill. [Laughter.] But that is what is involved in this amendment; the proponents of the amendment wish to delete that one word from this bill.

Mr. President, the distinguished Senator from Pennsylvania [Mr. CLARK] has said that if we leave in the bill the provision which limits the amount of power which can be exported beyond the borders of the State of New York to 20 percent of one-half of the power generated, that will mean that less than a total of 200,000 kilowatts will ever be available for public-power customers. Is that not what the distinguished Senator from Pennsylvania said?

Mr. CLARK. Mr. President, if the Senator from Oklahoma will yield, let me say that my contention is that his friend and mine, Mr. Moses, will argue very strongly, if we leave the word "reasonable" in the bill. I contend that he will then do so in what I suggest will be an unreasonable fashion; and I contend that, in that event, he may claim we are not entitled to 100,000 kilowatts of the power.

Mr. KERR. Mr. President, I ask the Senate, does the Senate think the statement made by the Senator from Pennsylvania is responsive to my question? [Laughter.] I asked my friend, the Senator from Pennsylvania, a simple question, namely, whether he made on the floor of the Senate the statement to which I referred.

The PRESIDING OFFICER. The time the Senator from Oklahoma has yielded to himself has expired.

Mr. KERR. Mr. President, I yield to myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for an additional 10 minutes.

Mr. KERR. I asked the Senator from Pennsylvania whether he said that if the limitation presently found in the bill—namely, that not more than 20 percent of one-half of the power generated can be transported beyond the borders of New York to public-power customers—remains in the bill, it will mean that not more than 200,000 kilowatts, as a total, could be used for all public-power customers, both within and without the boundaries of the State of New York.

Mr. CLARK. I think the figure I used was slightly in excess of that stated by the Senator from Oklahoma, but not much. I think I said it would be 180,000 plus 36,000. I think the Senator from Oklahoma can add those figures in his head.

Mr. KERR. Well, Mr. President, I will tell you right now that the total is 219,000. I got a certificate of graduation from the eighth grade class in the grammar school at Ada, Okla.——

Mr. HILL. Mr. President, the total is 216,000.

Mr. KERR. Mr. President, evidently the school at Ada made a great mistake when they gave it to me [laughter], for I am now told that the correct addition is 216,000.

Can we agree that that is the figure designated by the Senator from Pennsylvania?

Mr. CLARK. I am happy to agree with my distinguished colleague.

Mr. KERR. Then, Mr. President, I submit to my distinguished colleagues that that is pure speculation. I do not deny the prerogative of the Senator from Pennsylvania to speak for Pennsylvania, nor do I fail to recognize that he has quite a job on his hands. I doubt that he is in a position to speak for the State of Ohio, and I am sure there are at least two Senators here from the State of New York who would object to having him attempt to exercise the prerogative to speak for the State of New York.

I wish to say that there are in New York nearly as many opportunities for municipalities and defense projects or Government installations and REA cooperatives to make use of the preference provided in this bill for public-power customers as there are in the nearby areas of Pennsylvania and Ohio. I state frankly that I am not in a position to dispute the statement the Senator from Pennsylvania [Mr. CLARK] made about Pennsylvania, but I think I am nearly as well informed regarding what is the potential use of power by public-power customers in New York as is the distinguished junior Senator from Pennsylvania.

Furthermore, I wish to say to the Senate that the evidence adduced before our committee, as given to us by representatives of the State of New York, is not the same as the figures the Senator from Pennsylvania just picked out of the air, here and there, on the floor of the Senate. [Laughter.]

Mr. CLARK. Mr. President, at this point will the Senator from Oklahoma yield briefly to me, in view of the comment he made about taking things out of the air?

Mr. KERR. I will, if the Senator from Pennsylvania will have the time he uses charged to the time available to him. I believe that is in accordance with the rule he laid down to the Senator from New York.

Mr. CLARK. I ask unanimous consent to that effect, Mr. President. I am happy to have the time I use now charged to the time under my control, and I hope I shall not use more than 30 seconds at this time.

The figures which are on the chart came from the minority views filed by the junior Senator from Oregon [Mr. NEUBERGER]. I believe they are 100 percent correct.

Mr. KERR. I say if the junior Senator from Oregon [Mr. NEUBERGER] and the junior Senator from Pennsylvania [Mr. CLARK] corroborate each other long enough, they will probably convince each other. [Laughter.] I cannot imagine a more delightful situation for either than for one to have the public endorsement of the other.

Mr. CLARK. Will the Senator yield further on my time?

Mr. KERR. I yield on the time of the Senator from Pennsylvania.

Mr. CLARK. I hope to be able to convince also not only the junior Senator from Oregon, but a few of my colleagues whose minds, I hope, are not quite made up.

Mr. KERR. That is a hope the Senator is entitled to have, and one which I am sure he will indulge in until the rude awakening comes, which it will when a vote is had on this amendment.

Mr. CLARK. I am under no illusions about the ability of the senior Senator from Oklahoma to control the majority in the Senate. I merely thought the record should be clear about our views.

Mr. KERR. I accept the Senator's unconditional surrender, but I want to say to him that what I say is in no wise binding on the Senate. I have made a reasonable attempt, using the word which the Senator seeks to delete from the bill, to find a reasonable attitude on the part of reasonable Senators on the issue, based on reasonable implications derived from facts. I have urged my reasonable assumptions in which I have indulged in my statement.

Now I call the Senate's attention to the fact that we have two Senators in this great body from the State of Pennsylvania, one the distinguished senior Senator [Mr. MARTIN], and the other the distinguished and charming junior Senator [Mr. CLARK]. Could they resolve their differences, no one would be more happy to go along with their joint objective than would the Senator from Oklahoma; but when they stand on this issue like two mighty chargers ready to go in opposite directions, and the Senator from Oklahoma tries to hold them together down the legislative path, it reinforces my efforts to try to enable the Senate to arrive at a reasonable solution to the problem. In doing so I hope we shall be consistent by not stripping from the language of the bill the one word which made the greatest contribution to our being able to resolve the problem, and that is the word "reasonable."

I would that I were in a position to grant the request of the junior Senator from Pennsylvania, the junior Senator from Ohio, and the junior Senator from

Oregon; but I want to say to Senators this is not my project. I am sure the Senate would like to comply with the reasonable requests of both Senators from Pennsylvania, both Senators from Ohio, both Senators from New York, and the distinguished junior Senator from Oregon; but it is not ours to give. In the bill we deal with an asset of the sovereign State of New York, and that is the question in the main.

Now, by reason of a reservation in a treaty, there is an obligation upon the Congress. In 1950 a treaty between our Government and Canada with reference to a division of the waters of the Niagara River contained this provision:

The United States on its part—

And I say this provision was placed in the treaty, as I remember, on the motion of the distinguished Senator from Vermont [Mr. AIKEN], and I think I voted for it—

The United States on its part expressly reserves the right to provide, by act of Congress, for development, and for the public use and benefit, of the United States share of the waters of the Niagara River made available by the provisions of the treaty, and no project for redevelopment of the United States share of such waters shall be undertaken until it be specifically authorized by act of Congress.

That treaty places some responsibility upon the Congress, but I remind Senators we are dealing with an asset wholly within the boundaries of the State of New York. I wish to say that an appellate court a few weeks ago handed down a decision that that reservation in the treaty is ineffective and in reality in no way impairs the title of the State of New York to the asset. That decision, of course, will be appealed to the Supreme Court of the United States. I do not know what the Supreme Court decision will be. I want to say, great lawyer that I am, I have long ceased to predict what decision the Supreme Court will make. [Laughter.] But the decision is on appeal to that great Court. I recognize that in the meantime the Congress of the United States has the authority to deal with this asset, but I remind Senators we are not doing so on the basis of Uncle Sam's picking up the check.

Mr. CASE of South Dakota rose.

Mr. KERR. Did the Senator from South Dakota wish me to yield to him?

Mr. CASE of South Dakota. At the Senator's convenience.

Mr. KERR. I could think of no better time.

Mr. CASE of South Dakota. With reference to the Supreme Court and the proprietary interest of the State of New York, I bring to the attention of the Members of the Senate the so-called Niagara-Mohawk power appropriation decision, which was handed down on the 17th of March 1954, in which the Court said:

The most significant issue raised by this case is whether the Federal Water Power Act of 1920 had abolished private proprietary rights existing under State law, to use waters of a navigable stream for power purposes. We agree with the court of appeals that it has not.

Mr. Alan S. Emory, writing in the Watertown Daily Times of March 16, 1954, said:

Despite a 4-to-3 decision on the technical issue before the Court, all 7 Justices agreed on the 1 issue that concerned the Dewey administration. They were unanimous that New York had proprietary rights in Niagara River waters and any use of the water that the Niagara Mohawk Power Corp. might have resulted from a State grant and was limited to that grant.

In other words, in that Niagara Mohawk case of 1954——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERR. Mr. President, how much additional time does the Senator from Oklahoma have?

The PRESIDING OFFICER. The Senator from Oklahoma has no more time on the amendment, but he has 40 minutes remaining on the bill.

Mr. KERR. I yield myself 10 minutes on the bill.

Mr. CASE of South Dakota. In other words, in the Niagara Mohawk Power appropriation case, which involved the Federal Power Commission as petitioner, the Supreme Court recognized that New York had granted proprietary rights to an individual and it said those rights might not be disturbed.

Mr. KERR. In other words, the Supreme Court did that which amounted to validating the claim of New York to the title to the water?

Mr. CASE of South Dakota. Yes. If the Senator will indulge me for a moment longer, I should like to say to the Members of the Senate, that, as the Senator from Oklahoma has said, this is a matter which has been before the Senate for many years. In 1954 we had extended hearings on this subject. I hold in my hand copies of the hearings which were held at that time, when 4 or 5 different bills were before us. There were three principal bills. One bill was the so-called Miller-Capehart bill, which at that time had been passed by the House. The other was the so-called Lehman-Roosevelt bill. The Miller-Capehart bill proposed to turn the power development over to private power development. I say to my Republican colleagues that Governor Dewey at that time opposed it because the turning over of the power was to apply to specific companies as if they had been named in the bill.

At the other extreme was the so-called Lehman-Roosevelt bill, which proposed to have the Federal Government develop the project and put up the money for it.

After listening to the hearings and testimony taken at the time, I, as one who was far removed from Niagara, ventured to suggest a solution. I proposed a bill, S. 2599, which would have lifted the restriction in the treaty. In other words, it would have let the matter fall into the lap of the Federal Power Commission. This proposal was made by me because of my belief that the Federal Power Commission was established to license power development; that it had technicians to determine the proper details of a license; that, in addition, the Federal Power Act of 1920, as amended in 1936, set forth specific principles governing the operation and the protecting of the public interest, that the State of New York itself had a specific statute which set forth various provisions for the protection of the public and guaranteeing the use of power for the public benefit, particularly for rural consumers. So I was led to the conclusion that we should lift the restriction and let the granting of the license fall into the lap of the Federal Power Commission. We knew that if we did so the Federal Power Act provided that where a State was the applicant the State, other things being equal, should have priority. In other words, we knew at the time that if we lifted the restriction provided in the treaty reservation and the matter went to the Federal Power Commission, the result would be the approval of the license sought by the State of New York.

The committee members at that time were divided. I see the Senator from Florida [Mr. HOLLAND] is present in the Chamber. The Senator was a member of the committee at the time. He will remember that some persons strongly favored either private development or Federal power development. The only way in which we were able finally to get a common denominator at all was to report the bill which would lift the restriction and let the granting of the license fall into the hands of the Federal Power Commission, recognizing that they would give preference to the application of the State of New York.

At the time the bill was reported in 1954, the time consumed in the preparation of the reports caused the bill to reach the Senate so late in the session that it was not passed by the Senate.

I had no personal stake in the matter. I stood on the sidelines pretty much during the development of the bills this year. But I should like to say for the RECORD that the able Senator from Oklahoma [Mr. KERR] did venture to try to bring this long-delayed matter to a solution. It must be solved now, because nature has intervened since 1954. Some of the rock contiguous to Niagara Falls has fallen into the river. The private power companies have been deprived of the use of the proprietary license they had over a long period of time. As a result of the intervention of nature and the desire of reasonable men to come to a reasonable solution, the committee reported the bill which is now before the Senate.

The Senator from Oklahoma made a real contribution in melding the different points of view. The Senator has offered a bill which is substantially what would have been accomplished in 1954, except that now there is provided a special reservation of power, so that the preference customers not only in the State of New York but outside the State of New York will definitely be assured of some protection.

I think this bill offers a reasonable solution. It is substantially the solution we came to 3 years ago, when we went over the same ground. It is a better solution, in the fact that it provides a reservation of power for preference customers, and gives them some definite assurance over and above that provided in New York State law.

I think this is a good bill. I certainly hope it will be approved as reported by the committee.

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

Mr. KERR. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I should like to ask my friend, the Senator from South Dakota, is it not true that the members of the committee and of the subcommittee did not have any direct interest in the matter, but were only attempting to solve the problem as they understood it?

Mr. CASE of South Dakota. I think that is correct. I believe everybody approached the subject quite objectively.

Mr. CHAVEZ. That is correct. Without having any direct interest whatsoever, they were only trying to help solve the problem involved in the Niagara power situation.

Mr. CASE of South Dakota. I think that is true, as it relates to the interest of the national economy.

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

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

Mr. HOLLAND. Mr. President, the distinguished Senator from South Dakota referred to the fact that the Senator from Florida was serving as a member of the Committee on Public Works in 1954 when this subject was formerly considered. I think the Senator may have forgotten to mention that there was a third bill pending before the committee at that time, known as the Ives bill, which was in its main provisions the same as the bill which we now have before us, which would have permitted the development of the power by the State of New York Power Authority.

I do wish to say, though, that I think the Senator from South Dakota made a very great contribution at that time, when it was apparent that a majority of the committee could not get together to support any one of the three bills pending before us.

The Senator from South Dakota, as he has said, suggested the bill which the committee finally reported, simply to permit the Federal Power Commission to assume full jurisdiction to handle the matter, just as they could other ordinary water power development matters.

I may say that while I joined the Senator in reporting that bill, I always favored the then Ives bill. I still favor the proposal in the present bill, because it seems to me that since the Federal Government has by special act of Congress or by action of the Federal Power Commission granted full power to several of the States to develop hydroelectric power within their boundaries—I am thinking particularly of the States of South Carolina, Oklahoma, and Nebraska—it is only reasonable, right, and fair that the same power should be given, as is given under the pending bill, with some small subtraction to the State of New York, to develop the power on the Niagara River under its own laws. I think it is peculiarly equitable that that be done, because the State of New York, without competition, was allowed authority from the Federal Power Commission——

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. HOLLAND. Will the Senator yield 2 more minutes?

Mr. KERR. I yield 2 more minutes on the bill.

Mr. IVES. Mr. President, will the Senator permit me to have 1 minute, so that I may ask a question of the Senator from Florida?

Mr. KERR. I will say to the distinguished Senators that the time on the amendment has expired, and the time on the bill will soon expire.

Mr. HOLLAND. Mr. President, I simply want briefly to develop my comment.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield himself 2 more minutes, or does he yield 2 minutes to the Senator from Florida?

Mr. KERR. I yield myself 2 more minutes, and I now yield to the Senator from Florida.

Mr. HOLLAND. I thank the distinguished friend.

It seems to me the State of New York has been granted authority, and has proceeded to use such authority, to develop the St. Lawrence rapids power, which is not as economical power, where the power will not be as cheap and will not be as attractive for public or private use by people of all kinds and by all users in the State of New York, as power developed under this bill, so certainly the State should be allowed to develop this better location where power can be produced more cheaply, to be pooled with the more expensive St. Lawrence power, particularly since nature has intervened and made it impossible for the private-power developers to reinvest the funds which would be required to replace their collapsed powerplant in the brief time permitted them under their license.

I certainly hope the bill will pass. I compliment the Senator from Oklahoma for having brought the bill before the Senate, and having brought this matter to a head. I hope we will get this problem behind us, so that the people of New York may develop their power without added delay.

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

Mr. KERR. Mr. President, I yield myself 5 more minutes on the bill, and I yield to the Senator from New York.

Mr. IVES. I will only take about 30 seconds.

I thank the distinguished Senator for his remarks. I desire to mention one thing which has bedeviled us, and that is that we have had, in the past, a distinct difference between the two Houses as to approach. Now we are united behind one bill.

Mr. HOLLAND. And the bill is substantially the same as the bill introduced by the distinguished senior Senator from New York several years ago.

Mr. IVES. It is substantially the same; the Senator is correct.

Mr. CARROLL. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I will say to my friend, the Senator from Colorado, that a little later on, on another amendment, I will yield. I have very little time left on this matter. I wish to make a few remarks and save some time for discussion.

Mr. CARROLL. May I say to the distinguished Senator from Oklahoma that, if I can get the time, I want to make a record on this particular amendment.

Mr. CLARK. I will yield the Senator some time.

Mr. KERR. Will the Senator wait, permit me to hold the floor, and do that later?

Mr. CARROLL. I wanted to have some time to explain my position on this particular amendment.

Mr. KERR. If it is agreeable, the time can be yielded by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania yields how much time to the Senator from Colorado?

Mr. CLARK. Is 3 minutes sufficient?

Mr. CARROLL. Yes.

Mr. CLARK. Shall I yield now, or later?

Mr. KERR. Now will be fine.

The PRESIDING OFFICER. The Senator from Colorado [Mr. CARROLL] is recognized for 3 minutes.

Mr. CARROLL. The distinguished and able chairman of the committee knows that I am with him on this bill, except for one amendment. Yet a certain question arises, and this would be a good time to make the record for the future.

It will be observed, on page 2 of the bill, in line 9, there is reference to 50 percent of the project power. In line 10 we find the language "shall give preference and priority to public bodies and nonprofit cooperatives within economic transmission distance."

Moving down to line 19, we find the following:

> The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) available for use within reasonable economic transmission distance in neighboring States, but this paragraph shall not be construed to require more than 20 percent of the project power subject to such preference provisions to be made available for use in such States.

We place a limitation upon the word "reasonable" appearing in line 19, by the "20 percent" appearing in line 23.

Was it not the intention of the committee that 20 percent of the 50 percent of power would be given to the neighboring States of Pennsylvania and Ohio? That is my understanding, and that is why I wish to make the record. Twenty percent was to be allocated to the neighboring States, was it not?

Mr. KERR. Is the Senator asking me that question?

Mr. CARROLL. Yes.

Mr. KERR. As I remember it—and the distinguished Presiding Officer at this time [Mr. COTTON] was present in the committee—the committee agreed and decided to allocate up to 20 percent of the one-half to which the Federal purpose clause was attached, for use in the neighboring States of Pennsylvania and Ohio. The Senator is eminently correct, in that that was the purpose of the committee, and that is what the committee did. That is the language of the bill.

Mr. CARROLL. Let me ask the Senator a further question. It is my understanding that in attempting to reach some sort of compromise, in order to get a bill to the floor of the Senate, as has been so ably expressed by the Senator from Oklahoma, the committee thought the figure should be 20 percent. I had a different idea. I thought it should be 25 percent. The distinguished chairman and other members of the subcommittee thought it should be 20 percent. We had in mind that at least 20 percent would go to the neighboring States.

This is the question I think we should have answered in the record: We have not placed the word "reasonable" in line 11. We do not say "within reasonable economic transmission distance" with reference to a public body.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERR. Mr. President, I yield myself 5 minutes on the bill.

As the Senator from Colorado has said, we made 50 percent of the power to be generated available for application under the Federal purpose clause, within economical transmission distance of the project, and we set aside up to 20 percent of the one-half for neighboring States, within a reasonable transmission distance of the project.

There is great doubt, if this question should go to the Supreme Court without the Congress having acted, whether the validity of the reservation under which we act could be sustained.

Therefore we face the problem either of letting the Federal Power Commission grant the license under the Federal Power Act, or usurping that right and doing it ourselves, although the court may decide not only that the State has no sole use, but that the Congress did not even have the right to make the reservation which it made.

I ask each Senator, if this were a bill to authorize his State to pledge its credit and sell its bonds to develop a natural resource in his State, would he not feel that if the Congress of the United States said, after the State had done so, after it had sold its bonds and pledged its credit and put a lien upon an irreplaceable natural resource in order to develop it, that it would be necessary to make 20 percent of one-half of the power generated available to neighboring States for use in those States, the Congress had been generous enough with the assets of the State?

That is the feeling of the Senator from Oklahoma. We resolved the differences between two Republican Senators of New York and a Democratic governor. We resolved the differences between public power advocates and the private utilities. For the first time in the history of the Congress since I have been here, private utilities, and many of us who are as strong for public power as any other Members of this body, are in agreement.

I wish to thank the State of New York for its reasonableness in saying, "Although we think we could win the lawsuit, go to the Federal Power Commission, obtain the license to generate this power, and use every bit of it within our State, we are confronted with a great emergency." Where the private utility, which had a facility to generate about one-fourth of the power that can be generated from these falling waters, is located, rocks on the bank of the river crumbled and fell into the river, and the power users of 450,000 kilowatts now are having to buy power in Canada or transmit it for long distances, and will have to do so until Congress acts and the New York Power Authority builds this project.

In the light of that emergency, two Republican Senators and the Democratic governor, public power advocates, and private utilities have said, "Let us resolve this difference. New York will give up 20 percent of one-half this power for the use of its neighbors in order to resolve the difference and get action to meet the emergency."

Therefore I ask reasonable men to sustain the word "reasonable" in this bill and sustain the action of the committee and the action of the House, and vote down the pending amendment.

Mr. CLARK. Mr. President, am I correct in assuming that I have 24 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. I yield myself 7 minutes, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, for the benefit of my colleagues who came to the Chamber after the debate started, I should like to say briefly just what these amendments are about.

The pending amendment, which is to strike the word "reasonable"—and I shall come to that later—is for the purpose of making it abundantly clear that Pennsylvania and Ohio can get as much power as they can prove is within economic transmission distance from Niagara Falls. No one sponsoring the amendment claims that an emergency does not exist. None of us will vote against the bill. We agree the bill should pass. We merely contend that the bill as at present drawn is unfair to Ohio and Pennsylvania.

I should like briefly to rebut some of the arguments which have been made by distinguished Senators on the other side of the aisle and by some distinguished Senators on this side of the aisle also. In the first place, I do not think my colleagues will agree that the New York Power Authority can sell revenue bonds if they give Pennsylvania and Ohio the right to take only 10 percent of the power, but cannot sell such bonds if they give Pennsylvania and Ohio the right to take 20 percent of the power. That makes no sense to me, particularly in view of the fact that in the St. Lawrence project the authority in charge of it has already given Vermont 13 percent of the power, which is more than New York is willing to give us, conditioned on our ability to prove that we are within economic transmission distance.

The bond issue has nothing to do with the case. They are not to be bonds pledging the credit of the State of New York. They are revenue bonds, just like the St. Lawrence bonds, which were sold without any trouble as these bonds can be sold, too.

I should like to point out to my distinguished friend from South Dakota that the law is as clear as a bell and is admitted by counsel from the New York Power Authority. I quote from page 127 of the hearings, from the testimony of Mr. Moore, counsel for the New York Power Authority:

> There is no dispute here at all that the Federal Government has paramount rights over those of the State of New York which the Federal Government derives from the commerce clause of the Constitution of the United States.

I could read much more of the testimony, but that one terse sentence disposes of the suggestion made by some of my distinguished colleagues that New York has any paramount rights under any Supreme Court case or by virtue of any other fact. Counsel for the New York Power Authority admits that we have every right to use the power within economic transmission distance.

I hope the Senate will discard both the question of law and of the salability of the bonds. They have nothing to do with the case.

I turn with some reluctance to the argument made by the distinguished senior Senator from Pennsylvania [Mr. MARTIN], for whom I have the greatest respect and affection, who has shown nothing but kindness to me, and with whom I have been in the closest of harmony on the mutual problems of our State. It is unfortunate that the senior Senator from Pennsylvania and the junior Senator from Pennsylvania should differ on a matter of political philosophy. I respect him for his views, as I know he respects me for mine.

The senior Senator from Pennsylvania said that if the amendment were adopted the miners of Pennsylvania would lose $700,000 a year, and perhaps $1 million, in wages, and that the railroads would lose $2,500,000 in freight revenue because the electric power would displace the coal which is now being used.

In answer to that argument, I should like to say that not 1 cent of wages and not 1 cent of freight revenue would be lost to any miner or railroad in Pennsylvania or anywhere else if the amendment should be adopted. Why? Because for every kilowatt of power which would come from the Niagara project to Pennsylvania to replace the more expensive power now being generated from coal, the State of New York, which does not mine coal, would have to buy coal from Pennsylvania, and the railroads would make more money because they would have longer hauls.

Therefore, I hope none of my colleagues will feel that the miners of Pennsylvania or that the railroads would derive anything but benefit from the amendment we propose.

It is fairly clear that the argument about 150 miles being the limit within which it is possible to transmit power is completely and utterly untenable. The New York Power Authority proposes to hook up St. Lawrence and Niagara in one system. They are 300 miles from each other.

The authority is now planning to transmit power from Niagara to Brattleboro, Vt., a distance of more than 225 miles as the powerlines run.

It is a more sophisticated problem than that. We are not going to build any transmission lines. There is not going to be any high cost involved in the building of a great many new lines. The lines are already built. Under the grid system, the power will be wheeled along existing lines, and the transmission cost itself will be negligible.

Qualified engineers have testified—and all we ask is the opportunity to sustain their position before the Federal Power Commission—that the power can be transmitted 300 miles from Niagara cheaper than the Pennsylvania and Ohio REA's and municipalities can now buy power.

We do not ask Senators to accept our views on that point. All we ask is an opportunity to prove it before the Federal Power Commission. We know we cannot prove it before Mr. Moses. I share the high views which have been expressed of Mr. Moses by the Senator from Oklahoma and other Senators——

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, I yield myself 3 additional minutes.

Mr. Moses has a closed mind on this subject. He is a private power advocate. He does not want any of the power to go outside New York, if he can hold on to it. I do not criticize him for his stand. Nevertheless, the power can be transmitted cheaper than we are now getting our power generated, and can be brought to many an area in Pennsylvania and Ohio well beyond the 150-mile limit. We do not ask for that. All we ask is that we be given our fair share of the power within the 150-mile area, where we are now taking 40 percent of the public power. New York State wants to give us only 20 percent. All we ask is that our REA's and municipal systems be given a chance to grow, as we want the New York co-ops and public systems to grow.

I should like to say to my friend from Ohio and to my friend from New York that the city of Cleveland is not inside the 150-mile area. We are asking for our fair share exclusive of the city of Cleveland.

Mr. President, I come finally to the reason why we are striking the word "reasonable" from the bill. As I said, nothing is harder than to persuade reasonable men to strike the word "reasonable" from the bill. But, as the Senator from Colorado [Mr. CARROLL] made abundantly clear and plain, the difficulty is that the use of the word "reasonable" introduces a new element of doubt and uncertainty, which will make it possible to argue—and I am sure that Mr. Moses will argue most convincingly—that we meant to change the definition of "economic transmission distance" by inserting the word "reasonable." There is the real danger, in my judgment as a lawyer, if that word remains in the bill.

Mr. President, in conclusion, I should like to say that our figures are accurate. Our figures are sound. The amendments do nothing more than simple, minimum justice to the Commonwealth of Pennsylvania and the State of Ohio.

If the pending amendment is adopted, we will propose another amendment to raise our percentage from 10 percent of the total project power to 20 percent; that is, from 20 percent of the power reserved for public power to 40 percent of that power. That is the share we are now using. We think it is only fair and just. I hope very much that our colleagues in the Senate will agree with us.

I yield as much time as he may require to the distinguished Senator from Ohio.

Mr. LAUSCHE. Mr. President, at the very beginning I wish to express commendation of the junior Senator from Pennsylvania for the fervor and clarity with which he has presented his cause. Lightness has been the treatment which has been accorded to the unexplained insertion into the bill of the word "reasonable." I wish I could dispose of it in that same light vein.

If the word "reasonable", is so innocuous as it has been pretended to be tonight, I submit the question: Why was it deemed of such importance that it should be used to preface the commonly accepted language in preparing bills of this type? May I ask who concocted and devised the idea that in the bill the word "reasonable" should be prefixed to the normal language "economic transmission distance"?

If Senators will listen to me for a moment, I will try to give them an explanation. I asked the Senator from Oklahoma [Mr. KERR] the other day, after he had told me that the word "reasonable" did not change the meaning of the language, "Why not strike it from the bill?" I repeat my question.

The argument was made that "reasonable" neither added to nor detracted from the meaning of "economic transmission distance." I submit, in calm and objective judgment, that if it means nothing, then it ought not to be in the bill. If it means something, then it ought to stay in the bill. Who will interpret what it means? What is expected to be the interpretation of that word?

I asked the question, Do the proponents of the word "reasonable" think that it means something different? The answer was, "I do not know."

I again commend the junior Senator from Pennsylvania for making the fight he has made. He has had a most formidable opponent. If ability to present the cause means victory, then, though undeservedly, he will go down to defeat. But I assume that in the Senate the ability to make the presentation does not stamp as right the cause of him who is most eloquent, and as wrong the cause of him who is incapable in the same superlative degree of presenting his cause.

I ask the question, Why was the word "reasonable" prefixed to the normal language used in bills of this type? Is it possible that the dynamic, electrifying director of the New York Power Authority was attempting to create a situation under which, in the courts, he could defeat the allocation of the 10 percent made in the bill?

Let us look at the language used by Congress in previous bills passed on this subject.

In the Bonneville Power Act, we read:

> It is declared to be the policy of the Congress, as expressed in this chapter, to preserve the said preferential status of the public bodies and cooperatives herein referred to, and to give to the people of the States, within economic transmission distance of the Bonneville project.

To the distinguished Senators whose States are being served by the Tennessee Valley Authority, I point out that the language used in the Tennessee Valley Authority Act states that preferential service shall be given to "the States, counties, and municipalities within economic transmission distance."

So again I put the question, Why was the word "reasonable" prefixed to this commonly accepted wordage?

The argument has been made that leniency and mercy are being shown to the States of Pennsylvania and Ohio in the allocation of 20 percent of the 50 percent of the 1,800,000 kilowatts of power which will be generated. In response to that argument, I call attention to the fact that former Senator Lehman's bill contained no such provisions as are contained in this bill.

I shall read the language contained in the order issued by the Federal Power Commission with regard to the St. Lawrence project. The Federal Power Commission said that the St. Lawrence project was in a regional area; that the waters therein belonged to the people of the region; and that, therefore, Vermont and the other States within economic distance should be served with the power.

We submit that the same situation prevails with respect to the Niagara power project. To be specific, one of the 25 orders issued by the Federal Power Commission directed the Power Authority to make a reasonable portion of the power output available for use within the economic area in the neighboring States. The order was based on a finding that the project was a national resource of the entire northeastern region of the United States, and therefore its output should be made available on an equitable basis to consumers within economic transmission distance.

The members of the Senate Committee on Public Works last year made this statement:

> The Niagara project would utilize waters of a navigable stream forming our international boundary with Canada and is thus within the jurisdiction of the Federal Government. Its use for hydroelectric development is the subject of a treaty. Its waters are the property of all the people of the Nation.

My point is that the waters which will generate the power at Niagara are the property of the people who live in the nine States which are within the basin from which the water will flow.

We concede that New York has done a magnificent job in furthering this project. We want it to go forward. But over and above the money which will be invested, there are the rights of the people of the nine States, including those of the people within the State of Ohio. We are entitled to a fair share of the

power which will be generated. We are asking that there be given to us only the proportion of the public power which is now being generated and sold by municipalities and rural electrification agencies. I respectfully submit that Ohio is entitled to that allocation on the basis of the precedents established and followed by Congress.

The State of Ohio will survive, regardless of what is done here. We will generate our power, and we will be able to sell it and have it bought. But I humbly and respectfully submit to my colleagues that New York, in this instance, should not be dealt with preferentially. Why should the rules be changed in the middle of the game? If in the Lehman bill the provisions which we are now urging were acceptable, why are they not acceptable now?

When the language which is generally incorporated in these bills is "economic transmission distance," why is it being changed now to "reasonable economic transmission distance"?

If heretofore the theory has been that the people who live in a water basin shall all be allowed to participate in the power generated, why should it not be that way now? That is our case. I submit it on that basis.

I further desire to say that I am not one of the fervent believers in public power. But inasmuch as this is to be a public-power project, my judgment is that Pennsylvania and Ohio ought to get their fair share of the power, without a crippling word which might deprive them even of the 10 percent.

Mr. CLARK. Mr. President, I yield back the remainder of the time under my control; and at this time 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. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. CLARK]. All remaining time available on the amendment has been yielded back.

On this question, the yeas and nays have been ordered.

Mr. JAVITS. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment of the Senator from Pennsylvania will be stated.

The LEGISLATIVE CLERK. On page 2, in line 21, it is proposed to strike out the word "reasonable."

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

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

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Delaware [Mr. FREAR].

If present and voting the Senator from Virginia would vote "yea" and the Senator from Delaware would vote "nay."

I further announce, if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate, in order to represent the Senate at the Latin American Economic Conference in Buenos Aires.

The Senator from South Dakota [Mr. MUNDT] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from West Virgina [Mr. REVERCOMB] are detained on official business.

If present and voting, the Senator from South Dakota [Mr. MUNDT] and the Senator from Maine [Mr. PAYNE] would each vote "nay."

The result was announced—yeas 30, nays 48, as follows:

YEAS—30

Carroll	Johnston, S. C.	O'Mahoney
Church	Kefauver	Robertson
Clark	Langer	Russell
Douglas	Lausche	Sparkman
Ervin	Long	Stennis
Green	Magnuson	Symington
Hayden	Mansfield	Talmadge
Hill	McClellan	Thurmond
Humphrey	Morse	Yarborough
Jackson	Neuberger	Young

NAYS—48

Aiken	Curtis	Martin, Pa.
Allott	Dirksen	McNamara
Anderson	Dworshak	Monroney
Barrett	Ellender	Morton
Beall	Flanders	Potter
Bennett	Hickenlooper	Purtell
Bible	Holland	Saltonstall
Bricker	Hruska	Schoeppel
Bush	Ives	Scott
Butler	Javits	Smathers
Carlson	Jenner	Smith, Maine
Case, N. J.	Johnson, Tex.	Smith, N. J.
Case, S. Dak.	Kerr	Thye
Chavez	Knowland	Watkins
Cooper	Kuchel	Wiley
Cotton	Martin, Iowa	Williams

NOT VOTING—17

Bridges	Goldwater	Murray
Byrd	Gore	Neely
Capehart	Hennings	Pastore
Eastland	Kennedy	Payne
Frear	Malone	Revercomb
Fulbright	Mundt	

So the amendment offered by Mr. CLARK for himself and other Senators was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CLARK. Mr. President, I call up my amendment identified as "7-2-57-C," offered on behalf of myself, the junior Senator from Ohio [Mr. LAUSCHE], and the junior Senator from Oregon [Mr. NEUBERGER], and ask that it be read by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 2, line 25, to insert the word "total" before "project power," and to strike out "subject to such preference provisions."

The PRESIDING OFFICER. The Senator has 15 minutes. How much time does he yield to himself?

Mr. CLARK. I yield myself so much of 5 minutes as I shall use.

The purpose of the amendment is to double the ceiling on the power which would be available to Ohio and Pennsylvania, if we can prove that we are able to utilize it within reasonable economic transmission distance. The burden is on us in Ohio and Pennsylvania to prove that we can take this power at a cheaper cost than we are presently buying or generating our own power.

If the amendment should be agreed to, I say to my colleagues that Pennsylvania and Ohio would then have an opportunity to prove to the satisfaction of the Federal Power Commission that we could use economically the same percentage of the public power which we are now using within the 150-mile area which our friends from New York say is as far as power can be economically transmitted—which is roughly 40 percent for Pennsylvania and Ohio, and 60 percent for New York.

We could have asked for much more than that on the basis of a radius of 200, 250, or 300 miles. We want to be reasonable. All we ask is to be allowed to grow together with the public power agencies in the State of New York. We want to maintain the status quo.

Without further ado, because I know it is late, and I do not desire to detain my colleagues, I rest my case on the fact that justice and equity to Pennsylvania and Ohio require that they be given the same percentage of public power which those States are now using.

Mr. President, unless Senators desire me to yield them time, I am prepared to yield back the remainder of my time.

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

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. MORTON. Cannot the people in Pennsylvania do what we in Kentucky do—generate power from coal, which is cheaper than water power?

Mr. CLARK. If we could do so more economically, we would not be able to prove our right to one kilowatt of Niagara power, because we must prove that we can get our power cheaper from Niagara than we can from coal.

Mr. MORTON. We had better ship the people of Pennsylvania some Kentucky coal.

Mr. KERR. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. KERR. I remind Senators the purpose of the amendment is to give the States of Ohio and Pennsylvania a call

on nearly 20 percent of the power to be developed by projects which will be financed by the State of New York, on the credit of the State of New York, and operated by the State of New York.

If any Senator feels, if his State was going to build a power-generating facility within its boundaries, using water over which his State claims sovereignty, he would then want to give a call on 20 percent of that power to users in other States, I think he should vote for the amendment. But remember, Mr. President, this is a power project to be built by the power authority of the State of New York, utilizing water over which the State of New York claims sovereignty, and which claim has been dignified by at least one confirmatory decision by the Supreme Court. The State of New York is going to sell bonds on its credit. New York, in my judgment, has been more than generous in agreeing to give to neighboring States 20 percent of half of the power to which we have attached the Federal preference clause. But to me it goes beyond the realm and scope of reasonableness to expect the great State of New York to do this job, to build this project, to finance its cost, to bond itself with the repayment of what it is going to cost, and then be compelled to give 20 percent of the total to consumers in other States.

I believe reasonable Senators will vote the amendment down.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Oklahoma yield back the time remaining to him?

Mr. KERR. I yield back the time remaining to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania, for himself and other Senators, on page 2, line 25.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CARROLL. Mr. President, I have an amendment on page 2, line 23, to strike out the numeral "20" and insert in lieu thereof the numeral "25."

The PRESIDING OFFICER. The amendment of the Senator from Colorado will be stated.

The CHIEF CLERK. It is proposed on page 2, in line 23, to strike out the numeral "20" and insert in lieu thereof the numeral "25."

The PRESIDING OFFICER. How much time does the Senator from Colorado yield to himself?

Mr. CARROLL. About 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. CARROLL. Mr. President, the amendment is very important to both the State of Pennsylvania and the State of Ohio. The amendment just offered, and which was rejected, I thought was too strong. I voted against it. I am a member of the Flood Control Subcommittee of the Public Works Committee. I told the subcommittee chairman when we were marking up the bill I was going to offer the amendment.

The bill provides for only 20 percent. It is my recollection that the subcommittee agreed that Pennsylvania and Ohio were to get 20 percent of the 50 percent, or 180,000 kilowatts. My amendment would provide 5 percent more, or 225,000 kilowatts.

Mr. President, this is a compromise. In the case of the St. Lawrence project, a license was issued by the Federal Power Commission. The State of Vermont got 13.6 percent of 750,000 kilowatts. Under my amendment, the State of Ohio and the State of Pennsylvania, if they could come within the definition of economic transmission distance, would get 225,000 kilowatts. Out of how much? One million eight hundred thousand kilowatts.

I urge an additional 5 percent, because the people of New York have been fair. The figure of 15 percent was offered in the subcommittee by the New York representatives. The chairman said, "Let us raise it to 20 percent." I said, "Let us go one step further and raise it to 25 percent."

It seems to me this amendment is in the nature of a compromise. Wonderful work has been done by the distinguished Senator from Pennsylvania and the distinguished Senator from Ohio. By equity and compromise we derive a standard. There is a basis for such action.

What have we done? The pending bill may be interpreted as giving Pennsylvania and Ohio 20 percent. If we adopt this amendment will they receive 25 percent? Not necessarily. Why? Because it is up to the Federal Power Commission to determine what reasonable transmission means. I think on that question there will be a great deal of litigation.

That is the reason I voted against my own committee in relation to use of the term "economic transmission distance." I do not know how much Pennsylvania and Ohio will get, but I sat as a member of the committee and I talked with the REA Co-op representatives from Pennsylvania and from Ohio, and I know how much they need.

We, in Colorado, have no direct interest in this matter. The chairman of the subcommittee has done a magnificent job on the bill. I ask only that the preference customers in Pennsylvania and Ohio be given this extra 5 percent of power, and that my amendment be agreed to.

Mr. KERR. Mr. President, I yield myself 1 minute.

The same argument I tried to make with reference to the other amendment, which the Senate voted down, applies to this amendment, with the additional fact that, as I recall—and I would want my good friend, the Senator from Colorado, for whom I have the greatest respect and affection, to correct me if I am in error—the Senator offered the amendment in the committee, and I believe it was defeated by a vote of 11 to 2.

Mr. CARROLL. The Senator is correct in that statement.

Mr. KERR. The figure in the bill is a compromise. As I said, the ranking Republican on the committee was the great senior Senator from Pennsylvania, and he did not want any of the power to come into Pennsylvania. We worked out the bill on the compromise basis of the 20 percent of the one-half.

I hope the Senate will approve the bill as it is. I ask the Senate to reject the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the time remaining to him?

Mr. CARROLL. I yield back the time remaining to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. CARROLL].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CLARK. Mr. President, I call up my last amendment, and I shall not detain my colleagues long. The amendment is 8-9-57-A. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 19, it is proposed to strike out "reasonable" and on page 3, line 1, to change the period to a comma and add:

> Nor shall it be construed to permit less than that amount if the preference customers within economic transmission distance in neighboring States demonstrate their ability to utilize the power requested.

Mr. CLARK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. CLARK. Mr. President, the purpose of the amendment is to put a floor as well as a ceiling on the amount of power which Pennsylvania and Ohio can prove to the Federal Power Commission they can use within the reasonable economic transmission distance.

I should like to make it very clear that I have given up on the word "reasonable," which remains in the bill under this amendment. Although we are striking one word "reasonable," it is not the key word and it is a word necessary to be stricken to give the amendment effect. It has no basic significance.

If this amendment were to be adopted, the result would simply be that if we could show we could use 20 percent of the project power set aside for public power under the preference clause we would not be short-changed by getting less. It seems to us unfair to impose a ceiling and not give us the benefit of a floor. Therefore, I hope very much my colleagues will see fit to let this run both ways, not merely against us, and to give us at least a guaranty of the 180,000 kilowatts.

Mr. President, at the request of the Senator from Ohio [Mr. LAUSCHE], I shall read the amendment again.

On page 2, line 19, it is proposed to strike out the word "reasonable." I say again that this is not the same "reasonable" we were talking about earlier. It has no significance.

The key words would be added on page 3, line 1:

> Nor shall it be construed to permit less than that amount—

Twenty percent of the 50 percent—

if the preference customers within economic transmission distance in neighboring States demonstrate their ability to utilize the power requested.

The purpose of the amendment is to impose a floor as well as a ceiling.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Oklahoma desire recognition?

Mr. KERR. Mr. President, I yield myself 1 minute.

I believe, Mr. President, it will be just as unreasonable to strike out the word "reasonable" in this line as it would have been to have stricken out the word "reasonable" in another line.

It is our belief in the committee, and my personal belief, that the bill should be reasonable and that the objective is helped to be attained by keeping this language.

I know the Senator does not want to confuse the bill by the provision he seeks to add, which would only result in throwing it into conference with the House and perhaps unduly delaying passage of the proposed legislation.

I hope this amendment will likewise be rejected.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield back the remainder of his time?

Mr. KERR. I yield back the time remaining to me, Mr. President.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. CLARK. I do, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. CLARK] for himself and other Senators.

The amendment was rejected.

Mr. MARTIN of Pennsylvania. Mr. President, I call up my amendment 7-1-57-D.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, lines 21 and 22, it is proposed to strike out "within reasonable economic transmission distance in neighboring States" and to insert in lieu thereof the following:

In neighboring States, and in determining such portion shall give consideration to economic marketing area, economic transmission distance, and the number of potential rural and domestic consumers to whom the power can economically be made available.

Mr. MARTIN of Pennsylvania. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. MARTIN of Pennsylvania. Mr. President, may I have the attention of the senior Senator from Oklahoma [Mr. KERR]?

Mr. KERR. I beg the Senator's pardon.

Mr. MARTIN of Pennsylvania. I should like to have the Senator's attention for a moment.

Mr. President, I think this is one of the most important measures we have considered in many years. As has been stated several times, I was personally opposed to the creation of any separate authority, either Federal or State, to produce power at Niagara Falls. However, the serious catastrophe, occasioned by the rocks falling and the bank caving in occurred and the people of that section of the United States need additional power, and need it badly.

I am hoping the Senate will pass the bill tonight.

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

Mr. MARTIN of Pennsylvania. I yield.

Mr. KERR. I have read the language of the Senator's amendment very carefully. I wonder if the Senator does not conceive the probability that the elements which he sets forth in his amendment would not be given due consideration by the Federal Power Commission in the eventuality that the bill becomes a law and the public Power Authority of the State of New York secures the license, especially in view of the language on page 3 of the House bill, in line 2, wherein it is stated:

In the event of disagreement between the licensee and the power-marketing agencies of any such States—

That would mean the States of Ohio and Pennsylvania.

Mr. MARTIN of Pennsylvania. And the Power Authority of New York.

Mr. KERR. It would be a party to the transaction.

Mr. MARTIN of Pennsylvania. Yes. It would be a party to the transaction.

Mr. KERR. The language is:

In the event of disagreement between the licensee and the power-marketing agencies of any such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto.

Mr. MARTIN of Pennsylvania. I very much appreciate the reference made by the distinguished chairman of the subcommittee of the Public Works Committee. I simply propose to add a qualification to the term "economic transmission distance." I should like to ask the distinguished chairman whether it would not be reasonable to take into consideration the economic marketing area in determining "such portion."

I wish to be reasonable to both sides. The Power Authority of New York has a very important part in this operation, and the Commonwealth of Pennsylvania has an important part. So does the State of Ohio.

I wonder if it would not be reasonable for the power authority to give consideration to the factor of the sound economic marketing area. Should not that be one of the considerations, in addition to the economic transmission distance?

Mr. KERR. I will say to my good friend from Pennsylvania that, as he recalls, in the consideration of the bill some of the matters included in his amendment were discussed by the committee in its deliberations. We felt that we were making provision for the settlement of any dispute which might arise by designating the Federal Power Commission as the agency to determine the question in the event of disagreement. In order to expedite the handling of the case, I believe it was the suggestion of the Senator from Oklahoma that the word "reasonable" be inserted in connection with the term "economic transmission distance."

Let me say to the distinguished Senator from Pennsylvania that I am not in a position to commit the Federal Power Commission, nor am I in a position to limit it. It seems to me that it would be entirely possible that the very elements which the Senator seeks to place in the bill by language would be among those which the Federal Power Commission could certainly take into consideration, in the event that there should be a disagreement between the licensee and the power marketing agencies of any such State, and the case was before the Federal Power Commission to be resolved.

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

Mr. MARTIN of Pennsylvania. I yield.

Mr. JAVITS. The Federal Power Commission has shown its policy in the license given for the St. Lawrence project. The policy is expressed in the St. Lawrence license as follows:

The licensee shall make a reasonable portion of the power capacity and a reasonable portion of the power output available for use within the economic market area in neighboring States—and shall cooperate with agencies in such States to insure compliance with this requirement.

The Federal Power Commission itself has exactly the policy which is being spelled out by the Senator from Pennsylvania.

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

Mr. MARTIN of Pennsylvania. I yield.

Mr. AIKEN. I think the New York Power Authority would be unable to sign a contract with any authorized agency in another State unless that agency agreed to give the rural and domestic users of such State first chance at the power, and to take it to them at cost.

Mr. JAVITS. That is exactly correct. That is the policy expressed in so many words in the Power Authority Act of the State of New York, upon which I myself rendered an opinion as attorney general.

Mr. MARTIN of Pennsylvania. Mr. President, I greatly appreciate the comments of the Senator from New York, the Senator from Vermont, and the Senator from Oklahoma. I desired some comment on this question, because I have been very much worried as to whether there might be a misunderstanding, and I am asking these questions for clarification more than anything else.

I feel satisfied with the explanations which have been made. I believe that it will be possible to enter into these agreements without undue delay and controversy, and I therefore withdraw my amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania is withdrawn.

Mr. KERR. I thank the Senator from Pennsylvania for his consideration.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 8643) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the proponents have 23 minutes, and the opponents 60 minutes.

Mr. JOHNSON of Texas. Mr. President, I am prepared to yield back the remainder of my time, on condition that the minority leader will do likewise.

Mr. KNOWLAND. Unless there is a request for time, I am prepared to yield back the remainder of time on our side.

Mr. JOHNSON of Texas. Does the Senator from New York desire the yeas and nays?

Mr. IVES. I do not believe it is necessary to ask for the yeas and nays on the passage of the bill. I think the sentiment is overwhelming in favor of it.

Mr. KNOWLAND. I am prepared to yield back the remainder of my time.

Mr. JOHNSON of Texas. I yield back the remainder of the time on our side.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H. R. 8643) was passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KNOWLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT OF 1954

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 709, Senate bill 2127.

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

The LEGISLATIVE CLERK. A bill (S. 2127) to amend section 3 (d) of the Federal Employees' Group Life Insurance Act of 1954 relating to the reduction in amounts of insurance of persons over the age of 65.

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

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, on page 2, after line 2, to insert:

SEC. 2. The amendment made by this act shall take effect as of August 17, 1954, except that it shall not be applicable in any case in which the employee's death or retirement occurred prior to the date of enactment of this act.

So as to make the bill read:

Be it enacted, etc., That so much of section 3 (d) of the Federal Employees' Group Life Insurance Act of 1954, as amended, as precedes the proviso, is amended to read as follows:

"(d) Each of such amounts of insurance shall be reduced by 1 percent thereof at the end of each full calendar month following the date the employee attains age 65, subject to minimum amounts prescribed by the Commission, but not less than 50 percent of the insurance in force immediately preceding the first reduction provided herein."

SEC. 2. The amendment made by this act shall take effect as of August 17, 1954, except that it shall not be applicable in any case in which the employee's death or retirement occurred prior to the date of enactment of this act.

PROGRAM FOR TOMORROW

Mr. JOHNSON of Texas. Mr. President, I should like to announce the schedule for tomorrow.

We expect to consider Calendar No. 709, Senate bill 2127, a bill to amend the Federal Employees' Life Insurance Act. We understand that it is not a very controversial bill, and that its consideration will require only a short time.

Next, we expect to take up Calendar No. 792, House Joint Resolution 426, amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes.

Following that, we shall proceed to the consideration of the conference report on the Public Works appropriation bill.

Then the Senate will consider the conference report on the foreign-aid-authorization bill, or the so-called mutual-security-authorization bill.

Then we will proceed to the consideration of the nominations on the Executive Calendar, of Mr. Jerome Kuykendall, to be a member of the Federal Power Commission, and of Mr. Don Paarlberg, to be an Assistant Secretary of Agriculture and member of the Board of Directors of the Commodity Credit Corporation.

There may be some other bills to go on the agenda for tomorrow. If so, I shall announce them as soon as I have the information.

THE CIVIL-RIGHTS BILL

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the editor of the New York Times, dated August 12, 1957. The letter was written by the very distinguished Royall professor of law at Harvard Law School, Dr. Paul Freund. Professor Freund's learning and insight in the field of administrative and constitutional law are well know to every student of our legal system. His cogent arguments to the effect that the civil-rights bill, as passed by the Senate, is workable, that the fears of those who foresee chaos and ineffective enforcement are groundless, and that our action on the bill marked a significant step forward in the painful story of civil rights, should be compelling to everyone who reads them. I respectfully recommend this letter to every Member of the Senate, to our friends in the House, and to the President and his advisers.

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

FOR THE SENATE RIGHTS BILL: COMPROMISE ON CONTEMPT CITATIONS BELIEVED TO REPRESENT GAINS

(The writer of the following letter, an authority on the U. S. Supreme Court, has served in the Department of Justice. He is Royall professor of law at Harvard University.)

To the EDITOR OF THE NEW YORK TIMES:

As one of those who have maintained that there is no constitutional right to a jury trial in contempt cases, may I now urge that the Senate compromise, drawing a line between civil and criminal contempt, be accepted if limited to voting cases.

The point of view expressed in some quarters that it would be better to let the legislation go by default exaggerates the limitations of civil contempt and underrates the resourcefulness of the judicial process.

It is argued that an order requiring registration of voters could not be enforced by civil contempt once the voting day has passed, since compliance would then have become moot. But there is no reason why an order for registration need be limited in the first place to a particular election; certainly this is so where the usual long-term or permanent system of registration prevails.

CONTINUITY OF ORDER

It is said that a registrar who is sentenced to jail until he obeys can avoid the force of this civil-contempt decree by resigning. Apart from the dubious assumption that public officeholders are so lightly attached to their jobs, there is no reason why an injunction order cannot run from the beginning against a registrar and his successors, each of whom would then be faced with civil-contempt sanctions for disobedience.

It is contended that an injunction negative in form, for example, one ordering the defendants to cease and desist from intimidation or acts of violence, cannot provide the basis for civil contempt, since if the defendants were imprisoned there is no definite act which would suffice to purge them of their contempt. But in lieu of imprisonment they could be required in civil contempt to give a bond which would be forfeited if they renewed their threats or violence.

No doubt in some cases the civil-contempt remedy may be impractical. But to write off the bill for this reason is to make a double assumption: that a judge's order will not be obeyed without some form of contempt proceedings and that a jury in criminal contempt will be sure to acquit.

SUPPORT FOR ENFORCEMENT

Before yielding to these assumptions we should remember several facts. Unlike desegregation, the principle of equality of voting rights has been part of our constitutional law for generations. The enforcement procedure adopted by the Senate was supported by the spokesmen for the States chiefly concerned.

What is at stake (as Judge Taylor admirably explained to the jury in the Clinton, Tenn., case) is the orderly processes of law, the issue whether the legal and moral authority of a Federal jury may be flouted with impunity.

If juries, put to the test, carry out their responsibilities, there will be a positive gain in the self-education that comes from sharing in the administration of justice. If the results should turn out otherwise, the climate of national opinion will be clarified by the experiment.

Party politics aside, is there any reason why Congress should deny to itself and the

country the benefit of a judgment from experience rather than from speculation?

PAUL A. FREUND.

CAMBRIDGE, MASS., *August 5, 1957.*

RESOLUTION OF KANSAS CITY SYNOD OF THE EVANGELICAL AND REFORMED CHURCH

Mr. CARLSON. Mr. President, the Kansas City Synod of the Evangelical and Reformed Church, at its 18th annual meeting in St. Luke Church, Independence, Mo., on May 14, 15, and 16, 1957, adopted resolutions urging that Congress give its fullest support to the United Nations in working for peace and justice in the Middle East and in central Europe and other troubled spots of the world.

I ask unanimous consent that the resolutions be printed in the RECORD, and referred to the Committee on Foreign Relations.

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

1. Be it resolved that Kansas City Synod encourages the President of the United States and Members of the Congress to the fullest use and support of the United Nations in working for peace and justice in the Middle East and in central Europe, and in other troubled spots of the world.

2. Be it resolved that Kansas City Synod urges its people to study the spiritual and community conditions of Indian Americans (on and off the reservations) and all minority groups, and, where possible, join in church, civic, and governmental efforts that might help them to enjoy the same rights, privileges and responsibilities enjoyed by other Americans.

3. Be it resolved that Kansas City Synod urges that we support the keeping open of our immigration laws so that worthy tyranny-fleeing individuals, and those with high aspirations, be received and welcomed into our country and way of life.

ADDITIONAL BILL INTRODUCED

Mr. SPARKMAN (for himself and Mr. HILL), by unanimous consent, introduced a bill (S. 2768) for the relief of Dr. Edgar Scott, which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF CODE RELATING TO PRODUCTION OF STATEMENTS AND REPORTS OF WITNESSES—AMENDMENT

Mr. O'MAHONEY. Mr. President, I submit an amendment, in the nature of a substitute, intended to be proposed by me to the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses. I ask unanimous consent that the amendment may be printed in the RECORD.

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

The amendment is as follows:

To strike out all after the enacting clause and insert in lieu thereof the following: "That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"'§ 3500. Demands for production of statements and reports of witnesses

"'(a) In any criminal prosecution brought by the United States, no statement or report of a witness or prospective witness (other than the defendant) which is in the possession of the United States shall be the subject of subpena, or inspection, except as provided in paragraph (b) of this section.

"'(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United State to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or recordings of oral statements made by the witness to a Federal law officer, relating to the subject matter as to which the witness has testified. If the entire contents of any such statements, transcriptions or recordings relate to the subject matter of the testimony of the witness, the court shall order them delivered directly to the defendant for his examination and use. In the event that the United States claims that any statement, transcription, or recording ordered to be produced contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement, transcription, or recording to the defendant for his use. If, pursuant to such procedure, any portion of such statements, transcriptions or recordings is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statements, transcriptions, and recordings shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge.

"'(c) In the event that the United States elects not to comply with an order of the court under paragraph (b) hereof to deliver to the defendant any statement, transcription, or recording or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared, or take such other action as the court deems appropriate.'"

The analysis of such chapter is amended by adding at the end thereof the following:

"'§ 3500. Demands for production of statements and reports of witnesses.'"

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, if no Senators desire to address the Senate, I am prepared to move that the Senate adjourn.

In accordance with the order previously entered, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 40 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Tuesday, August 13, 1957, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The Continuing Danger of Natural Gas Rate Bill; Consumers Must Wake Up

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, August 12, 1957

Mr. WILEY. Mr. President, this morning we were all rather entertained when we saw the majority leader and minority leaders of the Senate—we call them Damon and Pythias—engage in what were, let us say, countermovements as to what was involved in the civil-rights bill. I am glad they came to an agreement that they would not bury the civil-rights bill. I should like now to speak of something I wish I could get them to agree on. If the gas bill comes up, I hope they will agree to bury it.

Mr. President, within the past few days there have been hopeful indications that the new version of the natural gas rate increase bill will, very fortunately, not be brought up in the House of Representatives for final vote at this session. Apparently, the realistic backers of the bill, after detailed counting of noses, have determined that they do not have enough votes to steamroller it through.

This is good news to the Nation's consumers, because if the news is true, it means that consumers will be saved literally hundreds of millions of dollars in inflationary gas rate increases which might otherwise have "socked" them.

We hear discussion about the increase in steel prices and the increase in wages, because they all make an impact on the inflationary pressures. However, if the gas bill were to be enacted, it would "sock" the ordinary housekeeper around $40 a year additional. Senators can imagine what that would mean in terms of the probably 40 million persons involved.

CONSUMERS HAVE ALMOST BEEN ASLEEP

I wish to say, in all frankness, that the apparent inability of the gas lobby to pass the bill thus far is not due—I repeat, it is not due—to vigilant consumer reaction. On the contrary, the inability of the gas lobby to prevail is due to the basic good sense of the Members of the House of Representatives.