

Only through the vigorous and imaginative use of all the mediums of communication can an administration expect to convince the country that it must make the sacrifices necessary to meet the multiple Soviet challenges and to avoid the catastrophe of either war or Soviet domination. And only through an equally vigorous use of communications mediums—founded soundly on intelligent policy, of course—can our leaders expect to rebuild the confidence and unity of the West and shatter the glib confidence of the Soviet leadership.

But even should we succeed in ending the arms race, in reducing the crushing burden of armaments and the overhanging threat of catastrophe from nuclear weapons, we must still be prepared to face a generation of struggle to win the minds and hearts of the peoples of Asia and Africa. Let us hope that we will have the determination to enter the contest seriously, the intelligence to formulate wise policies, and the trained men and women to put them into effective action.

Of all the powerful ideas at work in the world, none has more strength than the world's yearning for peace—and not simply the absence of war, but peace with progress.

We must identify ourselves vigorously, simply and directly, with this great idea, in terms of positive progress toward better housing, more jobs, more food, and for dignity and freedom for the men and women who have had nothing for so long.

Ideas, you see, are in motion—powerful ideas that are sweeping away old political institutions, breaking through the encrusted traditions of five centuries. Nationalism, and fierce nationalism at that, is an idea and a movement among the Asian and African peoples that must be recognized and taken into the most serious consideration by American policy planners. The idea of equal opportunity and nondiscrimination on the grounds of religion or color is another powerful idea that is upsetting the old order. The peoples of colored skin in this world are in the majority, and it has long since become evident that they will no longer tolerate the inferior status we of the West have assigned them for these five centuries of Caucasian domination.

The magnificent conception of international organization for peaceful purposes is still another tenacious and vigorous idea important in our world—and very much in motion. Steadily, in the face of the huge buildup of weapons of mass destruction, men and women of vision and purpose are working to strengthen the economic, social, and cultural organizations that are some of the brightest hopes in an often bleak international picture. The idea that all peoples should be free of the age-old scourge of disease is being magnificently carried forward—in malaria control programs, in the attack of trachoma, tuberculosis, and scores of other plagues.

Still another idea powerfully at work in the world, but one which our Government regretfully has not yet adopted, is that food and fiber are great national treasures, and can be vital instruments of foreign policy. Mr. Khrushchev is the first of the Soviet leaders to recognize this fact, and in the face of our own leadership's indifference to the opportunity to use food intelligently and wisely, the Soviet leaders are surging forward in an effort to overtake us in food and fiber production. American food and fiber abundance is not something we should be ashamed of, but an asset of incalculable value.

Finally, the idea of providing the kind of education that will permit individuals to realize their full intellectual potential, the idea of ensuring that gifted young people will not be denied higher education opportunities simply because of a lack of family finances, is gathering real momentum. In our history we have steadily widened the opportunity for education for everyone. But it is only recently that we have come to realize the great gaps in our educational structure. It is nothing short of tragic—for the individuals and for our Nation—that we have not devised a system that would provide the 150,000 or so young high school graduates with very superior ability who do not now go on to college each year for lack of funds, the opportunity to develop their potential through higher education.

I think we are going to take steps to meet this challenge. As long ago as January of

1957 I proposed legislation to provide direct scholarships and loans for 40,000 such young people. This year, I was privileged to join with Senator LISTER HILL in introducing the national defense education bill about whose title X we have had some discussion earlier. We have even succeeded in encouraging the administration to make a similar, though far smaller, request of Congress. Clearly we are going to have concrete, positive legislation in this field this year, and the impact on the intellectual level of our Nation may be astonishing over the coming decades.

Finally, it is important to point out that were there no Soviet Union, were there no Nikita Khrushchev, were there no overhanging threat of nuclear warfare, we would still live in a world of incredible problems and dangers, and opportunities. Surely it is shortsighted to be forever reacting instead of acting, to be forever holding back instead of forging boldly ahead with our own ideas. This is a world in constant flux, ever changing, constant only in its inevitable change.

The task of encouraging and training the young people of our Nation to assume political, economic, and technical leadership is of nobility and intense importance. You teachers, and you specialists in the visualization of the idea, deserve the warmest support and encouragement of the Nation. I can only assure you that there are many in the Congress of the United States who share my conviction that the profession of teaching must somehow receive the social and financial rewards that have for so long been denied to educators.

This is just another idea that I hope to get into motion.

Meanwhile, while our society, not yet in its full maturity, does not yet recognize in more concrete terms the critical importance of the teaching profession to the strength and economic health of our Nation, let me assure you that never has the prestige of the teacher been higher. Never, it seems to me, have the prospects been brighter for the participation by educators in major policy decisions of our Government. This is a long and important stride forward, I believe, and bodes well for the future welfare of our own, and of the world's people.

## SENATE

THURSDAY, MAY 1, 1958

Rev. Walter B. Freed, D. D., pastor, Luther Place Memorial Church, Washington, D. C., offered the following prayer:

Almighty God, Thou who art the Father of all men and the Lord of nations, let Thy righteousness rest upon Thy servants, to encourage them to good, and to discourage them from evil. Come to our boisterous and stormy selves, where strong and stubborn wills hold sway, and still us with the calm steadiness of Thy presence until self is forgotten and Thou alone art Lord.

Cast out, O God, from our hearts and minds the fears and contradictions which tend to make us cowards and weaklings; and help us to comprehend, through the clear eye of faith, a destiny for Thy peoples which is in keeping with Thy holy will and divine purpose. Endow us with the grace of patience, so as to deal gently with those who may oppose us, while at the same time keep us loyal to convictions that are just.

In moments when decisions fraught with extended consequences are to be made, allow the light of Thy truth, O God, to shine into our minds until selfishness and prejudices are exposed and we are compelled to act because of a motive divine. In places where we are weak, make us strong in our reliance upon Thee; and where we are strong, use our strength to Thy honor and glory: through Jesus Christ, Thy son, our Lord, who liveth and reigneth with Thee and the Holy Ghost, ever one God, world without end. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 30, 1958, was dispensed with.

### MESSAGE FROM THE PRESIDENT

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

### EXECUTIVE MESSAGE REFERRED

As in executive session, The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services. (For nominations this day received, see the end of Senate proceedings.)

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 228) authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" in which it requested the concurrence of the Senate.

### HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 228) authorizing the printing as a House document of the pamphlet en-

titled "Our American Government. What Is It? How Does It Function?" was referred to the Committee on Rules and Administration, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That, (a) with the permission of the copyright owner of the book *Our American Government—1,001 Questions on How It Works*, with answers by WRIGHT PATMAN, published by Scholastic Magazines, Inc., there shall be printed as a House document the pamphlet entitled "Our American Government. What Is It? How Does It Function?" In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of, and a Delegate to, the House of Representatives, and the Resident Commissioner from Puerto Rico.

#### COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

#### LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of other routine business. I ask unanimous consent that statements made in connection therewith be limited to 3 minutes.

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

#### AMENDMENT OF CIVIL AERONAUTICS ACT OF 1938, RELATING TO COURT PROCEEDINGS

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman, Civil Aeronautics Board, Washington, D. C., transmitting a draft of proposed legislation to amend the Civil Aeronautics Act of 1938, as amended, in order to (1) assure for the Civil Aeronautics Board independent participation and representation in court proceedings, (2) provide for review of nonhearing Board determinations in the courts of appeals, and (3) clarify present provisions concerning the time for seeking judicial review, which, with the accompanying paper, was referred to the Committee on Interstate and Foreign Commerce.

#### PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the national executive committee of the Legion of Guardsmen, Inc., at Pittsburgh, Pa., opposing any reduction in strength of the National Guard; to the Committee on Armed Services.

A resolution adopted by the staff and sister governing body of St. Mary's Hospital, Huntington, W. Va., opposing the payment of

cost of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits by the Federal Government, through the social-security system; to the Committee on Finance.

A resolution adopted by the Chamber of Commerce of Moorpark, Calif., favoring the enactment of legislation to repeal the telephone excise tax; to the Committee on Finance.

#### RESOLUTION OF COMMON COUNCIL OF CITY OF PLATTSBURGH, N. Y.

Mr. JAVITS. Mr. President, I present for appropriate reference a resolution adopted by the Common Council of the City of Plattsburgh, N. Y., favoring the enactment of legislation to authorize the United States Army Corps of Engineers to make a survey of a navigable inland waterway from the port of New York into Lake Champlain. I ask unanimous consent that the resolution be printed in the RECORD.

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

OFFICE OF THE CITY CLERK,  
Plattsburgh, N. Y., April 18, 1958.

At a regular meeting of the Common Council of the City of Plattsburgh, N. Y., held April 17, 1958, the following resolution was adopted:

"Whereas the common council has been informed of present legislation before Congress (to authorize the U. S. Army Corps of Engineers to make a survey of a navigable inland waterway from the port of New York into Lake Champlain), with ultimate connection with the St. Lawrence River in Canada: such bill now before the House Public Works Committee being known as House Joint Resolution 519; and

"Whereas during recent years the exploitation of mineral resources in the Province of Quebec has increased so rapidly this vast source of potential tonnage will be added to the commerce generated by the port of New York at the southern terminus, and by the future potential of the Hudson and Lake Champlain Valleys, it is felt the entire State of New York, as well as the communities affected, would be benefited by such a survey: Now, therefore, be it

"Resolved, That the Common Council of the City of Plattsburgh, N. Y., hereby requests United States Senator JACOB K. JAVITS, United States Senator IRVING M. IVES, and Congressman DEAN P. TAYLOR to lend their support and efforts toward the obtaining of necessary authorization from Congress to initiate the investigation of this project; further

"Resolved, That a certified copy of this resolution be transmitted also to Hon. JOHN A. BLATNIK, chairman, Subcommittee on Rivers and Harbors, Public Works Committee, United States House of Representatives, Washington, D. C., for his information and files."

#### RESOLUTION OF REPUBLICAN CONVENTION OF HENNEPIN COUNTY, MINN.

Mr. THYE. Mr. President, I have received a resolution from the Republican convention of Hennepin County, which reads in part:

On Saturday, the Republican Convention of Hennepin County adopted the following resolution calling for enforceable world law.

I ask unanimous consent that the resolution be printed in the body of the REC-

ORD and referred to the appropriate committee.

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

MINNEAPOLIS, MINN., April 29, 1958.  
The Honorable EDWARD J. THYE,  
United States Senate,  
Washington, D. C.

DEAR SENATOR THYE: On Saturday, the Republican Convention of Hennepin County adopted the following resolution calling for enforceable world law:

"Whereas the Republican Party is in full accord with President Eisenhower's conclusion that 'There can be no peace without law'; and

"Whereas the General Assembly of the United Nations has already voted that a charter review conference 'shall be held at an appropriate time': Now, therefore, be it

"Resolved, That the Republican Party pledges its leadership to work through the Government of the United States in cooperation with other nations, directly and through the United Nations, to reach agreement on a workable system of enforceable world law, consistent with American principles of individual liberty, and universal disarmament with effective inspection safeguards to assure the peaceful and just settlement of disputes between nations;

"We further urge the President to appoint a commission to study the changes in the United Nations Charter which would be appropriate to this goal so that the United States will have sound proposals to offer when the charter review conference is held."

At least 500 delegates heard this resolution discussed, and when the vote was taken there were not more than a dozen "noes."

Adding my own personal opinion, I believe that no issue is more urgent today than the need for world law and universal disarmament. Questions of unemployment, inflation, taxes, and farm prices become insignificant when compared to the threat of atomic war.

Sincerely yours,

RODNEY D. DRIVER.

P. S.—I am sending similar letters to President Eisenhower and Congressman JUDD.

#### RESOLUTION OF VETERANS OF FOREIGN WARS, ST. PAUL, MINN.

Mr. THYE. Mr. President, I have received a resolution from the Veterans of Foreign Wars of St. Paul, Minn. I ask that the letter and resolution be printed in the RECORD.

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

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES,  
DEPARTMENT OF MINNESOTA,  
St. Paul, Minn., April 28, 1958.

Senator EDWARD THYE,  
Senate Office Building,  
Washington, D. C.

DEAR SIR: At a recent meeting of the Council of Administration of the Department of Minnesota, Veterans of Foreign Wars, a resolution was submitted protesting the policy of the Veterans' Administration in continuously reviewing cases of disabled veterans with the purpose of reevaluating their claims. After a thorough discussion of the situation, during which many individual examples of inequities were cited, the resolution was adopted and I was requested to contact you for your assistance.

There have apparently been many cases reviewed where the individual veteran was



awarded a service-connected disability compensation without being required to furnish detailed evidence. He has continued to draw his compensation for 10 or 15 years and now is being required to furnish additional proof of service connection. That proof, in many cases, could have easily been produced at the time the original rating was determined but was not obtained since it was not demanded or needed. At this late date, evidence is very hard to obtain since witnesses may have died, moved away, or have forgotten what happened. In the absence of additional proof, the disability compensation is being discontinued.

This practice would seem to be very unfair and without question has resulted in individual inequities. We realize that errors in judgment exist and that they should be corrected, whether the decision is favorable or unfavorable to the veteran, but we do feel that there should be some logical deadline beyond which no further question is raised as to service connection.

The enclosed resolution seems to be a fair solution to the problem and we ask that you institute or support legislation along the lines suggested.

With best regards, I am,  
Yours very truly,

LOWELL J. EASTLUND,  
Adjutant, Department of Minnesota,  
Veterans of Foreign Wars.

**RESOLUTION REQUESTING MAINTENANCE OF THE 1945 RATING SCHEDULE AND ASKING THAT SERVICE CONNECTION NOT BE SEVERED EXCEPT IN CASE OF FRAUD**

Whereas there has been a continuing review of cases of disabled veterans by the Veterans' Administration, which has been disadvantageous to thousands of veterans, reducing compensation payments to them; and

Whereas other thousands of veterans have suffered severance of service connection without proper physical examination: Now, therefore, be it

*Resolved by the Council of Administration of the Department of Minnesota, Veterans of Foreign Wars of the United States, in meeting assembled at Minneapolis, Minn., on February 15, 1958, That Congress be asked to take action maintaining and confirming the rating schedule of 1945, unamended, as the basic rating instrument of the Veterans' Administration for all service connected disabilities; and be it further*

*Resolved, That Congress be further urged to take such action as will prohibit the Veterans' Administration from severing service connections which have been in effect for 10 years or more without proof of fraud.*

**RESOLUTION OF ST. PAUL POST NO. 8, AMERICAN LEGION**

Mr. THYE. Mr. President, I have received a resolution from the St. Paul Post No. 8, American Legion, which refers to an important factor in the matter of GI loans. I ask that the resolution be printed in the RECORD.

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

ST. PAUL POST 8, AMERICAN LEGION,  
St. Paul, Minn., April 29, 1958.

HON. EDWARD J. THYE,  
United States Senator from Minnesota,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR THYE: The following resolution was adopted by Post No. 8 of the American Legion in regular meeting assembled on April 21, 1958:

"Whereas Federal legislation now in effect guaranteeing the payment of real-estate loans by private lenders was enacted to assist

veterans to obtain home loans at low rates of interest; and

"Whereas private lenders have at present and for many months in the past refused to make such loans or to make money available to veterans for same, or who make the payment of exorbitant loan charges a condition of obtaining said loan; and

"Whereas periodic raising of the interest rate on same not only has failed to induce such lending but in fact defeats the purpose of the legislation itself: Now, therefore, be it

*Resolved by Post No. 8, That the Department of Minnesota, American Legion, urge the Congress of the United States to amend GI loan legislation presently in effect by providing for a separate governmental agency to loan money directly to otherwise qualified veterans who are unable to obtain GI loans from private lenders in their community, wheresoever situated; and by enacting the necessary legislation to establish said agency."*

We urge you to take every means at your command to implement the conditions set forth in this resolution.

Veterans of our wars are being deprived of their rights by local lending institutions throughout the Nation although those rights are clearly set forth in legislation. We as a post of the American Legion feel that the only way that those rights can be guaranteed is for the Congress of the United States to threaten to set up or to set up a lending agency because the commercial ones refused to comply with the law.

We, of course, anticipate your full support in this matter given in the same way as it has been in the past and we shall look forward to your reply to this letter.

Respectfully,

JOHN K. DONOHUE, Adjutant.

**REPORTS OF A COMMITTEE**

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H. R. 7568. An act to amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases (Rept. No. 1512).

By Mr. BEALL, from the Committee on the District of Columbia, with amendments:

H. R. 7300. An act to amend section 15 of the District of Columbia Alcoholic Beverage Control Act (Rept. No. 1511).

**STUDY OF FACTORS IN CONSTRUCTION OF HELIPORT IN THE DISTRICT OF COLUMBIA—REPORT OF A COMMITTEE**

Mr. BEALL. Mr. President, from the Committee on the District of Columbia, I report an original joint resolution (S. J. Res. 167) directing the Commissioners of the District of Columbia to cause a study to be made of all factors involved in the construction of a heliport within the District of Columbia, and I submit a report (No. 1510) thereon.

The PRESIDENT pro tempore. The report will be received and the joint resolution will be placed on the calendar.

The joint resolution (S. J. Res. 167) directing the Commissioners of the District of Columbia to cause a study to be made of all factors involved in the construction of a heliport within the District of Columbia, was read twice by its title and placed on the calendar.

**EXECUTIVE REPORT OF A COMMITTEE**

As in executive session,  
The following favorable report of a nomination was submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Richard R. Atkinson for appointment as a member of the District of Columbia Redevelopment Land Agency.

**BILLS AND JOINT RESOLUTIONS INTRODUCED**

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

By Mr. MARTIN of Pennsylvania:

S. 3732. A bill to amend the Internal Revenue Code of 1954 so as to increase the percentage depletion rates for coal and lignite; to the Committee on Finance.

By Mr. POTTER:

S. 3733. A bill to amend title XV of the Social Security Act to provide for payments of unemployment compensation thereunder to veterans discharged after 1958 to the same extent as such payments are made to civilian employees of the United States; to the Committee on Finance.

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

By Mr. BEALL:

S. 3734. A bill to amend the District of Columbia Teachers' Salary Act of 1955 (Public Law 243, 84th Cong., ch. 569, 1st sess.), approved August 5, 1955, and for other purposes; and

S. 3735. A bill to amend the charter of the National Union Insurance Company of Washington; to the Committee on the District of Columbia.

By Mr. BIBLE:

S. 3736. A bill to amend the District of Columbia Stadium Act of 1957 to require the stadium to be constructed substantially in accordance with certain plans, to provide for a contract with the United States with respect to the site of such stadium, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAGNUSON (by request):

S. 3737. A bill to amend title 10, United States Code, section 2481, to authorize the United States Coast Guard to sell certain utilities in the immediate vicinity of a Coast Guard activity not available from local sources; to the Committee on Interstate and Foreign Commerce.

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

By Mr. KENNEDY:

S. 3738. A bill to amend the National Labor Relations Act, as amended; to the Committee on Labor and Public Welfare.

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

By Mr. McNAMARA:

S. 3739. A bill for the relief of Hermine Elmon Papazian; to the Committee on the Judiciary.

By Mr. BEALL:

S. J. Res. 167. Joint resolution directing the Commissioners of the District of Columbia to cause a study to be made of all factors involved in the construction of a heliport within the District of Columbia; placed on the calendar.

(See the remarks of Mr. BEALL when he reported the above joint resolution, which appear under the heading "Reports of Committees.")

By Mr. THYE (for himself and Mr. HUMPHREY):

S. J. Res. 168. Joint resolution authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the 100th anniversary of the admission of the State of Minnesota into the Union; to the Committee on the Judiciary.

(See the remarks of Mr. THYE when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. CLARK, Mr. HENNINGS, Mr. LANGER, Mr. PROX-MIRE, Mr. NEUBERGER, and Mr. MORSE):

S. J. Res. 169. Joint resolution to propose an amendment to the Constitution of the United States relating to the jurisdiction of the Supreme Court; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

### ONE HUNDRETH ANNIVERSARY OF ADMISSION OF MINNESOTA INTO THE UNION

Mr. HUMPHREY. Mr. President, on behalf of myself, and my colleague, the senior Senator from Minnesota [Mr. THYE], I submit a concurrent resolution cordially extending the congratulations and best wishes of the Congress of the United States to the State of Minnesota upon the occasion of the 100th anniversary of the admission of Minnesota to the Union.

Today, May 1, is the first day of Minnesota's anniversary month, the period during which the State has planned extensive centennial festivities, culminating in the celebration on May 11 of the actual date of Minnesota's entrance into the Union.

I am very much pleased and honored to offer this resolution honoring the great State of Minnesota. Later this month I intend to address the Senate at greater length concerning the history and accomplishments of Minnesota.

I hope we may have immediate action by the Senate on the concurrent resolution, which I now send to the desk.

The PRESIDENT pro tempore. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution (S. Con. Res. 86) was read as follows:

*Resolved by the Senate (the House of Representatives concurring), That the congratulations and best wishes of the Congress of the United States are hereby cordially extended to the State of Minnesota upon the occasion of the 100th anniversary of the admission of the State of Minnesota into the Union.*

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota for the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

Mr. THYE subsequently said: Mr. President, I had given thought to introducing a joint resolution on the subject of the 100th anniversary of the admission of Minnesota into the Union. I communicated with the Library of Congress in order to obtain information

about the proper wording of a joint resolution, in order that such a resolution might be placed officially and promptly before the President of the United States, because the official date of Minnesota's centennial is May 11, 1958. I shall be an official delegate from the Senate to the centennial celebration in Minnesota, as I know my colleague [Mr. HUMPHREY] will be.

I have prepared a joint resolution in accordance with the suggestion made by the legislative drafting service, and the information I have obtained from the Library of Congress; and in introducing the joint resolution, I have included the name of the junior Senator from Minnesota as a cosponsor. The joint resolution reads as follows:

*Resolved, etc., That the President of the United States is authorized and requested to issue, on or before May 11, 1958 (the 100th anniversary of the date on which the State of Minnesota was admitted into the Union), a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the one hundredth anniversary of the admission of Minnesota into the Union.*

So, Mr. President, I introduce the joint resolution on behalf of myself and my colleague, the junior Senator from Minnesota [Mr. HUMPHREY]. It is set forth in the language which the Library of Congress informed me would be proper for such a measure.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 168) authorizing the President to issue a proclamation calling upon the people of the United States to commemorate with appropriate ceremonies the 100th anniversary of the admission of the State of Minnesota into the Union, introduced by Mr. THYE (for himself and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on the Judiciary.

### AMENDMENT OF SOCIAL SECURITY ACT, RELATING TO PAYMENT OF UNEMPLOYMENT COMPENSATION TO CERTAIN VETERANS

Mr. POTTER. Mr. President, I introduce a bill for appropriate reference.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3733) to amend title XV of the Social Security Act to provide for payments of unemployment compensation thereunder to veterans discharged after 1958 to the same extent as such payments are made to civilian employees of the United States, introduced by Mr. POTTER, was received, read twice by its title, and referred to the Committee on Finance.

Mr. POTTER. Mr. President, this is a measure for servicemen, including those in the peacetime Army, so that they will receive the same unemployment benefits civilians now receive. The jobless ex-serviceman is at a disadvantage compared with those who remained in civilian employment. By serving in the Armed Forces he sacrifices wage

credits entitling him to unemployment benefits. He cannot build up civilian job experience. And certainly his wages as a serviceman do not permit him to accumulate savings to tide him over a period of unemployment following discharge.

Our system of unemployment insurance is an important bulwark of the economy. It provides purchasing power for the individual during periods of unemployment. Unless my bill or similar legislation is passed, ex-servicemen will have no basis for qualifying under programs now being considered by Congress for paying extended temporary unemployment compensation.

About 81 percent of wage and salaried jobs in the Nation are currently covered by Federal or State unemployment insurance laws. This includes roughly 2.4 million Federal civilian employees.

In fiscal 1958 and 1959 it is expected that 850,000 individuals who entered service on and after February 1, 1955, will be discharged. During the next 3 years approximately 600,000 will be separated yearly. None are covered by present unemployment insurance legislation.

This program has been endorsed by the following organizations:

President's Commission on Veterans' Pensions.

Federal Advisory Council on Employment Security.

Interstate Conference of Employment Security Agencies.

The four major veterans' organizations by resolution passed at their conventions.

I might explain that the program for ex-servicemen would be administered in substantially the same manner as unemployment insurance for Federal civilian employees. The latter is administered by States under agreements with the Federal Government. Claims are processed under the unemployment insurance law of the State to which their wages are assigned. The bill prevents duplication of benefits by prohibiting payments for the period covered by mustering-out pay or other terminal leave payments, and by an education, training, or subsistence allowance.

A companion measure has been ordered reported by the House Ways and Means Committee.

### AMENDMENT OF CODE, RELATING TO SALE OF CERTAIN UTILITIES BY THE COAST GUARD

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend title 10, United States Code, section 2481, to authorize the United States Coast Guard to sell certain utilities in the immediate vicinity of a Coast Guard activity, not available from local sources.

The purpose of the proposed legislation is to provide authority for the Coast Guard to sell utilities and services to the same extent and under the same conditions as the military departments. With this authority, existing utilities and water services in many instances



would be extended to isolated inhabitants, in many cases servicemen, whose close association with the Coast Guard is highly desirable.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3737) to amend title 10, United States Code, section 2481, to authorize the United States Coast Guard to sell certain utilities in the immediate vicinity of a Coast Guard activity not available from local sources, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

#### AMENDMENT OF NATIONAL LABOR RELATIONS ACT, AS AMENDED

Mr. KENNEDY. Mr. President, I introduce for reference to the appropriate committee, a bill which covers four additional problems in the labor field. This bill is complementary to the bill I introduced earlier this year. If this bill is enacted, I believe it will bring about very desirable improvements in labor-management relations. The bill proposes straightforward changes in existing law; and I believe they will command the support of all who are genuinely interested in industrial stability and the welfare of working men and women.

Very briefly, Mr. President, this bill would accomplish four purposes:

First. The first item is limited to the special problems which unions in the building and construction industries have encountered under the Taft-Hartley Act. This proposed amendment to existing law would permit certification without election of unions representing employees engaged in the building and construction industries, provided the employer is primarily engaged in this industry, and provided further that the employees concerned are already normally represented by the labor organization. This would have the effect of legalizing existing agreements in the building and construction industries relating to union security, and it contains appropriate protective provisions.

Second. Section 302 of the Labor-Management Relations Act would be amended by exempting from present restrictions on payments to employee representatives, payments to trust funds established by building and construction unions for the purpose of establishing apprenticeships or other training programs. This exemption would likewise be limited to employers primarily engaged in the building and construction industries.

Third. The next amendment is designed to eliminate from the Taft-Hartley Act a provision which has been universally recognized as a union-busting provision. This provision of my bill is one of those recommended by some of us in 1954, when proposed amendments to the Taft-Hartley Act came to the floor of the Senate. This part of my bill would remove from the act the prohibition against voting by economic strikers, and would make clear that employees

engaged in a lawful strike shall not during such strike be denied the right to vote by reason of having been replaced during such strike.

Fourth. Finally, the bill would close a serious loophole in existing law, by forbidding the nefarious operations of labor-management middlemen. The bill amends section 302 (a) and (b), so as to make it unlawful for an employer directly or indirectly to bribe or attempt to influence by surreptitious means the course of his labor relations.

The bill also would make it a crime for anyone to accept a bribe in an effort to influence employees in the exercise of their collective-bargaining rights.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3738) to amend the National Labor Relations Act, as amended, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

#### AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENTS

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (S. 3318) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which were referred to the Committee on Foreign Relations, and ordered to be printed.

#### AMENDMENT OF RULE RELATING TO CLOTURE—PRINTING OF SENATE REPORT 1509 WITH INDIVIDUAL VIEWS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, on behalf of the Senator from Missouri [Mr. HENNINGS], that the printing of the individual views contained in the report (S. 1509), submitted by him on yesterday from the Committee on Rules and Administration, on Senate Resolution 17, amending the cloture rule, be approved.

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

#### GLEN CANYON RESERVOIR (S. DOC. NO. 96)

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed as a Senate document, and as a supplement to Senate Document No. 77, a letter from the Governor of Arizona, together with a statement made by the Arizona Interstate Stream Commission and the Arizona Power Authority, dissenting from a portion of the First Annual Report of the Secretary of the Interior on the Colorado River Storage Project, which was printed as Senate Document No. 77 on January 16, 1958.

The total cost of the document will be \$69.72.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there objection to the request of the Senator from Arizona? The Chair hears none, and 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. MARTIN of Pennsylvania: Address delivered by him at annual Washington City dinner of Pennsylvania State Chamber of Commerce, Washington, D. C., April 29, 1958.

By Mr. SALTONSTALL: Exchange of correspondence between the President and Mr. Maxwell Rabb of April 23, 1958, and April 24, 1958; and an editorial entitled "Nearly Anonymous," published in the Boston Herald of April 26, 1958.

#### NOTICE OF HEARING ON CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON of South Carolina. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, May 12, 1958, at 10 a. m., in room 424, Senate Office Building, upon the following nominations:

Walter H. Hodge, of Alaska, to be United States district judge, division No. 2, district of Alaska, for the term of 4 years.

Frank Aloysius McKinley, of Hawaii, to be fourth judge of the first circuit, circuit courts, Territory of Hawaii, for the term of 6 years.

Albert C. Wollenberg, of California, to be United States district judge for the northern district of California, vice Michael J. Roche, retired.

At the indicated time and place persons interested in the above nominations may make such representations as may be pertinent. The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from Indiana [Mr. JENNER], and myself.

#### ADDRESS BY SENATOR RUSSELL ON ACCEPTANCE OF GEORGE WASHINGTON AWARD BY AMERICAN GOOD GOVERNMENT SOCIETY

Mr. TALMADGE. Mr. President, on the evening of April 30, 1958, the American Good Government Society presented the George Washington award to two distinguished United States Senators—Senator RICHARD B. RUSSELL, of Georgia, and Senator WILLIAM F. KNOWLAND, of California. In responding to the presentation of the award, Senator RUSSELL made an outstanding address. I ask unanimous consent that his address be printed in the body of the RECORD.

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

ADDRESS BY SENATOR RICHARD B. RUSSELL, OF GEORGIA, IN ACCEPTING THE GEORGE WASHINGTON AWARD BY THE AMERICAN GOOD GOVERNMENT SOCIETY, STATLER HOTEL, WASHINGTON, D. C., APRIL 30, 1958

It is not possible for me to express the depth of my appreciation for the meaningful honors awarded me here tonight. They are accepted with the utmost humility.

An awareness of my own limitations bars the inclination to vanity that the praise and honors of this evening would otherwise evoke. Had my recommendations been requested, I would have chosen others for this award.

To the society, and particularly to those responsible for initiating the honors tendered, I can only say a deeply felt "thank you." The fact that you feel that my activities through the years have contributed to good government as we would define it is adequate compensation for many hours of toil. The special recognition extended me this evening is indelibly impressed on my memory and will serve as an inspiration to me for the remainder of my life.

It is pleasing to have so many of my friends here to share this experience. Many have traveled from Georgia to do so. But for the friendship and the confidence you have so freely given and expressed, this significant honor could not have come to me. I am deeply grateful for your many manifestations of loyalty throughout the years and particularly for your presence this evening.

I think it safe to assume that most of us here tonight are political fundamentalists. The religious fundamentalists like to emphasize the exact words of the Holy Writ. Political fundamentalists stress the importance of supporting the Constitution as it is written.

George Washington was a political fundamentalist. He believed that the Constitution meant exactly what it said. Summing up his views in his Farewell Address to the American people, he said:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

With prophetic vision, he thus rebuked those who might ever assume that the ends justify the means and warned us against them.

By adhering to constitutional government, in a relatively short period of time we have achieved world leadership. We have builded the greatest civilization in all of human history. We have developed what we call the American way of life in which all of our people not only maintain their liberties but enjoy the highest standards of living that the world has ever known.

For many years now, we have heard the voices of those who insist that the American Constitution is outmoded. Others take the position that this sacred document is a sort of political accordion, to be expanded or contracted with the changing moods of men who temporarily hold power. Time will not permit us to conjecture on what would have resulted if we had accepted these views. But the lessons of history clearly depict the fate of other great civilizations who placed their trust in a government of men rather than adhering to written laws.

It is evident that the effectiveness of constitutional law as a system of restraints on governmental action and as a means of protecting the rights of the individual depends entirely on the recognition and application of those basic doctrines which find their origin in our national charter.

Two of the most important of these doctrines are federalism and the separation of powers.

The doctrine of federalism includes many elements. For the purpose of my brief comments tonight, the element I have primarily in mind is the division of sovereign power between the National Government

and the States. This division was long controlled by the simple rule that the National Government is one of delegated power for enumerated purposes while the residual or undelegated powers remain in the States or the people.

To my mind, a primary test of good government involves an awareness of the importance of maintaining the balance between National and State legislative powers intended by the framers of the Constitution.

Various pressure groups are constantly working in behalf of national legislation which violates the intended division of legislative functions between the National and State governments. As we have observed over the last quarter of a century, legislative encroachment by the National Congress is particularly aggressive in times of economic distress. Emergencies of a temporary nature have caused the States to permanently lose many powers that are properly theirs. The lessons of past experience should be borne in mind today.

I am a disciple of the Jeffersonian school. The more that I study government, the more confirmed I become in the faith that the best and most economical government is that which is locally conceived and locally administered.

As a devout believer in the rights of the States and of local self-government, I have deplored and opposed the constant widening of national power in fields which properly belong to the States and their subdivisions.

The other constitutional doctrine that has become distorted is the doctrine of separation of powers. The Founding Fathers were determined to prevent the corrupting and tyrannous effects of undue concentration of power. They sought to safeguard against one big government. They were familiar with the axiom which history had proved before Lord Acton that "all power corrupts and absolute power corrupts absolutely."

They knew that the personal liberties of the individual could not be protected in a government of men. They therefore wisely sought to assure that their descendants would forever live under a government of law. Thomas Jefferson expressed this determination when he declared: "In questions of power, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution."

The very genius of our system of government is found in the careful division of power to govern the people. These powers were distributed between the executive, the legislative, and the judicial branches of the Central Government. To assure the perpetuity of the American system, the founders established the most marvelous system of checks and balances ever devised by the minds of men.

This sound concept has been seriously impaired in recent years.

Too often, the Congress has been content merely to consider legislation initiated in the executive branch of the Government.

The willingness to delegate too much of Congressional responsibility to executive agencies, quasi-judicial commissions and boards has also contributed to the erosion of legislative power.

It is needless to say that any segment of the executive branch is all too willing to expand any powers that are delegated.

I freely concede that in the complex society of today the Congress cannot legislate with the preciseness and particularity that was formerly attainable. However, it is possible to establish more definite and precise statutory standards to delegated power. A great benefit from clearer standards would be a reduction in the number of employees of Government who are now doing battle with our citizens as to the effect and scope of delegated powers.

Even more serious than legislative deviations has been the recent encroachments on the rights of the States and on the prerogatives of the legislative branch of the Government by the judicial branch of the Government. Recent decisions of our highest court have contributed more to demeaning the rights of the several States and to centralizing the power of Government than has legislation by the National Congress.

A series of decisions have wiped out a number of rights and privileges which the States have exercised since the birth of our Republic. Under the cloak of judicial interpretation, the judiciary has assumed powers which undoubtedly belong to the legislative branch of the Government. The personal predilections of those enjoying life tenure on the Federal bench have taken supremacy over precedent as established by the decisions of learned and able lawyers and judges.

The tendency of the Supreme Court to rely upon psychology rather than legal precedents and to legislate rather than interpret is a cause of great concern. Judge Learned Hand has long been recognized as one of the ablest of our judges. He has had more judicial experience than all of the members of the present Supreme Court combined had had to the time of their respective appointments. No one could view any judicial situation more objectively. Judge Hand recently referred to the trend to make the Supreme Court a third legislative chamber. If the Founding Fathers had ever believed that the Court would undertake to exercise legislative power, they would certainly have required the members of that body to go before the voters for periodic review as in the case of the members of the legislative branch.

The continuing practice of unrestrained judicial review not only establishes judicial supremacy over the other two divisions of Government; unchecked, it creates a judicial tyranny. The 9th and 10th amendments to our Federal Constitution, designed to limit the powers of the Federal Government and protect the rights of the States and of the people, were once the keystone of our system. The series of decisions to which I refer would cause one to believe that these provisions were no longer valid and binding parts of the Constitution.

The whittling process on the powers of the States by these decisions has gone so far as to threaten to reduce the several States to mere geographical boundaries or administrative areas of Federal departments.

There is at least a partial remedy for this situation. The appellate jurisdiction of the Supreme Court is subject to regulation by the Congress. An informed electorate does not pass upon the selection of Federal judges, but they can choose representatives who will consider the wisdom of limiting the jurisdiction of the court.

A great organization such as the American Good Government Society can serve as an anchor to windward in these trying times. While pressure groups seek to strike down precedents and traditional concepts and the clamor is loud for change for the mere sake of change, this organization remains dedicated to a Government of law rather than the rule of men.

I shall long remember and be grateful that my efforts have merited your approval.

#### POLISH CONSTITUTION DAY

Mr. IVES. Mr. President, the coming Saturday, May 3, will mark the 167th anniversary of the Polish Constitution. On that occasion, let us pause to note this Polish national holiday and applaud its survival, for in Poland on that day Constitution Day will be observed in the



hearts of the Polish people, even though their Communist masters would have this noble tradition liquidated if they could. There can be no question about it: The government of Poland is Communist; the Polish people are not.

The Polish Constitution of 1791 was inspired by the ideals of the American Declaration of Independence and the French Proclamation of the Rights of Man and Citizen. It is a document which will live long after the nightmare of communism has passed from the Polish homeland.

The Poles are our friends, and we are theirs. We who enjoy the blessings of liberty must join in the hope that not too much time shall elapse before the Polish people, staunch lovers of liberty and battlers for freedom, as they have repeatedly proved themselves to be, will be able to celebrate their Constitution Day openly and in fact, as they will celebrate it this coming Saturday, within themselves.

Mr. SMITH of New Jersey. Mr. President, the coming Saturday will mark the 167th anniversary of Polish Constitution Day, as has already been stated by my distinguished colleague, the Senator from New York [Mr. Ives]. On May 3, 1791, the Polish nation adopted a constitution eloquent with the love of liberty and inspired by the ideals of the Declaration of Independence. Through the years, the people of Poland have struggled bravely to preserve the principles of the document adopted on that occasion.

Since 1953, Poland has lain under the heel of Soviet communism; but that tyranny has not been able to eradicate the stubborn love of liberty from the hearts of the people. Their attachment to the principles of their historic charter of 1791 was reaffirmed by the Poznan uprising of 1956.

Today, Poland's existence is precarious. The threat of Russian force is ever present, as is the memory of the brutal suppression of Hungary's freedom uprising. Nevertheless, the Polish people continue to maintain their courage, patriotism, and moral resistance.

Mr. President, it is our fervent hope that in Poland the chains of oppression will weaken until they are burst asunder under the impact of the spirit of freedom, and that once again we may proudly welcome this courageous nation into the ranks of the free.

Mr. MARTIN of Pennsylvania. Mr. President, 167 years ago the Polish Parliament, by unanimous vote, enacted the constitution on May 3.

This historic document was inspired by the ideals of the American Declaration of Independence.

It was the first constitution on the Continent of Europe to proclaim equal justice for all, with social, political, and religious freedom.

It is revered and honored by the courageous people of Poland as the charter of their liberties, even though their beloved land is held captive by Soviet imperialism.

In every city and town where Americans of Polish birth or ancestry make their homes, May 3 will be celebrated in

commemoration of Poland's Constitution Day.

These celebrations serve to remind us that the people of Poland, robbed of their sovereignty and suffering under tyranny and dictatorship, keep alive the spirit of independence.

Their love of liberty and their confident hope of eventual liberation sustain them in moral resistance to Communist indoctrination and terror.

This anniversary calls upon us to renew our pledge of friendship for Poland, a friendship which goes back to the American Revolution, when Polish heroes shed their blood in the cause of our freedom.

It is an appropriate time to make known to the people of Poland that we are wholeheartedly dedicated to the cause of their freedom, and that we join them in prayer that their land may soon regain her rightful place of honor among the free nations of the earth.

Mr. SALTONSTALL. Mr. President, May 3 will mark the 167th anniversary of the Polish national holiday, Constitution Day. Historically, the Polish people have been one of the leading national groups who have fought not only in their own nation, but in other countries of the world, to achieve liberty and self-determination for all men. General Pulaski was one of the most brilliant and courageous leaders in our own fight for liberty.

The constitutional principles laid down 160 years ago have had a profound effect on the Polish people over the years, and, although the constitution itself has not survived, the principles which prompted its founders to write it have. In preparing their own constitutional document, the Polish people were inspired by the ideals of the American Declaration of Independence and also by the French Proclamation of Rights.

Poland has in years past been dominated by foreign powers as it is dominated by the Soviet Union today. But so strong has been the desire of the Polish people for freedom and self-determination that they have each time in the past thrown off the yoke of imperialism and reasserted their own national independence.

We here in the United States who seek brotherhood, dignity, and self-determination for all men pay tribute to the Polish people on this Constitution Day, and wish for them a return to the principles and ideals which motivated the writing of their constitution. These ideals have become a permanent part of the Polish culture and heritage.

Mr. BUSH. Mr. President, the 167th anniversary of Poland's Constitution Day will be observed on Saturday next, May 3, in the hearts of the people living within that unfortunate country, and throughout Polish communities in the world.

I am confident that the spirit of freedom, reflected in the constitution enacted by the Polish Diet in 1791, still lives in Poland.

Mr. President, many of the citizens of Connecticut are of Polish descent, and among them are many whom I regard as close personal friends. A warm-hearted

generous people, they keep alive the traditions of the land of their ancestors while yielding to none in their devotion to the American way of life. I send to them my greetings on the coming occasion of Poland's Constitution Day, and know I speak for all the people of Connecticut in expressing the hope that one day the people of that unhappy land will be freed from the yoke of Communist imperialism.

I ask unanimous consent that a memorandum prepared by the Polish American Congress be printed in the RECORD following these remarks.

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

#### POLAND'S KEY POSITION IN CENTRAL EASTERN EUROPE

The subjugation by Soviet Russia of the formerly free and sovereign countries of central eastern Europe after World War II proved to be, as time went on, one of the main sources of international tension. A direct consequence of this shift of power was the division of Europe, totally artificial from a historical, cultural, and economic point of view, and detrimental to the very idea of a united Europe.

The demarcation line dividing Europe is based solely on Soviet power policy considerations with the purpose to serve further expansion of international communism.

Thus the ideological conflict between communism and the Free World was brought nearer to Western Europe and therefore to the United States of America, resulting in a state of cold war in the relation between East and West.

Poland, by her geographical situation, number of inhabitants, and natural resources, forms a key position in central eastern Europe.

As a general rule United States foreign policy has in the past concentrated its main interest on Germany and Russia, and less attention was paid to the countries situated between those two powers.

This attitude was largely responsible for the fact that wartime agreements, such as Teheran and Yalta, were concluded with the U. S. S. R. in disregard of Poland's vital interests as well as of the other eastern European countries.

Similarly the idea of finally with regard to European nations under Soviet hegemony which found some adherents in the United States of America, and was expressed by certain American writers—curiously enough on the very eve of the events in Poland and Hungary in 1956 which contradicted flagrantly this assertion—showed underestimation of the importance of Poland and other captive nations as potential factors of security and peace in Europe.

#### CONDITIONS IN POLAND AND UNITED STATES ECONOMIC SUPPORT

The people of Poland, in spite of ruthless Communist subjugation on the Stalin pattern, have maintained their patriotism and moral resistance. Their feelings and beliefs did not flinch under Communist indoctrination and terror. This also applies to the much exposed young generation.

The Poznan revolt and the October events of 1956, which took place under popular pressure, have shown the resistance of the Poles against Soviet rule and their aversion to every form of communism. Ideological slogans, like "Polish road to socialism" proclaimed as a new program by the Gomulka regime are regarded by the average Pole merely as tactical moves, Communist style.

It is fully realized that the country finds itself in a compulsory situation toward Soviet Russia. The suppression of the Hun-

garian freedom rising by Soviet troops, practically without any reaction of the Western Powers, remains as a threatening memento.

Under these circumstances but a slim restricted margin is left for the development of direct relations with the West and the United States in particular.

It seems, therefore, profitable to the United States to take advantage of every possibility to give the people of Poland moral encouragement by proving interest in their fate through concrete facts such as economic support recently granted. Although this might represent a calculated risk, it is in line with psychological and political necessities, considering the feelings of the Polish people who looked to America for economic support.

#### SOVIET INSISTENCE THAT THE STATUS QUO IN CENTRAL EASTERN EUROPE BE RECOGNIZED BY THE UNITED STATES

Soviet recent successes in intercontinental missiles and sputniks are being exploited by the Kremlin to obtain final recognition of its domination over the countries of central eastern Europe.

In his address of December 20 last, delivered to the Supreme Soviet Khrushchev asked the West "to recognize the status quo—that is the situation characterized as it is by the existence of Socialist and capitalist states."

His language became violent in Minsk, on January 22, when he replied to President Eisenhower's proposal, that "in the interest of peace and justice the right of free choice of the captive nations be discussed at the summit conference."

In the subsequent exchange of letters and memorandums with the United States and the Western Powers, the Soviet Union took a menacing attitude with regard to every proposal to place on the summit agenda the problem of the captive nations. The U. S. S. R. termed such a request as an insulting interference in the domestic affairs of those countries, in spite of the fact that this request was motivated by agreements and treaties binding the Soviet Union.

It is evident that Soviet Russia reserves for herself the exclusive right to exercise control over these countries using the respective Communist parties as docile instruments of action.

It is useful to remember that any country subjected to communism is considered by Soviet Russia as virtually conquered for the Soviet bloc with all consequences deriving therefrom. This means in practical terms that any effort on behalf of the people of that country to replace the Communist system of government by a democratic one, through free voting expressing the popular will, is regarded as a hostile interference in the omnipotent right of the Communist Party to rule the country. And therefore as an act of aggression against Soviet Russia and other member states of the bloc. The use of Soviet troops to extinguish the Hungarian freedom rising constitutes an evident proof of Soviet policy methods.

Judging from a wider perspective of possible future developments in other parts of the world—this shows a real menace of international Communist infiltration.

The obstinacy with which the Soviet Union opposes any discussion of problems relating to the captive nations and insists so strongly now on the sanctioning of the status quo finds additional explanation in the following consideration:

The Poznan revolt of 1956, followed by subsequent developments in Poland and the Hungarian uprising are proofs that the countries behind the Iron Curtain are in fact a weak spot in the Communist empire. The more so that the repercussions of these events were far reaching as far as the Soviet bloc is concerned, and their influence strongly felt in the Communist parties abroad.

United Nations Organization's reactions to brutal methods applied by Russia to Hungary, although expressed by resolutions, which were without practical consequences, had a negative effect on Soviet propaganda. The Kremlin is therefore anxious to close once and forever the Hungarian chapter.

In addition to that the Soviets try to obtain a complete disinterestment of the Western Powers, and United States of America in particular, with regard to the countries submitted to their influence.

In this way the U. S. S. R. would acquire a totally free hand in their action against all efforts of the people to gain more independence.

From our American point of view even tacit acquiescence to Soviet maneuvers aiming at the sanctioning of Moscow-sponsored Communist domination of formerly free and sovereign countries—would alienate the people of those countries and be detrimental to the United States of America from a moral, political, and military point of view.

#### OREGON PETITIONERS WITH RESPECT TO ADVERTISING OF ALCOHOLIC BEVERAGES

Mr. NEUBERGER. Mr. President, I have received many petitions and letters from organizations and individuals in Oregon expressing their interest in the bill introduced by the Senator from North Dakota [Mr. LANGER], S. 582, which would prohibit the interstate transmission of material advertising alcoholic beverages.

Since hearings on this measure have just concluded, and the Interstate and Foreign Commerce Committee will now begin its deliberations on the bill, I ask unanimous consent to read into the RECORD the names of Oregon residents and organizations who have written me urging support of S. 582. These are as follows:

Mrs. L. E. Allumbaugh, Eugene, Ore.; Mrs. Frank H. Bennett, of Forest Grove, Ore., who sent a petition; Mrs. John Blass, Medford, Ore.; Mrs. R. J. Brood, Medford, Ore.; Miss Elizabeth Burr, Medford, Ore.; Mrs. Charles Cornell, of Springfield, who sent a petition signed by members of her church board; Mr. V. Dennis, Portland; Mr. Elling Johnson, Roseburg, Ore.; Mrs. E. R. Martin, Portland; Mrs. Sarah M. Meyer, Eugene; Mrs. D. A. Minick, Gaston, Ore.; Mrs. T. M. Pallett, Forest Grove, Ore.; Mrs. Geneva M. Schwan, Medford; Mr. and Mrs. S. B. Torvend, Silverton, Ore.; Mrs. Arthur H. Tucker, Portland; and the Reverend D. K. West, minister of the First Presbyterian Church in Medford, Ore.

The following individuals and organizations expressed support for S. 852 and also indicated their interest in favorable action on Senate bill 593, introduced by me, or Senate bill 4, introduced by the able Senator from South Carolina [Mr. THURMOND], which would ban alcohol from the airlines:

Miss Elizabeth Braden, Nelscott, Ore.; Miss Necia E. Buck, of the Oregon Woman's Christian Temperance Union in Corvallis, Ore.; Miss Theda B. Condon, Corvallis, Ore.; Mrs. Harry Dunlap, president, and Mrs. H. J. Bushue, secretary, who sent a petition signed by members of the Woman's Society of Christian Service of the Pleas-

ant Home Methodist Church in Gresham, Ore.; Mrs. C. E. Oldham, McMinnville, Ore.; Mr. and Mrs. G. O. Sanden, Medford, Ore.; Miss Jean Schlappi, president of the Woman's Society of Christian Service of the Community Methodist Church, Seaside, Ore., who sent a petition; and Mrs. Thera Womer, Monmouth, Ore.

I should also like to make special mention here of the very deep interest in S. 582 expressed by the Oregon Woman's Christian Temperance Union, which sent a petition signed by over 1,600 residents of our State who favor enactment of S. 582.

#### LAW DAY

Mr. SMITH of New Jersey. Mr. President, today, May 1, has been proclaimed as Law Day, the first day so titled in our history. Certainly it is fitting that such an occasion should be observed in a Nation whose very society and structure rest upon the philosophy of the rule of law.

Because our system of law is nonrigid and flexible, we have been able to adjust to most of the great stresses of the past 170 years without damage to our fundamental beliefs and culture. Surely this is the hallmark of a free and mature land.

Because we so deeply understand that common acceptance of principles of law among nations is the surest means for obtaining lasting peace, the attainment of such a goal is also one of the basic aims of our foreign policy. We therefore, have an opportunity on this day to express our gratitude for the blessings which the rule of law has bestowed on us thus far, and our hope that the nations of the world in the coming years will eventually come to agree on the common principles which give promise of promoting peace and justice for all.

In this regard, I ask unanimous consent that an editorial entitled "To World Peace Through World Law," which appeared in the New York Herald Tribune of today, May 1, be printed in the RECORD, at the conclusion of my remarks.

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

#### TO WORLD PEACE THROUGH LAW

"Justice is spontaneous respect, mutually guaranteed, for human dignity, in whatever person it may be compromised and under whatever circumstances, and to whatever risk its defense may expose us."—Proudhon. "Equal justice under law" is chiseled in stone above the Supreme Court Building. It is a fitting motto, not only for the Court, but for the whole American Nation. For it is the law which bred us, led us, and fed us.

Today is Law Day, the first in our history, so proclaimed by President Eisenhower. He did so at the urging of Charles Rhyne, the 45-year-old North Carolinian who is president of the American Bar Association. Ever since he took office last summer, in a London meeting where he dedicated the American bar's monument to Magna Carta on the historic field of Runnymede, Charles Rhyne has devoted his time to spreading a single concept: world peace through world law.

It is a noble concept. Many has groped, imperfectly, toward it from the beginning



of time. It finds expression in the Decalogue of Moses. Leviticus tells us, "Ye shall have one manner of law, as well for the stranger as for one of your own country." Three centuries before Christ, Aristotle defined it in Athens: "The law is reason free from passion." Christ himself preached it in his Sermon on the Mount. Five centuries later the Romans spoke it in the Institutes of Justinian: "The precepts of the law are these: to live honorably, to injure no other man, to render to every man his due."

From this Judaic-Greco-Roman seed came the stirrings which expressed themselves at Runnymede when the English nobles forced King John to sign this pledge: "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed, nor will we go upon or send upon him, save by the lawful judgment of his peers or by the law of the land." Kings were tyrants long after that, but the flames of Runnymede spread; Sir Edward Coke could fling in the face of James I these words: "The King ought not to be under man, but under God and the law."

And when other lawyers came together in a new world, to proclaim a new nation conceived in liberty, they drew their propositions largely from Aristotle's "natural law" and from Blackstone's commentaries on the English common law. "I pray God these principles may be eternal," wrote Thomas Jefferson. And as the new Nation emerged, a great Chief Justice, John Marshall, by the force of his decisions and his strength of mind, left a legacy of living law—of growing law, adaptable to vastly changed situations—which is still today our strength as it is our refuge.

Only as the whole world comes to accept a rule of law, and agree on its common principles, will there be hope for a lasting peace. The progress is slow; nevertheless it exists. President Eisenhower himself appealed to such a concept in opposing the British-French attack on Egypt. Moreover, his use of the U. N. to stop that attack has now borne some fruit in a peaceful settlement by Egypt of the claims of the canal stockholders, embodied in a formal legal contract. The now-pending United States proposal in the U. N. for international inspection of the Arctic is an attempt to extend the concept of international law. Significantly, it has such appeal that Secretary General Dag Hammarskjöld momentarily stepped out of his role of impartial referee to make an eloquent appeal for the Soviet Union to accept it. The moral force of all humanity is a rising pressure for a rule of law.

Of course, the Soviet Union has a legal code of sorts, more honored in the breach than in the observance. Khrushchev in his famous speech against Stalin's crimes talked much about the "Socialist legality" which he said Stalin violated by imprisoning and executing men without trial, by decrees which bypassed the courts. No Communist has much respect for legal codes. And already Khrushchev is beginning to attack his political opponents in Stalinesque phrases; their lives or their freedom may soon be at hazard. All this flows from the two most glaring defects in Soviet law: (1) no provision for the election and legitimate succession of state rulers, which causes an inevitable and endless power struggle; and (2) no habeas corpus to provide universal protection against arrest and punishment without jury trial.

Our own law, and the Supreme Court itself, must fight off recurring attacks. Nevertheless, as in desegregation, we continue to move toward the ideal set by Solon long ago: "That city is the best to live in, in which those who are not wronged, no less than those who are wronged, exert themselves to punish the wrongdoers."

#### ROCKEFELLER PUBLIC SERVICE AWARDS

Mr. SMITH of New Jersey. Mr. President, yesterday I had the privilege of attending the sixth annual presentation of the Rockefeller public service awards, which were made to nine outstanding career employees of the Federal Government. The awards were established in 1952 by a grant from John D. Rockefeller III, and are administered as a national trust by Princeton University's Woodrow Wilson School of Public and International Affairs. It was announced yesterday that Dr. Harold W. Dodds, president emeritus of Princeton, has been appointed chairman of the selection committee.

At the ceremony here in Washington, both Mr. Rockefeller and Dr. Robert F. Goheen, president of Princeton, stressed the basic purpose of the awards, namely, to recognize valuable public service by civilians in the executive branch and to establish incentives for their continuance and advancement through the opportunity for the off-the-job study.

Because of the importance of this program in helping topflight Government personnel keep abreast of the latest developments in their field, I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks the names of the Rockefeller public service award winners for 1958 and the Federal departments they represent.

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

#### NINETEEN HUNDRED AND FIFTY-EIGHT ROCKEFELLER PUBLIC SERVICE AWARD WINNERS

Dr. Churchill Eisenhart, Chief, Statistical Engineering Laboratory, National Bureau of Standards, Department of Commerce.

Mr. James B. Engle, Office of Western European Affairs, Department of State.

Dr. Karl R. Johannessen, Chief Meteorological Consultant and Technical Adviser to Air Weather Service, United States Air Force.

Dr. Robert H. Johnson, Secretary, Special Staff, National Security Council.

Mr. Stanley Lebergott, analyst, Office of Statistical Standards, Bureau of the Budget.

Dr. James R. McNesby, senior research scientist, free radicals section, National Bureau of Standards, Department of Commerce.

Mr. William R. Mickelsen, head, special problems section, propulsion chemistry division, Lewis Flight Propulsion Laboratory, Cleveland, Ohio; National Advisory Committee for Aeronautics.

Mr. Paul W. Rose, Director, United States Operations Mission to Nepal, International Cooperation Administration.

Dr. Joseph E. Upson, research geologist, United States Geological Survey, Department of the Interior.

#### SENATOR KENNEDY'S ADDRESS AT ROCKEFELLER PUBLIC SERVICE AWARDS PRESENTATION

Mr. SMITH of New Jersey. Mr. President, the principal speaker at the Rockefeller public service awards luncheon was the distinguished junior Senator from Massachusetts [Mr. KENNEDY]. In his remarks, he forcefully stated the need for broader opportunities for the continued training of key career person-

nel in every department of the Federal Government.

As he pointed out, industry has already come to realize the importance of a Rockefeller type of program in the training of career executives as a kind of intellectual retooling to extend their skills and broaden their outlook:

It is high time that we offered this kind of opportunity to our most talented, promising, and devoted career servants—to benefit those who receive its grants, to benefit those who strive for it, to benefit all of the career service, the Congress that makes so many demands upon it, and the public that so often wrongfully abuses it.

I ask unanimous consent that the text of Senator KENNEDY'S address at the Rockefeller public service awards presentation be printed in the RECORD at this point in my remarks.

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

ADDRESS BY SENATOR JOHN F. KENNEDY, OF MASSACHUSETTS, AT THE ANNUAL PRESENTATION OF THE ROCKEFELLER PUBLIC SERVICE AWARDS, WASHINGTON, D. C., WEDNESDAY, AFTERNOON, APRIL 30, 1958

I am greatly honored to participate in this annual presentation luncheon for the Rockefeller public service awards. My sense of privilege is heightened by the distinction of these annual awards, by the distinction of this program and those responsible for it and by the distinction of those recipients whom we honor today.

The opportunity which has now been granted to them is, I am certain, unprecedented in their lifetime—and it will never be offered again.

It is not, however, an opportunity for mere personal enrichment. We are confident that in the year ahead they will benefit in such a way as to benefit us all in the years to come. We are confident that they will bring new vision, new wisdom, and a new stimulus back to the musty halls of Washington officialdom as the result of their observations and learning during the coming year.

I know that these recipients whom we honor today will bring some learning back with them—that they will be better fitted to meet the challenge of our age. Certainly our Government and our people have never stood so acutely in need of developing in full the talents of our ablest public servants. We have long been accustomed to the practice of elevating talented scholars in the public service. \* \* \*

But a growing disdain for public service in our Nation as a whole and in our colleges in particular has been coupled with a trend for increasing complexity of national problems. We must secure the services of the best minds of our Nation—and expand the horizons of those career servants who have demonstrated their distinction—if we are to cope with the staggering burdens of discouraging and puzzling problems that now confront us. This is no time for overspecialized public servants who are unable to ride easily over broad fields of knowledge. \* \* \*

On the contrary, we need career servants especially trained to meet the critical issues of our time—issues which have become both so immense and so complex that the experts disagree and the laymen throw up their hands. Think, if you will, of the technical competence necessary to enable one to make an informed judgment on the desirability of suspending atomic tests, on the necessity of establishing missile bases abroad, on the effort worth devoting to reaching the moon, on the disposition of our agricultural surpluses,

on the stabilization of the world's currencies and a whole host of other problems. Some of our problems are so familiar that we have almost taken their existence for granted—we have in effect despaired of ever ending mental illness or social tensions or juvenile delinquency or business cycles. \* \* \*

The fact remains that the American people lack the information and training necessary to make an informed judgment on many of these issues; and we in the Congress, ill housed and ill staffed, are not much better equipped to deal with them effectively. We are dependent upon alert, informed, resourceful, and objective guidance from our civil servants. If they, too, lack the necessary opportunities for training and growth, then we will be reduced to the "blind leading the blind"—or, to put it more precisely in the case of our most difficult issues, the blind leading the blind.

I do not say that a year in college will work miracles for our public servants. \* \* \*

But it is no exaggeration to say that whether or not the Battle of Waterloo was won on the playing fields of Eton, the struggle in which we are now engaged will be won or lost in the classrooms of America. \* \* \*

And what should be of concern to us today is that there are so few who are to be given this opportunity—that even these awards are available only because of the foresight and philanthropy of John D. Rockefeller—and that this program is one of a limited duration.

The Rockefeller Foundation and family have recognized—perhaps more than any comparable group—the usefulness of what the economists like to call "seed capital." They have pioneered in the establishment of new projects and programs—not as permanent monuments but as pilot projects. They have established task forces or initiated ventures in order to demonstrate what can and should be done by the rest of the Nation. These undertakings have stimulated our awareness and action in a number of fields—in medicine and public health, in education, the arts, and elsewhere.

But certainly one of their finest contributions has been to the strengthening of our career public service. The awards and training program we honor today is built in a sense upon a similar precedent which the foundation set a generation ago. Under the auspices of the National Institute of Public Affairs, the cream of our college talent was attracted to Washington and to an internship in Government service. Those interns today hold top positions in the Government, or in educational, industrial or professional activities closely identified with it.

That experiment was successful—its value to the whole Nation became apparent—and the idea first conceived by the foundation was adopted by the Government as its continuing responsibility. The junior management training and executive development programs administered by the Civil Service Commission and the various departments have enlarged upon this original and decisive model of the Rockefeller Foundation. And the result has been the most imaginative program of recruitment ever devised in this country for creating a strong backbone to the professional career service.

Today we witness another successful program, established by Mr. John D. Rockefeller III, in association with Princeton University. This program, too, has blazed a trail for the public service—and this program, too, deserves to be adopted by the Federal Government.

In a sense, the Rockefeller public service awards have a double purpose: The first is to provide a reward for merit and to recognize distinguished service. This aim has already been reinforced within the Government by

the Presidential awards to distinguished civil servants begun this year.

But the second aim has not yet been secured, though it lies within reach—and that is to spotlight the needs for continued training of career servants—to emphasize the value of their maintaining up-to-date competence, renewing their relationships with the scholars and researchers who are in their field of specialty extending the frontiers of knowledge—to take men in middle life, who have gone far in a relatively narrow field, and broaden their outlook, then to use them in positions of still broader scope and responsibility. Given new incentives, for advancement, a new environment, an opportunity for a fresh exchange of ideas and constructive criticism, these men have been enabled to move out of the ruts of routine. Their contribution to the public good is greater—and at the same time our Government has retained the services of highly and often expensively trained public servants.

This concept of additional training and experience for the advanced career man is not unique, of course. It is not a new device to ease the lot of bureaucrats or spend the taxpayer's money. Lawyers, doctors, and other professional men avail themselves of private opportunities to recharge their batteries, so to speak.

The tradition of the sabbatical in the field of education—for intellectual retooling and extension of skills and research—is now well established. In industry, too, there is a growing recognition that men in middle life can benefit enormously from the change and pause of an educational environment. In my State the School for Industrial Management at MIT, and the program of advanced management at Harvard, have been foremost in contributing to these new developments in executive training. The Bell Telephone Co. and the University of Pennsylvania are associated in a program of liberal education for its higher executives. Indeed, most large industries are now actively considering new ways by which the rich resources of our educational institutions can be mobilized for the broadened training of career executives.

Yet the record in our Government is a spotty one, to say the least. The Foreign Service, the military services, and a few departments do have limited authority to send personnel to universities for tours of training and advanced education. Yet there are many departments which cannot, under current law, enrich their personnel standards, and stimulate their most promising men and women, through providing this kind of educational leave and training. The Rockefeller awards have made it possible for only a few.

The value of this program is now undeniable. Those whom we honor today, to be sure, are an exceptional few—but there are potentially many, many more. We cannot expect the Rockefeller program to do the job alone—or forever. It is high time that the Congress adopted this Rockefeller program, also. It is high time that we offered this kind of opportunity to our most talented, promising, and devoted career servants—to benefit those who receive its grants, to benefit those who strive for it, to benefit all of the career service, the Congress that makes so many demands upon it, and the public that so often wrongfully abuses it.

It is high time that we acted—that we nourish the seed first planted in this program so many years ago. And I know of no more appropriate year to act than 1958—the year which marks the 75th anniversary of the civil service. Here is the ideal backdrop against which Congress should act. Training is the only broad area of public personnel administration for which this Congress has not passed any legislation. Yet we are, as I indicated earlier, on the brink of action.

Through the leadership of the able Senator JOE CLARK, the Senate has passed S. 385. It is a training bill which gives the broad authority required by most agencies and permits its flexible administration. The main features of the bill have been supported by the President, the Bureau of the Budget, the Civil Service Commission, and the personnel directors of most agencies.

I am hopeful that the Senate and House can soon reconcile their differences in a sensible compromise—and that Mr. Rockefeller's seed capital can give momentum to a sustained and flexible training program in our Government.

The enactment of such a program will mark a turning point, in my opinion, in the attitude of the Government toward the intellectual capacity of its employees. In recent years we have scoffed at intellectuals in Government, isolated them, refused to finance their research. We drove them out of the career service or discouraged them from ever entering. And today the Soviets have seized the initiative in intellectual achievements and prestige, with telling results—not because they captured German scientists but because we neglected American scientists. Because Mr. Wilson wasn't interested in basic research as to why certain chemical substances turned green—and now we're finding out too late why certain nations turn Red. Did anyone else in history ever think the best way to prepare for a crucial battle was to blow his own brains out?

Today we need new ideas, new techniques, statesmen, politicians, and civil servants willing to take the lead in new fields. We are moving ahead along a knife-edged path which requires leadership better equipped than any since Lincoln's day to make clear to our people the vast spectrum of our challenges.

The question is whether a democratic society, with its freedom of choice, its breadth of opportunity, its range of alternatives, can meet the single-minded advance of the Communists.

Our decisions are more subtle than dramatic. Our farflung interests are more complex than consistent, our crises more chronic than easily solved.

Can a nation organized and governed such as ours endure? That is the real question. Have we the nerve and the will? Have we got what it takes to carry through in an age where, as never before, our very survival is at stake, where we and the Russians have the power to destroy one-quarter of the earth's population, a feat not accomplished since Cain slew Abel? Can we carry through in an age where we will witness not only new break-throughs in weapons of destruction—but also a race for mastery of the sky and the rain, the ocean and the tides, the inside of the earth and the inside of men's minds?

In the words of Woodrow Wilson: "We must neither run with the crowd nor deride it—but seek sober counsel for it—and for ourselves."

#### COMMUNIST ECONOMIC THREAT

Mr. SMITH of New Jersey. Mr. President, on Monday, April 28, Mr. Allen Dulles, Director of the CIA, delivered a challenging address to the United States Chamber of Commerce on the Communist economic threat. In commenting on Mr. Dulles' remarks, the Washington Evening Star, in an editorial in yesterday's issue, stated:

In view of the nature of the Communist system, Mr. Dulles \* \* \* has not exaggerated in declaring that Soviet economic progress constitutes the most serious challenge the United States has ever faced in time of peace.



The editorial goes on to point out that such a warning is intended in no way to discount the equally enormous threat implicit in the Kremlin's armed power and scientific advances. It is, however, a sober reminder of the imperative need to meet the Communist cold war on all fronts, a reminder directed especially, as the Star states, at "all those Americans who seem recklessly intent upon scuttling our foreign-aid and reciprocal-trade programs."

Mr. President, I ask unanimous consent that the editorial entitled "The Red Economic Threat," from the April 30 issue of the Washington Star, commenting on the meaning of Mr. Dulles' remarks, be printed in the RECORD at the conclusion of my statement.

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

#### THE RED ECONOMIC THREAT

If the Soviet Union were a land of liberty, there would be no occasion for Allen Dulles' warning about its economic growth. Instead, the world would have reason to welcome and cheer the development as something that could help to promote human betterment and a prospering international peace of freedom and justice.

Far from being a bulwark of liberty, however, the Soviet Union is a totalitarian tyranny run by a handful of power-hungry and intensely secretive conspirators whose ultimate objective is to communize mankind and win dominion over the entire globe. Naked armed force, deceit, treachery, infiltration, subversion—these are among the weapons they have used, and still use, to attain their ends. Anyone who thinks otherwise had better ponder the fate of Hungary and all the other captive lands behind the Iron Curtain.

Accordingly, in view of the nature of the Communist system, Mr. Dulles, Director of our Central Intelligence Agency, has not exaggerated in declaring that Soviet economic progress constitutes the most serious challenge the United States has ever faced in time of peace. In making this point, he has not discounted the enormous threat implicit in the Kremlin's armed power and scientific advances, but Khrushchev and company—in his judgment—want to avoid a shooting conflict and to win global domination with such weapons as trade, aid, and infiltration carried out in Asia, Africa, South America, and free Europe. In short, as he sees the situation, "it is most probable that the fateful battles of the cold war will, in the foreseeable future, be fought in the economic and subversive arenas."

Mr. Dulles has drawn a somber picture of how well equipped the Kremlin is for such battles. Thus, although American productive capacity still is far ahead in many respects, the Soviet economy is growing at a rate roughly twice that of ours. Moreover, since it operates under a despotism that does not have to seek parliamentary support or worry much about public opinion, it can be readily geared to policies of international infiltration and subversion. Moscow has made effective use of it, for example, in Egypt, and in places like Syria and Yemen, where Russia's trade and aid must be viewed as an investment in disorder calculated to make trouble for the forces of freedom. Similarly, the Kremlin's stepped-up drive for commerce with Western Europe might easily become—if it succeeds—a formidable weapon of economic warfare.

Of course, as Mr. Dulles and others have pointed out, the men of the Kremlin cannot entirely ignore the wants and discontents of the masses of the U. S. S. R. As education spreads among those masses, and

as the Soviet economic machine continues to grow, the Moscow dictatorship should feel mounting popular pressures to put that machine to work to liberalize and improve domestic living conditions. But this possibility, though real enough, is likely to materialize—if ever—only at a very slow pace.

Meanwhile, in terms of the next decade or two, the United States and the Free World at large must reckon most seriously with Soviet internal and external economic expansion. For the threat implicit in it, as Mr. Dulles has warned, is at least as great as the threat implicit in the Kremlin's military might, and it should sober all those Americans who seem recklessly intent upon scuttling our foreign aid and reciprocal trade programs.

#### SATURDAY EVENING POST ARTICLES BY SENATOR McCLELLAN

Mr. KNOWLAND. Mr. President, in this week's Saturday Evening Post there appears an excellent article written by the Senator from Arkansas [Mr. McCLELLAN], the distinguished chairman of the Senate select committee, dealing with the subject matter of the current investigation of the coercion and corruption which have taken place in some of the labor organizations, and the consequent abuse not only of the public, but of the membership of labor organizations.

I hope not only that every Member of the Senate and the House will have an opportunity to read the first article, which appears this week, and the second article, which will appear in a subsequent issue, but I hope as many of the American people as possible may read the articles. I think when they have done so they will recognize the problem, and join with some of us who have felt this session of Congress should not adjourn without giving needed help both to the rank and file of American labor and to the American public.

#### MEET THE PRESS INTERVIEW WITH SENATOR ANDERSON CONCERNING ADMINISTRATION'S NUCLEAR WEAPONS POLICY

Mr. PROXMIRE. Mr. President, last Sunday the distinguished Senator from New Mexico [Mr. ANDERSON] appeared on the television panel show Meet the Press. His performance was one of the most brilliant and significant by any public figure in recent years.

This was the interview in which the great Senator from New Mexico sharply challenged the administration's lack of a single sensemaking, affirmative nuclear weapons policy. He brought to the American people his own remarkable knowledge and understanding of this immensely critical problem of human survival.

Mr. President, this interview has already been the subject of consideration at the President's press conference. It will be discussed for months to come wherever throughout the world people concerned with the preservation of the human race in the nuclear age convene.

I ask unanimous consent, Mr. President, that the transcript of this tremendously significant interview, which is, of course, not now available in print, be

printed in the RECORD following my remarks.

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

MEET THE PRESS, SUNDAY, APRIL 27, 1958

(Produced by Lawrence E. Spivak)

Moderator: Ned Brooks.

Guest: Senator CLINTON P. ANDERSON, Democrat, from New Mexico.

Panel: William S. White, United Features Syndicate; John Finney, New York Times; Richard Wilson, Cowles Publications; Lawrence E. Spivak.

The ANNOUNCER. Our guest, ladies and gentlemen, is CLINTON P. ANDERSON, ranking Senator on the Joint Atomic Energy Committee, and a member of the Senate Space Committee. Ready for this spontaneous, unrehearsed conference are four of America's top reporters. Please remember their questions do not necessarily reflect their point of view. It is their way of getting behind the headlines.

Here is the moderator of Meet the Press, Mr. Ned Brooks.

Mr. BROOKS. Welcome once again to Meet the Press.

For some weeks past, three major problems have dominated the front pages: the testing of nuclear weapons, the conquest of outer space, and the recession.

Our guest today, Senator CLINTON ANDERSON, Democrat, of New Mexico, has important connections with all three of these problems. He is the ranking Senate member and the former chairman of the Joint Atomic Energy Committee of Congress. He is the chairman of a subcommittee on outer space, and he recently was appointed to the new blue ribbon Senate committee which next week begins hearings on a long-range space program.

Senator ANDERSON is a member of the Senate Finance Committee now studying the cause of the recession and how to put it into reverse.

In Democratic Party affairs he has long occupied an active and influential position. He was Secretary of Agriculture for 3 years under former President Truman and he is now serving his second term in the Senate.

Seated around the press table today, ready to interview Senator ANDERSON, are Richard Wilson, of the Cowles Publications; John Finney, of the New York Times; William White, of United Features Syndicate, and Lawrence E. Spivak, our regular member of the Meet the Press panel.

Now, Senator, if you are ready we will start the questions with Mr. Spivak.

Mr. SPIVAK. Senator ANDERSON, the Chairman of the Atomic Energy Commission, Mr. Strauss, has told the American people that these tests which are coming up are important for us so that we can learn more about cleaner bombs and build defensive weapons.

Now don't you agree that these are important objectives for us and that it would be a mistake to stop testing before we achieve them?

Senator ANDERSON. I do not agree that it would be dangerous to stop testing before we achieved them. I think we know now far more than the Russians do about clean bombs and I think if the Atomic Energy Commission really believed the story about clean bombs they would have some clean bomb tests in this series of tests. I think the number of clean bomb tests will be relatively small in proportion to the number of testings. I think that is the real way to try it out.

Mr. SPIVAK. Well, why do you think they are testing, just for the fun of it?

Senator ANDERSON. Oh, no, they are anxious to develop—and properly so—a complete family of small-sized weapons. We are having remarkably good success. We are doing wonderful things. I would say we are prob-

ably ahead of anyone else in the number of the tiny weapons we have which are going to be important, and I think that this country is doing a fine job of testing.

I merely say that I wonder if the results are worth the costs.

Mr. SPIVAK. You evidently made your conclusion on that because you want to stop testing, don't you?

Senator ANDERSON. I want to take the Russians up when they make a bluff. The Russians say they want to stop testing immediately. I would take them up and call them at once and say "Well, you ran your show and we will run ours and when we finish ours we will both stop testing."

You would find out something pretty quickly. You would find out if the Russians are prepared to stop testing, which I do not believe they are because I think they want small weapons too. If they were prepared to do it then we would know something about the size and complexity of their stockpile. We would have some idea of how it was constituted and we might learn something for ourselves.

Mr. SPIVAK. Senator, as a member of the Atomic Energy Committee, you know something about our stockpile and I imagine you have some hints about what the Russian stockpile is.

Do you think we are far ahead of them? We have been wrong in almost every other estimate we have made on military matters where the Russians are concerned.

Senator ANDERSON. I think it can be fairly accurate that we are substantially ahead of them. We have ways of knowing just how much plutonium production they have had and they have ways of knowing how much we have. I think they can calculate our stockpile with amazing accuracy and I think we can calculate theirs.

Mr. WHITE. Senator ANDERSON, there are reports today that Secretary of State Dulles is retreating from his earlier position and is now proposing agreement with the Russians to stop these tests, and Admiral Strauss, of the Atomic Energy Commission, is remaining adamant about stopping them. Does what you have said earlier indicate that you support Mr. Dulles' present line here and would you be prepared to stop them if the Russians are not bluffing?

If, in fact, we said we would stop them and they stopped them, would this be good for us?

Senator ANDERSON. I don't know what Secretary Dulles' line is, but I would be inclined to say from his previous testimony that I would support him. I think the discovery that we could detect a small, underground explosion in Nevada 2,350 miles away has changed the picture. It has given some support to those people who have said that 20 stations inside Russia would give us a complete picture of whether they were or were not testing, and I think that Secretary Dulles, if he has changed his position, has changed it very wisely because I am afraid world opinion would have to agree that it is possible to detect the test.

Mr. WHITE. Senator, is it fair to say that there are 2 issues here, and that 1 issue is a matter of public opinion? That is the almost universal desire to stop these tests; and another issue is military opinion. I asked that question because I have been told that the military people in general believe it would be dangerous to us to stop these tests even if the Russians agreed on the line, as they have explained it, that the Russians can afford to contemplate a so-called dirty bomb and we cannot?

Senator ANDERSON. We can afford to contemplate it, Mr. White. As a matter of fact, this is not a matter that I can prove because every time you try to prove it, you run up against this wall of executive communications, but I believe I am very reliably informed that there has been a quarrel between

the State Department and the military for a long time over the type of bombs. I believe our State Department does want cleaner bombs, but I believe the military is steadily stockpiling dirtier bombs and I think any investigation would show that.

They not only are supporting them, they have pulled bombs out of the stockpile and inserted something which makes it dirtier.

Mr. WHITE. Why, Senator?

Senator ANDERSON. Because they want dirty bombs and that is the best evidence in the world of what they are trying to do. We talk clean on one side, and we stockpile dirty on the other side. I don't think it makes much sense.

Mr. WHITE. Why do our military people want dirty bombs?

Senator ANDERSON. They want it effective. You don't have bombs in order to have Fourth of July explosions. You have them for destructions.

Mr. WHITE. Is the clean bomb not going to be effective?

Senator ANDERSON. Well, what will a clean bomb do?

Mr. WHITE. I ask you, sir.

Senator ANDERSON. I don't know what it is going to do. It would be all right if you are going to have very limited warfare and if you can be sure you can just pinpoint a target, but if atomic war starts, in the opinion of the men like Curt LeMay for example, who plays his war game before the joint committee, and I think makes a wonderful case for it, he points out war is going to be destructive and if you are going to be engaged in destructive war, you better have the instruments of destruction.

Mr. FINNEY. Senator, I am a little bit confused. Would you stop testing without some agreement to inspect, to make sure there was no attempt to cheat?

Senator ANDERSON. No; I would not. But the Russians have said they are willing to have inspection. What we were always told was that you couldn't find it out and that is why this 2,350-mile limit was so important, because we have been told you couldn't hear it 200 miles away.

Dr. Teller and Dr. Lawrence were rushed to the White House to tell the President that you could not detect one if you did it in the right fashion. I think I know what they proposed. I don't believe it has been announced, but it is very similar to what we did in Nevada. Then the word comes out that you can detect it 2,350 miles away and I believe it will show they detected it 3,000 miles away and it completely destroyed the whole argument.

Mr. FINNEY. In other words, you believe it is possible to set up an effective inspection system that would be foolproof?

Senator ANDERSON. Well, I don't know just how foolproof "foolproof" is, but I think it would be completely effective. That is all that I could say. I don't say something couldn't come along with a new gadget that would test a very small weapon but I don't think anything useful would come out of that size test. I think anything in the neighborhood of 1 kiloton can be detected.

Mr. FINNEY. That is 1,000 tons TNT, you think we can inspect?

Senator ANDERSON. And this is a mighty small bomb as you well know.

Mr. FINNEY. How many stations would we have to have within Russia and within the United States to carry out such a ban?

Senator ANDERSON. We haven't worried about the United States as yet because we wouldn't care how many they would have, I wouldn't think, but a professor at Princeton testified before the Disarmament Committee—he has been writing some articles and he said 22 stations would be enough. That would put them every 250 miles.

Mr. FINNEY. You heard Hans Bette who has been acting as special adviser to Dr. Killian and President Eisenhower on this. He recommends a substantially larger num-

ber of stations within the Soviet Union, doesn't he?

Senator ANDERSON. I don't know. I didn't hear that part of his testimony if he did, but I think 22 would be sufficient. Twenty-five would certainly be ample.

What if we had 50, it certainly wouldn't cost anything like shooting off 1 missile down at Cape Canaveral.

Mr. WILSON. Senator, I wish you would talk to just one point in connection with what you said previously. I think you said something which caused me to believe you didn't think there was such a thing as a clean bomb.

Senator ANDERSON. There is no such thing as a completely clean bomb. I don't wish to quibble about words, but maybe it is 95 percent clean or 96 or 97 percent clean, but just remember if we would shoot a large multi-megaton bomb, it would be far dirtier than the bomb we discharged over Japan at the end of the World War.

Mr. WILSON. I just wondered if you thought we were sort of pursuing a will o' the wisp and carrying this—

Senator ANDERSON. They can be made fairly clean, and almost completely clean, but not entirely clean. Something has to be there to kick it off.

Mr. WILSON. Senator, I wanted to ask you about—you are a member of several committees, two committees which have a very direct connection with the future of space exploration and space control. I wondered if you yourself have any clear and concise ideas of the steps we should take in this whole field in the immediate future?

Senator ANDERSON. Well, I think we ought to decide what our objective is first of all. If it is a stunt, then a stunt is what we have chosen because we are going to send some sort of a weapon to the moon. If it is military work, then of course we must keep on developing some sort of military devices. If it is long-range exploration, then we should be developing nuclear propulsion because no spaceship can go to the moon and come back, in my opinion, without nuclear propulsion and that opinion is backed up by many scientists so we ought to decide what our objective is.

If it is just a stunt, it doesn't matter much what we do; we have chemical engines for the stunts now.

Mr. WILSON. That is what I am trying to get at, sir.

From your study of the things so far, what do you think we should do?

Senator ANDERSON. I think we should look for long-range exploration. I am afraid if we put all our hopes and aspirations on the stunt that just before we are ready to try it, Russia will put one on the moon and we are not going to be too happy about that, but long-range propulsion of devices through the sky, long-range exploration of other planets is possible. It can be done, I think, only by nuclear propulsion and we ought to take a great lead in that field.

After all, we developed the first atomic bomb, the first hydrogen bomb, the first atomic submarine, why not the first spaceship? We are not going to have the first atomic airplane apparently. Why not the first atomic spaceship?

Mr. WILSON. I notice Dr. Killian places very little emphasis upon the propulsion of these vehicles by nuclear power. Do you think he is wrong in that?

Senator ANDERSON. Yes; I think it just goes to show how far wrong a good man can go. I think he is a very fine person, but the bill which he sent to the Congress didn't contain a single word about nuclear propulsion and made you think it was designed only to make sure that the space work stayed in the hands of the people who make chemical propellants and conventional types of rockets. I admit there is nobody having any nuclear fuel for sale but just



the same it is an important thing if you are going into the space age.

Mr. WILSON. Of course Dr. Killian doesn't have any interest in chemical fuels per se. I wouldn't think.

Senator ANDERSON. No; but all the people who have worked with him feel we should go ahead on chemical fuels because they are well developed, and they are.

Mr. WILSON. They are too traditionally minded in your opinion, then?

Senator ANDERSON. I think they have lost sight completely of what the future might be. You could, to be sure, send some sort of a device to the moon with a chemical rocket but you couldn't bring it back. The thrust that it takes to get there is tremendous. There is no atmosphere around the moon. Therefore, if you are going to land a party on the moon, you have to have something to hold it back as it comes in for landing and once it lands, then you will have to take off. And while you come back to the earth, you have to take an orbital speed of some 66,000 miles an hour on the earth and catch up as you are coming in. It is a pretty difficult task and you will have to have nuclear power to do it. You have to have the thrust of the nuclear engine.

Mr. SPIVAK. Well, Senator, the Atomic Energy Commission with the approval of the President feels that these tests are very important. Now, are they talking through their hats?

Senator ANDERSON. No, no. The tests are very important if you want to keep on developing more and more and more of these small devices and I think it is a fine thing. But I do say that if we were to stop testing, we have laboratories at Livermore and Los Alamos that must have notebooks full of very wonderful things. So let them work for some years on what they have already developed. I think we would have all the things we need to do for a long time to come. And maybe they would have some time to do some work on atoms for peace. What has happened to atoms for peace? You don't hear a word about it any more.

Mr. SPIVAK. And they go on working on things without testing them? They say that testing is a very important part of that job.

Senator ANDERSON. It is important; but I say, having already developed as far as we have, we can go on with a multitude of ideas without tests. What do you suppose they do between tests? They work on devices all the time.

Mr. SPIVAK. And you say it is impossible for the Russians to carry on secret tests?

Senator ANDERSON. I think it is; I say very frankly.

Mr. SPIVAK. How do you know that if they have been secret? They might have been carrying on secret tests for quite some time. You wouldn't know if they were really secret.

Senator ANDERSON. The proposal was that we have inspection stations inside of Russia. I don't say that Russia announcing it wasn't doing something would mean anything to me or to you either, and I wouldn't pay any attention to that sort of agreement. But if Russia says, as I have understood they have said, that they are willing to allow inspection, then I know we can find out.

Mr. SPIVAK. You say we are testing for small weapons. Aren't we going to test another H-bomb, too? Hasn't that been announced? Aren't we going to test another H-bomb in August?

Senator ANDERSON. Yes, and it is pretty dirty. You see, that is what is holding it up. There is a very substantial amount of fission product connected with that test and it is going to be put at the tail end and maybe something will happen by that time so it can be postponed still farther, but we don't get any real announcement of the purpose of most of these tests and, therefore, I don't know whether it is going to be held

or not. But if we do test one it will probably be tested under such circumstances—

Mr. SPIVAK. What do you mean you don't get any real announcement? Isn't that the job of your committee to find out what is going on?

Senator ANDERSON. We get a list, but the purpose of the test comes to us in the evaluation after the test.

Mr. SPIVAK. Well, Senator, as I understand it, foreign scientists have been invited to come to these tests in August and they are going to be told something about the power of these tests and how clean they are. Don't you know anything about it?

Senator ANDERSON. Oh, yes; we find that out too; but what I am trying to say is the power of the test doesn't mean anything about its composition or what they are trying to find out by it. They may have left out a very important element to see whether they can have a bomb without that element in it. And that is important to the Atomic Energy Commission. It is important to the future cost of the weapons program.

I only say I don't think it is quite as important as the present situation of world unrest over this question of testing.

Mr. SPIVAK. Senator, I would like to get this straight. If the Russians said tomorrow "We are prepared to sign an agreement to stop testing, to stop production and to destroy all our bombs and to accept whatever inspection system you want, would you be prepared to go along with them on that?"

Senator ANDERSON. I think I would have great worries about what the land armies of the Russians could do in the domination of the world. I had hoped that if we reached a program of the gradual reduction of stockpiles we leave some residue of atomic weapons in the hands of the United Nations to try to enforce the peace. I think the Russian land armies could overrun a great deal of Europe immediately and therefore I would have some reservation on what they would say about the complete destruction of everything.

Mr. SPIVAK. Suppose they hid a large supply of atomic bombs?

Senator ANDERSON. I think they could hide a large quantity of them. I think it is possible to make small weapons that can be hidden. I don't know what detection device we would have for that. Therefore I would like to take it by steps and try first of all this termination of tests upon an agreed-upon basis for inspection to accompany it. I thought the administration was not hostile to that.

Mr. SPIVAK. I don't quite understand your program. You don't trust them. Why would you go ahead on a basis where what you do, if you are honest, you do, and you know you do it, but you are never sure of what they do.

Senator ANDERSON. Oh, yes; you do. That is exactly what I have said. If we had a basis of inspection so we could tell, and we can detect and I am sure we can detect, then I would know we might safely go ahead on that part of the program.

Mr. SPIVAK. But you say you can't detect if they hide them?

Senator ANDERSON. That is another story.

Mr. SPIVAK. A very important story.

Senator ANDERSON. That is the second stage of it. You are talking about what we are going to do about the destruction of the stockpile and I say I am very dubious on the destruction of stockpiles until I know whether they can be hidden away. I think now they can be.

Mr. WHITE. Senator ANDERSON, in view of this profound division within the Government about whether we should or should not stop these tests, and in view of the fact that Admiral Strauss of the Atomic Energy Commission is in the forefront of those opposing halting these tests, would you vote to confirm his nomination if the President

reappointed him or would you oppose him?

Senator ANDERSON. Well, I would think that that would be a question that would come up very much later and have a wholly different aspect to it.

Admiral Strauss stated very plainly before the Disarmament Committee that he was opposed to the individual parts of the program, but willing to accept it all. I think we would have many long discussions as to his attitude on that and on public power if his name came before the committee again.

Mr. WHITE. Turning away from that, Senator, but still on matters of personnel, there have been many suggestions made in the last few months that Dr. Robert Oppenheimer should be recalled to the Government service in view of the crisis about this weapon.

Do you have any thoughts on that? Do you think he should be? Do you think his services should be used in any way or not?

Senator ANDERSON. Yes, I have said that I think he should be given an opportunity to serve. I don't think that you can conceal from Dr. Oppenheimer some of the things that he himself has developed. I think that his work was exemplary when he was at Los Alamos in connection with the bomb. I think he was foolish after he got away from there, but I wouldn't be at all concerned when he was put in his position of responsibility.

Mr. WHITE. You would like to see his clearance restored or whatever the term is?

Senator ANDERSON. I would like to have him put on a program like thermonuclear research in the development of power where we are not going to have any great amount of secrecy anyhow and where his remarkable brain could be used for the benefit of this country. It would not bother me in the slightest.

Mr. FINNEY. Senator to turn from the question of testing to the question of production of weapons, is our production of plutonium adequate for the military requirements for these new small, tiny weapons that you talk about?

Senator ANDERSON. It may be today. It couldn't possibly be in a few years from now. Our plans are wholly inadequate on plutonium.

Mr. FINNEY. Why are they inadequate? What is the stumbling block, the bottle-necks, here?

Senator ANDERSON. It is in the Atomic Energy Commission, I think, without any question. The Joint Committee has been pushing for additional plutonium production. Some members of the Atomic Energy Commission have been pushing for it. Some feel we should let plutonium production develop in Europe and buy it back from them. I do not and many others do not.

Mr. FINNEY. To go off on the atoms-for-peace program for a moment, you and other Democrats up on the Hill have been urging for some time that the Government ought to be spending a lot of money for constructing atomic-power reactors and that we can't look to private industry to do that job alone. What's the hurry? We have a lot of conventional, cheap power in this country. Why do we have to go out and spend hundreds of millions of dollars to erect atomic-power plants?

Senator ANDERSON. From the standpoint of conventional power in the United States, we have plenty of time and plenty of devices for doing it. We do have some responsibility for world leadership in this field. We have industrial firms who would like to sell equipment abroad. That would provide employment for American workmen. Many of us feel it is a very essential development. It isn't important from the standpoint of current need today. It is much more costly than conventional fuel.

Mr. WILSON. Senator, as one of the Democratic leaders of Congress, I wondered if you thought there was a possibility that the Democratic Party has done itself some real political damage by crying wolf about the sputniks and about the business recession. Aren't you in some risk of being the "gloom and doom" boys again?

Senator ANDERSON. I don't know. I don't think we have done ourselves any harm in calling attention to what happened on sputnik. Personally, I have had a great many things to say about the fact that there was a program organized many times to try to give us the first satellite. That program was shelved. We objected to that.

On the question of the financial aspects, certainly if people haven't found out by now there is a recession, then there isn't much we can do about it.

Mr. WILSON. Let's go back to the sputnik question. We have 2 or 3 in the air now and perhaps we will have more before very long. Doesn't that make some of the fears that some of you Democrats expressed last fall look a little ridiculous today?

Senator ANDERSON. It is like a woman wearing a hat. The first time down the street, it looks good on her, but if she is followed by 3 or 4 women wearing the same style hat, it is not quite so hot.

The Russians got theirs up first and that primacy counted tremendously in the opinion of the people of the earth. If you just follow what happened when Russia put theirs up compared to what happened when we put ours up, you know they got all the best of that argument.

Mr. WILSON. Well, are we in military danger, or risk, today?

Senator ANDERSON. No; I don't say we are in military danger from the sputnik. I think we lost a great deal in psychological values all over the earth, by what we didn't do and could have done.

Mr. WILSON. Let me take you to one final question on the recession. You have studied it a great deal. Is it prevalent in New Mexico?

Senator ANDERSON. No; it is not.

Mr. WILSON. Is it a spotty recession which only affects a few areas of the country?

Senator ANDERSON. I think so. It varies certainly in areas. Certainly the unemployment in Detroit is not matched in my home community because we have, I think, the second largest per capita Government payment in the Union, Virginia only, exceeding us.

Mr. SPIVAK. The President has asked for an amendment to the Atomic Energy Act, so they can give our allies some of our know-how. Do you think he is going to get that amendment?

Senator ANDERSON. He may get it. It will be substantially modified. Very substantially modified, and the Department has already substantially modified it by withdrawing several parts of it.

Mr. SPIVAK. Are you personally in favor of giving him the right to exchange secrets with our allies?

Senator ANDERSON. I think I am more in favor of dealing bilaterally with England at the present time. I am worried about who gets to be the third, the fourth, and the fifth atomic power.

Mr. SPIVAK. Would you give information to England, knowing Bevan, who is very anti-American and very pro-Soviet may be the next Foreign Minister?

Senator ANDERSON. Yes; I would. I realize the danger, but I would.

After all, through the long years the British have been our most reliable allies.

Mr. BROOKS. Gentleman, I think I will have to interrupt. I am sorry, but I see that our time is up.

Thank you very much, Senator ANDERSON, for being with us.

The ANNOUNCER. Goodby for Senator CLINTON P. ANDERSON and Meet the Press.

Mr. NEUBERGER subsequently said: Mr. President, I concur in the statement made earlier today by the junior Senator from Wisconsin [Mr. PROXMIRE] about the very able presentation made last Sunday by the junior Senator from New Mexico [Mr. ANDERSON] on the network program Meet the Press.

I had the privilege of viewing and listening to Senator ANDERSON at that time. I think what he said about nuclear testing, fallout, and dirty bombs has more than been upheld and ratified by the very significant and alarming disclosure today by leading scientists about the amount of radiation and the potential perils which exist in outer space.

#### GREAT AMERICANS AWARDS TO DR. JONAS E. SALK AND RICHARD K. MELLON

Mr. MARTIN of Pennsylvania. Mr. President, the Chamber of Commerce of the United States last Monday night honored seven as great living Americans. As Pennsylvanians we are extremely proud that two of that list were Pittsburghers—Maj. Gen. Richard K. Mellon, a great civic-minded man, and a prominent banker and industrialist, and Dr. Jonas E. Salk, the developer of the successful polio vaccine.

I ask unanimous consent that a statement appearing in the Pittsburgh Post-Gazette of April 29 be printed in the body of the RECORD as a part of my remarks.

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

Two Pittsburghers, Dr. Jonas E. Salk, developer of the successful polio vaccine, and Richard K. Mellon, prominent banker, were honored last night by the Chamber of Commerce of the United States as "Great Living Americans."

The awards to Dr. Salk and Mr. Mellon and five other prominent Americans were presented at the 46th annual meeting of the chamber of commerce in Washington.

Inaugurated last year, the awards are made annually by the chamber to American citizens who, by their own initiative, self-reliance, and ambition have made notable contributions to human progress.

#### PRESENTED BY TALBOTT

This year, the awards were presented by Chamber President Philip M. Talbott at a leadership recognition dinner.

Dr. Salk was named for his achievement in medicine, notably the development of successful vaccines against poliomyelitis and influenza. He is professor of preventive medicine at the University of Pittsburgh. Dr. Salk, tied to his laboratory work here, was unable to attend.

The award to Mr. Mellon was made for his personal leadership in the rejuvenation of the city of Pittsburgh. Chamber officers said his dedication awoke a new sense of civic pride in the business citizens of his community. Mr. Mellon is chairman of the board of the Mellon National Bank & Trust Co., of Pittsburgh.

#### OTHERS SIMILARLY HONORED

Also honored were Dr. Wernher von Braun, for missile research; Allan B. Kline, president of the American Farm Bureau Federation, for his leadership in the effort to free the farmer from Government intervention; J. Edgar Hoover, Director of the FBI, for his work in detection and control of crime and

subversion; Calla E. Varner, principal emeritus of Central High School, St. Joseph, Mo., for her devotion as a teacher; and Charles F. Kettering, director and research consultant for General Motors Corp., for his foresighted devotion to basic research.

#### KHRUSHCHEV'S CHALLENGE—ADDRESS BY ALLEN W. DULLES

Mr. MANSFIELD. Mr. President, on April 28 one of the most significant addresses of our time was delivered by Mr. Allen W. Dulles, Director of the Central Intelligence Agency, to the 46th annual meeting of the Chamber of Commerce of the United States. I think it would be well worth the time not only of businessmen, but of all our people, to read the remarks which Mr. Dulles made on that occasion. He has given us a good deal to think about. He has brought before us the economic significance of the Soviet Union as it exists today. He has brought us face to face with a dimension which I think we in the Congress, and the American people as a whole, have not been aware to the extent we should.

Mr. President, because of the extreme significance of the address delivered by the Director of the Central Intelligence Agency, Allen W. Dulles, I ask unanimous consent that it be printed at this point in my remarks, along with sundry news stories and editorials covering the same subject.

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

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

#### KHRUSHCHEV'S CHALLENGE

(Address by Allen W. Dulles, Director of Central Intelligence, to the 46th annual meeting of the Chamber of Commerce of the United States, Washington, D. C., April 28, 1958)

The subject for your meeting today Dimensions of the International Peril Facing Us, is a particularly appropriate one for the Chamber of Commerce of the United States. With its membership of 2½ million businessmen, your organization occupies a key position of influence in our Nation's approach to international as well as domestic problems.

It is also a timely subject for you to be considering. Today the Soviet Union, though its very vocal leader, Khrushchev, is directly challenging the United States in the fields of industrial development and foreign trade and aid as well as in military matters. The other day he remarked, "To the slogan that says 'let us arm,' we reply with the slogan, 'let us trade'."

The economic challenge is a dual one. They are setting goals for their own domestic production to compete directly with our own and to quote their words, "to get ahead of us in the economic race." The other phase of their challenge is through their foreign economic penetration program.

I shall discuss both of these challenges. But before doing so, I shall analyze briefly the development of Soviet policy over recent years, as this, I feel, helps to explain why they have turned to the economic and industrial field to promote their long range international policies.

In the immediate postwar period, Stalin relied on military and paramilitary action and the military threat as the chief weapons for the advancement of Soviet aims.



It was with military force that the Soviet took over and established their control in the European satellites and repressed the democratic forms of government which tried to find root immediately after the war. It is with military occupation force and the threat of force that they still hold their position in central Europe.

Then in Iran, in Greece, and at Berlin in the early postwar years, it was force and the threat of force that was used in the attempt to break down the Free World defenses. Through the Marshall plan and our growing military preparedness following Korea, this threat was contained in the West; but China was overrun by the Communists and Northern Vietnam taken.

These and other military and subversive maneuvers alerted the Free World to the dangers of Stalin's policies. Our countermeasures tended to make them counterproductive. Stalin was posthumously discredited by Khrushchev. Stalin's programs were generally repudiated by his successors who literally trembled at the risks he had taken at a time when the Soviet had no atomic capability to match our own. It is well, however, that Khrushchev's ruthless repression of liberty in Hungary with Soviet troops should stand as a reminder to us that Stalinist tactics may at any time be revived if the Soviet Union feels its vital interests are affected.

Today we face the subtler policies of Nikita Khrushchev. Will they be more or less effective than the Stalin policies in achieving the overall aims of international communism?

Of course, I do not mean to discount the seriousness of the Soviet military threat or its challenge in the scientific and technical fields on which advanced weapons systems depend. But as I see it, under its present policies, the U. S. S. R. does not intend to use its military power in such a way as to risk general war. They have a healthy respect for our retaliatory capability.

Furthermore, the Soviet success with sputniks and in the field of ballistic missiles has well alerted us to the military danger and our missile and other programs are receiving top priorities. We must, however, be ever watchful of the Soviet emphasis on the military applications of science and technology in order to anticipate any attempts at a breakthrough which would change the balance of military power.

Barring such a possibility, it is most probable that the fateful battles of the cold war will, in the foreseeable future, be fought in the economic and subversive arenas.

To understand the seriousness of the Soviet economic threat, it is essential to understand the Soviet economic and industrial base on which they are developing their economic penetration program.

Since 1928 the Soviet Union has developed rapidly from a predominantly agricultural and industrially underdeveloped country to the second largest economy in the world. Forced draft industrialization, emphasizing heavy industry, was carried out by Stalin to prevent, to quote his words, another beating of backward Russia by the more economically advanced capitalist countries. Forced draft industrialization continues in Russia today, and now the emphasis is more positive; namely, to meet Khrushchev's goal of catching up and surpassing the United States in per capita production within the shortest possible historical period of time. This theme is being used not only as internal propaganda but also to propagate the Soviet faith abroad.

Comparison of the economies of the United States and the U. S. S. R. in terms of total production of goods and services indicates the U. S. S. R.'s rapid progress.

Whereas Soviet gross national product was about 33 percent that of the United States in 1950, by 1956 it had increased to about 40

percent, and by 1962 it may be about 50 percent of our own. This means that the Soviet economy has been growing, and is expected to continue to grow through 1962, at a rate roughly twice that of the economy of the United States. Annual growth overall has been running between 6 and 7 percent, annual growth of industry between 10 and 12 percent.

These rates of growth are exceedingly high. They have rarely been matched in other states except during limited periods of postwar rebuilding.

A dollar comparison of U. S. S. R. and United States gross national product in 1956 reveals that consumption—or what the Soviet consumer received—was less than half of total production. It was over two-thirds of the total in the United States. Investment, on the other hand, as a proportion of gross national products in the U. S. S. R., was significantly higher than in the United States. Furthermore, investment funds in the U. S. S. R. were plowed back primarily into expansion of electric power, the metallurgical base, and into the producer goods industries. In these fields, it was over 80 percent of actual United States investment in 1956, and in 1958, will probably exceed our own. Defense expenditures, as a proportion of gross national products in the U. S. S. R., were significantly higher than in the United States; in fact about double.

Soviet industrial production in 1956 was about 40 percent as large as that of the United States. However, Soviet heavy industry was proportionately larger than this overall average, and in some instances the output of specific industries already approached that of the United States. Output of coal in the U. S. S. R. was about 70 percent of that of the United States, output of machine tools about double our own and steel output about half.

Since 1956, Soviet output has continued its rapid expansion. In the first quarter of 1958, Soviet industrial production was 11 percent higher than a year ago. In comparison, the Federal Reserve Board index shows a decline of 11 percent in the United States.

According to available statistics, in the first quarter of 1958, the Sino-Soviet bloc has for the first time surpassed the United States in steel production. The 3 months figures show that the U. S. S. R. alone turned out over 75 percent of the steel tonnage of the United States.

A recession is an expensive luxury. Its effects are not confined to our own shores. Soviet propagandists have had a field day in recent months, pounding away at American free enterprise.

Every Soviet speech, magazine article, or radio broadcast beamed to the underdeveloped nations plays up and exaggerates our economic difficulties. The uncommitted millions are being told by the Communists, "See, we told you so. Crises and unemployment are inevitable under capitalism. Communism is the only true road to social progress." Our economy is giving the Communists a propaganda target as damaging and I trust, as transitory, as their own sputniks.

Continued Soviet industrial growth has had a counterpart in increased trade with the Free World. Over the past 2 years, their trade with the West has been moving ahead far more rapidly than it has within the bloc itself. About 70 percent of the U. S. S. R.'s increase in nonbloc trade in 1957 was with the industrial nations of Western Europe and, under agreements such as that just concluded with Germany, will expand still more.

Recent speeches by Soviet leaders—Khrushchev, Mikoyan, and Deputy Foreign Minister Zakhkarov—stress the U. S. S. R.'s desire to expand trade with the Free World. Mikoyan, for example, said that the

U. S. S. R. is confident that with the establishment of normal trade relations a significant forward step will be taken along the road leading to the establishment of cooperative relations between the Soviet Union and the United States. This month, Zakhkarov told the United Nations' Economic Commission for Europe that Western trade ministers should devote their energies to bringing about a long-run increase in East-West trade.

Soviet capabilities to export petroleum and metals—aluminum, tin, zinc, and ferro-alloys—is increasing. The U. S. S. R. is already a supplier in a few traditional Western metal markets. Over the years, the U. S. S. R. may well become a major source of many such industrial necessities to Western Europe.

This seems particularly likely if Khrushchev's 1972 commodity goals prove to be realistic.

Take, for example, petroleum. By 1972, the Soviets plan to produce as much crude oil as we in the United States do today. Even allowing for substantial increases in domestic consumption, they could export about 2 million barrels a day. Today, all of Western Europe consumes about 3 million barrels a day.

A start has already been made on the pipeline needed to bring the crude oil from the Ural-Volga Basin to the Baltic.

Soviet ability to use trade as a weapon to advance its political aims will increase in a direct ratio to their success in realizing their economic goals.

For example, once they have penetrated Western European markets to the extent that these markets become substantially dependent on Soviet industrial raw materials, they will have available a new and formidable weapon of economic warfare. By withholding supplies, by capriciously raising prices, or by dumping commodities, the Soviets in effect will have a seat at the council table of the great industrial nations of Europe.

During the Suez Canal crisis, we saw a brief glimpse of Soviet capabilities to grant or withhold economic favors through the forms of its own petroleum exports. The increase in sales of metals and petroleum to Free World countries, which moved sharply upward in 1958, is not an economic flash in the pan. It is a reflection of growing Soviet industrial capacity.

Further, their governmental setup is well adapted to waging economic as well as political warfare. They have no budgetary controls when it comes to diverting funds to particularly urgent national policies. There need be no prior consultations with parliaments or the people.

This, briefly described, is the Soviet economic base and foreign-trade program, as we analyze it today. It is to this base that Moscow is adding its foreign economic penetration deals designed to wean to its camp the uncommitted and newly developing areas of the world.

It is important at the outset to note that Soviet credits and grants are not limited to those countries where there is an early prospect of acceptance of Communist doctrine.

Of the \$2 billions of development and military aid extended by the Sino-Soviet bloc over the past 3 years—and this is exclusive of intrabloc aid which is a substantial drain on Soviet economy—large sums have gone to countries which are not now in the Soviet camp.

Let us get down to cases: In Egypt the Communist Party was outlawed at the time of the bloc's original military aid offers in 1955. Despite repeated crackdowns on Communist elements within the country since that time the U. S. S. R. concluded a major \$175 million economic-aid program with Egypt in 1957.

Communist influence in Syria has been reduced following its membership in the

United Arab Republic in February of this year—even to the point where Khalid Bakdash, the leading Arab Communist, fled the country. But the U. S. S. R. is going ahead with its \$170 million economic-aid program and continues to supply arms under agreements worth \$100 million. The magnitude of this and other military programs raises the question as to who may be the eventual user of these arms.

The list of examples can be extended. Afghanistan is a monarchy. The Imam of Yemen is an absolute ruler. Both are recipients of large Soviet aid programs.

Soviet bloc economic penetration of Yemen provides a striking instance of the use of trade and aid as an investment in disorder.

Yemen is strategically located at the entrance to the Red Sea from the Gulf of Aden. It commands one entrance to all Suez Canal traffic; the oil moving westward, as well as goods moving from Europe to the east.

Soviet overtures were appealing to the Imam because the bloc was willing to supply him with arms, while the West would not. Arms in Yemeni hands on the scale contemplated can only create more trouble in the Middle East. They will fan the Imam's dispute with the British and with local Sultanates over the borders of the Aden protectorate.

The Soviets were quick to sense the opportunity to create disorder by giving aid to Yemen. They moved quickly. In less than 2 years, this small country of some 4 millions of people has been granted \$80 millions in credits. Additional offers of over \$20 million are currently outstanding. Arms valued at \$30 million have been delivered. A Soviet and Czech military mission of some 65 advisers is currently in Yemen for training assistance.

Even the Red Chinese have joined in with an offer of a loan of \$15 million. If all proposed projects are carried out, the Communists will play a key role in Yemen's economic, as well as military, development.

The Communists have no interest rate problems. They have no legislative restrictions. The U. S. S. R. has developed an attractive package credit deal—long term loans, generally for 12 years; 2½ percent interest rates; repayment in surplus commodities, and room for bargaining on prices. They have devoted much effort to the native language training of the technicians they send with their aid to the newly developing nations.

Though the Communists eschew capitalist types of business organizations in their own country, they make liberal use of them abroad.

One of the most important of these is the Bank of China. It is a primary source of funds to the 12 million Chinese in Southeast Asia. These loans, controlled from Peiping, often require appropriate gestures of support to the Communist regime in China.

Branches of the bank throughout the East promote the export and sale of Chinese Communist goods in the area. They also collect a vast store of economic and political information, both openly and by clandestine means.

In Paris, for its European business, the Soviet use a commercial bank called the Banque Commerciale pour l'Europe du Nord. It often serves as agent for effecting sales of Soviet gold in London and on the Continent and is the means through which Soviet credits are transferred to the satellites. It also maintains a widespread system of correspondent relationships with banking institutions throughout Europe and in this hemisphere and is one of the chief instruments for the financing of Soviet trade with the West and for obtaining information on trade opportunities.

In Latin America, there are a number of Communist front or bloc associated organizations actively campaigning for closer commercial ties with the bloc. In Brazil, one of these has been offering to import and sell Russian automobiles at ridiculously low prices. When this fell through, it offered to import a complete auto factory from the U. S. S. R. While neither offer may have been serious, they had considerable propaganda value.

On a worldwide basis, the Soviet Union presents itself as eager to do business on terms attractive to the customer.

Moscow's foreign aid program has particular appeal in the undeveloped countries because Russia until so recently was an undeveloped country itself. For some reason the recently liberated countries seem to feel that the Kremlin has found a new and magic formula for quick industrialization which is the hallmark of becoming a modern state to many of these countries. They recognize American economic and industrial leadership in the world but they feel that the democratic process of economic development may be too slow.

Soviet propaganda charges that it took the West 150 years to achieve industrially what the Soviets have built in a generation. In the newly developing countries, the drive for economic betterment has become a crusade, not always based on reason.

Also these countries feel that we in the United States are far ahead of them and that while they may aspire eventually to an economy something like that of the Soviet Union, they cannot, in the foreseeable future, hope to reach the high standards of living of this country.

Factors such as these give a particular appeal to overtures from the Soviet Union. They are not able to see the invisible strings which are tied in with Soviet offers nor do they understand the subtle implications of Soviet subversive penetration which is a part of every economic package.

Each time that I prepare a summary of any phase of Soviet activities, whether it be in their domestic industrial development, their foreign economic exploitation activities, or their military defense preparations, I am impressed by the efforts which the Soviets make to keep secret the details of their operations.

If their motives in the military, industrial, and economic field are, as they claim, peaceful and defensive, why should this be the case? Why are we not entitled, before we accept their protestations regarding peaceful coexistence, to ask that there should be a franker disclosure of their activities—something comparable to the disclosure made by the free countries of the world?

For example, before their recent offer of a suspension of nuclear testing, they themselves had just completed a series of nuclear tests, concentrating a great number of tests in a short period of time. For example, 3 tests occurred with a single 2-day period in an unprecedented burst of activity. This was done behind a cover of secrecy except for announcements that our Government itself made of the Soviet tests. But, by and large, their activities in nuclear testing remain quite unknown particularly in those countries which are being filled with Soviet propaganda against testing.

The nature of their military aid programs such as I have described above have, by and large, been kept as secret as the Soviet could manage. An even tighter veil of secrecy is kept around almost all phases of their military establishment.

The details of our own aid programs as well as of defense expenditures and military production, with few exceptions, are available to the world through our newspapers. In contrast, the Soviets release only the an-

nual ruble total of what they call defense spending.

It is our best estimate that the announced Soviet defense budget as published to the world actually covers little more than half of the rubles they are now putting into military activities.

As long as this secrecy remains a cardinal tenet of Soviet practice it is extremely difficult to accept Soviet protestations of a desire for peaceful relations as expressing their real intentions.

It is true, and it is an encouraging sign, that exchanges of visits are being arranged, particularly in the cultural, technical, and academic fields. This may well help to a better mutual understanding but that understanding will be very incomplete until it is broadened to a point where the barriers of secrecy are removed. It is this very secrecy which makes meaningful agreements so difficult to reach.

One answer to Khrushchev's challenge to us should be a renewed challenge to them, as in the President's open-sky proposal, to put an end to secrecy which breeds suspicion and doubt.

Undoubtedly one of the reasons for secrecy is to hide from the world some of the problems which the Soviet Union faces.

In the analysis I have given above, I have stressed their very real achievements, their growing power, and their rapid rate of progress. These factors we must not underestimate. However, the realization of many of the goals they have set depends on resolving some very real obstacles to success.

For example, Khrushchev has repeatedly promised his people startling improvements in the quality of their diet. The realization of these dreams rests on a precarious agricultural base, whose crops over large areas, as we saw in 1957, are vulnerable to serious drought. Further, Khrushchev has brought the antigeneticist Lysenko back into favor, a theorist whose plant- and animal-breeding ideas are regarded as nonsense by all competent Western scientists.

They are now engaged in a massive reorganization of the control of their industry and this move toward decentralization has built-in, long-run dangers for any dictatorship such as that of the Kremlin today.

The myth of collective leadership has been abandoned and there are signs today of a reversal to a harsher line with consequences of a far-reaching nature. Khrushchev, despite his gregarious characteristics, as he assumes new positions of power and eliminates his rivals, becomes more and more an isolated and lonely figure.

As they enter into the field of international trade on a major scale they lack a convertible currency. They must rely on the device of settling international balances in sterling or dollars. In essence, most of their trade must remain on something approaching a barter basis. The ruble is not an international currency and within wide ranges its value is a matter of speculation, varying from the official rate of around 20 cents to a purchasing value of around 10 cents, as a quoted value for ruble notes in the Swiss market of only a few cents. But, of course, this latter rate is due to the fact that ruble currency can neither be legally imported into nor exported from the Soviet Union.

Possibly today the most acute problem facing Khrushchev is that of meeting the growing demands of the Russian consumer for a greater share in the overall production of the Soviet Union. With a gross national product of around 40 percent of our own, they put into the military sector a national effort roughly comparable to our own, leaving only a modest share for consumer goods.

If the Kremlin responds to popular pressures, they will be forced to give more and



more to the consumer. This trend has already started. The Russians have somewhat improved living standards and the national output of such consumer goods as TV sets and washing machines has been stepped up. Some former armament plants are now producing civilian goods.

All this may help to develop a society where people will have more opportunity to satisfy the individual yearning for a fuller life. Economic betterment, added to the massive educational system they have already installed, may help to build up generations of people more and more inclined to question the basic tenets of a totalitarian philosophy and less willing to tolerate the autocratic forms of government under which they are living.

Under Khrushchev there has been, undoubtedly, some relaxations of the old Stalinist police system, but every two steps in advance seem to be followed by one step backward as they wrestle with the problem of reconciling a measure of freedom with the stern line of Communist doctrine and discipline.

The fact that the leadership of the U. S. S. R. faces these very real problems is, however, no excuse whatever for complacency on our part. During and since the war, their leadership has faced even more serious problems and has surmounted them. The economy of the Soviet Union has momentum and versatility and, while I predict that their people will undoubtedly press for an improvement of their lot, some real concessions can be made to them without fundamentally altering the general tempo of their present industrial and military programs.

Certainly here we have the most serious challenge this country has ever faced in time of peace. As this challenge is very largely based on the economic and industrial growth of the Soviet Union, it is one which concerns very directly the business leaders in our country.

[From the Washington Star of April 30, 1958]

#### THE RED ECONOMIC THREAT

If the Soviet Union were a land of liberty, there would be no occasion for Allen Dulles' warning about its economic growth. Instead, the world would have reason to welcome and cheer the development as something that could help to promote human betterment and a prospering international peace of freedom and justice.

Far from being a bulwark of liberty, however, the Soviet Union is a totalitarian tyranny run by a handful of power-hungry and intensely secretive conspirators whose ultimate objective is to communize mankind and win dominion over the entire globe. Naked armed force, deceit, treachery, infiltration, subversion, these are among the weapons they have used, and still use, to attain their ends. Anyone who thinks otherwise had better ponder the fate of Hungary and all the other captive lands behind the Iron Curtain.

Accordingly, in view of the nature of the Communist system, Mr. Dulles, Director of our Central Intelligence Agency, has not exaggerated in declaring that Soviet economic progress constitutes the most serious challenge the United States has ever faced in time of peace. In making this point, he has not discounted the enormous threat implicit in the Kremlin's armed power and scientific advances, but Khrushchev and company, in his judgment, want to avoid a shooting conflict and to win global domination with such weapons as trade, aid, and infiltration carried out in Asia, Africa, South America, and free Europe. In short, as he sees the situation, "It is most probable that the fateful battles of the cold war will, in the foreseeable future, be fought in the economic and subversive arenas."

Mr. Dulles has drawn a somber picture of how well equipped the Kremlin is for such battles. Thus, although American productive capacity still is far ahead in many respects, the Soviet economy is growing at a rate roughly twice that of ours. Moreover, since it operates under a despotism that does not have to seek parliamentary support or worry much about public opinion, it can be readily geared to policies of international infiltration and subversion. Moscow has made effective use of it, for example, in Egypt, and in places like Syria and Yemen, where Russia's trade and aid must be viewed as an investment in disorder, calculated to make trouble for the forces of freedom. Similarly, the Kremlin's stepped-up drive for commerce with Western Europe might easily become—if it succeeds—a formidable weapon of economic warfare.

Of course, as Mr. Dulles and others have pointed out, the men of the Kremlin cannot entirely ignore the wants and discontents of the masses of the U. S. S. R. As education spreads among those masses, and as the Soviet economic machine continues to grow, the Moscow dictatorship should feel mounting popular pressures to put that machine to work to liberalize and improve domestic living conditions. But this possibility, though real enough, is likely to materialize—if ever—only at a very slow pace.

Meanwhile, in terms of the next decade or two, the United States and the Free World at large must reckon most seriously with Soviet internal and external economic expansion. For the threat implicit in it, as Mr. Dulles has warned, is at least as great as the threat implicit in the Kremlin's military might, and it should sober all those Americans who seem recklessly intent upon scuttling our foreign-aid and reciprocal-trade programs.

[From the Washington Star of April 30, 1958]  
CIA CHIEF'S ECONOMIC WARNING—DULLES SEES NATIONAL SECURITY FACTOR IN RED'S INDUSTRY-TRADE OFFENSIVE

(By Doris Fleeson)

Allen W. Dulles, Director of the Central Intelligence Agency, has added the supremely important dimension of national security to a debate which many economists and politicians have long been trying to get off the ground.

It is the debate about the future shape of the American economy, what it gives promise of being and what it ought to be in order to keep this country ahead of the Russians.

Mr. Dulles has now warned in a speech to the annual meeting of the United States Chamber of Commerce that Russia's economic offensive is replacing its warmaking threat as the most serious challenge this country has ever had to meet in time of peace. The new threat is made possible, he explained, because of the steadily growing Soviet economy.

That growth, Mr. Dulles emphasized, is proceeding at a rate roughly twice that of the economy of the United States.

There is nothing new in this for informed observers. Senator PAUL H. DOUGLAS of Illinois and his colleagues of the Joint Economic Committee said the same thing a year ago. But Mr. Dulles landed on the front pages and forced an attention which both Government and the people today seem reluctant to accord to any warning except the purely military.

The harsh truth is that even before the recession, the American economy had been all but standing still. Testimony before the Joint Economic Committee has suggested normal growth goals for the gross national product of \$460 billion this year, \$475 billion next year and \$490 billion in 1960.

The present figure is below \$425 billion. The Full Employment Act of 1946 was the last significant Federal planning legislation

in the economic and social fields. It also was the only element of his domestic Fair Deal that Harry S. Truman managed to get on the statute books.

Much watered down from the Truman version, it asserts that the national policy shall work toward full employment. Since the country is expanding in many striking ways, including population, this stated goal should meet the challenge of Soviet expansion if it is achieved.

Allen Dulles, brother of the Secretary of State, does not expect that the Russians will risk general war, but he pointed to many areas in the economic field where it is scoring against this country.

He attached the stinging label of "expensive luxury" to the recession and warned that Soviet advances were not a flash in the pan. Conceding that the Russian people would undoubtedly demand improvement in their lot, he said it could be had without impairment of present Soviet military and industrial progress.

Liberals of both parties—Senators DOUGLAS, KEFAUVER, CASE, and others—have protested strongly the idea that the United States could halt on any plateau, however high it might seem. They are welcoming the support of the CIA Director but they also admit a practical dilemma.

While the Federal Government certainly cannot do it all, the only force able to mobilize the machinery, public and private, to do it, is the White House. No sign exists today the White House has the will to act in this field.

[From the Christian Science Monitor of April 29, 1958]

#### CIA CHIEF BARES SOVIET TRADE THREAT (By Neal Stanford)

WASHINGTON.—When Soviet Premier Nikita S. Khrushchev the other day boasted to United States Ambassador Llewellyn E. Thompson, Jr., that "we will bury you" in an industrial-output race, he was not jesting.

Washington officials for months have been taking the threat of Soviet economic competition with increasing seriousness. But it has taken a frank, blunt public talk by Allen W. Dulles, Director of the Central Intelligence Agency, before the annual convention of the United States Chamber of Commerce, to really publicize the danger.

Allen Dulles, who is not to be mistaken for his more publicized brother, John Foster Dulles, Secretary of State, does not often talk off the record—much less on. So when he opened up before the chamber with this theme of Soviet economic expansion, it was something of an experience.

#### GROWTH RATE CONTRASTED

The U. S. S. R.'s rapid economic progress, he asserted, poses the most serious peacetime challenge the United States has ever faced. The rate of Soviet economic growth now is roughly twice that of the United States, he declared. And the United States business recession isn't improving the American position, he added wryly.

Allen Dulles, who is top American intelligence officer, publicly sided with those in Washington who are saying that general war is unlikely, that the real danger and threat are "in the economic and subversive areas."

It is not only the prospect of the U. S. S. R. industrially overtaking the United States that alarms Washington, but more specifically the expectation of what Moscow will do with its enlarged industrial productivity when it starts taking over various markets in Europe, Asia, South America, and elsewhere.

#### TRADE TIES THREATENED

As Mr. Dulles warned American business leaders, with the Soviet economic base expanding so fast, particularly in the production of petroleum, steel, and machine tools,

United States trade relations with Western Europe could be seriously threatened.

The United States could see its markets abroad visibly shrinking. Then, continued Mr. Dulles, if these markets should become substantially dependent on Soviet industrial raw materials, the Soviet leaders "will have available a new and formidable weapon of economic warfare."

As he explained: "By withholding supplies, by capriciously raising prices, or by dumping commodities, the Soviets in effect will have a seat at the council table of the great industrial nations of Europe."

Lest any of his audience believe that Soviet productive growth was a temporary phenomenon, Mr. Dulles added: This is no "flash in the pan." Moscow is stepping up its sales to Free World countries and also providing economic and military aid to many other nations—Egypt, Syria, Afghanistan, Yemen, for example.

It is not the economic race, per se, between the United States and the U. S. S. R. that disturbs Messrs. Dulles, Nixon, and Dillon, et al., but the foreign economic penetration aspect of that challenge.

Mr. Dulles disclosed that in the first quarter of 1958, "the Sino-Soviet bloc has for the first time surpassed the United States in steel production." The United States recession can explain this condition but it cannot correct it. As Mr. Dulles said: "A recession is an expensive luxury"; not only does it relatively help the Soviets in East-West relationships, but Soviet propagandists are having a field day with it.

Both the Soviet Union's rapid industrial expansion and the American recession have persuaded more and more recently liberated countries that somehow the Soviets have discovered a new and magic formula for quick and sustained industrialization.

These countries do not deny American current leadership but what they want to copy is Moscow's rapid industrialization. In fact, the United States high living standard, the product of its high industrialization, is more often than not a deterrent to these countries in their aspirations. For whereas they feel they may aspire to the living standards of the Soviet Union in time, they cannot picture ever reaching the high standards of living in the United States.

In analyzing the Soviet industrial threat, Mr. Dulles did not overlook certain advantages falling to the Soviets because of their political structure. "Their governmental setup," he explained, "is well adapted to waging economic as well as political warfare. They have no budgetary controls when it comes to diverting funds to particularly urgent national policies. There need be no prior consultations with parliaments or the people.

#### WARNING TO CONGRESS

According to Allen Dulles, the U. S. S. R. has no intention of using its present military power, vast as it is, in any way that would risk a general war. "They have a healthy respect for our retaliatory capability," was his explanation.

But they also have a keen appreciation of the other ways by which Soviet influence and control can be extended—economic and subversive. And it is in these fields, Mr. Dulles is persuaded, "the fateful battles of the cold war, in the foreseeable future, will be fought."

The speech was in effect a warning to Congress and the Nation of the growing Soviet economic threat by the administration spokesman best qualified to describe it.

[From the Wall Street Journal of April 30, 1958]

#### EXPENSIVE LUXURIES

"A recession," said Allen Dulles in a speech the other night, "is an expensive luxury."

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The Director of the Central Intelligence Agency meant several things by this remark. For one, the recession provides a field day for Soviet propagandists. More tangibly, it happens that while United States industrial production in the first quarter of this year was down 11 percent from a year ago, Soviet industrial production was up by the same percentage in the same period.

Mr. Dulles mentioned some other alarming-sounding comparisons. The Soviet economy is growing at a rate roughly twice that of the United States economy, and so, it can be inferred, might catch up with or even overtake the American economy before too long—especially if we continue to allow recessions to hold us back.

This concern over Soviet economic growth is by no means confined to Mr. Dulles. Some people go much further than Mr. Dulles did in his speech and suggest that it should be public policy to keep far ahead of the Soviets and, among other things, make very sure we never indulge in the luxury of a recession.

Before subscribing to that view, however, a few things should be noted. The Soviet economic base is much smaller than ours and so it is not surprising that it grows at a faster rate; that is what usually happens when an economy starts building from a low level of output. Also, it would be a mistake to suppose that violent economic dislocations are unknown in the Soviet Union or that there is no such thing as recession; as far as living standards are concerned, the Soviet people are and have been not in a recession but a deep depression.

Still, granting that the Soviet economy is growing, what is it proposed that the United States should do about it?

The typical "liberal" view is that the American economy should constantly expand from year to year, with never any interruption. The recent Rockefeller report, for example, selects a rate of growth of 5 percent a year—a pretty high rate in view of the size of this economy—as a desirable goal.

The next question is how you make the economy grow at such a rate. A large impetus, according to the liberal persuasion, must be increased Federal spending for all kinds of social projects as well as for essentials like defense.

It should not need explaining—but apparently it does—that this sort of program provides neither real economic growth nor a preventive against recessions. Forced-draft expansion for expansion's sake, regardless of demand and spurred by Federal extravagance, will create a weirdly distorted economy (the Soviets have such). It will be accompanied by inflationary excesses which will sooner or later have to be corrected by a real recession if not a resounding crash.

Thus to meet the Soviet "challenge" those who advocate unlimited expansion by Federal decree would take us much further along the statist road. And it would not end with centralization of economic authority; political liberty cannot long remain unimpaired in a statist economy.

The danger here is not an abrupt collapse of our free institutions. It is that we will gradually undermine them out of the mistaken fear that otherwise the Soviets will outstrip us. Perhaps not even so gradually, at the rate Federal spending is already increasing.

The real answer to the Soviet economics "challenge," if that is what it is, is to break out of this statist encirclement before we are trapped. If this country had limited Government and sound Federal fiscal and monetary policies, no American would have to lose sleep about the future of the economy.

To adopt the theories of the statist in order to prevail against the archstatists is the one "expensive luxury" the United States cannot afford.

#### CONTRASTING FACTORS IN REPORTS ON 1958 RECESSION

Mr. NEUBERGER. Mr. President, I desire to bring to the attention of the Senate a very significant facet of the so-called recession or depression of 1958.

Business sections of the press for April 30 reported the fact that General Motors profits for the first quarter of this year dropped 29.4 percent, and that United States Steel Corp. earnings fell off 46 percent during the same period.

By contrast, the earnings of American Tobacco Co. went up 22 percent in the first quarter of this year, as compared with the first 3 months of 1957.

This must be significant. I am not an economist or a psychologist, so I cannot professionally assay the full meaning of these reports, but they must be an indication of something, Mr. President.

For 1958, to date, the earnings of the world's largest manufacturer of automobiles and the world's largest producer of steel are far off from last year. Yet, American Tobacco, one of the biggest sellers of cigarettes, is far ahead of earning for 1957.

Does this mean that people have money only for soft goods, such as cigarettes, and not for durable goods, such as automobiles and other merchandise into which steel is fitted? Does it mean that the tensions and anxieties of our times are creating men and women who must spend their limited finances first on a drug like cigarettes and on more stable items only after that?

I pose these questions, in presenting these facts to the Senate. I do not attempt to interpret such figures, but merely to report them.

Still more ironic, on the day when the bright earnings picture for American Tobacco was released, the American Cancer Society issued its bulletin, volume VIII, No. 2, which discloses that "lung cancer could be largely prevented by abolishing the use of tobacco."

#### SEASONALLY ADJUSTED UNEMPLOYMENT STATISTICS

Mr. CLARK. Mr. President, I am seriously concerned by the lack of candor on the part of the Secretary of Commerce with respect to the figures on unemployment which were released the day before yesterday.

I deplore the fact that at his press conference yesterday the President of the United States, perhaps inadvertently, compounded the lack of candor of the Secretary of Commerce.

What I have reference to, Mr. President, is that the administration yesterday gave only the gross figures on the changes in unemployment and failed to give the seasonally adjusted figures.

Mr. President, any high school student of economics knows that the gross figures on unemployment are relatively meaningless. Unemployment is normally highest during the early months of the year, then goes down in the spring, rises again in June, declines throughout the rest of the summer and part of the fall, then rises again to its January peak.



I suggest it is therefore deceptive, Mr. President, to rely on gross figures. Since the Secretary of Commerce did not see fit to make the seasonally adjusted unemployment figures public, I should like to do so through the CONGRESSIONAL RECORD. In order to get the adjusted figures for each month it is necessary to multiply the estimate of the actual unemployment by a percentage figure which reflects the normal departure of that month from the average of all the months of the year.

When that is done, the seasonally adjusted unemployment figures compare with the unadjusted figures as follows:

	Unadjusted total	Seasonally adjusted total
December 1957.....	3,374,000	3,422,000
January 1958.....	4,494,000	3,932,000
February 1958.....	5,173,000	4,570,000
March 1958.....	5,198,000	4,800,000
April 1958.....	5,120,000	5,172,000

These figures show a large increase in unemployment each month. It went up 510,000 in January; 638,000 in February; 230,000 in March; and 372,000 in April.

What did the President of the United States say about the seasonally adjusted figures? He said they "would not be quite as favorable" as the unadjusted figures. I suggest that an increase of 372,000 in unemployment is a large increase. It is not favorable at all. It is definitely unfavorable.

The President said further that "the implication of those figures" is that "the decline is flattening out." I suggest that the contrary is the fact. The decline between March and April was greater than in the previous month. Unemployment during that period rose from 7 percent to 7.5 percent of the labor force.

I am seriously critical of a national leadership which calls an increase of 372,000 in unemployment for 1 month a "flattening out." I am not one who would like to be a prophet of gloom and doom. Quite to the contrary. I am optimistic about the long-range economy of the country. But I think the people of America are entitled to the facts—the truth, the whole truth, and nothing but the truth. They did not get it yesterday from the Secretary of Commerce or the President.

In my own Commonwealth of Pennsylvania 1 of every 9 workers is looking for a job—and not finding it. Five hundred and nine thousand are unemployed in my Commonwealth, and, what is most tragic, 43,000 have exhausted their benefits, and they and their families are for the most part suffering the humiliation of public relief. We are approaching a rate of 20,000 workers a month exhausting their unemployment benefits.

That does not frighten me; I am not panicked; but I am seriously concerned lest the American people be misled as to the facts with respect to this recession. I think there is an obligation on the Congress, as well as the administration, to see to it that the facts are made publicly available.

The figures which I have quoted are from a high and reputable Government

source, and cannot be controverted. As we look forward to determine what action to take to help in this situation, I hope that from now on we shall not have any distortion of the facts relating to our economy.

#### REV. FREDERICK BROWN HARRIS AND CONSERVATION OF NATURAL RESOURCES

Mr. NEUBERGER. Mr. President, all of us in the Senate are proud of our eloquent Chaplain, the Reverend Frederick Brown Harris.

The May 1958 issue of American Forests magazine pays tribute to one of the major interests of our Chaplain—the conservation and wise use of the bounty placed here on earth by the Creator. Dr. Harris is himself a fervent and dedicated conservationist.

A moving sermon by Dr. Harris, entitled "Whose Land Is It?" is reprinted in the May number of American Forests, as well as a splendid and vivid biographical sketch of the Chaplain of the Senate, written by Miss Betty Kindleberger, of the staff of American Forests magazine. The title of Miss Kindleberger's article honoring Dr. Harris is "Preaching Conservation."

The author quotes our Chaplain as declaring, "There can be no genuine patriotic consecration without conservation." To that noble thought, virtually all Senators should subscribe.

Because many issues now before the Senate involve the question of natural resources, the material about our illustrious Chaplain, who was for so many years the pastor of the Foundry Methodist Church here in Washington, ought to be of vital interest to us all. Therefore, Mr. President, I ask unanimous consent that these articles from the May issue of American Forests be printed in the CONGRESSIONAL RECORD at this point.

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

[From the American Forests of May 1958]

#### PREACHING CONSERVATION

(By Betty Kindleberger)

There can be no genuine patriotic consecration without conservation. This is the firm belief of Dr. Frederick Brown Harris, the distinguished clergyman who daily inspires the United States Senate with his invocations. "Every intelligent citizen must be interested in conservation," he declared, "and we must alert and alarm the people to the devastated and desecrated land to stop waste."

Dr. Harris preaches this conservation philosophy, when the pressures of his senatorial duties are somewhat relaxed, through articles for magazines and newspapers, many of which are reprinted by dozens of publications including the CONGRESSIONAL RECORD. These articles, actually sermons, are exceptionally eloquent, and each is based on a Biblical text, giving rise to the thought that conservation of resources is not really a new philosophy.

In Sanctity of the Open Spaces (the sermon Dr. Harris wrote for National Wildlife Week 1957 was taken from Isaiah 5: 8—"Woe unto them that join house to house, that lay field to field, till there be no place where one may be alone in the midst of the earth.") he portrayed our modern civilization as grasping and devouring. "The bleak and barren

goal of a creeping process of acquisition, oblivious to any realization of stewardship of the land on which man lives, has never been expressed more vividly than in this ancient warning. Here is glimpsed a danger as old as the prophet Isaiah and as new as today's expanding subdivisions, shattering the verdant frames surrounding the human hives called cities. Above the crash of murdered trees, as axes and bulldozers ravish the shady countryside, as blueprints are spread over green fields, sounds this stern alarm out of vanished yesterdays."

The plight of the city of Jericho thousands of years ago was recalled by Dr. Harris in "Tainted Waters." The health of this ancient, prosperous city was once threatened by a polluted water supply. "Behold," cried the members of the city council, "Behold, the situation of the city is pleasant but its waters are tainted." That is the accusing consciousness now in America the beautiful, as we look out upon many of our broad streams, or gaze down at swift currents from some point of vantage along a spanning bridge: Our waters are tainted."

Dr. Harris lamented in that sermon: "Industrialism has its price. Factories take their toll. In every bustling city beauty and health are sacrificed on the altar of commercialism. \* \* \* But no pollution which accompanies so-called civilization is more sadly tragic than the contamination of our rivers. \* \* \* As a city expands and its marts of trade increase and its manufactured products pour forth in greater volume, so often a once proud river, the joy of the pioneer who reveled in the lordly loveliness of the site, becomes a polluted sewer of contamination in which even fish scarcely can live. Thus the very springs of the city's life are poisoned. \* \* \*"

In an effort to help waylay the inroads of civilization upon an unspoiled woodland right in the city of Washington, D. C., Dr. Harris penned Spare That Tree. In that article he declared, "the groves were man's first temples. Whenever and wherever woody reservations owned by the people are threatened by the juggernaut of traffic, ethical and spiritual concerns are involved, for which the Nation are ever symbolized by its spires against the sky. \* \* \*"

These brilliant sermons on conservation, however, are only a small portion of Dr. Harris' literary accomplishments. He has been writing articles on many subjects for 10 years, including a weekly column for the Washington Star, but they all point to the greatness that is America and counsel everyone to raise his sights for the betterment of all.

Dr. Harris' daily invocations to the Senate are no less inspiring. In a published volume of these prayers Vice President RICHARD E. NIXON wrote, "In the usual order of business of the United States Senate, the invocation is often the best speech of the day. As a matter of fact, in the prayers of the Chaplain, rather than in the hectic day-to-day clashes of debate, we can see the greatness of America, because in the invocations the faith is expressed which brings us all together, whereas the debates often tear us apart."

That everyone in the Senate appreciates the devotion and efforts of this Chaplain, is apparent from the numerous remarks made about him in the Senate Chamber and recorded in the CONGRESSIONAL RECORD. As Senate Chaplain he ministers to the spiritual needs of all Members of the Senate and their families, which include varying religious creeds. And through this representative group of Americans his spiritual inspiration is felt throughout the country. As Senator PURTELL remarked, "Dr. Harris could be called a nonvoting member of our group who, while elected by no constituency, serves all constituencies."

Dr. Harris has served as Senate Chaplain since 1942, except for 2 years during the 80th

Congress. Besides his duties already mentioned, Dr. Harris is constantly deluged with a stream of visitors. Some come seeking advice, while others come to give it. Then there are the crackpots with which everyone in public office must contend. Curiously, requests to open the Senate are the most frequent. Some actually plead with Dr. Harris for the opportunity, sincerely believing they have a worthwhile message, while others are the save-the-world variety. At one point, Dr. Harris had 17 such requests.

Dr. Harris is in demand as a speaker, and spends much time traveling about the country to fulfill these requests.

Incidentally, while serving as Senate Chaplain and writing numerous articles, Dr. Harris served as full-time minister for the Foundry Methodist Church in Washington. After serving that congregation with distinction for over 30 years, he retired from that position 2 years ago.

Dr. Harris has received many honors for his work through the years, including four awards from the Freedom Foundation, his latest being this year. The citation for this award sums up the high regard in which he is held by all who have come in contact with him. It reads as follows:

"With esteem and affection to an American whose prayers, sermons, and editorial works have lifted the hearts of multitudes—

"With regard and honor to him whose thoughts, far vision, and steadfast faith move all whom he touches to patriotism and love of country—

"With matchless service to the cause of free men, he makes known the strength of prayer and iron will in language beautiful in his prayers in the Senate of the United States. Truly one who desires freedom for all under God, and asks nothing for himself."

[From the American Forests of May 1958]

WHOSE LAND IS IT?

(By Dr. Frederick Brown Harris)

"And messengers came to David saying, 'Whose is the land?'"—II Samuel 3: 12.

Here is a question mark lifted above what to the Israelites was the Promised Land. Certain contentions with regard to the possession of the land had been raised. Out of those old, unhappy far-off days comes echoing down the crowded centuries the query, Whose land is it? Into that ancient controversy we need not go. Suffice it to say that in the argument which grew out of this question the quarreling parties forgot that the chief stake in the land was God's.

However, it is ours in this meditation simply to take this question asked of King David and lift it high above the plains and mountains and rivers of this vast promised land called America. Whose land is it?

As we contemplate the glorious sweep of America, throned in might and beauty between the oceans, and raise the question, Whose land is it? surely the place to begin in any adequate reply is at the climax of the famous hymn, "My Country, 'Tis of Thee": "Long may our land be bright, with Freedom's holy light, Protect us by Thy Might, Great God, our King." We are reminded that the chief stake regarding this privileged land is that it belongs to God.

You simply cannot explain and interpret America without God. Not only America as an idea, but her very land is God's. Of course, there is a real sense in which that can be said of all lands—"The earth is the Lord's and all that is therein."

America also belongs to us as trustees who temporarily possess it, who walk its soil, who cross its plains, who climb its mountains, who sail its lakes and rivers, who explore its wilderness. We who have inherited it \* \* \* must regard it as holy ground, whose beauty is to be revered, whose forests are to be guarded, whose soil

is to be preserved, whose rivers are to be unpolluted, whose primitive wildernesses are to be unspoiled, and whose wildlife is to be protected. The unpardonable sin is to sacrifice our patrimony on the altar of commercialism which cares for nothing but greedy personal aggrandizement.

Alas, that already disregard for what happens to the land has wrought tragic irreparable havoc. Wanton disregard of the people's rights in forests and rivers and mountain majesties has brought its tragic harvest in dust bowls, land erosion, privately channeled water power, desecrated park areas, and poisoned rivers.

What we call our civilization, if uncurbed, will prove a creeping blight whose symbol is the bulldozer. Big trees must go down before big business. Crystal rivers must be contaminated with disgusting waste rather than to pay the cost for sewage disposal. Public land must be exploited by devious undercover schemes for private gain.

Get-rich promoters with predatory feet go forth to despoil the sanctuaries of the wilderness. Men who loudly advocate arming against foreign foes, for dollars become vandals of the very land of which they hypocritically sing, "I love thy rocks and rills, thy woods and templed hills." Whose land are they defiling? Yours and mine.

Every American has fabulous possessions. Literally, this is a land where every man is a king. Do you realize that your real estate holdings are enormous? Do you know that as an average American you own an undivided interest in the public lands of the United States equal to nearly 3 acres? That is the equivalent of a dozen generous-sized suburban lots. In addition to that, you have valuable property in State and county lands. As an American you are part owner of 460 million acres of Federal land—more than twice the size of Texas, or four times as large as California.

The managers who administer the vast interest of all these grazing, scenic and forest areas are your employees. They guard your interests.

Before it is too late, the attempts to exploit and mar the public lands, the property of every American, must be exposed and halted. Nature's masterpieces must be left untouched and unspoiled. The royal people who own these treasures must make it plain to covetous eyes that these crown jewels are not for sale. America needs prophets to thunder as Nehemiah did centuries ago to the land despoilers of his day, "Behold we are the servants of that large and fat land Jehovah's great goodness hath given our fathers."

It also belongs to those who come after us. There is a striking sentence in the Old Testament, "The fathers have eaten sour grapes and the children's teeth have been set on edge." That is an unforgettable way of saying that what the fathers do today will affect their children and their children's children. If we are not vividly conscious of our role as trustees of the future, then for some temporary expediency we may adopt policies in the present that will rob the generations following of the birthright it was intended should be theirs. We have no right to pilfer and misappropriate the capital of those who will take over the land when we leave it.

A very wise conservationist, with his eyes on binding mistakes of the past when the future decisions were made before the future had a voice, suggests that a 3-year wait for most proposed development projects is not long compared to the eternity our descendants shall otherwise have to live with any mistakes we make out of premature commitments. At every conference when get-on-with-the-work advocates are clamoring for immediate action, with a bulldozer parked just outside the committee room, there ought to be brought in an empty chair to repre-

sent those who will have to live with today's decisions when they arrive in the years to be.

We are living now within the limits of the shortsightedness of yesterday. We represent those who will inherit the good earth a thousand years from now. The coming generations have a right to do the things which delight us for our little day—things of which we can rob them if we are prodigal, especially in our bumper-to-bumper existence, in our herded lives. We must shout from the house-tops of our swarming cities that for us and for all the long future the vast parks and forests and the scenic cathedrals we call wilderness must be inviolate as we hold them in all their glory for those distant feet we hear coming along the future's broadening way.

#### THE REST OF THE WORLD SHOULD LEARN FROM INVEST-IN-AMERICA WEEK

Mr. WILEY. Mr. President, earlier this week, it was my pleasure to stress the celebration at the present time of the fourth annual Invest-in-America Week.

While it is a good thing for us to invest in material wealth, in corporations, and in land, there is something else more important than that, and that is to invest in the confidence that we Americans have—invest in the understanding of our system of free enterprise; invest in our concept of freedom of worship; invest in our idea of trial by jury; invest in the knowledge of our constitutional system of checks and balances.

We have had occasionally to realize that there is a great deal of unsettled thinking in this country. Some persons wish to disturb the balance which our Founding Fathers provided in our system of government, including a free and independent judiciary; a legislative branch to make the laws, and an executive branch to enforce the laws. They would like to unsettle that balance and distribute power a little differently. That is not investing in America.

Today, particularly because we are now engaged in celebrating the fourth annual Invest-in-America Week, I wish to speak of what is occurring in this country and also abroad.

In a telegram President Eisenhower has congratulated the invest-in-America program for its efforts "to reaffirm our belief in the power of work, savings and investments to create new business and better job opportunities for all our citizens."

In other words, our citizens should invest in this great Nation, which has been the wonder of the world, because the people of America have shown individual enterprise and have had confidence in themselves, which enabled them to forge ahead.

Tomorrow, Friday afternoon, it will be my pleasure to join with members of the Washington Board of Trade in acting as hosts to a reception, which will serve to climax this week's observance.

There will be present officials of the executive agencies, including Mr. Edward Gadsby, Chairman of the Securities and Exchange Commission, Mr. Julian Biard, Under Secretary of the Treasury for Monetary Affairs, Mr. Albert Cole, Administrator of the Housing and Home Finance Agency, together



with members of the Senate and House Banking and Currency Committees, the Senate Finance Committee, and House Ways and Means Committee, as well as civic leaders interested in this program.

One of the most vital aspects of the Invest-in-America Week concept is that everyone can own a share and should own a share in America.

That means owning one's own insurance policy, having one's own bank account, owning a security, owning one's home, or any other sound method of having a real stake in this country.

This concept of the masses of people owning resources, is something unique in this world. In the Old World, ownership of resources was limited to but a few—ownership of land, of securities, and of any real financial stake. Many of our forebears came to America because in the Old World they were not supposed to be good enough to own land.

I am pleased to say, however, that in the years of recovery, in postwar Europe, the American concept of peoples' capitalism has begun to sink in.

In countries where once only the elite did the investing, today, literally hundreds of thousands of ordinary citizens are beginning to invest.

Naturally, let me again sound, as I have previously done, a word of caution which I have always stated: The last thing I, or anyone else wants, is reckless speculation, at home or abroad, because that can lead only to harm and suffering. But sound investment is certainly to be desired.

I was interested to read, therefore, in the April 25 issue of the Christian Science Monitor, a most enlightening article, describing the increasing amount of stockownership by large numbers of the German people. To anyone familiar with the former traditions of Germany, this news comes as a most welcome development. For, we must remember that not only were there severe class divisions in the old Germany, but Germany went through the nightmare of inflation in the 1920's, a nightmare which destroyed public confidence in securities, particularly fixed-income securities such as bonds. We welcome, therefore, the increasing role of peoples' capitalism in West Germany and elsewhere in Western Europe.

The miracle of West German recovery—a miracle of hard work—is now reflected in the miracles which can be wrought by masses of ordinary West Germans, owning shares in their country's future.

I send to the desk two items which provide an interesting parallel picture of United States and European investment.

The first consists of three articles which appeared in last Monday's Philadelphia Inquirer describing the celebration of Invest-in-America Week in that great city, and throughout the Nation.

It is only logical that the Inquirer, a great newspaper in its own right, has given this fine prominence to the observance this year, as in previous years. Why? Because the City of Brotherly Love, the city which is the birthplace of American liberty, was likewise the birth-

place of the "Invest-in-America Week" concept.

Secondly, I send to the desk the Monitor article, describing the growth of open-end investment companies in West Germany and elsewhere in Europe. These companies' mutual funds are, of course, but one relatively small phase of German security ownership. They symbolize, however, the dramatic innovation in investment which is, today, transforming West Germany.

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Philadelphia Inquirer of April 28, 1958]

**FETE SPONSORED BY LEADERS FOR "INVEST" WEEK**

Financial and business leaders of Philadelphia will sponsor the opening lunch of Invest-in-America Week today at the Drake Hotel. The speaker will be Walker L. Cislis, president of Detroit Edison Co. and chairman of the 1958 observance of national Invest-in-America Week.

Except that Philadelphia will have the national chairman, the luncheon will be duplicated in scores of cities throughout the Nation.

In many respects the observance planned for Invest-in-America Week here in Philadelphia this year could be taken as a model of how such a week is planned.

Today, for instance, is Freedom To Invest Day, sponsored by the investment community here and throughout the Nation.

On Wednesday Labor and Industry Day, will be observed, with a Rotary Club luncheon at the Bellevue-Stratford to be addressed by Edward T. McCormick, president of the American Stock Exchange.

Thursday will be Women Investor's Day. A group of women's organizations will sponsor a dinner at the Warwick Hotel. It will be addressed by Robert Dechert, General Counsel for the Department of Defense.

Youth of America Day is set for Friday. Maj. Gen. Anthony J. Drexel Biddle, Jr., will address a dinner at the Broadwood Hotel sponsored by Junior Achievement of Delaware Valley.

Oliver G. Willits, chairman of the board of Campbell Soup Co. and local chairman of the week, also announced the following groups were cooperating in observance of Invest-in-America Week and had in some cases held meetings to plan their participation: newspapers, 30 area insurance companies, the Philadelphia Board of Realtors, banks, savings and loan associations, schools, radio and television stations, the American Association of Industrial Editors, the Restaurant Association of Philadelphia, and the Hotel Association of Philadelphia.

He cited the following other examples of cooperation:

A number of Philadelphia companies have set up window displays or made space available in their windows for posters. The Reading and Pennsylvania Railroads have placed posters on their trains. National Transit-Ads has placed 500 car cards on the PTC and Red Arrow Lines. General Outdoor Advertising Co. has given 13 billboards, and Philadelphia Transportation Co. is using a streamer on more than 1,250 cars.

**PHILADELPHIA GROUP STARTED INVEST IN AMERICA**

More than 50 cities throughout the Nation today will begin observing Invest-in-America Week, a movement that has grown from a 1-day symposium held in this city in October 1949.

In the summer of 1949, Alexander Biddle, executive vice president of the Philadelphia-Baltimore Stock Exchange, was busy with plans to bring a better understanding of the role of the stock market when he came across an editorial in Investment Dealers' Digest.

**TO FOCUS ATTENTION**

The editorial was written by Elliot H. Sharp, editor of the magazine. It suggested an Invest-in-America Week to focus attention on just what the economic system, under which we enjoy our high living standards, is all about.

"Such a week," Sharp said, "would be devoted to telling—in advertising, news stories and feature articles in the press, the magazines and over radio and television—just how this country has been built to its present eminence, just how the faith of millions of investors has made possible the Nation's unparalleled industrial plant. It would tell of how America savers also had helped build our municipal plant, of how they have helped finance the Nation itself."

Biddle and a group from the Philadelphia exchange and the Consumer Advisory Council of the Philadelphia Chamber of Commerce, in cooperation with the eastern Pennsylvania group of the Investment Bankers Association of America, in October 1949, organized a 1-day symposium followed by a series of lectures for women on the general theme, invest in America.

**COMMITTEE FORMED**

In the meantime, the Philadelphia Invest-in-America Committee had sponsored a temporary national committee and the publication of an Invest-in-America primer for groups that wished to observe the week.

Finally, in 1954, the National Invest-in-America Committee was incorporated on a national basis and the first meeting of the incorporators was held here in Philadelphia on April 15, 1954. That year there were 13 cities chartered to observe the week.

**CERTAIN TYPES OF SAVING CAN GIVE ECONOMY BOOST**

(By Royal H. Plenty)

Should you save your money or spend it? Is this a good time to encourage people to invest in America or should we, as President Eisenhower has suggested, urge them to go out and buy goods?

These are not easy questions to answer. On the threshold of Invest-In-America Week they seem almost heretical. Yet the questions should be answered.

From the standpoint of the individual, I believe it is always to his benefit to save as much as he comfortably can. A home, security, a college education for his children, retirement, a trip to Europe—many of the important material and cultural things of life are awarded almost exclusively to the saver.

Viewed from the standpoint of what is best for the economy, the answers are more difficult.

The reasoning of those who would have you buy now is simple, and clear. If enough of us would go out and buy new cars, for instance, the auto companies would have to step up production. This would mean the men laid off in that industry would be called back to work. They would then be able to start buying again, causing other industries to step up output and more unemployed to be recalled.

But when a farmer buys a tractor, he provides at least as much stimulus to the economy as the man who buys an automobile. The farmer, however, is making an investment. Thus increased investment in tools, machinery and plants would do as much for the economy as increased consumer spending.

The catch is that the average person, unlike the farmer who buys a tractor, cannot invest directly in tools and factories. He must make his investment through a savings

account, his insurance premiums or by buying stocks or bonds.

This means there is more to investing than just saving. It also means the investor has an obligation. He owes it to the Nation to see that his funds are invested in a manner which will be most beneficial to the economy. In other words, he should place his funds in such a way as to stimulate spending.

How can the investor be certain that his funds will be invested in a manner to aid the economy? It is typical of our economic system that the investor can generally do this by seeking to serve his own best interest, by seeking the greatest return on his capital for the amount of risk he wishes to take.

By buying stock in a new firm, for instance, the investor would be creating new jobs as well as a demand for new tools and equipment. Here the profits could be large, but the risk is great.

A more conservative investor might purchase the bonds of a company that is building a new plant. His earnings will be smaller on his investment, but he will have contributed to the building of the new plant. If enough people are willing to buy bonds, they become easier to sell and encourage other firms to issue bonds and undertake new projects.

Finally, you can put your money in an institution which will invest it for you. An insurance company or a bank might invest it in corporate securities, home mortgages, and Government bonds. A savings-loan association will use the funds primarily for home mortgages and Government bonds. If an institution has trouble investing funds profitably, it tends to lower the interest rate it pays you. In that case you serve both yourself and the economy by seeking a better rate elsewhere.

During the depression, one large Philadelphia bank stopped paying interest on savings accounts to discourage depositors. It lost only a small portion of its accounts. Its depositors were savers, but not investors.

This Nation needs savers who are investors. Not only must the old plants and tools be replaced, but new ones must be added to supply the rising population, to produce the new products being developed by our research and to increase productivity. Our standard of living can only continue to rise if some of us are willing to forego the consumption of goods today so that we can produce the machinery and factories needed for tomorrow.

[From the Christian Science Monitor of April 25, 1958]

#### GERMAN MUTUALS VIE FOR SAVINGS (By Philip W. Whitcomb)

FRANKFURT.—The stock picture of the good middle class German when he was young used to show him as going on long walks in the woods, with a mouth organ or accordion; taking his refreshments within earshot of a good band as he grew older; and at all ages putting all the money he could get his hands on into a savings bank.

Woods and gardens are outside the scope of the present note, but there is something of interest to say regarding savings. The belief of the small German investor that he must never put his money anywhere except in a savings bank is beginning to crumble slightly. Last year the five German mutual funds, all only recently founded, gathered in a total of \$85 million from the little investor, nearly trebling the amount they had received in the previous 12 months.

#### CREDIT GIVEN

Part of the credit for this daring leap of the small investor into what he had previously regarded as high finance must go to the Federal Government's ruling on April 16, 1957 that mutual fund certificates would not be subject to property tax levies. Partly be-

cause this added to their security, but chiefly because it proved that Bonn regarded this type of investment seriously, the new ruling stimulated certificate sales.

The usual advantages of mutual funds had, of course, been offered to the German investors: wide distribution of risk, issuance of certificates in small denominations, and no worry as to which company to select for purchases of common stock—the same freedom from worry which had been the great appeal of the savings banks.

An added attraction, in a country where the investor may find his money being nibbled away by tiny percentage charges of various kinds, was that the German commercial banks undertook to hold the mutual fund certificates on deposit without charging any fee.

#### BEST ADVERTISEMENT

But the best advertisement received by the mutual funds in 1957 was probably the fact that several of the five paid 8 percent on their certificates. It is true that the average of declared dividends on common stock in Germany in 1957 was 8.95 percent, but this figure, of course, does not take account of the purchase price when above or below par. Further, official statistics show that the average return on all common shares was only 4.8 percent.

German mutual funds have been in existence only four years, their establishment having been brought about by the leading commercial banks partly as an experiment. About 40 percent of public subscriptions go to Concentra Fonds, managed by the Deutscher Investment Trust. The second largest is Investa Fonds, of which the total approaches \$20 million. Allgemeine Deutsche Investment has issued about \$18 million worth of certificates.

#### ENTHUSIASTS VIE WITH BRITISH

German enthusiasts for such investments talk of equaling the British rate within from 5 to 10 years. By this they mean that the present German per capita investment in mutual funds of about \$1.70 can be made to equal that of Britain, where the per capita rate is \$24.

The situation in Switzerland (over \$90 per capita) is exceptional, as the true owners of Swiss mutual funds include a large number of persons residing in other countries. The United States per capita mutual fund investment rate, said to be \$72, is regarded as completely impossible for Germany where the gap between minimum living costs and average salaries is not a large one.

American investment techniques, however, arouse great interest.

One American company now has opened an office in Germany, offering investment methods which may soon be copied by one or two of the German funds.

Facilities for installment purchase are of course much greater than those offered by the German companies, but the possibility which has most surprised German investors is that subscribers to the American fund may choose their own shares and pay by installments.

The American newcomer at present sells only to non-Germans, but has announced that arrangements will be made later to sell to Europeans.

There is an American angle, too, in a new type of debenture just issued, for a total of \$12 million, by Esso AG, which is fully controlled by Standard Oil Company of New Jersey. Another \$12 million will be issued later. At 3 percent below par (by the Dresdener Bank, and Brinckmann, Wirtz & Co.) with interest at 7 percent, the issue was a great success. Amortization begins in 5 years, the full maturity period being 15 years.

#### SECURITY SALES TOTALED

More than \$1,300 million worth of securities were sold in Germany in 1957. This was more than in the best previous year since

the war, 1955, and a fifth more than in 1956, when there had been a slump in security sales.

It should be noted, however, that 1956 had been better for the sale of common shares, and that the 1957 sales were more than 70 percent in debentures and bonds.

During the first postwar years German industrial companies had paid a very high interest in order to borrow capital. Even at the beginning of 1957 it was necessary to offer 8 percent on debentures. But by September it was possible to float the German Shell issue at par value at 7.5 percent interest. The Esso issue at 7 percent shows that this tendency continues.

#### NOTICE OF CONSIDERATION OF WIDOWS' PENSION BILL

Mr. JOHNSON of Texas. Mr. President, I should like to give notice that if Calendar No. 1516, H. R. 358, is not passed on the call of the calendar today, I shall call it up by motion following the call of the calendar. It would increase the monthly rate of pensions payable to widows and former widows of deceased veterans of the Civil War, Spanish-American War, Indian War, Mexican War, the Boxer Rebellion, and the Philippine Insurrection; and would also provide pensions to widows of veterans of the Confederate States of America during the Civil War.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that I may speak for 7 or 8 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, I wish to reserve my right to object. I informed the Senator from New York [Mr. JAVITS] that following the calendar call he could make any statement he desired to make, and that we would transact only morning business during the morning hour, with statements limited to 3 minutes. If he has no objection to the Senator from South Carolina proceeding, I have no objection, but I do not wish to break faith with the Senator from New York. I do not wish to ask other Senators to stay here for speeches prior to the call of the calendar.

Mr. JAVITS. I certainly will not object to my dear friend from South Carolina addressing the Senate. I wonder if I may ask unanimous consent that I be recognized immediately following the conclusion of the call of the calendar.

Mr. JOHNSON of Texas. I would have no objection to that. However, I think it would be better procedure for the Senator to file his name at the desk. I would rather that be done.

Mr. JAVITS. I withdraw my request.

#### LOYALTY DAY—THE COMMUNIST MENACE

Mr. JOHNSTON of South Carolina. Mr. President, Loyalty Day is a good time for us to dwell on things American and to count our blessings.

We can be thankful for our constitutional system of government, thankful for the sacrifices of the patriots who founded the Republic, thankful to all who, down through the decades, labored to keep our democratic institutions sound and intact.



We need to note well that the liberties we enjoy are not guaranteed to us forever but must be sustained by each new generation. This is the trust and responsibility of citizenship: preserving democracy in our land, passing on to those who come after us a government that embodies the hopes and dreams of the Nation's founders.

This, indeed, is the highest duty of citizenship: preserving and protecting our free institutions and the democratic values which have brought America from an infant republic to a great world power.

It is with justifiable pride that we can reflect that American liberties and independence have been a source of inspiration to peoples everywhere. The mantle of leadership has been our rich inheritance just as it is our continuing responsibility. But, as we contemplate our situation in this year of our Lord 1958, we recognize we are confronted with a formidable foe that would destroy all for which we stand.

For an understanding of what is communism we have the precise and complete definition of no less an authority than J. Edgar Hoover, head of the Federal Bureau of Investigation, who in the opening pages of his *Masters of Deceit*, an able exposé of this menace, states:

Communism is many things: An economic system, a philosophy, a political creed, a psychological conditioning, an educational indoctrination, a directed way of life. Communists want to control everything: Where you live, where you work, what you are paid, what you think, what streetcars you ride (or whether you walk), how your children are educated, what you may not and must read and write. The most minute details, even the time your alarm clock goes off in the morning or the amount of cream in your coffee, are subjects for state supervision. They want to make a Communist man, a mechanical puppet, whom they can train to do as the party desires. This is the ultimate, and tragic, aim of communism.

After this illuminating definition of communism, Mr. Hoover then continues:

These statements are confirmed, day after day, by documented reports from areas where Communists have already taken over: Hungary, East Germany, Bulgaria, Poland, Rumania, Czechoslovakia, Red China, and other areas.

When you read such reports, do not think of them as something happening in a far-off land. Remember, always that it could happen here and that there are thousands of people in this country now working in secret to make it happen here.

But also, thank God, there are millions of Americans who oppose them. If we open our eyes, inform ourselves, and work together, we can keep our country free.

Mr. President, this is a vivid and stirring message from the man who has done so much to fight the Communist conspiracy on the home front. We would do well to take his warning to heart.

Vigilance has always been the price of liberty. We must be on guard against this menace which actually seeks the enslavement of the whole world. At the very time America observes Loyalty Day, it is a sad thought that thousands upon thousands of people are prisoners of the Communists in Siberia and elsewhere, and equally depressing is the realization that whole countries have been trans-

formed into slave states through Communist tyranny.

Realism compels the admission that the world today is largely set off into two rival camps, the Free World and the Communist group. The issue is clearly drawn: Freedom against Communist tyranny.

Marx, Engels, and Lenin have stated clearly and emphatically that world conquest is the ultimate goal of communism. Historical pauses, periods in which the Communists consolidate their gains, are so to speak, "par for the course." This is all from the party manual. All of this has been reaffirmed in strong, unmistakable language by Khrushchev and other Kremlin spokesmen in recent days.

Our policymakers will be jeopardizing our national interest if they do not assess Soviet policies for what they are in this pause period—a breathing spell in preparation for new aggressions, whether raw aggression through overt military action or indirect aggression through subversion and infiltration in countries marked for liquidation and absorption into the Communist orbit.

In our time, America cannot be too vigilant to the menace of communism. The Red conspiracy assumes many forms; it is a many-headed monster. Its insidious propaganda seeps in virtually everywhere. The Reds are everlastingly on the job seeking to destroy belief in American principles and institutions.

The disciplined legions of the Kremlin are fanatics in their cause. We must turn them back with equally strong faith in Americanism. Our country was built on freedom and free institutions. Because we had a climate of freedom and championed free enterprise, America has grown from the small beginnings of 13 Colonies to our present status as leader of the Free World. Because of our constitutional government, we have spiritual, moral, and economic strength. We are a Nation of 170 million people, possessing the greatest productive might of any nation in the world, and we enjoy religious, personal, and economic freedom.

A sharp and profound difference between America and the Soviets is that we are dedicated to a belief in the Almighty, entreat the blessings of our Creator, and guarantee to every citizen freedom of worship.

Communism, on the other hand, is based on a denial of God. It is atheistic and materialistic; its teachings deny to man a soul. Consequently it strips him of any dignity or right and feels warranted in any exploitation, no matter how vicious, to further its cause.

Mr. President, I cite these important truths so that we will be ever mindful of the nature of the struggle in which we find ourselves caught on loyalty day, 1958. It is a good time for us as individuals and as a people to rededicate ourselves anew to those tried and proved principles which conceived America and brought her to her present eminence in history.

So I suggest that this is an ideal time for us to pledge again our loyalty to our God, our Nation, our State, our community, our neighbors—the things we hold precious and invaluable beyond price—

and to progress the hope that one day the priceless boon of freedom will be granted the enslaved peoples who are presently condemned to the living death of Communist tyranny.

#### ADDRESS BY PHIL KLUTZNICK BEFORE FEDERATION OF JEWISH SOCIETIES OF OMAHA

Mr. HRUSKA. Mr. President, on Sunday, April 27, the Federation of Jewish Societies of Omaha commemorated the 10th anniversary of the founding of the State of Israel.

It was a notable occasion, attended by approximately 500 people, fully one-third of whom were leading citizens other than members of the Jewish community.

Under the able chairmanship and leadership of David Blacker an outstanding program was presented following the banquet.

Highlighting the evening was an address by Phil Klutznick, of Park Forest, Ill., president of B'nai B'rith, and a former United States alternate delegate to the United Nations.

Mr. Klutznick is one of the creators and builders of Park Forest, Ill., now a community of some 35,000 inhabitants. More recently he has taken the lead in the proposed preplanned community to be built on the site of the Biblical city of Ashdod on the Mediterranean Sea. It is an ambitious plan, embracing not only a second seaport for Israel, but a city which is designed for an ultimate population of from 125,000 to 135,000 inhabitants. It is being planned for the foreseeable needs of the next 25 years in terms of sites and locations for residences, industry, commerce, parks, resort area, utilities of all kinds, markets, transportation, and so on.

I take pride in the fact that Mr. Klutznick and I were classmates at the Creighton University Law School from which both of us were graduated. For years both he and I engaged in the general practice of law in Omaha with our respective law firms.

The substance, the spirit, and the inspiring presentation of his speech made all of his numerous friends in the audience very happy at the proven achievements of Phil Klutznick as a student and advocate of freedom, humanitarianism, and democracy at its best.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of Mr. Klutznick's address.

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

ADDRESS BY PHILIP M. KLUTZNICK, PRESIDENT, B'NAI B'RITH, ISRAEL 10TH ANNIVERSARY CELEBRATION, OMAHA, NEBR., APRIL 27, 1958

We are here to mark the 10th year of the founding of a democracy. We are here as Americans—some of us Jews, some of other religious persuasions—to recognize and help celebrate the drama and the destiny of the State of Israel, a land 7,000 miles away. Yet, a land very close to us in many ways.

We share an exalted moment consecrated to the triumph of a people's redemption. We do so in a spirit untrammelled by any false dichotomy, and united by a passion for justice and ethics in human behavior.

We are assembled for a special purpose—and yet, perhaps, not as special as ap-

pears at first glance. For the significance of our celebration tonight is more than the birthday of Israel's independence. Its meaning is rooted in the universality of certain historic truths.

One of the great fallacies in a discussion of Israel is to regard her as a case of special pleading. That this concept has gained currency is understandable. Surely the catastrophe which overtook the Jewish community of Europe—the slaughter of 6 million—was a crime almost beyond human comprehension.

The idea that for this reason alone, Israel must be protected and nourished is a self-conscious and defensive attitude, and a conclusion restrictively narrow. The case for Israel is not unique. It cannot be and it must not be separated from the struggle of democratic forces everywhere to make real the freedom which men seek. This is its true place in the perspective of the mid-20th century. It occurs to me that this indivisible fraternity of freedom places in bold relief the very goal which Americans and certainly American Jewry have set for themselves and have pursued these many years. Our deep affection for our own Nation is enhanced by our understanding and devotion to our Jewish heritage—a heritage which holds high the inviolability of man's right to be free, and in that freedom to chart his destiny.

It is in this spirit that we gather to celebrate Israel's 10th birthday. It is good that we do so in Omaha. I have a wanderer's gratitude for the boon of revisiting surroundings and recapturing friendships of my earlier years. There is vivid in my memory the vigorous days of three decades ago when rebirth for Israel was a challenging prospect illuminated only by hope and faith, and when many of us in Omaha labored for its fulfillment. Set athwart the bountiful plains of the Midwest, Omaha stands as product and symbol of a venturesome and explorative America in the early decades of our own nationhood. This is a community rooted in the pioneer's search for the elemental truths of dignity and freedom, and in his love for God's good soil. It is both understandable and wholesome that this tradition of the American Midwest finds its close kinship with the dedicated people of Israel.

Israel is the creature of human tenacity. The agonies and ordeals that have beset her small band of unconquerable people on their march to nationhood have few parallels in contemporary history. Israel was born in strife and bloodshed. Since her momentous independence day, her history has been a story of crisis heaped upon crisis. Her existence has been challenged by armed belligerency, her survival by the crushing vise of economic boycott. The remarkable strength of her human resources has been constantly diverted from the economic and social growth she so desperately needs in order to bolster her security. To add to these oppressive complications, the fate of Israel has been stirred since her birth in a caldron of bubbling international politics. She has indeed tasted the toll and trouble of this bitter brew.

Because of all this there are some who say: What hope for Israel? What chance is there for a people who are often called upon to toll with rifles slung across their shoulders? Whose tiny domain is ringed by enemies sworn to destroy them? What future is there for a speck of a nation forced to spend much more than it earns—a nation sustaining itself by gifts and loans?

These are men of little faith. They confuse the facts when they use slide rules and mathematics to measure human values. In the turbulence of recent years there were moments when, in the quiet of my own reflections, I conjured the vision of an Israel once here, gone again. This is intolerable and unthinkable. It would spread an in-

delible blot on the Free World and make wretched the honor of our generation. To Jewry throughout the world it would be a horrifying experience which, piled upon the tortures of recent generations, would threaten to destroy the very heart of a people.

I am under no illusions. On her 10th anniversary the path of Israel's future is pitted with troubles. The anxieties of a divided world are visited upon her. But I state this simple conviction: In spite of toil and trouble Israel is here to stay.

She will persist in her imperishable destiny as a lusty, thriving member in the family of free nations. She will persist because free people, as we Americans, cannot tolerate the destruction of a democratic people seeking for themselves what we sought and found for ourselves.

If I speak out of hope and sentiment, and a cherished notion that the Biblical prophecy of my people was fulfilled that glorious day 10 years ago, I am nonetheless supported, not by sentiment, but by history.

A few generations ago another nation was founded as an experiment in democracy. She was born in calumny and disrepute. For years her survival was in doubt. There were critics then, too. They spoke disapprovingly of the fact that she was poverty stricken, supporting herself by loans from foreign nations. They said that this new country—the United States of America—could not endure.

The political parallels between the first decade of our Nation and that of Israel tell me that the doubters who question Israel's future share the same blind spot which distorted the view of their forebears during our Revolutionary era. They fail to grasp the quality of the pioneering spirit which erupts to give birth to a democratic way of life. They do not perceive the quality of Israel's people, whose high spirit of adventure, rooted in concepts of human freedom, are this century's counterpart of the pioneers who pushed the frontiers of our own Nation westward.

There is a parallel of purpose—and of faith, toll and blood—that characterizes Israel's creation and that of our own land. There is, in both human dramas, the similarity of men driven by insecurity and persecution, and yet attracted by the frontiers of a new civilization. In each case men uprooted themselves from all parts of the world to realize an ideal. In each case there were pioneers who conquered and reclaimed God's earth from primeval devastation or human neglect. In each case they liberated themselves by bitter struggle from the shackles of colonialism. In each case they established a government which ruled by the consent of the governed, and they defended it against adversary and peril until it achieved its place of recognition in the international family of nations.

This reality stirs the American mind to our historical traditions. For it seems to me that each succeeding generation of Americans has had its rendezvous with the history that created us. We remember too, that the founders of our Nation might have failed in their creation of the American dream had they been forced to stand alone in defense of their convictions. The sanctified idealism that provoked the rebellious courage of Bunker Hill and Valley Forge might easily have foundered on a sea of unrealized hopes save for the timely aid of warmhearted and freedom-minded friends, most notably the people of France.

This history has been a motivating force for succeeding generations of Americans. Our international relations have been characterized by our desire to help others secure for themselves the blessings of freedom that are now ours. In the Monroe Doctrine, which strengthened the struggle for freedom of Spain's American colonies, in our military campaigns to secure for Cuba her right to

be free and independent, in the open door policy to liberate China from economic exploitation, in Woodrow Wilson's 14 points, in our willingness to hasten self-government for the Philippines, in our Marshall plan and in our foreign aid and point 4 programs to bolster the economies of free nations, and latterly, in the Truman and Eisenhower doctrines, in all of these we find the thread of remembrance that has given us our character as a Nation and a people.

This, in my judgment, explains why, against the dictates of military wisdom and in the face of adverse political pressure, our country could not help but be midwife at the birth of the State of Israel.

I venture to guess that a generation from now, an historian, examining the political cross-currents that led to the creation of Israeli statehood and the achievements of her first decade, will conclude that the friendship of the American people was the indispensable and most abundant source of Israel's strength outside her borders. If our historian is perceptive, he will also find the reason why. There is a simple answer—an answer that has been with us longer than our Republic. It is the spirit that was cradled in our formative days of the 1760's and 1770's. It is the credo which, through all these years, has molded our national character. That spirit has so colored American life and American thought that we would have had to turn on our history, and deny our character as a Nation, to have invoked a negative unconcern against another people seeking no more for themselves than the freedom and security we have for ourselves. It could not have been otherwise—and America still be America.

I am somewhat confounded by those who denounce Israel's right to exist by interpreting her statehood as a kind of treacherous achievement of power politics at the expense of other Middle Eastern groups. These critics bring to mind the story of the man who was newly naturalized as an American citizen. When he had completed his oath, the officiating judge asked him: "Have you any comment?"

"Indeed I have, your honor," the new citizen replied. "This is a great country—except there are too many aliens in it."

Is Israel's independence an act alien to modern Middle East history? Did she insert herself as a volatile force in an area of political stability? Her borders embrace 8,045 square miles; her population is nearly 2 million—about one-half have arrived since 1948 as immigrants from Europe and North Africa and as evictees from Arab lands.

Jordan has three-fourths the population of Israel, but she has four times the land area to accommodate them. The Hashemite Kingdom of Jordan became an independent monarchy in 1946—some 2 years before Israel's independence.

Jordan's future may be related to her federation with Iraq. You can fit all of Israel into the land area of Iraq 20 times over. The population ratio, by comparison is 3½ to 1. Iraq was a British mandate until 1932.

Lebanon is half the size of Israel; her population is a half-million smaller. Lebanon was a French mandate carved out of Syria in 1920. This was a case of partition created largely by religious differences. Lebanon became an independent republic in 1944—only 4 years before Israel.

Saudi Arabia has 4 times more inhabitants than Israel—but her land area is 110 times larger. She was founded as a monarchy in—and here we go 'way back—1926.

The United Arab Republic is 10 years younger than Israel. Since her character is still largely undefined, let us consider the statistics of her partner states. Syria is nine times the size of Israel; her population is only twice as large. Syria was set up as a French mandate after World War I—even as



Palestine was ruled by the British. Syria was proclaimed independent in 1943, which made her 5 years older than Israel as a politically independent nation.

Egypt was the oldest in independence among the major Arab nations. Her population is 12 times greater than Israel's, her land area 48 times greater. When Israel was established 10 years ago, Egypt had been a constitutional monarchy 26 years old. When Egypt became a republic—Israel was already 3 years old.

When one speaks of land areas there is always an apologist to say, "But so much of Arab land is desert." No less true of Israel and she seeks and succeeds in its reclamation.

It is not merely Israel who is the Johnny-come-lately, but the whole Middle East is a Johnny-come-lately in terms of political independence. If we are to consider matters realistically, Johnny really hasn't arrived yet. For the Middle East cannot be truly independent as a political force until it establishes itself as an economic force. To quote Dr. Max Lerner: "Independence is liberty—plus groceries."

The misfortune of the past 10 years is that it has produced both a tragedy and a paradox in the Middle East. The tragedy lies in the pattern of intransigent behavior which has made of modern Israel, not the catalyst for a productive, viable Middle East that her capabilities suggest, but the rallying point for a stubborn Arab hostility. This nurtured hostility is so pervading in character that it has sucked dry the high promise of industrialization, increased education and sanitation and similar dimensions of progress for all the peoples of the Middle East. The effect has been to produce a vacuum—which an alert and predatory Soviet Union has tried desperately, and somewhat successfully, to fill.

The paradox is that the free West, and not the least our own Government, on the one hand is aware of Israel's vibrant qualities and, on the other, is not unmindful of Soviet aspirations to thwart them. Yet we too often seem to occupy ourselves with a diplomacy of doubt—inconsistent with our own purposes.

I have had enough of a taste of Government service to recognize the luxury of critical appraisal when it is uncomplicated by any commitments of responsibility. It is much less taxing, believe me, for private citizens such as you and I to define the issues and suggest what should, and should not, be done. The functions of the President and Secretary of State make their roles exceedingly more difficult. We express hope; they must formulate decisions which are necessarily far-reaching in their significance and serve to make history. Sympathetically recognizing this, I am nonetheless persuaded that the decade of turbulent events in the Middle East, and their accumulated indecisiveness, suggest there is still very much need for the free West—and, again, not the least our own Government—to formulate a manageable and marketable diplomacy that will more clearly distinguish friend from assailant, that will help cope with tensions by rooting out their cause, and that will serve best our collective self-interests.

The swift pace of changing events forbids us to be dogmatic about policies; we must be dogmatic about principles. If there is need for fluidity in our negotiations, there is a corresponding need for firmness in our objectives. And finally, there is no intrinsic evil in buying expediency—provided we do not shortchange ourselves out of long-range goals or barter away our former courage by falling for example to affirm for the United States the doctrine of free navigation for the ships of all flags through the Straits of Tiran and the Gulf of Aqaba. There was morality and vigor in Mr. Dulles' action. Our Government sustained the doctrine with resolute firmness. This forthrightness in adherence to honorable international tenets has

already demonstrated the effectiveness of living by moral principle.

I would urge that the same quality of initiative and decision be observed by our Government with respect to the pernicious and impudent boycott which the Arab League states have instituted, not against Israel which is reprehensible in itself but against American citizens and business firms—and, in one particularly obscene instance, against American servicemen—on specious religious grounds. Here is an act of intimidation against the people of the United States that would collapse under the weight of its dreary insolence if the Government of the United States, responsive to our national dignity and to the need for protecting the equal rights of all American citizens, would substitute a resolute constancy for capitulation in keeping with the resolution of the United States Senate.

Should we hesitate to speak loudly for American dignity out of fear that Israel, a companion to Western aspirations of peace and of freedom for the world might gain some benefit thereby, to the annoyance of her enemies? Where is the morality in that? Our own history has proved that considerations of morality and ethics are not unwholesome to political behavior. Unfortunately in international diplomacy as elsewhere in life there are slaves to false expediency who act as if the spiritual values must be ignored because they somehow complicate matters. The wonderful thing about morality, as someone has said, is that it is a true thing—as sure as mathematics.

A rather successful diplomat named Disraeli once explained his simple formula for diplomacy. He said, "The secret of success is constancy to purpose." I'm inclined to believe that Israel's ability to survive is a practical expression of this principle. Certainly there has been "constancy to purpose" in Israel's efforts to negotiate a peace settlement with the Arab States. I am encouraged—and not all surprised—by Mr. Ben-Gurion's recent declaration of willingness to journey to Cairo and hash out problems with President Nasser, if such an invitation is made to him in good conscience. Meanwhile, there has also been a "constancy of purpose" in the efforts of Arab leaders to thwart any possibilities of peace negotiations in order to feast on the fruits of appeasement which we, the free West, appear to offer them by our own lack of constancy and the purposelessness it creates.

In view of past performances—the character of their inconsistencies and the conflict in their achievements—the time has come, it seems to me, to shore up our tactics of diplomacy. We cannot deny to ourselves that the State of Israel is a product of our own making, that the legality of her nationhood springs from the resolves of the international community as they were balloted in the General Assembly of the United Nations more than 10 years ago. If we mean it when we say that the survival of Israel is an integral part of American foreign policy, let us back up our words and do openly, and with full heart, those things which will help Israel not only to survive, but to become viable and truly independent.

This does not mean that we should do less for those Arab States which are prepared to accept our concepts of peace, justice and mutual understanding. Nor does this mean that I blindly believe it an easy course to pursue. It does mean that in our diplomacy we should cease trying to be something we are not. America believes in fair play, justice and peace at all times not just when it is convenient.

The Middle East needs Israel. By Middle East standards—in fact, by any standards—Israel is a miracle of industrialization and agrarian ingenuity, of sanitation, of education, of modernization that can match the needs and complexities of the 20th century.

Her prospects are for greater growth within her own present borders. Thus, Israel must serve her usefulness to the Middle East as the fulcrum for that tremendous push toward economic expansion that awaits this long-neglected area.

This is not a one-way street. Conversely, Israel needs prosperous neighbors. It is true that Israel is a westernized nation which has cast her lot with the anti-Soviet bloc. But it is basic that she cannot separate herself from her environment, that her own political and economic growth are inextricably bound with the growth of her neighbors.

Must this hope for a productive Middle East be denied because of hostility between Arab and Jew? I honestly think not. Friendship between Arab and Jew is not only desirable; it is both logical and historic. Arab and Jew are Semites, a fact that is of great social and political significance in the Middle East. There is an older and more honorable history of friendship and mutual benefit from collaboration than the contemporary history of dispute and separatism.

If firmer steps are not taken, in and out of the United Nations, to halt the economic boycott and acts of belligerence directed against Israel, and to strengthen the genuine forces of democracy and Western freedom in the Middle East to insulate that vital area from further Soviet trespasses, then the tensions of the past decade will persist—and the dilemma of the Middle East with them.

We have plenty of time to negotiate. But we have no time to try to carry water on both shoulders.

In our first decade as an experiment in democracy the United States was confronted with a vital question. The issue was not what her duty was to the rest of the world but whether the rest of the world would let her live. The same burning question now confronts Israel at the completion of her first decade. It is a challenge to our own Nation which for historic and natural reasons found aid, sympathy and strength among freedom lovers abroad in our own struggle for liberation. Israel asks no more.

Perhaps these have been much too solemn words to usher in a birthday. But we must be realistic in this solemn era of history. We celebrate the 10th anniversary of modern Israel with a recognition of the past, its agonies and its glories; with a review of the present, its travails and its challenges; and with high promise for the future, a promise born of hope and conviction that, having survived the intolerable demands of the past, Israel's succeeding birthdays will come in brighter days of less tension and turmoil.

Here, in this secure and friendly community of Omaha, a monument to the progress of pioneers, we are inspired to send to our friends of freedom 7,000 miles away a message of solidarity. We utter our belief in the inevitability of a better world imbued with the principles of peace and brotherhood, in which the joys of liberty, tranquility and human dignity will be shared by all.

Blessed was the day 10 years ago.

Blessed be the morrow that it may bring complete fulfillment of the promise of that day.

#### VICTOR COHN, WINNER OF ALBERT LASKER MEDICAL JOURNALISM AWARD

Mr. THYE. Mr. President, Mr. Victor Cohn, science writer for the Minneapolis Tribune, recently was named a winner of the Albert Lasker Medical Journalism award for outstanding reporting on medical research and public health during 1957. Mr. Cohn earned this distinction for his series of articles on the need for a children's mental illness treatment center in Minnesota.

This award is being presented to Mr. Cohn at a luncheon in New York today. I ask unanimous consent, Mr. President, that a Minneapolis Tribune article announcing this awards luncheon be printed in the RECORD at this point in my remarks, together with telegrams which I have sent to Mr. Cohn and the other Lasker award winners.

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

[From the Minneapolis Morning Tribune of April 28, 1958]

TRIBUNE'S COHN WINS MEDICAL WRITING AWARD

Victor Cohn, Minneapolis Tribune science writer, Sunday was named winner of an Albert Lasker Medical Journalism award for outstanding reporting on medical research and public health during 1957.

Cohn won for his series on the need for a children's mental illness treatment center in Minnesota, published from January to April 1957 in the Tribune.

Mrs. Franklin D. Roosevelt will present his award at a luncheon Thursday in Ambassador Hotel, New York.

Other winners are Earl Ubell, science editor of the New York Herald Tribune, for his Will You Have a Heart Attack? series, and Lois Mattox Miller and James Monahan, roving and senior editors of the Reader's Digest, for their articles on filter-tip cigarettes.

Cohn and Ubell, cowinners in the newspaper division, will share \$2,500. A similar prize will be awarded the magazine winners.

Cohn was cited for "creative and inspiring reporting on the gaps in Minnesota's mental hospital system and how these should be filled \* \* \* and for his accomplished reporting of all facets of the fight against major killing, crippling diseases through the pages of a pre-eminent midwestern newspaper."

A Tribune writer since 1941 (with an interruption for military service), Cohn won the Westinghouse award for distinguished science writing in 1951 and Sigma Delta Chi reporting awards in 1951 and 1955.

He is the author of a book, 1999: Our Hopeful Future.

MAY 1, 1958.

Mrs. MARY LASKER,  
Care of Albert & Mary Lasker Foundation Awards Luncheon, Ambassador Hotel, New York, N. Y.:

I extend my greetings and congratulations to you, the Lasker Foundation, and all participants in today's luncheon. Your unselfish gifts of time, money, and effort are widely known and greatly appreciated by all of our citizens who have an interest in medical and scientific research. You are creating a heritage which will be reflected in terms of improved health, curtailment and elimination of disease, and a happier life for all. My kindest regards and best wishes.

EDWARD J. THYE,  
United States Senator.

MAY 1, 1958.

VICTOR COHN,  
Care of Albert & Mary Lasker Foundation Awards Luncheon, Ambassador Hotel, New York, N. Y.:

Please accept my sincere congratulations on your award from the Lasker Foundation for outstanding reporting on medical research and public health. You have performed a great service to the public and in particular to those of us who are constantly at work in an attempt to conquer disease and affliction in whatever form it may take. My kindest personal regards.

EDWARD J. THYE,  
United States Senator.

MAY 1, 1958.

EARL UBELL,  
Care of Albert & Mary Lasker Foundation Awards Luncheon, Ambassador Hotel, New York, N. Y.:

Congratulations on your Lasker Foundation award. Your work is much appreciated by those of us who are concerned with disease and affliction and who are making every attempt to improve the health of our citizens. My kindest regards.

EDWARD J. THYE,  
United States Senator.

LOIS MATTOX MILLER and JAMES MONAHAN,  
Care of Albert & Mary Lasker Foundation Awards Luncheon, Ambassador Hotel, New York, N. Y.:

Please accept my congratulations as recipients of the Lasker Award. Your articles on filter-tip cigarettes are famous and have done much to spur research into the effects of smoking and its relationship to disease. My kindest regards.

EDWARD J. THYE,  
United States Senator.

DEATH OF JUDGE EDWARD FOOTE WAITE

Mr. THYE. Mr. President, the people of the State of Minnesota are proud of their State's juvenile court system, which was founded in the early years of this century. The man who devoted his time to the establishment of this system was Judge Edward Foote Waite, whose life work and recent death were the subject of an article and an editorial which recently appeared in the Minneapolis Star. In tribute to the contributions made by Judge Waite to the youth of our State and Nation, I ask unanimous consent, Mr. President, that the article and editorial be printed in the RECORD as part of my remarks.

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

[From the Minneapolis Star of April 28, 1958]

RETIRED JUDGE ACTIVE TO END—WAITE, 98,  
DIES, BUT NOT HIS WORK

(By Al Woodruff)

There was no end of an era with the death of Judge Edward Foote Waite Sunday.

Rather, the Minnesota juvenile court system has been marked permanently and indelibly by the man who founded it nearly a half-century ago.

Death came quietly at 4:30 p. m. Sunday for the 98-year-old judge who had remained active in civic affairs from his retirement in 1941 until shortly before he suffered a stroke March 26.

Even as late as early March he was a familiar figure as he quick-stepped his way around the city hall and courthouse or perched on a stool in the drugstore cater-corner from the municipal building to drink coffee and chat with civic leaders.

It was back in 1911 when Judge Waite was first appointed to the district court bench in Hennepin County. He had been a municipal judge since 1904.

Three days of each working week, Judge Waite devoted to juvenile court hearings. In 1921 he began a 10-year stint on the district bench full time. In 1931 he returned full time to the juvenile court bench.

Minneapolis municipal and Hennepin County district judges will be honorary pallbearers at the services, 3 p. m., Wednesday at Plymouth Congregational Church. District court will close for the services.

Burial will be in Lakewood Cemetery. Friends may call at Werness Brothers Chapel

after 6 p. m., today. Memorials are preferred to the Elliot Park Neighborhood House and the United Negro College Fund.

Judge Waite's legal career began at night law school at Columbia University (now George Washington University) Washington. He had graduated from Colgate College in 1880 prior to his legal training. While attending school Waite supported his invalid mother.

It was in 1888 that Waite came west to Minneapolis as an investigator for the Federal Pension Office dealing with claims for Civil War pensions. He was, successively, Minneapolis chief of police, municipal and district judge and Assistant United States District Attorney.

Judge Waite's juvenile court philosophy is still in force today. As he put it, "It is not merely a judicial machine, but a peculiar institution which must have a great deal of public confidence, since most of its work must be done in quiet."

But Judge Waite, likewise, was no wrist-slapper. When the need for severity was apparent, he acted promptly and decisively.

His work was not limited to the bench. A prolific writer, he rewrote the Minneapolis Children's Code and developed a model law on juvenile court that has been adopted in many States.

Since his retirement, Judge Waite had devoted much time to the question of racial relations and prejudices. He summed up much of his attitude with the statement that the fundamental crying need is for people to put out of their minds prejudices growing out of such accidents as race, religion and creed.

His civic activities and community group memberships were nearly as long as his legal career. He had served as president of the Working Boys Band, as a member of the executive committee of the National Conference of Charities and Corrections, the Elliot Park Neighborhood House board of directors, and was past president of the Minnesota Conference on Social Work.

He was a member of Khurhum Lodge, No. 112, A. F. & A. M., and Scottish Rite.

He had worked actively for the Campfire Girls, Big Sisters, the Urban League, National Conference of Christians and Jews and the local State and national bar associations, and the Community Chest.

Waite Park Elementary school is named for him.

His religious work likewise was as arduous as his judicial career. He attended Plymouth Congregational church for 69 years and had held nearly every major position of responsibility in the congregation.

He is survived by a niece, Maria Montana, singer and music teacher with whom he shared his home at 2009 Queen Avenue S., another niece, Mrs. Grace Wynn, Oakland, Calif., and two nephews, W. J. B. Waite of Oakland, and J. K. Waite, Seattle, Wash.

Mrs. Waite died in 1935. They had one son who died at an early age.

[From the Minneapolis Morning Tribune of April 29, 1958]

JUDGE EDWARD F. WAITE

In his later years, Judge Edward F. Waite sometimes offered a wry explanation of the deep regard in which the public held him. "If you stay around long enough," he would say, "people begin to think you are important."

But Judge Waite was much too modest to perceive that people respected him, and loved him, because of his qualities of greatness. When he died Sunday at the age of 98, it was not his advanced years that marked him as a distinguished citizen; it was the distinguished public service with which he filled those years.

Perhaps he will be best remembered for his pioneering contributions to the juvenile court system in Minnesota. Because of his



work in this field, he became known throughout the Nation. But in the Minneapolis community we shall remember him, too, as a staunch and courageous champion of human rights. To this role he brought much more than a keen legal mind; beyond that there was a profound concern for human values.

Judge Waite could not tolerate injustice; a denial of civil rights aroused his fighting instincts; the problems of minority groups he made his own. Thus he imparted strength and steadiness to the mayor's council on human relations in its early years. His opinions on all matters relating to civil rights were eagerly sought. The chain of events initiated by the United States Supreme Court's school segregation decision in 1954 fascinated him. Well along in the nineties at the time of that decision, he found it a fresh challenge to his incredibly active mind.

Judge Waite's modesty was real, not feigned. Of the many tributes paid him, he once remarked: "They won't hurt me if I don't inhale them." He was not one to be pampered or to ask for special consideration. Even after he had passed 90, he would rather walk a dozen blocks than "impose" upon a friend for a ride. He deferred graciously to others, but he asked no deference for himself.

The spirit of independence was deeply ingrained in him. His almost puckish sense of humor was revealed often. Reversing the usual procedure, for years he made it a practice to send out cards to close friends on his own birthday. In these cards he testified to the satisfaction that came with long life and staunch friendships. And with lighthearted verses, he ticked off the passing years.

Judge Waite's life was as useful as it was long. Within him there was a spark of kindly concern for his fellow man which burned until the very end. Few Minnesotans have played as well as he the role of distinguished citizen, few have earned as much genuine affection. Countless Minnesotans will think of him often with tenderness and admiration. He will be greatly missed.

#### THE PROBLEM OF THE "FLY-OVER"

Mr. SYMINGTON. Mr. President, whatever else may be said about the world at this time, we are living in the air age.

Growing congestion in the lower atmosphere may be one of the factors causing more and more people to think in terms of outer space.

Regardless of developments incident to the latter, there is no question of the increasing problems and importance of safety precautions and controls in connection with the flights of both commercial and military aircraft.

With characteristic clarity, the junior Senator from Minnesota [Mr. HUMPHREY] has written an article entitled "The Problem of the 'Fly-Over.'" It appears in the May issue of the magazine *Flying*.

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

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

#### THE PROBLEM OF THE FLY-OVER

(By Hon. HUBERT H. HUMPHREY, United States Senator from Minnesota)

On the morning of Memorial Day, last year, thousands of our Minneapolis citizens watched from Sunset Memorial Park Ceme-

tery as four jets in perfect formation roared overhead in a salute to our war dead. The crowd thrilled to the skill of the pilots and the beauty of the sleek planes flashing by.

Then, seconds later—disaster, as the formation began to roll to the left. A valiant pilot died, 9 civilians were injured, 4 homes set aflame, and 2 of the jet planes were destroyed. An enemy bomb might not have wrought so much havoc, unless it were atomic.

The long-distance phone lines from Minneapolis to my office were busy the rest of that day and on subsequent days. I took what action was possible—called upon the Defense Department to forbid low level flights over congested areas; did my best to comfort and aid my constituents in their fear and distress, and resolved to seek, as one individual might, some effective answer to prevention of repetition of such tragedies.

The problem, as I have since pondered it and sought related opinion of those who have more expert aviation knowledge than myself, appears to be amenable to solution, provided public understanding can be achieved.

The first step is to explain to all well-meaning and patriotic organizations and individuals that requests to the military for fly-by's at public events well may set the stage for trouble. Inevitably the request calls for flight over some spot where people are congregated and at an altitude which provides a closeup demonstration of the performance of air crews and planes. Such requests are perfectly understandable and almost always motivated by the highest patriotic and civic spirit. But I do not believe they would be made so frequently, if the makers understood all that might be involved.

In discussing the whole subject with pilots, I find the following to be the case. If the military unit commander refuses outright to order a formation to participate in a local civic or national patriotic celebration, he is on the spot from a public relations standpoint. This is a very real problem for him and his outfit, since he is charged with responsibility for making his personnel a welcome and cooperating element of the community. He cannot explain to an entire populace, with any hope of conviction, that even the greatest of precautions may prove unavailing if his jets are at an altitude or in alignment which tolerates no hope of escape from disaster, should some mechanical failure or human error ensue. Numerous pilots placed in such untoward situations have sacrificed themselves in attempting to spare people on the ground but a proud airman cannot cite his own danger as an excuse for not flying in celebrations or over congested areas at low level. So a commander well may be in a dilemma when a request for a fly-by hits his desk—especially since he usually is in complete sympathy with the people and the motives behind the request.

As far as the air crews who do the flying are concerned—they undertake any mission upon which they are ordered; and maneuver as instructed. Theirs not to reason why. Theirs only to put on a demonstration which most adequately illustrates the capability of the planes and themselves.

From a public viewpoint, it is certainly praiseworthy to seek knowledge and understanding of the nature and significance of airpower. Nor is this easy of achievement. Demonstrations have played a great part in the educational process. I think it would be merely an easy but certainly an unconscionable way out to ban all demonstrations. Not only our national security but our trade and commerce is largely committed to the air age. It is not a thing to be avoided. We can't move away from the air age. We have to learn to control it and live with its problems as well as utilize its advantages. I have noted example after example where com-

munities originally located airports far from their boundaries with the idea of avoiding noise or overhead traffic—and immediately expanded toward the airport as if drawn by some irresistible magnet. Whether in individual living or in national affairs, we can run only so far from our problems and then we must turn and face them. In the matter of aerial demonstrations, I suggest we turn and face the problem now, before our hands are forced by further tragedies.

First, let us do all in our power to expand public understanding of the proportions of the problems involved in requests for military air demonstration, either local or national.

Second, let the military take utmost precautions to confine demonstrations to areas where traffic both aloft and on the surface can be assuredly controlled.

These two general principles involve many details as to acceptable attitudes, precision flight experience of participants, location of watching audiences in relation to the flight track of demonstrating aircraft, and kindred considerations. My studies of the subject lead me to believe that, if it is given the expert attention it deserves in the Defense Department and the understanding it requires from a public standpoint, the possibility of tragedy can be eliminated and the educational value preserved and enhanced.

Every accident suffered leaves a trail of personal anguish, above and beyond the actual loss of life itself, and, in the last analysis, is a loss to all the people and to the land itself.

As is natural, we who hold political position are frequently asked to use our good offices in support of requests for aerial demonstrations. Usually we, like the unit air commander, are in hearty sympathy with the motives behind the requests; and certainly we want to serve our constituents to the best of our ability. After all, they elect us and won't continue to do so if we do not serve them. But I doubt that they would want us to serve blindly or aid in laying the groundwork of tragedy in our own home communities. So perhaps we too, like the defense officials and the organizations which request aerial demonstrations, must consider more carefully all consequences before we place the weight of our offices behind such projects.

And thus, in the cooperation and thoughtfulness of all hands, we shall find the right answer to this problem of the when, where, and how of the aerial demonstration.

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

#### THE CALENDAR

Mr. JOHNSON of Texas. Mr. President, now that morning business has been concluded, 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. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the order previously entered, the Senate will now proceed to the call of the bills and other measures on the calendar to which there is no objection, beginning with Calendar No. 1431—Senate bill 666—which will be stated.

## BILL PASSED OVER

The bill (S. 666) to remove wheat for seeding purposes which has been treated with poisonous substances from the "unfit for human consumption" category for the purposes of section 22 of the Agricultural Adjustment Act of 1933, was announced as first in order.

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

Mr. TALMADGE. Mr. President, I ask that the bill go over as not being proper calendar business.

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

## ALY WASSIL

The bill (S. 1507) for the relief of Aly Wassil 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, Aly Wassil 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.

## SABINA SKALAR

The bill (S. 2564) for the relief of Sabina Skalar 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, Sabina Skalar 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 the payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the appropriate number from the appropriate quota for the first year that such quota is available.

## NICHOLAS CHRISTOS SOULIS

The bill (S. 2638) for the relief of Nicholas Christos Soulis 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, Nicholas Christos Soulis 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.

## LETTERIA MORGANTI

The bill (S. 2794) for the relief of Letteria Morganti was considered, ordered to be engrossed for a third reading,

read the third time, and passed, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Letteria Morganti, the fiancée of John Charles Morganti, a citizen of the United States, shall be eligible for a visa as a non-immigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Letteria Morganti is coming to the United States with a bona fide intention of being married to the said John Charles Morganti and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Letteria Morganti, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Letteria Morganti, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Letteria Morganti as of the date of the payment by her of the required visa fee.

## KARL WEINHEIMER

The bill (S. 2841) for the relief of Karl Weinheimer was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Karl Weinheimer 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 that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

## JEAN KOUYOUMDJIAN

The Senate proceeded to consider the bill (S. 2665) for the relief of Jean Kouyoumdjian, which had been reported from the Committee on the Judiciary with amendments, in line 3, after the word "of", to strike out "paragraphs (9) and" and insert "paragraph"; and 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 (19) of section 212 (a) of the Immigration and Nationality Act, Jean Kouyoumdjian 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. 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 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.

## WILLIAM F. PELTIER

The bill (S. 2146) for the relief of William F. Peltier 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 act of October 20, 1951 (65 Stat. 574), authorizing payments to certain disabled veterans for the purchase of automobiles, William F. Peltier, a totally disabled veteran of World War II who lost a hand as the result of a service-incurred injury, shall be deemed to have filed his application for the benefits of such act prior to October 20, 1956.

## HENRYK BIGAJER AND MARIA BIGAJER

The bill (H. R. 7057) for the relief of Henryk Bigajer and Maria Bigajer was considered, ordered to a third reading, read the third time, and passed.

## HARRY J. MADENBERG

The bill (H. R. 7508) for the relief of Harry J. Madenberg was considered, ordered to a third reading, read the third time, and passed.

## ARTHUR LEROY BROWN

The Senate proceeded to consider the bill (S. 165) for the relief of Arthur LeRoy Brown, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of", where it appears the first time, to strike out "\$10,000" and insert "\$5,000", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur LeRoy Brown of Purvis, Miss., the sum of \$5,000. The payment of such sum shall be in full satisfaction of his claim against the United States (1) for compensation for personal injuries and property damage sustained by him, and (2) for reimbursement of hospital, medical, and other expenses incurred by him, as a result of an accident which occurred near Camp Shelby, Miss., on February 26, 1942, between a United States Army vehicle and a vehicle owned and operated by the said Arthur LeRoy Brown: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

## PAUL THURY

The Senate proceeded to consider the bill (S. 400) for the relief of Paul Thury, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after the word "Act", to strike out "in excess of 10 per centum thereof", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to



pay, out of any money in the Treasury not otherwise appropriated, to Paul Thury, of Parkston, S. Dak., the sum of \$200. The payment of such sum shall be in full satisfaction of his claim against the United States for compensation for losses sustained by him on his corn crop for 1955, such loss having resulted from an error, by a representative of the Department of Agriculture, in the measurement of the corn acreage which was allotted the said Paul Thury pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

#### BILLS PASSED OVER

The bill (S. 2617) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, was announced as next in order.

Mr. TALMADGE. By request, I ask that the bill go over.

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

The bill (H. R. 4640) to amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts, was announced as next in order.

Mr. TALMADGE. Mr. President, over, as not proper calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3195) to authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign governments, was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

#### TAN TAT GEEN—CONCURRENT RESOLUTION RECOMMENDED

The concurrent resolution (S. Con. Res. 84) withdrawing suspension of deportation in the case of Tan Tat Geen was announced as next in order.

Mr. HRUSKA. Over, Mr. President.

Mr. CLARK. Mr. President, on April 21, 1958, Senate Concurrent Resolution 84 was reported favorably by the Committee on the Judiciary and was placed on the Senate Calendar. Subsequent to that action the Immigration and Naturalization Service addressed a letter to the Vice President asking that the rescission of the deportation previously ordered in a previous case be withdrawn.

I ask unanimous consent that Senate Concurrent Resolution 84 be recommended to the Committee on the Judiciary.

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

#### RELIEF OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 83) for the relief of certain aliens was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U. S. C. 1254 (c)):

A-10150440, Herrmann, William Ernst.  
 A-1607807, Latva, Karl Assari.  
 A-2752014, Nagae, Toshiyoshi.  
 A-2183058, Ritchie, Anna.  
 A-2429881, Rotzer, John.  
 A-2476554, Akelaitis, Anthony Peter.  
 A-5591361, Brisbeno-Cerano, Pablo.  
 A-2154168, Gerard, Thursa Bashey.  
 A-4296775, Philippou, Michael.  
 A-5077628, Abrams, William.  
 A-1884341, Billeck, Mike.  
 A-1223150, Franzone, Peter.  
 A-8765622, Ramos-Alonzo, Valentin.  
 A-4753944, Souza, Manuel Francis.  
 A-1024497, Strk, Ilija.  
 A-4317593, Vir, David.  
 A-8844394, Waulke, Samuel S.  
 A-5940048, Wienski (Wiensky), Nicholas.  
 A-5882322, Contreras-Munoz, Jose.  
 A-5969807, Cehringer, Henry Charles.  
 A-5472840, Derymonjian, Oskan.  
 A-4285329, Heeney, William Michael Francis.  
 A-4765082, Lledo, Jaime Cano.  
 A-5987889, Pietzak, Joseph Adam.  
 A-5093624, Anthonis, Frank.  
 A-3090457, Butler, Anna Lucretia.  
 A-4335159, Gugenhan, Frederick.  
 A-4011582, Luper, Max.  
 A-3007376, Orosco, Nabor.  
 A-1199762, Thompson, Arthur Fisher.  
 A-4792609, Tima, Emery James.  
 A-5418531, Kuch, Bronislaw.  
 A-2746556, Nunez-Arreguin, Francisco.  
 A-4539823, Saller, Johann N.  
 A-1852300, Valdastril, Joseph.  
 A-10139136, Weiner, Benjamin.  
 A-2807195, Burnett, John Lionel.  
 A-1229447, Echevarria, Felipe.  
 A-5048277, Geller, Samuel.  
 A-5052632, Israel (Izrael), Joseph.  
 A-5511254, Sollano (Sallano), Salvatore.  
 A-5592838, Sonneborn, Herbert Joseph.  
 A-1895960, Tellez-Lara, Salvador.  
 A-5967610, Toy, Nee.  
 A-4656191, Wantroba (Watroba), Thomas.  
 A-4717588, Zukowski, Antonina.  
 A-4282074, Krawczuk, Peter.  
 A-2471862, Miszer, Ignatz.  
 A-8925175, Rich, Martha Lucille.  
 A-4926883, Leonelli, Eido.  
 A-10255683, Ross, Maurice.  
 A-1899433, Bravo, Lucio.  
 A-3073370, Consiglio, Anthony.  
 A-4495275, Evans, Julia.  
 A-6151475, Lowenthal, Philip Herman.  
 A-2053517, Aalto, George.  
 A-8890731, Constante-Fregoso, Rogilio.  
 A-10458255, Espinosa-Delgado, Miguel.  
 A-3818164, Jugloff, Theodore Louis.  
 A-1453355, Nartaniel, Nick.  
 A-10155976, Sederes, James George.  
 A-3339304, Brini, Pasquale Luigi.  
 A-2129962, Flores, Lino B.  
 A-2157328, Suarez, Ysidro, Jr.  
 A-4760319, Ho, Chu Hum.  
 A-6038920, Liedtke, Fred.  
 A-2481240, Poretz, Leo.  
 A-3411085, Tornello, Michael.  
 A-6487465, Valenti, Rocco.

#### WAIVER OF CERTAIN PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT

The joint resolution (H. J. Res. 528) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens was considered, ordered to a third reading, read the third time, and passed.

#### EERO JUNO VALKONEN

The bill (S. 292) for the relief of Eero Juno Valkonen 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, Eero Juno Valkonen 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.

#### CAROLINA M. GOMES

The bill (S. 1782) for the relief of Carolina M. Gomes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That Carolina M. Gomes, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act, from and after naturalization under this act, the said Carolina M. Gomes shall have the same citizenship status as that which existed immediately prior to its loss.

#### PEDER STRAND

The bill (S. 1975) for the relief of Peder Strand was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Peder Strand shall be held to meet the requirements for physical presence set forth in section 316 (a) (1) of that act and may be permitted to file his petition for naturalization in accordance with the requirements of section 334 of that act: *Provided*, That such petition is filed not later than 1 year following the date of the enactment of this act.

#### MRS. HILDEGARD PORKERT

The bill (S. 2497) for the relief of Mrs. Hildegard Porkert 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, Mrs. Hildegard Porkert 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.

**LEOBARDO CASTANEDA VARGAS**

The bill (S. 2997) for the relief of Leobardo Castaneda Vargas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Leobardo Castaneda Vargas. From and after the date of enactment of this act, the said Leobardo Castaneda Vargas shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

**APOLONIA QUILES QUETGLAS**

The bill (H. R. 2935) for the relief of Apolonia Quiles Quetglas was considered, ordered to a third reading, read the third time, and passed.

**MARIA DITTENBERGER**

The bill (H. R. 8239) for the relief of Maria Dittenberger was considered, ordered to a third reading, read the third time, and passed.

**MICHAEL ROMANOFF**

The bill (H. R. 8348) for the relief of Michael Romanoff was considered, ordered to a third reading, read the third time, and passed.

**FRED G. CLARK**

The Senate proceeded to consider the bill (S. 1248) for the relief of Fred G. Clark, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the year "1948", to strike out "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" and insert "and to have met the physical presence and continuous residence requirements of section 316 of that act, notwithstanding his temporary periods of absence from the United States in the employment of the United States Armed Forces: *Provided*, That he file a petition for naturalization not later than 1 year following the date of the enactment of this act," so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Fred G. Clark shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 10, 1948, and to have met the physical presence and continuous residence requirements of section 316 of that act, notwithstanding his temporary periods of absence from the United States in the employment of the United States Armed Forces: *Provided*, That he file a petition for naturalization not later than 1 year following the date of the enactment of this act.

The amendment was agreed to.

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

**JOSEPH H. CHOY**

The Senate proceeded to consider the bill (S. 2940) for the relief of Joseph H. Choy, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "April", to strike out "10" and insert "5"; so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Joseph H. Choy shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 5, 1941, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

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

**KATINA LECKAS AND ARGERY LECKAS**

The Senate proceeded to consider the bill (S. 3007) for the relief of Katina Leckas and Argery Leckas, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the words "United States", to insert a colon and "*Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Katina Leckas shall be held and considered to be the natural-born minor alien child of John Leckas, a citizen of the United States.

Sec. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Argery Leckas, shall be held and considered to be the natural-born alien child of John Leckas a citizen of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The amendment was agreed to.

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

**ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS**

The Senate proceeded to consider the joint resolution (H. J. Res. 527) to facilitate the admission into the United States of certain aliens, which had been reported from the Committee on the Judiciary, with amendments, on page 1, after the enacting clause, to strike out "That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Chan Yak Shing, shall be held and considered to be the natural-born alien child of Peter Chin, also known as Chan Jung Dot, a lawfully resident alien of the United

States"; at the beginning of line 8, to strike out "Sec. 2. For" and insert "That, for"; on page 2, at the beginning of line 3, to change the section number from "3" to "2"; at the beginning of line 8, to change the section number from "4" to "3"; at the beginning of line 13, to change the section number from "5" to "4"; after line 17, to strike out:

SEC. 6. For the purposes of sections 101 (a) 27 (A) and 205 of the Immigration and Nationality Act, Kim shun Fong shall be held and considered to be the natural-born alien minor child of Thomas L. Fong, a citizen of the United States.

And, on page 3, at the beginning of line 1, to change the section number from "7" to "5".

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.

**RELIEF OF CERTAIN ALIENS**

The Senate proceeded to consider the bill (S. 952) for the relief of certain aliens, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the name "Lazaris", to insert "and", and in the same line, after the name "Kirit-siz", to strike out "and Harilaos F. Ikononou", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Konstantin M. Moutsos (also known as Milton K. Moutsos), Vasilios Jetos, Loucas Zuppas, George Nerantzis, Dimitrios Lazaris, and Kimon Kirit-siz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendments were agreed to.

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

**LASZLO KALMAR**

The Senate proceeded to consider the bill (S. 2340) for the relief of Laszlo Kalmar, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "Act", to insert "be issued a visa and", and, at the beginning of line 10, to insert "Public Health Service, Department of Health, Education, and Welfare", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (6) of section 212 (a) of the Immigration and Nationality Act, Laszlo Kalmar may, if he is found to be otherwise admissible under the provisions of such act, be issued a visa and be admitted to the United States for permanent residence, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose. A suitable or proper bond or undertaking, approved by the Attorney



General, shall be given by or on behalf of the said Laszlo Kalmar in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such act. This act shall apply only to grounds for exclusion under paragraph (6) of section 212 (a) of such act 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.

#### PETER LISZCZYNSKI

The Senate proceeded to consider the bill (S. 2950) for the relief of Peter Liszczyński, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 3, after the word "the", to strike out "provision of section" and insert "provisions of sections"; in line 4, after the numeral "(1)", to insert "and 212 (a) (7)"; at the beginning of line 11, to strike out "this exemption" and insert "these exemptions", and, in the same line, after the word "to", to strike out "a ground" and insert "grounds"; so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provisions of sections 212 (a) (1) and 212 (a) (7) of the Immigration and Nationality Act, Peter Liszczyński, may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act: *Provided further*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendments were agreed to.

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

#### HERTA WILMERSDOERFER

The Senate proceeded to consider the bill (S. 3019) for the relief of Herta Wilmersdoerfer, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "Act", to insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act"; so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provisions of paragraphs (1) and (4) of section 212 (a) of the Immigration and Nationality Act, Herta Wilmersdoerfer 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 a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *Provided further*, That 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 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.

#### BILL PASSED OVER

The bill (S. 2861) to extend for an additional 4-year period the provisions of the National Wool Act of 1954, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### FREE IMPORTATION OF CERTAIN ARTICLES FROM FOREIGN COUNTRIES

The bill (H. R. 9655) to permit articles imported from foreign countries for the purpose of exhibition at the Oregon State Centennial Exposition and International Trade Fair to be held at Portland, Ore., to be admitted without payment of tariff and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MORSE. Mr. President, the bill (H. R. 9655) which has just passed the Senate, was introduced on the House side by Oregon's very capable and effective Congresswoman, EDITH GREEN. As soon as this bill becomes law, it will be of tremendous help to the State of Oregon in connection with the Oregon State Centennial Exposition and International Trade Fair to be held in Portland in 1959.

This bill will permit exhibit articles imported from foreign countries to be admitted without the payment of tariff. I congratulate Congresswoman GREEN and express appreciation to the members of the Senate Finance Committee for the speed with which this bill was handled.

While I am on the subject, I wish to take this opportunity to applaud the efforts of Governor Robert Holmes, the officials of the Oregon State Centennial Exposition and Trade Fair, and the people of Oregon for their endeavors to bring to the exposition the products and tangible evidence of achievements of people from all parts of the world and from all areas of our Nation. This exchange of knowledge will cover a great many areas of human endeavor and is bound to bring lasting benefits to the State of Oregon and our Nation.

In these times of crisis and seemingly all-pervading atmosphere of distrust, perhaps the people of Oregon can in some measure open the door to mutual trust among people throughout the world. Perhaps that mutual understanding and confidence which, apparently, cannot be established through diplomatic channels, can be accomplished through the atmosphere of common understanding that will be created as a result of the Oregon Exposition.

The action of the Senate Finance Committee and of the United States Senate on H. R. 9655 will contribute much to the success of the Oregon Centennial Exposition and International Trade Fair.

#### BILLS PASSED OVER

The bill (S. 1356) to amend the anti-trust laws by vesting in the Federal Trade Commission jurisdiction to prevent monopolistic practices and other

unlawful restraints in commerce by certain persons engaged in commerce in meat and meat products, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over, as not proper calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3632) to amend Public Law 85-162 to increase the authorization for appropriations to 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. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### ACCEPTANCE OF STATUE OF CHARLES MARION RUSSELL TO BE PLACED IN STATUARY HALL

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 80) accepting the statue of Charles Marion Russell, presented by the State of Montana, to be placed in Statuary Hall.

Mr. MURRAY. Mr. President, in connection with the Charles M. Russell resolution which is now being considered, I am happy to state that in October the State of Montana will be represented in Statuary Hall by a statue of Charles M. Russell, Montana's great cowboy artist. Also during October a fine collection of Charlie Russell's original paintings and illustrations will be displayed in the National Museum of Fine Arts.

I am pleased to note a growing appreciation for Charlie Russell as a man and as an artist, who accurately pictured an exciting era in American history.

The current issue of True magazine carries an excellent article about him, along with reproductions of some of his pictures. I should like to point out that in addition to the wonderful museum of Russell art in Helena, referred to in the article, there is also a museum in Great Falls with a fine collection of his work.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article from True magazine, by Huntington Smith, entitled "Oilpaint and Warpaint."

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

#### OILPAINT AND WARPAINT

(By Huntington Smith)

Long after Charlie Russell achieved fame as one of the greatest painters of the Old West, he still wrote letters to friends he had known while riding the range. In one of these letters he said: "If the buffalo would come back tomorrow, I wouldn't be slow shedding to a breech clout, and it's a cinch you wouldn't get homesick in a skin lodge."

Russell's West had long since vanished when he wrote those lines, but he lived in it still. In 1880, just before his 16th birthday, he left a comfortable home in St. Louis headed for Montana. He never returned except as a visitor. He painted the West from the inside, and he loved everything he painted.

On the roundups he carried a box of water colors in his bedroll. He sketched and painted on box lids, tobacco tins, blue-lined tablet paper and anything else that came to

hand. He gave his pictures away or traded them for drinks. Today a Russell painting brings as much as \$20,000. He always kept a ball of beeswax in his pocket, out of which he modeled enchantingly life-like little figures of horsemen and animals, then crushed them back into the ball again so he could make another. He never gave a hoot for money or success.

Despite the reckless scattering of his early work there are some 2,500 of his paintings in existence, plus 70 bronze subjects, any number of pen-and-ink drawings, letters, and a few small precious clay figures which survived his prodigal unconcern. Two museums, in Helena, Mont., and in Claremont, Okla., now hold many of his best works and a third large collection is owned by the Carter foundation in Fort Worth, Tex.

In 1864, when Russell was born, St. Louis was still haunted by memories of the fur trade. Plainsmen in buckskin still got drunk in the bars; soldiers were coming and going to the Indian wars; great steamboats tied up at its docks and it was the greatest mule market in the world. Charlie had a healthy taste for so-called low company, and he hung around the waterfront and the mule barns, drawing everything he saw. His father tried to interest him in the family business of brick manufacturing, but it was no use; the boy was hell-bent to go west.

His parents were kindly people who were at wits end over the behavior of their son. He hated school and wouldn't study. He played hooky and ran away from home. He was sent to a military school in New Jersey, where he did little except march off demerits. Back home next year, aged 14, he was entered in an art class in hopes that would keep him happy, but he walked out after 3 days because the instructor, dissatisfied with his drawing of a plaster foot, hadn't yet told him what was wrong with it.

"Besides, I wanted to draw something alive," Charlie said. That class was almost the sum total of his formal art schooling.

Once he saved up \$64 out of his allowance and odd-job money, hoping to accumulate enough for a start west. But his mother found the cache in a bureau drawer and put it in the bank for him. This dirty trick was the last straw. There were more storms and scenes, until the exhausted elder Russells gave in. They arranged for him to make a trip to Montana with a friend of his father's.

Montana was on the upbeat in 1880. The cowmen had run the Indians off; the nesters hadn't yet run the cowmen off; there was a stage station called Ubet, and another town called Beef Straight. Creeks were named Dead Man and Whoop-up—and lived up to their names. But Charlie managed to gain a reputation for being ornery even in this wide, free and uproarious land. His father's friend was a sheepman. Promptly manifesting the instincts of a true cowboy, Charlie hated sheep and let most of them get away.

Before long, he struck out on his own with two old work horses—riding one and packing his bed on the other. He found haven in the mountain cabin of Jake Hoover, whose deep outdoor knowledge and sensitive understanding were just what the rebellious boy needed. Hunting and riding traplines with Jake, he learned enough about the anatomy and habits of wild creatures to last him a lifetime of painting.

"Jake was a skin hunter but he wasn't wasteful; he sold all the meat he couldn't use to ranchers," said Russell, who never could bear squandering the lives of animals.

In the spring of 1881, the foreman of the Judith roundup needed a night horse wrangler, and "Kid" Russell was hired to night-hawk the cavvy of 400 horses needed to mount 75 hard-riding men. One of the cowmen with the roundup asked about the new

hand and was told it was that kid who drew pictures so real.

"Well, if it's that Buckskin Kid I'm betting we'll be afoot in the morning," grumbled the cowman. But they weren't afoot, and Russell rode for the outfit for 11 years.

Though celebrated as the cowboy artist, Russell himself never claimed to be either an artist or a cowboy. In art he called himself an illustrator. On the range he was a night wrangler, watching over the horses in the spring, the beef herd in the fall.

"I am not what the people think a cowboy should be. I was neither a good roper nor rider," he said modestly. But to be placed in charge of a beef herd at night, when a stampede could cost the owners tens of thousands of dollars in lost weight, was the peak of responsibility.

In the eighties the Plains Indians were no longer on the warpath but they were far from tame. They roved the country in hunting parties, occasionally throwing a scare into some rancher; they camped on the edges of towns when a Fourth of July celebration was going on. Russell and his scalawag friend, Teddy Blue, never passed up a chance to visit them. There were attractions in the Indian camps.

"We were starving for the sight of a woman," Blue wrote after passing the safe age of 70. "Some of these young squaws were awful good looking, with their fringed dresses of soft deer or antelope skin that hung just below the knees—that was all they wore, just the dress—and their beaded leggings and wide beaded belts. Oh boy, but they looked good to us."

In the fall of 1888, Russell took it into his head to visit the Blood Indians, relatives of the Blackfoot Tribe, in Canada. He stayed 6 months, living as one of them. While with the Bloods, Russell acquired his Indian name, Ah-Wah-Cous, meaning antelope. Little else has been revealed. Most white men who lived any length of time with the Indians were sufficiently Indianized themselves to be uncommunicative after their return to civilization. Charlie Russell transmuted some of what he knew into his paintings, but he kept the rest to himself.

He painted Indians as he painted cowboys, with detailed knowledge and complete accuracy. Once someone called him for a supposed error; an Indian belonging to a certain tribe had been pictured wearing the bead-work characteristic of another tribe.

"Well he couldn't help it, because that was the tribe his wife belonged to," was Russell's rejoinder.

Another time a cattleman friend was visiting him in his studio while he worked. Without looking around Russell said, "Tell me a brand that would be on a horse coming from Mexico." The cattleman, who knew Mexico, described one. Russell painted it. He never pictured a brand on an animal that wasn't real. Some critics questioned whether such exactitude had much to do with art, but today his work is doubly valued because it is a gold mine of authenticity for historians, writers, and anyone else seeking to recreate the bygone West.

In 1889 some of the outfits Russell worked for moved their herds north of the Missouri to Milk River. He went with them, but 1892 was his last year of regular range work. The country was changing and so was he. He painted and drifted and drank, some sort of a ferment working in him. Cowpunching being a seasonal occupation in the main, most of the boys were out of a job during the cold months. One winter Russell was holed up with a broken-down prizefighter, a laid-off roundup cook, a slightly unlucky gambler, and other desperadoes in a shack which they christened the Red Onion. Next winter he threw in with a similar combine which a local editor dubbed the Hungry Seven. Charlie painted his arm off to feed and likker them.

Despite all these monkeyshines he was becoming known. One of the best of his early oils had been reproduced in *Harpers' Weekly*, and a few of his sketches had been published. But he and money just couldn't seem to get along. When cash customers were found who were willing to pay him \$5 or \$10 for a picture he referred to them as suckers, not so much in a spirit of ingratitude as of apology. The saloon men in Great Falls were among his earliest admirers and promoters. One time one of them sang his praises to a wool buyer from Boston who ordered two pictures. When asked how much he wanted, Russell told the man he wanted \$50. Thinking Russell meant \$50 apiece, the man handed over a check for \$100. Russell took the check, but he told friends that it ate at his conscience for years afterwards.

In 1895, when Russell was 31, he met and married a girl named Nancy Cooper, whom he met at a supper one night at a saddle-maker's in Cascade, Mont. His proposal was typical Russell.

"Nancy," he said, "don't you want to throw in with me? I think I can scrape up enough grub to feed us both for a while." The girl, mistaking the proposal for a proposition, stalked away from the puzzled cowboy. It wasn't for quite a while that Russell learned what the matter was, and when he found out he walked straight up to the girl and said, "Hell, no. I want you to marry me." She did; and, as Will Rogers remarked long after, the last Russell painting had been traded over a bar.

"Mame," as he always called her, had courage and commonsense and a fierce belief in her husband's greatness; and she set about to get what his pictures were worth. Early in their life together they had an appointment with Montana's millionaire mining magnate, Senator Clark. Nancy resolved to ask \$350 from such a prospect. "You won't get it," Charlie scoffed—but she did.

Toward the end of his career he was paid \$30,000 for a mural in the home of an oil man. When the check came he squinted unbelievably and asked his wife to read the figures to him.

"Why Mame, that's dead men's prices," was his awed comment.

Some of his old pals never were reconciled to "that damn woman." Among them was old John Mathewson, the freighter, whose huge, horsedrawn wagon convoys that supplied northern Montana in Territorial days live on in Russell's great painting, *The Jerkline*.

"John was dirty and so hairy that his tangle of whiskers hid most of his face except his eyes. He knew all about horses and mules and freight wagons, but nothing about the inside of a house," said Russell's ranching partner, Con Price. One night when Nancy was away, John came to visit the artist in the comfortable, unpretentious home in Great Falls.

"This is a hell of a wickiup for you to be living in," he said reproachfully. He was thrown for a loss by the bathroom. When Charlie offered to show him how its equipment worked, Mathewson refused, cursing freely, and made for the back yard.

In 1903 the Russells decided it was time to storm New York. They had a good deal of trouble getting together a portfolio of water colors to show to editors and publishers, because Charlie kept giving them away. But in time they arrived in Manhattan, and took a room at a small hotel called the Park View, which, as Charlie said, "didn't have no view of no park." He hung his oils in a little basement studio, while Nancy trudged around with the portfolio. The trip was no great success financially, but Charles Marion Russell was on his way.

As critics now see it, he reached his peak in the years 1905 to 1915, painting 65 major canvases in that golden decade, and branching out into bronzes besides. The little ball



of beeswax was paying off. The climax was 1911, when 25 pictures were shown to New York in a one-man exhibition. This brought worldwide recognition and a series of one-man shows, including one in London in 1914. As he blossomed into a reluctant social lion he learned to submit to formal evening parties, even formal evening attire. But through all the wining and dining he clung to his personal symbols: cowboy boots and a French halfbreed sash.

Russell was far from the simple child of nature the legend pictures him. It took an old, blunt-spoken cowman, Con Price, to put his finger on that. "Charlie was a great artist and left a very loving memory behind him, but I often wonder if any of us knew what was down inside the man. As only one among thousands that knew and loved him, I feel I knew very little about his nature. His pictures and work only tell a very small part about him."

Russell liked nearly everybody, but he could take ferocious dislikes on occasion. Whereas most men of the West were matter-of-fact about horses, treating them as something to be used, he loved his horses and kept them to the end of their days. He was so sensitive to the sufferings of animals that he never went hunting for pleasure, because it was no pleasure to him. Yet he accepted and understood the Indians, who were sometimes merciless.

New York City to him was always "the big camp"—too big, and it had "too many tall tepees." Revisiting Chicago as a famous artist in 1916, he recalled how lonesome he had been on his first trip 32 years earlier as a cowboy armed with a punch pole, riding on top of a cattle car above a load of steers.

"The whole world has changed since then but I have not," he wrote, "I'm no more at home in a big city than I was then, and I'm still lonesome."

He hated automobiles, and always referred to them as "skunk wagons," derisive Indian name for those early gas buggies. He had no use for so-called progress or for modern inventions.

"He called the automatic rifle 'a God damned diarrhea gun'—and I wonder how he'd have spelled it," chortles his latest biographer, J. Frank Dobie. He would sometimes explode into sentiments like:

"To hell with the booster,  
The world is no longer free.  
The worst old-timer I ever saw  
Looks damn good to me."

Charlie Russell died in 1926 at the age of 62. His funeral was horse drawn. No one dares think what might have happened if he had been carried to his last resting place in a gasoline-powered vehicle.

He painted the West in glowing sunrise colors, which grew brighter as he grew older and as his mastery grew. Once he exclaimed to an interviewer: "Say, did you ever go out in the hills in Montana or New Mexico or Colorado in Indian summer? If you can see color you know there are not fine enough colors in the tubes to exaggerate them."

One of his great late pictures is called *The Romance Makers*. It shows a party of mountain men—the buckskin-wearing first comers of the West—riding out over a virgin prairie. The mountain men were not always pretty people, as no man knew better than Russell: they could scalp an enemy or relish a feast of raw buffalo entrails with as much gusto as an Indian. But the painting shows only the freedom of life and the freshness of morning.

Russell himself was a romance maker, one of the greatest who ever lived.

**THE PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 80) was agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the statue of Charles Marion Russell, presented by the State of Montana, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most gifted and colorful citizens, noted for his artistic skill; and be it further

*Resolved,* That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Montana.

#### PLACEMENT OF STATUE OF CHARLES MARION RUSSELL

The concurrent resolution (S. Con. Res. 81) to place temporarily in the rotunda of the Capitol a statue of Charles Marion Russell, and to hold ceremonies on said occasion was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the State of Montana is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Charles Marion Russell, of Montana, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

#### PRINTING OF PROCEEDINGS IN CONNECTION WITH ACCEPTANCE OF STATUE OF CHARLES MARION RUSSELL

The concurrent resolution (S. Con. Res. 82) to print the proceedings in connection with the acceptance of the statue of Charles Marion Russell, late of Montana, was considered, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the proceedings at the presentation, dedication, and acceptance of the statue of Charles Marion Russell, to be presented by the State of Montana in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

Sec. 2. There shall be printed 3,000 additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which 100 copies shall be for the use of the Senate and 1,200 copies shall be for the use of the Members of the Senate from the State of Montana, and 500 copies shall be for the use of the House of Representatives and 1,200 copies shall be for the use of the Members of the House of Representatives from the State of Montana.

#### PRINTING OF REVISED EDITION OF THE ELECTION LAW GUIDEBOOK

The resolution (S. Res. 296) authorizing the printing of a revised edition of the *Election Law Guidebook* was considered and agreed to, as follows:

*Resolved,* That a revised edition of Senate Document Numbered 116 of the Eighty-fourth Congress, entitled "*Election Law Guidebook*," be printed as a Senate document.

#### ONE HUNDRED AND FIRST AIRBORNE DIVISION ASSOCIATION MEMORIAL

The joint resolution (H. J. Res. 451) authorizing the 101st Airborne Division Association to erect a memorial in the District of Columbia, was considered, ordered to a third reading, read the third time, and passed.

#### PRINTING OF ADDITIONAL COPIES OF SENATE REPORT NO. 1387 ENTITLED "ADMINISTERED PRICES—STEEL"

The Senate proceeded to consider the resolution (S. Res. 285) to print for the use of the Committee on the Judiciary additional copies of Senate Report No. 1387 entitled "*Administered Prices—Steel*," which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "*Judiciary*," to strike out "*four thousand*" and insert "*three thousand three hundred*," so as to make the resolution read:

*Resolved,* That there be printed for the use of the Committee on the Judiciary 3,300 additional copies of Senate Report No. 1387, 85th Congress, 2d session, entitled "*Administered Prices—Steel*."

The amendment was agreed to. The resolution, as amended, was agreed to.

#### RESOLUTIONS AND BILL PASSED OVER

The resolution (S. Res. 287) authorizing a study of the textile industry of the United States was announced as next in order.

Mr. TALMADGE. Over, by request. The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6908) to authorize modification and extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans and for other purposes, was announced as next in order.

Mr. CLARK. Over, as not being proper calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 62) to request the President to use his best efforts to bring about a meeting of representative citizens from all the North Atlantic Treaty Organization nations to examine ways to promote greater cooperation among those nations, was announced as next in order.

Mr. TALMADGE. Over, as not proper calendar business.

#### POSTHUMOUS AWARDS OF CONGRESSIONAL MEDALS OF HONOR

The Senate proceeded to consider the bill (S. 1225) to authorize the award posthumously of Congressional Medals of Honor to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington, which had been reported from the Committee on Armed Services,

with an amendment to strike out all after the enacting clause and insert:

That the President is authorized to award posthumously appropriate medals and certificates to Chaplain George L. Fox, of Cambridge, Vt.; Chaplain Alexander D. Goode, of Washington, D. C.; Chaplain Clark V. Poling, of Schenectady, N. Y.; and Chaplain John P. Washington, of Arlington, N. J., in recognition of the extraordinary heroism displayed by them when they sacrificed their lives in the sinking of the troop transport *Dorchester* in the North Atlantic in 1943 by giving up their life preservers to other men aboard such transport.

Sec. 2. The medals and certificates authorized by this act shall be in such form and of such design as shall be prescribed by the President, and shall be awarded to such representatives of the aforementioned chaplains as the President may designate.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington."

Mr. JAVITS subsequently said: Mr. President, I notice from reading the report on this bill, which is a magnificent tribute to 4 very brave men whose memory will live for as long as our country endures, namely, the 4 chaplains who went down with the *Dorchester* in one of the most heroic acts of all time in American history, that the chaplains are not identified by faith.

By the strange stroke of providence when they made the supreme sacrifice their faith illustrated to a remarkable degree what we call brotherhood in this country, in behalf of which many organizations, including the National Conference of Christians and Jews, the National Catholic Welfare Conference, and other church organizations and worldwide services, and a host of other organizations, are spending so much energy and money to convey the message to the American people.

I believe the RECORD should show that these chaplains represented three great faiths. Two were Protestant, one Catholic, and one Jewish.

To honor this concept of common sacrifice in a cause common to all men of all faiths, the highest decoration in our country's list of decorations is being awarded posthumously. It is fitting that the RECORD should show that they represented three great faiths in our country, in order that their consecration may stand not only as a contribution to the country, but to the brotherhood of all mankind, regardless of faith.

#### LAURANCE F. SAFFORD

The Senate proceeded to consider the bill (S. 1524) for the relief of Laurance F. Safford, which had been reported from the Committee on the Judiciary, with an amendment on page 1, at the beginning of line 6, strike out "\$150,000"

and insert "\$100,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to Laurance F. Safford, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, in full satisfaction of all claims against the United States in connection with cryptographic systems and apparatus invented and developed by him while serving on active duty in the United States Navy which have been held in secrecy status by the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

#### INCORPORATION OF CONGRESSIONAL MEDAL OF HONOR SOCIETY OF THE UNITED STATES

The Senate proceeded to consider the bill (S. 1857) to authorize the incorporation of the Congressional Medal of Honor Society of the United States of America, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the following-named persons: Maj. Gen. David M. Shoup, United States Marine Corps, Virginia; Joel T. Boone, Washington, D. C.; Samuel I. Parker, New Jersey; Nicholas Oresko, New Jersey; Luther Skaggs, Maryland; Rufus G. Herring, North Carolina; Nathan Gordon, Arkansas; Joseph J. McCarthy, Illinois; Pierpont M. Hamilton, California; Daniel W. Lee, Alabama; Walter D. Ehlers, California; David E. Hayden, California; William E. Huber, California; Robert S. Kennemore, California; Jackson C. Pharris, California; William J. Crawford, Colorado; Hugh C. Frazer, Washington, D. C.; Robert E. Galer, Washington, D. C.; Edouard V. M. Izac, Washington, D. C.; Leon W. Johnson, Washington, D. C.; Keith L. Ware, Washington, D. C.; John C. Latham, Connecticut; Homer L. Wise, Connecticut; Charles P. Murray, Georgia; Robert E. Gerstung, Illinois; Jake Alex Mandusich, Illinois; John L. Barkley, Kansas; Charles E. Kelly, Kentucky; John D. Bulkeley, Maryland; Justice M. Chambers, Maryland; Lawson P. Ramage, Washington, D. C.; Charles A. MacGillivray, Massachusetts; Everett P. Pope, Massachusetts; Russell E. Dunham, Missouri; Arthur J. Forrest, Missouri; M. Waldo Hatler, Missouri; Carl L. Sitter, North Carolina; Max Thompson, North Carolina; Francis X. Burke, New Jersey; Thomas J. Hudner, New Jersey; Samuel M. Sampler, New Jersey; Charles Henry Willey, New Hampshire; Frank L. Anders, North Dakota; Ernest Childers, Oklahoma; John R. Crews, Oklahoma; Jack C. Montgomery, Oklahoma; Robert D. Maxwell, Oregon; Gino J. Merli, Pennsylvania; Oscar Schmidt, Pennsylvania; Thomas Eadie, Rhode Island; Charles H. Coolidge, Tennessee; Carlton W. Barrett, Virginia; Raymond G. Davis, Virginia; Paul F. Foster, Virginia; James R. Hendrix, Virginia; John Mihalowski, Virginia; Louis H. Wilson, Virginia; Orville E. Bloch, Washington; Robert E. Bonney, Washington; Einar

H. Ingman, Wisconsin; Herschel W. Williams, West Virginia; and their successors are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be by the name of the Congressional Medal of Honor Society of the United States of America (hereafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

#### COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

#### OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 3. The objects and purposes of the corporation are as follows:

- (1) To form a bond of friendship and comradeship among all holders of the Congressional Medal of Honor.
- (2) To protect, uphold, and preserve the dignity and honor of the medal at all times and on all occasions.
- (3) To protect the name of the medal, and individual holders of the medal from exploitation.
- (4) To provide appropriate aid to all persons to whom the medal has been awarded, their widows or their children.
- (5) To serve our country in peace as we did in war.
- (6) To inspire and stimulate our youth to become worthy citizens of our country.
- (7) To foster and perpetuate Americanism.

#### POWERS OF THE CORPORATION

SEC. 4. The corporation shall have power—

- (1) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (2) to adopt, alter, and use a corporate seal;
- (3) to choose officers, managers, and agents as the business of the corporation may require;
- (4) to charge and collect membership dues;
- (5) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State, (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;
- (8) to transfer, lease, or convey real or personal property;
- (9) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and
- (10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

#### PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, D. C., or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be



confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service to or notice on the corporation.

#### MEMBERSHIP RIGHTS

SEC. 6. (a) Any person who has been awarded the Medal of Honor is eligible for membership in the society.

(b) Honorary memberships shall not be granted.

(c) Each member of the corporation shall have the right to one vote either in person or by proxy on each matter submitted to a vote at all meetings of the members of the corporation.

#### GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. (a) The governing body of the corporation is its board of directors which during the year 1958 will comprise the following: President, David M. Shoup; executive vice president, Joel T. Boone; secretary-treasurer, Samuel I. Parker; first regional vice president, Nicholas Oresko; second regional vice president, Luther Skaggs; third regional vice president, Rufus G. Herring; fourth regional vice president, Nathan Gordon; fifth regional vice president, Joseph J. McCarthy; sixth regional vice president, Pierpont M. Hamilton; who currently hold such offices in the Congressional Medal of Honor Society of the United States of America.

(b) Thereafter the board of directors of the corporation shall consist of such number (not less than nine), shall be elected in such manner (including the filling of vacancies) and shall serve their terms as may be prescribed in the bylaws of the corporation.

(c) The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined, except that if the offices of secretary and treasurer are combined and are held by one person, he shall have only one vote as a member of the board of directors. The board shall meet at least annually. The president of the corporation shall act as chairman of the board.

#### OFFICERS; POWERS; ELECTION; TENURE

SEC. 8. (a) The officers of the corporation shall consist of a president, executive vice president, secretary, treasurer, and six regional vice presidents as may be provided in the bylaws. The office of secretary may be combined with the office of treasurer and the combined offices may be held by one person.

(b) The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

#### DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board of directors; or

(2) the payment of appropriate aid to persons to whom the Medal of Honor has

been awarded, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

#### NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to or participate in, directly or indirectly, local or national political activity or in any manner attempt to influence legislation.

#### LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

#### PROHIBITION AGAINST ISSUANCE OF STOCK OR ISSUANCE OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

#### BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

#### AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO CONGRESS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent certified accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities; (2) capital and surplus or deficit; (3) surplus or deficit analyses; (4) income and expenses; and (5) sources and application of funds. The report shall not be printed as a public document.

#### USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto.

#### TRANSFER OF ASSETS FROM PRIOR CORPORATION

SEC. 16. The corporation may acquire the assets of the Congressional Medal of Honor Society of the United States, Inc., a body corporate organized under the laws of the

State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

#### RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this act is expressly reserved.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to incorporate the Congressional Medal of Honor Society of the United States of America."

#### TAKA MOTOKI

The bill (S. 2984) for the relief of Taka Motoki was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That, in the administration of the Immigration and Nationality Act, Taka Motoki, the fiance of Clyde K. Crisler, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided,* That the administrative authorities find that the said Taka Motoki is coming to the United States with a bona fide intention of being married to the said Clyde K. Crisler and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Taka Motoki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Taka Motoki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Taka Motoki as of the date of the payment by her of the required visa fee.

#### WAIVER OF CERTAIN PROVISIONS OF THE NATURALIZATION ACT

The Senate proceeded to consider the joint resolution (H. J. Res. 553) to waive certain provisions of section 212 (a) of the Immigration and Naturalization Act on behalf of certain aliens, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after line 10, to strike out:

SEC. 2. Notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Nachum Pfeifenmacher may be issued a visa and admitted to the United States for permanent residence if he 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 unless the beneficiary is entitled to care under the Dependents' Medical Care Act, 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.

And, in lieu thereof, to insert:

SEC. 2. Notwithstanding the provision of section 212 (a) (6) of the Immigration and

Nationality Act, Nachum Pfeifenmacher and Sheu Shei Lan may be issued visas and be admitted to the United States for permanent residence if they are 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, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in each case as prescribed by section 213 of the Immigration and Nationality Act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

#### FREE IMPORTATION OF ARTICLES FOR EXHIBITION PURPOSES

The joint resolution (H. J. Res. 556) to permit articles imported from foreign countries for the purpose of exhibition at the California International Trade Fair and Industrial Exposition, Los Angeles, Calif., be admitted without payment of tariff, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

#### EXEMPTION FROM DUTY OF CERTAIN PISTOLS AND REVOLVERS

The bill (H. R. 1126) to amend the Tariff Act of 1930, to exempt from duty pistols and revolvers not using fixed ammunition was considered, ordered to a third reading, read the third time, and passed.

#### RATE OF DUTY ON HARPSICHOIDS AND CLAVICHORDS

The bill (H. R. 5208) to amend paragraph 1541 of the Tariff Act of 1930, as amended, to provide that the rate of duty in effect with respect to harpsichords and clavichords shall be the same as the rate in effect with respect to pianos was considered, ordered to a third reading, read the third time, and passed.

#### FREE IMPORTATION OF RELIGIOUS VESTMENTS AND REGALIA

The bill (H. R. 7516) to amend the Tariff Act of 1930 so as to permit the importation free of duty of religious vestments and regalia presented without charge to a church or to certain religious, educational, or charitable organizations was considered, ordered to a third reading, read the third time, and passed.

#### TEMPORARY SUSPENSION OF DUTY ON CERTAIN ALUMINA AND BAUXITE

The bill (H. R. 9917) to continue the temporary suspension of duty on certain alumina and bauxite was considered, ordered to a third reading, read the third time, and passed.

#### FREE IMPORTATION UNDER BOND FOR EXPORTATION OF ARTICLES TO BE REPAIRED

The bill (H. R. 9923) to amend the Tariff Act of 1930 to permit temporary free importation under bond for exportation of articles to be repaired, altered, or otherwise processed under certain conditions, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

#### FREE IMPORTATION OF GUAR SEED

The bill (H. R. 1011) to make permanent the existing privilege of free importation of guar seed was considered, ordered to a third reading, read the third time, and passed.

#### SUSPENSION OF DUTIES ON CERTAIN LATHES

The bill (H. R. 10792) to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing was considered, ordered to a third reading, read the third time, and passed.

#### FREE IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS

The bill (H. R. 11407) to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 358) to increase the monthly rate of pensions payable to widows and former widows of deceased veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

Mr. CLARK. Over.

Mr. FREAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania withhold his objection?

Mr. CLARK. I am glad to do so.

Mr. FREAR. I did not understand who objected.

Mr. CLARK. It was the feeling of the calendar committee that inasmuch as the bill calls for an appropriation of \$12 million, it should not be handled on the call of the calendar, but should be taken up on motion at the proper time.

Mr. FREAR. Does the Senator from Pennsylvania think it will cost any less at that time than it would now?

Mr. CLARK. I anticipate that at that time other Senators who do not happen to be in the Chamber at the moment, and whose judgment may not agree with that of the calendar committee, will have an opportunity to be heard.

The PRESIDING OFFICER. Is the objection renewed?

Mr. CLARK. Objection is renewed.

The PRESIDING OFFICER. The bill will be passed over.

Mr. FREAR subsequently said: Mr. President, did the Chair announce that

the bill would be passed over, or passed to the foot of the calendar?

The PRESIDING OFFICER. As the Chair understood the request, it was that the bill be passed over, as not being proper business to transact on the call of the calendar.

Mr. CLARK. Mr. President, it is my understanding that the bill was passed over, and not passed to the foot of the calendar.

I invite the attention of my friend from Delaware to the fact that the majority leader stated earlier in the day that he hoped to be able to take the bill up on motion before the conclusion of today's business.

Mr. FREAR. Can the Senator from Pennsylvania give any assurance that that will be done?

Mr. CLARK. All I can do is to relay to my friend from Delaware the statement of the majority leader. I have implicit faith in the majority leader.

Mr. FREAR. If I did not have, I would be denying something that I would not be willing to deny.

#### SUSPENSION OF IMPORT DUTIES ON CERTAIN COARSE WOOL

The Senate proceeded to consider the bill (H. R. 2151) to suspend for 3 years the import duties on certain coarse wool, which had been reported from the Committee on Finance, with amendments, on page 2, line 5, after the word "the", to strike out "three year"; in line 7, after the word "act", to insert "and ending at the close of June 30, 1960"; and, after line 8, to insert:

SEC. 3. Section 101 (c) of the Customs Simplification Act of 1954 (Public Law 768, 83d Cong.) is amended by striking out "March 1, 1958" and inserting in lieu thereof "January 1, 1969."

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 provide for the temporary suspension of the import duties on certain coarse wool, and to provide additional time for the Tariff Commission to review the customs tariff schedules."

#### FREE IMPORTATION OF AMORPHOUS GRAPHITE—BILLS PASSED OVER

The bill (H. R. 2783) to amend the Tariff Act of 1930, to provide for the free importation of amorphous graphite was announced as next in order.

Mr. CLARK. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

Mr. FREAR subsequently said: Mr. President, returning for a moment to Calendar No. 1518, House bill 2783, which was passed over on objection by the Senator from Pennsylvania, I ask unanimous consent that instead of the bill being passed over, it be passed to the foot of the calendar.

Mr. CLARK. Mr. President, the bill was passed over at the request of another Senator. I shall be glad to advise



my friend from Delaware, off the floor, who that Senator is.

Mr. FREAR. The Senator from Delaware knows who that Senator is. The Senator from Delaware is trying to secure his presence in the Chamber. I do not believe that he would have any objection, because the bill has been amended.

Mr. CLARK. I am happy to amend my request and ask that the bill be placed at the foot of the Calendar, in order that we may indulge our friend from Delaware.

The PRESIDING OFFICER. The bill will be placed at the foot of the calendar.

#### ALLEVIATION OF UNEMPLOYMENT CONDITIONS—BILL PASSED OVER

The bill (S. 3683) to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas was announced as next in order.

Mr. TALMADGE. Over, as not being proper calendar business.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CLARK. Mr. President, I wish to state for the RECORD that I am happy to note that this bill, in which the distinguished present occupant of the chair [Mr. PAYNE] played a major part, will be taken up on motion in the near future for careful consideration by the Senate. I hope it will be taken up next week.

I agree with my friend from Georgia that this is not calendar business, but I did not want my silence to be taken as an indication of any lack of enthusiasm for the bill, an enthusiasm which I know the present occupant of the chair shares.

#### CONCESSIONAIRE LEASES

The bill (S. 3371) to amend the act of August 25, 1916, to increase the period for which concessionaire leases may be granted under that act from 20 to 30 years was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 3 of the act entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, as amended (16 U. S. C. 3), is amended by striking out "20 years" and inserting in lieu thereof "30 years."

#### GRANTING OF PUBLIC LANDS TO A STATE

The bill (H. R. 5149) to provide that whenever public lands have been heretofore granted to a State for the purpose of erecting certain public buildings at the capital of such State, such purpose shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### CONVEYANCE OF CERTAIN LANDS IN SHILOH NATIONAL MILITARY PARK, TENN.

The bill (H. R. 4115) to authorize the conveyance of certain lands in Shiloh National Military Park to the State of Tennessee for the relocation of highways and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MORSE. Mr. President, I wish to speak briefly on House bill 4115, which was reported by my colleague, the Senator from Oregon [Mr. NEUBERGER], on behalf of the Committee on Interior and Insular Affairs. The bill seeks to authorize the conveyance of certain lands in Shiloh National Military Park to the State of Tennessee for the relocation of highways, and for other purposes.

I have checked the bill very carefully. The Federal Government will undoubtedly receive benefits far in excess of the value of the land. At the present time, highways are running through the national park and creating traffic hazards and danger to the safety of the people traveling through the park.

The bill calls for the transfer of land to the State on the edge of the park, which the State will use for highway purposes or, with regard to such land as may not be covered by the highway, for recreational purposes, thereby serving the interests of the Federal Government in relationship to the Federal park.

Mr. President, I am satisfied that the taxpayers of the country will get good value for the property concerned, and the bill therefore does not violate the Morse formula.

#### CONSUMMATION OF DESIRABLE LAND EXCHANGES

The bill (H. R. 2170) to authorize the Secretary of the Interior to consummate desirable land exchanges was considered, ordered to a third reading, read the third time, and passed.

#### ACQUISITION OF CERTAIN LANDS TO THE FORT FREDERICA NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 1818) to direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 6, after "(49 Stat. 1373)", to insert "as amended"; on page 2, line 5, after the word "Monument", to insert "or interest in land"; and in line 7, after the word "lands", to insert "or interest in lands"; so as to make the bill read:

*Be it enacted, etc.*, That the first section of the act entitled "An act to provide for the establishment of the Fort Frederica National Monument, at St. Simon Island, Ga., and for other purposes," approved May 26, 1936 (49 Stat. 1373), as amended, is amended by striking out "100 acres" and inserting in lieu thereof "250 acres."

Sec. 2. The Secretary of the Interior is authorized and directed to acquire by purchase, condemnation, or otherwise, subject to the acreage limitation contained in the aforementioned act, the site known as the Bloody

Marsh Battle memorial monument located on St. Simon Island, Ga., together with such additional land, including the marshland across the river to the west of Fort Frederica National Monument, or interest in land, as in the judgment of the Secretary of the Interior might be desirable for the protection of such national monument. Such lands or interest in lands, acquired by the Secretary pursuant to this act shall be made a part of the Fort Frederica National Monument.

Sec. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed \$20,000, as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

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

#### EXECUTION OF CONTRACTS WITH INDIAN TRIBES

The bill (S. 2592) to amend the law relating to the execution of contracts with Indian tribes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 2103 of the Revised Statutes (25 U. S. C. 81), is amended (1) by deleting from the paragraph numbered "Second" the words "be executed before a judge of a court of record, and", and (2) by deleting all of the paragraph numbered "Sixth."

#### TRANSFER OF CERTAIN PROPERTY AND FUNCTIONS TO THE SECRETARY OF THE INTERIOR

The bill (S. 2594) to transfer certain property and functions of the Housing and Home Finance Administration to the Secretary of the Interior, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That all right, title, and interest, including contractual rights and reversionary interests, held by the Federal Government in and with respect to project ALAS-50080 heretofore administered by the Housing and Home Finance Administrator, are hereby transferred to the Secretary of the Interior. All of the powers, duties, and responsibilities of the Housing and Home Finance Administrator under the purchase and sale contract executed on October 1, 1946, by the United States, represented by the Acting Commissioner of the Federal Public Housing Authority, and by the Hoonah Indian Association, and transferred to the Housing and Home Finance Administrator by Reorganization Plan Numbered 3 of 1947 (61 Stat. 954), are hereby transferred to the Secretary of the Interior. There is also hereby transferred out of the fund entitled "Office of the Administrator revolving fund (liquidating programs)" established in the Office of the Administrator, Housing and Home Finance Agency, under title II of the Independent Offices Appropriation Act, 1955 (68 Stat. 272, 295), as amended, an amount equal to gross receipts from the project transferred by this section.

Sec. 2. For the purpose of liquidating such project the Secretary of the Interior is authorized, within the limits of funds available under section 3 of this act:

(a) To make any surveys of the land on which the project is located that may be needed to vest titles in the individual purchasers of housing units, or to bring the housing project within the Hoonah townsite.

(b) To finance transfers to the individual purchasers of housing units of any interests in the lands on which the housing units are located that may be vested in others.

(c) To refund to individual Indians any payments made by them for housing accommodations which they did not receive.

(d) To pay to individual Indians the fair value, as determined by the Secretary of the Interior, of any land which they conveyed to the Hoonah Indian Association for the use of the project in return for housing accommodations which they did not receive.

(e) To make any repairs or improvements to individual housing units that may be needed to permit the disposition of such units to individual Indians.

(f) To acquire by purchase or eminent domain any lands or interests in lands that are needed for streets and alleys within the project, and to dedicate such lands for public use; and to acquire by eminent domain any interests in land the acquisition of which is authorized to be financed under subsection (b) of this section, and to convey such interests to the purchaser of the individual housing units involved.

(g) To allocate equally to the individual housing units the \$240,000 purchase price which the Hoonah Indian Association agreed to pay to the United States, to credit against the allocated purchase price for each unit all payments on principal heretofore made with respect to such unit, and to cancel any portion of the remainder of the debt on any unit that exceeds the value of the unit (as determined by the Secretary) decreased by the sum of all payments on principal heretofore made with respect to such unit.

(h) To release from the mortgage securing the debt of the Hoonah Indian Association any individual housing unit upon payment of the uncanceled portion of the debt allocated to it.

SEC. 3. All funds transferred to the Secretary of the Interior pursuant to section 1 of this act and all funds hereafter collected from the project transferred by section 1 shall be established in a revolving fund in the Department of the Interior and may be used to carry out the purposes of this act, including administrative expenses.

#### CONVEYANCE OF CERTAIN LAND TO THE LUMMI INDIAN TRIBE— BILL PASSED OVER

The bill (H. R. 7681) to authorize the Secretary of the Interior to convey certain land with improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe was announced as next in order.

The PRESIDING OFFICER. The Senator from Oregon has entered an objection to the bill. It will be passed over.

Mr. MORSE. Mr. President, House bill 7681 authorizes the Secretary of the Interior to convey certain land with improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe.

I am not clear about the bill at this time, Mr. President, and I shall ask that it go over to the next call of the calendar.

Probably the bill is all right, but there is a question which concerns me. The property is worth several thousand dollars. It was purchased by the Federal Government in 1941 for \$300, and the Federal Government has spent several thousand dollars for building improvements. This property was used as an Indian school by the Indian tribe con-

cerned. The school has been disbanded, and the Indian children are now taken by bus to a consolidated school nearby.

I have no objection, Mr. President, to the property being conveyed to the Indians for recreational purposes, because of the Federal interest which is concerned, but there is nothing in the bill to protect the taxpayers from having the tribe sell the property the next day for a service station location or for any other commercial use. I point out that we cannot start a procedure whereby the Senate will transfer Federal property to Indian tribes to be used by the Indian tribes for non-Indian purposes.

If an amendment could be accepted which would make clear, as the Secretary of the Interior states in his letter, that the purpose of the transfer is to have the property used for recreational purposes by the Indians, and that if, as, and when the Indians cease to use the property for that purpose it will revert to the Federal Government, I would have no objection. What I am objecting to is what I think is a lack of clarity in the bill at the present time, and a lack of protection of the taxpayers against a transfer of property to an Indian tribe which would give the Indian tribe complete authority to proceed to sell it the next day for commercial purposes.

This is a small matter, but such action would constitute a precedent if the bill were to pass in its present form. Therefore, until I can agree upon a suitable amendment with the Senator from Washington [Mr. JACKSON], who is not in the Chamber, I shall object to the bill until the next calendar call.

The PRESIDING OFFICER. The bill will be passed over.

Without objection, the comments of the Senator from Oregon pertaining to Calendar 1522, House bill 4115, and Calendar 1530, House bill 8958, will be inserted in the RECORD at the proper place in the measures, and the objection of the Senator from Oregon to Calendar 1527, House bill 7681, will be noted when the bill is called.

#### PREPARATION OF ROLL OF PERSONS WHOSE ANCESTORS WERE MEMBERS OF OTOE AND MISSOURIA TRIBE OF INDIANS

The bill (S. 3138) to authorize the preparation of a roll of persons of Indian blood whose ancestors were members of the Otoe and Missouri Tribe of Indians and to provide for a per capita distribution of funds arising from a judgment in favor of such Indians was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that there is an identical bill, H. R. 8524, before the Committee on Interior and Insular Affairs.

Without objection, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill, and the Chair lays before the Senate the House bill, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 8524) to authorize the preparation of a

roll of persons of Indian blood whose ancestors were members of the Otoe and Missouri Tribe of Indians and to provide for a per capita distribution of funds arising from a judgment in favor of such Indians.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the House bill. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H. R. 8524) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3138 is indefinitely postponed.

#### CLEARANCE OF TITLE TO CERTAIN INDIAN LAND

The bill (H. R. 5624) to clear the title to certain Indian land was considered, ordered to a third reading, read the third time, and passed.

#### CONVEYANCE OF CERTAIN INDIAN LAND TO THE DIOCESE OF SUPERIOR, WIS.

The bill (H. R. 8958) authorizing the Secretary of the Interior to convey certain Indian land to the diocese of Superior, Superior, Wis., for church purposes and to the town of Flambeau, Wis., for cemetery purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MORSE. Mr. President, I should like to make a brief statement with reference to House bill 8958, authorizing the Secretary of the Interior to convey certain Indian land to the diocese of Superior, Superior, Wis., for church purposes and to the town of Flambeau, Wis., for cemetery purposes.

We are dealing with Indian tribal land in this case. It is the wish of the tribe that their land be disposed of in this manner. In my judgment, their wish carries out Federal Indian policy. They need this legislative sanction.

In my judgment, Mr. President, there is no violation of the Morse formula in such a transfer. The RECORD, therefore, should show I have no objection to the passage of the bill.

#### DESIGNATION OF BENEFICIARY OF EQUITABLE TITLE TO LAND ADDED TO ROCKY BOY'S INDIAN RESERVATION, MONT.

The bill (S. 2530) to designate the beneficiary of the equitable title to land purchased by the United States and added to the Rocky Boy's Indian Reservation, Mont., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the land acquired by the United States pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 984), title to which was conveyed to the United States of America in trust for the Chippewa, Cree, and other Indians of Montana, and thereafter added to the Rocky Boy's Indian Reservation, Mont., by proclamation signed



by the Assistant Secretary of the Interior on November 26, 1947, is hereby designated for the exclusive use of the members of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Mont.

#### RESTORATION TO TRIBAL OWNERSHIP OF CERTAIN CEDED LANDS ON INDIAN RESERVATIONS

The Senate proceeded to consider the bill (H. R. 8544) to provide for the restoration to tribal ownership of all vacant and undisposed-of ceded lands on certain Indian reservations, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, after line 6, under the subhead "Reservation and State—Approximate Acreage", in the third line, to strike out

Crow, Montana..... 5,480.95  
and insert  
Crow, Montana..... 10,260.95

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.

#### ACCELERATED RECLAMATION CONSTRUCTION PROGRAM

The resolution (S. Res. 299) for an accelerated reclamation construction program was announced as next in order.

Mr. HRUSKA. Over.

Mr. TALMADGE. Over, as not proper calendar material.

The PRESIDING OFFICER. The resolution will be passed over.

#### AMENDMENT OF SECTION 2 OF RULE XXII OF THE STANDING RULES OF THE SENATE

The resolution (S. Res. 17) to amend section 2 of rule XXII of the Standing Rules of the Senate was announced as next in order.

Mr. TALMADGE. Over, Mr. President, as not proper calendar business.

The PRESIDING OFFICER. Objection is heard. The resolution will go over.

#### FREE IMPORTATION OF AMORPHOUS GRAPHITE

The PRESIDING OFFICER. The Senate will now return to the consideration of the bill (H. R. 2783) to amend the Tariff Act 1930, to provide for the free importation of amorphous graphite. The bill was previously placed at the foot of the calendar.

Mr. FREAR. Mr. President, I have been unable to contact the Senator who had objected to the consideration of the bill. Therefore, I shall adhere to his request that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

That completes the call of the calendar.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me

so that I may suggest the absence of a quorum?

Mr. JAVITS. I yield for that purpose.

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

The PRESIDING OFFICER (Mr. Church in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

#### INCREASE IN PENSIONS PAYABLE TO WIDOWS AND FORMER WIDOWS OF DECEASED VETERANS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 1516, H. R. 358.

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

The CHIEF CLERK. A bill, H. R. 358, to increase the monthly rate of pensions payable to widows and former widows of deceased veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That the Veterans' Benefits Act of 1957 (Public Law 85-56) is amended:

(1) In section 431, strike out the figure "\$52.50" and insert the figure "\$65."

(2) In subsection 432 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75."

(3) Section 432 is amended by adding at the end thereof the following new subsection:

"(e) For the purpose of this section, and section 433, the term 'veterans' includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term 'active, military or naval service' includes active service in such forces."

(4) In section 433, strike out the figure "\$48.77" and insert the figure "\$73.13."

(5) In subsection 434 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75."

(6) In section 435, strike out the figure "\$48.77" and insert the figure "\$73.13."

(7) In subsection 436 (a), strike out the figure "\$54.18" and insert the figure "\$65", and strike out the figure "\$67.73" and insert the figure "\$75."

(8) In section 437, strike out the figure "\$62.31" and insert the figure "\$73.13."

Sec. 2. This act shall be effective from the first day of the second calendar month following its enactment.

Mr. JOHNSON of Texas. Mr. President, the Committee on Finance, to whom was referred the bill—H. R. 358—to increase the monthly rates of pension payable to widows and former widows of deceased veterans of the Spanish-American War, including the Boxer Rebellion

and the Philippine Insurrection, has considered the same and reported it favorably with amendments.

The bill, as passed by the House, proposed to increase the two rates of pension payable to widows of Spanish-American War and pay a single rate of \$75 per month, with proportionate increases for children.

The bill, as reported, will apply only to the widows of advanced ages. It will increase the Spanish War, Civil War, and Indian war widows' pension rate of \$54.18 to \$65 per month in case the widow is 70 years of age or over. If the widow was the wife of the veteran during the period of his service, the rate of \$67.73 per month will be increased to \$75 per month. Under this bill the pension rates will continue to be uniform for these groups. The bill includes proportionate increases for children. The average age of the widow married to the veteran during the period of his service is 80 years. The Mexican War widows' rates of pension of \$52.50 per month were increased to \$65 per month. There are four widows on the roll.

The bill, as amended, provides for a pension to the widows of veterans who served in the military or naval forces of the Confederate States of America during the Civil War at the same rates as are provided for widows of the Union forces. It is estimated that 2,600,000 Union veterans and 600,000 Confederate veterans served during the Civil War. Today there are approximately 4,000 widows of Union veterans on the pension rolls. It is estimated that if 1,000 widows of Confederate veterans could possibly qualify for benefits the cost would be approximately \$750,000.

It is my understanding that the Senator from Louisiana [Mr. LONG] is the author of the amendment providing for pensions for the approximately 1,000 widows of Confederate veterans.

The bill was unanimously reported by the Committee on Finance. There is much interest in it, and I hope the Senate will act on it unanimously.

At the suggestion of the Senator from Delaware [Mr. FREAR], I should like to add that there are approximately 84,000 Spanish War widows on the roll and about 4,000 of those widows were the wives of veterans during their periods of service. There are approximately 2,500 children on the roll. There are 4,000 Civil War widows on the roll today and 646 children drawing pension. As to the Indian war widows, there are 1,000 widows and 15 children on the roll. The bill includes the widows of veterans who served in the military or naval forces of the Confederate States of America during the Civil War under the same terms and conditions and at the same rates as provided for widows of veterans of the Union forces.

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

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to increase the monthly rates of pension payable to widows and former widows of deceased veterans of the Spanish-American War, Civil War, Indian war, and Mexican War, and provide pensions to widows of veterans who served in the military or naval forces of the Confederate States of America during the Civil War."

Mr. SMATHERS. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I wish to express my deep appreciation to the Senator from New York for his courtesy.

#### STUDY OF TEXTILE INDUSTRY

Mr. CLARK. Mr. President, now that the hour of 2 o'clock has arrived, I ask unanimous consent that the Senate proceed to the consideration of Calendar 1497, Senate Resolution 287, so as to make the resolution the unfinished business. The resolution authorizes a study of the textile industry of the United States.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 287) authorizing a study of the textile industry of the United States, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, and subsequently had been reported from the Committee on Rules with an additional amendment.

#### JURISDICTION OF THE SUPREME COURT

Mr. JAVITS. Mr. President, on behalf of the Senator from Pennsylvania [Mr. CLARK], the Senator from Missouri [Mr. HENNINGS], the Senator from North Dakota [Mr. LANGER], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIER], and myself, I send to the desk a joint resolution proposing an amendment to the Constitution of the United States relating to the jurisdiction of the Supreme Court. I ask that the joint resolution be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 169) to propose an amendment to the Constitution of the United States relating to the jurisdiction of the Supreme Court, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I ask unanimous consent that the joint resolution lie on the desk until the close of

business on May 5, in order to give Senators an opportunity to cosponsor it, if they so desire.

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

Mr. JAVITS. Mr. President, the Judiciary Committee has just reported what I consider to be a bill to curb the Supreme Court. The bill is a combination of a bill introduced by the junior Senator from Indiana [Mr. JENNER], S. 2646, and amendments to his bill submitted by the Senator from Maryland [Mr. BUTLER].

The bill is momentous in its implications; it is analogous to the Court-packing bill of 1937 and can be considered a raiding bill on the Supreme Court's jurisdiction.

Both the Senator from Indiana and the Senator from Maryland have addressed themselves to the provisions of their respective measures, and the Senator from Missouri [Mr. HENNINGS] has issued statements on the bill. They have had wide publicity, and, as a lawyer, I believe this is the time, in a considered and deliberate way, that this measure, which has been ordered reported by the Committee on the Judiciary, thereby giving it the likelihood of coming before the Senate and being debated, be made the subject of information and elucidation to the country; and that opposition to it, which I express, may also have the same discussion and consideration which the proponents of the measure have had so far.

If the bill shall be enacted, it will constitute a grave threat to the independence of the judiciary, particularly in fields of individual civil rights—a threat at least as grave as the Court-packing plan of 1937, which was so justly under fire at that time.

The bill, as ordered reported by the Committee on the Judiciary, will have the following results: Section 1 would remove the power of the Supreme Court to review cases from the States involving the admission of attorneys to the bar. It would do so notwithstanding the fact that constitutional rights of individuals may have been jeopardized. The implications of this provision strike at the heart of the constitutional balance of power.

Section 2 of the bill would amend section 102 of the Revised Statutes dealing with contempt of Congress. It relates to questions which witnesses are asked but fail or refuse to answer, when the questions are pertinent. While the bill leaves jurisdiction in the Supreme Court to review such cases, it removes the power of the court itself to determine an essential element of the crime of contempt by establishing a conclusive legislative presumption of pertinence, thereby raising serious constitutional problems. As the Senator from Missouri [Mr. HENNINGS] has pointed out, the procedure provided for reviewing pertinency within the Congressional committee itself which has asked the questions is of little protection in view of the safeguards intended by the Constitution.

Section 3 of the bill incorporates the language of S. 654, dealing with the enforcement of State statutes concerning

subversive activities. This relates to the so-called Nelson case. What it does, in essence, is to allow the States to enact laws without running afoul of the prohibition against acting in a sphere reserved to the United States, through Congress; to enact laws dealing with a subversion against State governments, or the threat to overthrow them by force, as well as against the Federal Government, which was the kind of law passed in Pennsylvania, but which the Supreme Court struck down in the Nelson case.

The provision contained in the bill ordered reported by the Committee on the Judiciary is much narrower than the previous proposal of the Senator from Maryland [Mr. BUTLER]. Indeed, I have been and remain quite convinced, as a sponsor of the measure introduced by the Senator from New Hampshire [Mr. BRAGES], which was in effect adopted as the committee substitute, that it should receive Congressional consideration; but I have serious doubt about incorporating this measure in a bill whose main and apparent purpose is an indictment of the Supreme Court on other grounds—that is, to deal with the constitutionality of statutes.

I wish to make that very clear, because we should not be blinded by the fact that one provision in the bill can obscure the vast, fundamental implications of the bill itself, which I consider to be most serious to the national interest and to the structure of government under the Constitution.

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

Mr. JAVITS. I yield.

Mr. CLARK. It is my understanding that the section of the bill to which the Senator now refers deals with the Nelson case and the rights of the States to enforce statutes which make subversion a State offense. This section merely states that it is the policy of Congress to permit such legislation which the Supreme Court in the Nelson case held to be unenforceable because Congress had intended to occupy the field. Is that correct?

Mr. JAVITS. That is exactly correct. I may say to my colleague, first expressing to him my deep appreciation for his studied attention to the subject which we are discussing today, that the Supreme Court there was not dealing with what is contained in the other provisions of the bill before us, to wit, constitutionality or unconstitutionality under the Constitution of the United States, but rather it was dealing with established law and with the States occupying the area which the Federal Government also occupies.

Bear in mind that the Federal Government, through Congress, could allow the States to act fully within the Constitution, and therefore, in a sense, the Court was inviting Congress to do so, if it chose to act. Therefore, by this section of the bill, Congress is accepting the invitation.

Mr. CLARK. That, I think, the Senator believes might be arguable. But there is no reason why Congress should not deal with it; and if the Supreme Court misinterpreted the intent of Congress in the Nelson case, then it is the intention to make that clear.



Mr. JAVITS. I do not believe that in the Nelson case the Supreme Court misinterpreted the sense of Congress. The Supreme Court had a right to say that Congress could provide otherwise; and the area covered by the Congressional mandate in the Smith Act being apparently inclusive, it could be assumed that Congress intended it to be so. If Congress had a contrary intention, it would have expressed it.

So rather than misinterpret—although I am not quarreling with the words; I think this is a very important question of substance—the Supreme Court pointed to the limitations, and what it did was to invite Congress, if Congress chose, to take some action.

Mr. CLARK. I quite agree with the Senator. I merely raised the question to emphasize his point that the question of State statutes against subversion has no place in the bill. As the Senator from New York has so well said, it amounts to a curbing of the Supreme Court in a way which I believe to be most unwise, if not, indeed, unconstitutional.

Mr. JAVITS. I thank the Senator. That is exactly the position which I shall endeavor to set forth in some detail. My colleague has stated it magnificently within the principle involved.

We have now covered section 2 of the bill, which deals with procedures in so-called contempt of Congress cases where there is involved the pertinency of a question asked of a witness by a Congressional committee.

Section 3 of the bill, which deals with the Nelson case, my colleague and I have discussed.

Section 4 of the bill is illustrative of the entire approach of the bill to the Supreme Court. What it does—and this is really quite extraordinary in legislation—is actually to cite by title two Supreme Court cases, and to say that Congress finds that the distinction made by these cases in a particular field of law is a distinction which Congress finds highly undesirable, which it did not intend, and therefore that Congress, according to the measure, specifically revises the applicable statutes, and in so doing, in my opinion, cuts into constitutional protections which have been asserted by the Supreme Court, time and time again, in freedom of speech cases.

It seems to me that if anything shows what we are really dealing with, it is section 4. It reads in part:

SEC. 4. (a) The Congress finds that the distinction made by the Supreme Court of the United States in *Yates against United States*, *Schneiderman against United States*, and so forth, between advocacy of the forcible overthrow of the Government as an incitement to action and advocacy of such overthrow as mere abstract doctrine is, as Mr. Justice Harlan characterized it, "subtle and difficult to grasp"; that the construction put upon section 2385 of title 18 of the United States Code by the Supreme Court is one never intended by the Congress; that such construction is impractical of application, and infuses into this criminal statute a degree of uncertainty and unclarity which is highly undesirable; and that legislative action to clarify and make certain the intent of this criminal statute is therefore required.

Then it proceeds to make statutory changes. It certainly seems to me that when cases are specifically mentioned, and even the name of a dissenting judge is cited, one who expressed what the drafters of the measure now wish to express in legislation, we cannot more directly serve notice on the Supreme Court that it change its decisions. It is that fundamental point of the bill which I shall discuss in some detail in these remarks.

The implications seem to me to be clear. I think the time to stop this dangerous trend is now. Criticism is healthy, but much of it in the bill is based upon a misconception of the nature of the Constitution of the United States and the function which the Court performs in interpreting it.

One ground of complaint against the Court appears to be that in deciding constitutional questions it refuses to be bound solely by precedents which some have felt are in accord with their own political philosophy. I think this is really the basis of some of the pros and the antis in connection with this particular bill, which I might point out could easily become one of the great battlegrounds of this Congress, and, indeed, of history.

The fundamental question, I believe, is: Should legal philosophy be compatible with changes in the social development of the country; or must legal philosophy follow what we lawyers call *stare decisis*, following precedent after precedent, and making—if anything—only the most minuscule deviations from the established precedents?

Strangely enough, even the advocates of that position in connection with this proposed piece of legislation and similar ones, both in their statements to the Congress and also in their statements to the country, do not follow it, for in connection with the case of *Brown v. Board of Education* (347 U. S. 483 (1954))—the school segregation case—many Members of the Senate, some of whom have voted for the bill in committee, so far as we are informed, complain because the Court's decision in that case did not follow the precedent established in *Plessy v. Ferguson* (163 U. S. 537 (1896)). Yet the *Yates* and *Schneiderman* cases are complained of in the bill, and the bill attacks the precedents established by them, because it is said they follow the "clear and present danger test" first developed in *Schenck v. U. S.* (249 U. S. 47), decided 40 years ago.

In short, the bill means that the Supreme Court is to be told that it will follow the fundamental philosophy of those who wish the bill passed, and perhaps even the fundamental philosophy of a majority of the Senate, if it should meet with the favor of a majority of the Senate, or else ways and means will be found to bring the Court to the position where it will do so, to wit, by depriving it of its appellate jurisdiction in respect to constitutional matters; and in order to make sure that the Court has no misunderstanding whatever, a section of the bill actually does deprive the Court of its right to review the questions of admission to the

bar, to practice law, in the case of lawyers in the various States.

So the Supreme Court will be left in no doubt by the more artful provisions of the bill which purport to change the law, and will be given clear notice of the naked proposition that the Congress can deprive it of such jurisdiction if it wishes to do so, and that the Congress is actually doing that in respect to one legal area.

Mr. President, three of the proposals set forth in the bill go directly to informing the Supreme Court what is and what is not constitutional, rather than to have the Supreme Court tell Congress. Although this does not amount to court packing, it is court raiding, if the Supreme Court should accept it, which I doubt very much. It would make the Court subservient to the Congress, and would destroy the Court's essential function under the Constitution.

Mr. President, what I am now about to say is even more germane to the issue. If, on the other hand, the Court does not accept, but holds major parts of this bill, if enacted into law, also to be unconstitutional—which in my opinion is far more likely; in other words, if the Court will have the spirit to stand up for its rights under the Constitution—then there may be an aggravated pitched battle with the Congress, and the stage will be set for the next step, namely, an effort to deprive the Court of additional appellate jurisdiction, which the Congress has the power under the Constitution to do, just as Congress had the power, in 1937, to add justices, and thereby to pack the Court. In other words, an effort then would be made to show that the Congress has the power, both under the express words of the Constitution itself and also under a decision rendered by the Supreme Court immediately after the Civil War, to deprive the Court of the power to determine whether a law passed by the Congress is constitutional. For this reason, I regard the effect of Senator BURLER's version of Senator JENNER's bill to be no less pointed in the same direction, to wit, that of taking away the appellate jurisdiction of the Supreme Court to decide upon the constitutionality of State or Federal laws or actions.

Mr. President, I know that a great many persons are dissatisfied with one decision or another of the Supreme Court, mainly with one decision or another in the field of subversive activities. I am very well aware also of the fact that it may be that if all those who disagree with specific individual decisions rendered by the Court in that field in the past few years were to join together, they might constitute a majority of the people of the country. But, as is so often true in American public life, I entertain the gravest doubts that the same group of people would wish to see the Supreme Court made subservient to the Congress in terms of its ultimate function in the American form of government. To make it subservient to the people is one thing; but to make it subservient to the Congress is to make it subservient to a coordinate branch of the Government,

whereas under the Constitution the Court is supposed to operate independently of that branch, and, under the Constitution, the Court is supposed to be the final arbiter.

In that respect, I think the people will want the Supreme Court to remain unimpaired and to take actions compatible with the Constitution and with the conditions existing in the country, as regards public opinion and influence. That is very important, because I conceive it to be my duty as a lawyer—regardless of whether I am a Senator—to draw the attention of the people of the country particularly to this situation, for if we lawyers do not do so—if we do not do so because it is unpopular in some quarters—then, in my opinion, we shall have abandoned one of the finest traditions of our profession, which is to make sure that the weak, the oppressed, the unpopular, those whom the public may wish to run out of town on a rail, enjoy the same fundamental human rights and constitutional rights which we expect to have conferred upon every citizen. We have learned the hard way that only in that way can the individual be protected; and that goes for every individual, including those who now may be highly dissatisfied with many of the Court's decisions.

Mr. President, I have already pointed out that only one part of the bill—that in reference to the Nelson case—deals with a subject which is in the traditional pattern of the coordinate powers as between the Supreme Court and the Congress, thus giving us guidance as to which way to go; and then we shall determine—if we adopt the particular section in regard to the Nelson case—that is the way we shall go.

But the other three parts of the bill do no such thing. On the contrary, two of them endeavor to force the Court to accept legislation which it has already clearly indicated to be unconstitutional. In one case—a case involving admission to the bar—the Court, in *Schware v. Board of Bar Examiners* (353 U. S. 232 (1957)), said very clearly that it is unconstitutional “even in applying permissible standards” for officers of the State to exclude an applicant where there is “no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory.” The question of violation of due process was directly decided by the Court, which held there was a violation of due process under the 14th amendment, and that the Supreme Court could give relief.

In the case of *Konigsberg v. State Bar of California* (353 U. S. 252 (1957)), the Court reversed a California judgment on the ground that the refusal to admit a bar applicant was “a denial of due process and equal protection of the laws because it was both arbitrary and discriminatory.”

Mr. President, in view of that language it seems clear that by taking away the Court's appellate jurisdiction in respect of these bar admission cases, Congress would surely be raiding the Court, contrary to all historical precedents, except those in the much-condemned Recon-

struction period which followed immediately the Civil War, when jurisdiction was taken away from the Court in the case of a particular matter to which I shall refer in a moment.

In that section of the bill seeking to deal with the Court's construction of the Smith Act and the application under it permitting convictions, the bill would seek to direct the Court to find constitutional what it has already held to be unconstitutional as to the individual; for the bill directs that there may be a conviction on the ground of abstract advocacy of the overthrow of the Government by force even without incitement to action.

The Court has already said, in construing the original law relating to incitement, that there had to be an advocacy to incite to action rather than assertion of abstract doctrine. The Court said, in construing the Smith Act:

We should not assume that Congress chose to disregard constitutional danger zones so clearly marked.

It seems to me what the Court is trying to make us understand very clearly is that if we should attempt to pass a law which would punish as a crime advocacy of an abstract doctrine, the Court would have to hold it unconstitutional under the first amendment.

The bill reported by the committee has the intention of doing exactly that; but even its own language may not accomplish it. I shall explain the reason for saying that, because it is serious in itself. What it is doing is inviting a struggle between the Supreme Court and the Congress on this fundamental issue.

This is what the bill says, in endeavoring to change the law:

Without regard to the immediate probable effect of such action, whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or.

Question: Does that do what the sponsors of the bill want? The answer is “No”; to the contrary, all the Court would have to say would be that it changes nothing, or if it does change something, then it is unconstitutional.

I shall state my reason for saying that. The bill proposes a change to reach beyond the immediate probable effect of such action; but the Court has already said it is not necessary that there be incitement to immediate action in the advocacy of overthrow of government by force. So long as there is incitement to action, whether immediate or in the future, then the Court has held that the Smith Act applies. So if all this provision of the bill does is say that the Court shall disregard the question of immediacy, it means nothing. The Court can say, “We have already disregarded immediacy.”

On the other hand, if the Court should go along with the intention of the provision, and say that advocacy as a mere

abstract doctrine can be prohibited by Congress, the Court must strike it down because it has already said that criminal sanction of advocacy as an abstract doctrine cannot stand up under the Constitution.

All we are inviting the Court to do is say that this change is unconstitutional. What we are doing is ourselves engaging in an effort to involve the Supreme Court in such a conflict so that the only other recourse would be to deny the Supreme Court appellate jurisdiction in constitutional-law cases.

In the section of the bill dealing with the question of pertinency under the Watkins decision, there too the Court is being asked to accept what may well be an unconstitutional application of the law to the individual on an “or else” basis, the quotation “or else” being, “We will take away your appellate jurisdiction in these constitutional law cases,” for the Court has already said pertinency is essential to due process under the 14th amendment. A witness who is under compulsory subpoena is entitled to due process. This is what the Court said:

The first amendment may be invoked against infringement of the protected freedoms by law or by lawmaking—such an investigation into individual affairs is invalid if unrelated to any legislative purpose. That is beyond the powers conferred upon the Congress in the Constitution.

What the bill provides is that if the question of pertinency is raised, the decision by the committee as against a witness shall be conclusive. It seems to me the Supreme Court is making crystal clear that if an act is unconstitutional, no committee can absolve the unconstitutionality, or wash it away, by itself finding otherwise.

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

Mr. JAVITS. I yield.

Mr. MORSE. I congratulate the Senator on the speech he is making today, because I think it is long overdue. Senators should, on the floor of the Senate, especially those of us who are lawyers, come to the defense of our constitutional system, which includes the citadel of constitutional liberties, located just a stone's throw away from where the Senator from New York and I are speaking at the present time—the United States Supreme Court.

I have not completed my study yet of the action taken by the Judiciary Committee of the Senate, as carried in the press the last couple of days, but it has gotten me completely lost by the action it has taken. I think it is rather unfortunate if we have reached such a position in America that we are trying to turn the Senate of the United States into a super-Supreme Court simply because someone may not like the results and effects of protecting the constitutional rights of free men and women by that branch of our Government which is responsible for protecting those rights, namely, the United States Supreme Court.

Here is one Senator who is not going to panic on this issue. I am going to take a long look at any proposal coming



before the Senate or the House of Representatives that seeks, in effect, to reverse the United States Supreme Court.

I am glad to interrupt the Senator from New York at this point to issue this warning to the American people: You had better be on guard, because we are going through another one of those relapses in American history which are almost cyclical. If one will trace the record of so-called periodic criticisms of the Supreme Court, he will find they seem to occur in cycles. But I am still going to stand, I may say, with the great Chief Justice from the State of Virginia, John Marshall, in the celebrated *Marbury* against Madison case, in which I think he enunciated an unanswerable conclusion and a sound statement of constitutional power; namely, it is for the Court, and not for the Senate or the House of Representatives, to determine the constitutional rights of the American people.

Let me say to my colleagues in the Senate, and to those who are seeking legislation which would have the effect of reversing the Supreme Court of the United States, the burden of proof is going to be upon them, so far as the senior Senator from Oregon is concerned, to show that we have a Supreme Court that, in effect, is transgressing on the great constitutional guaranties of a free people.

I congratulate the Senator from New York, because, from my interpretation of his speech, and I hope I am not reading into it something that is not there, he and I share the point of view that the legislative branch of the Government ought to recognize, under the Constitution, the limits of the legislative functions of the Congress of the United States, and that the inherent power to protect the constitutional rights of the American people vests in the Justices who occupy that temple across the street.

If the proponents of these attacks on the United States Supreme Court want really to face up to the issue which they raise, let them propose a series of constitutional amendments in accordance with the amending processes of the Constitution, to see how far they will get with the American people. I do not intend to remain silent in the Senate when I observe tactics which, in my opinion, amount to attempts to amend the Constitution by indirection, by focusing attention on some particular decision and seeking to enact legislation which would overrule the decision. I say that, whether it be the *Mallory* case or any other case.

I think the decision of the United States Supreme Court in the *Mallory* case was right, because basic in the *Mallory* case is not a question of the Federal rules at all. Behind the *Mallory* case is the question, as I said on the floor of the Senate some weeks ago, of due process. As one who can always be counted upon to support efficient police administration, let me point out to the American people that one of the aspects of the struggle for freedom has been the struggle against police tyranny. The unanswerable fact is that if we do not keep the police working within the framework

of protective guaranties, we shall have police tyranny.

I am one person who does not propose to vote for legislation which would give the police, under the so-called concept of reasonableness, the power arbitrarily to determine what they think is reasonable in detaining people after arrest and denying to them certain precious guaranties and safeguards; namely, the immediate notification to which they are entitled that they have a right to be represented by counsel and, second, the immediate notification that anything said can be used against them later in the trial which may ensue.

In fact, I happen to believe, Mr. President, that when the hand of the law is placed upon an American, be he guilty or innocent, and that hand carries the concept, "You are detained under arrest," immediately there ought to flow to the benefit of the arrested person, guilty or innocent, the basic protections of due process which, in my judgment, are the backdrop of the *Mallory* decision.

I think much confusion has been stirred up not only by Members of Congress but by editors who have not analyzed the *Mallory* case and what is behind it. I think much confusion has been stirred up because the person in question was a rapist. But he was also a person of very low mentality. If there is anything those of us who have worked in the field of criminal-law administration know, it is that persons of very low mentality are the very ones who need to be protected, because they are highly emotional. The records are replete with proof that many confessions obtained from such persons are confessions not of acts committed but confessions made out of fear and emotional disturbance.

Thank God we have a United States Supreme Court which ruled in the *Mallory* case that the police cannot arrest a person and hold him for hours without giving him such basic protections and then subsequently have a conviction stand. I pay tribute to the United States Supreme Court for the decision in the *Mallory* case.

Mr. JAVITS. Mr. President, I wish to express my gratitude to the senior Senator from Oregon, as well as to his colleague, the junior Senator from Oregon [Mr. NEUBERGER], who has joined me on the bill, to the Senator from Pennsylvania [Mr. CLARK], to the Senator from Missouri [Mr. HENNINGS], to the Senator from North Dakota [Mr. LANGER], and to the Senator from Wisconsin [Mr. PROXMIER].

I think perhaps that is the best way of answering the first question which was asked of me. I have spent some time on this matter. I worked on it while the committee was in the process of its deliberations. I have come up with a legal analysis and a set of conclusions which go exactly along the lines the Senator from Oregon first spoke of; that is, we must practice what we preach and we must be our brother's keeper in that respect.

We do not expect the Supreme Court to invade our prerogatives. We should examine searchingly into whether we are invading the prerogatives of the Su-

preme Court, and thereby the fundamental structure of government and the fundamental safeguards of our people.

I have analyzed this matter, I think to my satisfaction, so I know where I stand and why I am arguing so strongly against the bill.

I am willing to accept the view of the Senator from Oregon, that we are asked to make the Congress a super Supreme Court. That is the argument.

The Senator from Oregon is a very gifted lawyer. We all know that. So is the Senator from Pennsylvania. So are others of my colleagues. Perhaps by having worked on this matter, so that I was ready to speak the day after the committee acted, I may represent a little spark of action and then pass the baton to all my colleagues who can undoubtedly do the job infinitely better. This is a responsibility of every one of us—of every lawyer and of every man who feels deeply on this subject.

I hope it will not be felt for a moment that I have marshaled all the arguments or done all the legal research. Perhaps I have not touched on the fundamental, basic core of the situation. I invite—indeed, I urge my colleagues, distinguished Senators such as the Senator from Oregon and the Senator from Pennsylvania—to consider this matter, as I have tried to consider it, and to proceed further, certainly with all of my aid and applause and the free gift of everything I have done. Whether I say it on the floor or have it considered in my office, in an effort to build the argument, I freely offer it all.

I think we are faced with a fundamentally critical situation in which we may do real harm to the American system. Wittingly, or unwittingly, we may do real harm. This question as to the Supreme Court has been in the offing for a long time. It has been brewing for the past few years. Now I think it has come to full flower, and I think it is time to deal with it in a major way.

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

Mr. JAVITS. I yield.

Mr. CLARK. I want to thank my friend, the Senator from New York, for the kind words he has said about me. I wish to commend the Senator for the splendid speech he is presently making and for the amount of research it is obvious to me, as a lawyer, he has engaged in before presenting his views.

I have not had an opportunity to make a similar study, but I intend to do so. Judging from what the Senator from New York has said so far, it would seem to me to be pretty clear that the legislation reported by the Committee on the Judiciary does two things which to me, at least, seem to be quite unwise and also unnecessary.

First, the legislation pushes forward an unfortunate totalitarian tendency in this country, which tendency to me, at least, seems to brush aside the Bill of Rights and the fundamental liberties on which this country was founded, when unpopular decisions are at issue. Secondly, it makes a futile effort to usurp constitutional privileges which are not inherent in the legislative body at all,

which are a priceless heritage of the American people as embodied in the Bill of Rights, the first 10 amendments to the Constitution of the United States. That effort will inevitably fail in the courts if it does not fail in the Congress. I hope that we shall be able to have a full and free debate on the issue before action is taken.

I am happy to see that my friend, the Senator from New York, has initiated the debate. I am glad the Senator has come up with a constitutional amendment, which I am happy to cosponsor, which will protect the fundamental and underlying jurisdiction of the Supreme Court of the United States by giving it constitutional sanction, whereas it heretofore has had only legislative sanction. I hope the amendment will get very careful consideration and that in the end the Senate of the United States, acting by a majority, will conclude that the point of view which protects our essential liberties is a far wiser and sounder point of view than that which attempts in the passion of the moment to overrule unpopular decisions.

I suggest, Mr. President, that the distinguished Senator from Oregon, the distinguished Senator from New York, and my friend, the Senator from Wisconsin, who are present in the Chamber, are the real conservatives in this fight, and that those who attempt to set aside basic constitutional principles of human liberty are the radicals.

Mr. JAVITS. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator from New York yield to me in order that I may make a comment to my friend from Pennsylvania?

Mr. JAVITS. I yield.

Mr. MORSE. Let me say to my friend from Pennsylvania that we liberals call ourselves constitutional liberals. That is the highest type of conservatism. It is sound conservatism. I now wish to welcome some of my political conservative friends. "Come on in; the water is fine." We will welcome them on this great issue, because they should be standing with the constitutional liberals in protection of the jurisdiction of the United States Supreme Court.

Mr. JAVITS. I thank the Senator.

In view of the Senator's most interesting remarks, I ask unanimous consent that the joint resolution which I have introduced lie on the table until the close of business today, in order to enable additional Senators to become cosponsors.

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

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

Mr. JAVITS. I yield.

Mr. CLARK. I ask the Senator if he will not amend his request and ask that the joint resolution lie on the table until the close of business on Monday. I hope that many Senators who are not present today, and who will read this colloquy in the RECORD tomorrow or Monday, will be sufficiently interested to join in sponsoring the joint resolution.

Mr. JAVITS. Mr. President, I amend my request accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will lie on the table until the close of business on Monday.

Mr. JAVITS. Mr. President, I should like to state now for the RECORD that should the present Judiciary Committee bill be brought up for action on the floor of the Senate, I would propose my joint resolution to amend the Constitution as a substitute for it. I point out that the language I have submitted has undergone the most careful legal analysis. About 10 years ago it was passed upon by the American Bar Association, the Association of the Bar of the City of New York, and other bar associations of New York, and was adopted by them. It was permitted to lie on the table, as it were, all this time, because apparently there was no pressing reason why it should be brought up. But I believe that now we are faced with the clear alternative, either of regularizing and establishing beyond question, and without being subject to action by the Congress, the right of the Supreme Court, or proceeding with some such legislation as is here proposed by the Judiciary Committee.

Under our American system, for 170 years, with very few exceptions, there has been no serious challenge to the right or the wisdom of the Supreme Court being the final interpreter of the Constitution and the rights and powers it sets forth. The struggle for judicial supremacy in this limited field of constitutional interpretation was fought and won, it was hoped for all time, by the decision in *Marbury v. Madison* (1 Cranch 137 (1803)).

In that case John Marshall said:

The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law: if the latter part be true, the written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature illimitable.

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the Nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the Constitution, is void (p. 177).

It is nothing new that the Supreme Court is attacked in this historic conception. It has been attacked before. The most recent example was the Court-packing plan of President Roosevelt; but even in that instance, although the number of justices was to be increased, there was no attempt to destroy the fundamental fabric of the Court's power to act.

It is true that shortly following the Civil War such a successful attack was made. It arose in a case entitled "Ex Parte McCordle, in 1867."

While an appeal was pending to the Court involving constitutional rights, Congress, apparently in fear of an adverse decision, withdrew the power of the Court to hear the case upon appeal. This withdrawal, accomplished over Presidential veto, represented the uni-

lateral will of one branch of Government on a grave constitutional issue. The Court reluctantly conceded it has no power to review—*Ex parte McCordle* (6 Wall. 318 (1867); 7 Wall. 506 (1868)). That action is not a model which history holds up for emulation, and yet now we again see a strong effort being made to sow the seeds of destruction of the place which the judiciary holds in our delicate balance of powers.

It seems to me that action is the very action which should be called to our attention, because it is a warning as to how much power we have, and therefore a warning against our using it in a manner inimical to the best interests of the constitutional structure of government. As I have said, that action is not a model which history holds up for emulation, but it is a model which I think it is extremely important for us to recall today.

Although not completely mutually exclusive with the bill which was ordered reported from the Judiciary Committee, my joint resolution is in direct opposition to its spirit and in one area the resolution is in direct conflict with the specific provisions of the bill. As I have said, one of the most important provisions of the pending bill seeks to withdraw jurisdiction from the Supreme Court over appeals relating to the admission of members of a State bar. This is aimed apparently at two cases *Schwartz v. Board of Bar Examiners* (353 U. S. 232 1957) and *Konigsberg v. State Bar of California* (353 U. S. 252 (1957)). Both of these cases concern constitutional rights under the 14th amendment. The 14th amendment, which is so heavily involved in this discussion, by its very nature is a limitation on State action. The due process and equal protection clauses are intended to be a moderator, a governor on State action. The logic of this removal of jurisdiction provision and the assertion of unrestricted State powers in the field of admissions to the bar would seem to lead inevitably to withdrawal of appellate jurisdiction in all cases relating to State laws or actions or licenses or privileges granted by States involving the Constitution. Indeed, that was the very intentment of the legal arguments made on the floor of the Senate last year as they involved the school integration decision of the Supreme Court.

I would assume that faced with this issue no one would concur in so wide an assault on so precious a constitutional right. Yet, why should prospective lawyers be the only persons deprived of the protection of the 14th amendment and the due process clause it contains? The answer is—and it is the principal imperfection of the Judiciary Committee bill—is its foot-in-the-door potential.

Once we start on this road, everyone who has a complaint will seek to gather together a Congressional majority and seek to enforce the complaint by taking away the appellate jurisdiction of the Supreme Court in all constitutional law cases, and making the Congress, and the Congress alone, as is the custom in countries without a written constitution, the sole and only arbiter of the limit of its powers.



My amendment would prevent the withdrawal of such jurisdiction where constitutional rights are involved, as they were in both the Schwere and Konigsberg cases.

With respect to the provisions amending specific statutes, there can be of course no quarrel in theory—legislative power belongs to the Congress and must be exercised with the best light available in the public interest.

That, indeed, is true of the particular provision of the bill relating to the Nelson case.

But each of these subjects involves many questions which deserve careful and separate treatment. By lumping the other provisions together and dictating to the Court what it shall and shall not find constitutional, the bill is, in effect, a motion of censure of the Supreme Court and must be so interpreted in the context of its development and the debate which has already been occasioned. The one thing which these amendments have in common is they deal with decisions of the Supreme Court with which some Members disagree, and one case with which they disagree so violently that they seek to prevent the Supreme Court from considering even constitutional questions in that entire field of law—that of bar admission.

I think the bill of Senator JENNER and its amendments should fall on their merits, but I also think that we should not lose sight of what is really at stake. Basically, what is the intentment?

I impugn no one's motives. I credit the sincerity, patriotism, and solicitude for the public interest of the principal sponsors of the bill, and of every Member on the Judiciary Committee who voted for it as highly as I do my own. I say that advisedly, without question.

Basically the bill, even though not so intended, attacks the traditional function of the Supreme Court. By joining these provisions together the sponsors are handing down a bill of particulars of an indictment of the Court. The ramifications cut so deep that I believe the issue must be sharply drawn, and in its resolution we must try to put an end to the danger for all time. That is why I submitted a proposed constitutional amendment in the joint resolution introduced by me. We must try to put an end to the danger for all time.

If today we violate the traditions of our history and Government in one class of cases, who shall say that tomorrow we shall not take away other or all constitutional cases from the Supreme Court.

The American people have a great deal of thinking to do. They must decide, and we must decide, whether we prefer to leave the final decision on the construction of the Constitution in the Congress, in the President, or in the Supreme Court.

I remember, when I served in the other body, that some of the ultraconservative Members would spring to arms as quickly as would the most advanced liberals, whether the issue was popular or unpopular, if it involved the fundamentals of the Constitution of the United States. They knew what they were

doing. The Constitution is as dear and important and vital to them as it is to the most progressive liberal in the United States. Therefore, Mr. President, there is no division between liberals and conservatives, and no divisions between parties. The Court has been attacked and defended by people of all shades of opinion at one time or another, sometimes because of its conservatism and sometimes because of its liberalism.

Mr. President, the greatest traditionalism and the greatest conservatism indicate that we should keep what we have, what we have found to be good, and that we should follow the established practice of 155 years, and leave the Court where it is. That is my conviction, and that is the fundamental purpose for which the members of the bar, as a body, must fight.

The Court has served us well as the defender of the individual against unlawful government authority. Let us not impair its usefulness in an hour when it may be more vital than ever.

Mr. President, this is Law Day. It happens that the bill was ordered reported by the committee the day before Law Day. It seems to me that this day emphasizes and underlines that we want a government of laws, not a government of men. Contrary to the impression of many who are not students of government, our kind of republic, based upon fundamental democratic principles, requires great discipline. It is discipline we are talking about today. For example, theoretically Congress could sit on its hands and not appropriate a penny, and the whole Government would go out of business. Theoretically, the President could sit on his hands and not enforce any laws, and the whole Government would go out of business. There is no power on earth that can make us act or make him act.

It is this internal discipline which makes the whole machine work. So I ask: Do we want to break down all that self-discipline because some of us—perhaps including myself—are dissatisfied with some Supreme Court decisions? Is it not our highest duty in the exercise of self-discipline, in this real work of our Government, to stand by these fundamental institutions?

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement prepared by me which represents my legal analysis of the need for my resolution.

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

#### STATEMENT

Concededly, the Constitution does not expressly state that the Supreme Court shall be vested with the power to declare legislative action unconstitutional. As one learned lawyer has put it:

"Clearly, there is no express statement giving the Court appellate jurisdiction on all questions concerning constitutionality of legislation and thus giving the power to declare acts of Congress void. But it is generally admitted that this jurisdiction and power are to be implied. Otherwise Congress would have acquired the same arbitrary power that Parliament had, and the consistency of its legislation with the provisions of the Constitution would have been purely a matter of the conscience and com-

monsense of Congress. Very clearly, the Constitutional Convention did not intend any such situation as that." (Tweed: Provisions of the Constitution concerning the Supreme Court of the United States, 31 Boston ULR (1951), at pp. 7-8.)

Even the late Mr. Justice Jackson, who defended the Court-packing plan before he was appointed to the Supreme Court, admitted that it was probable that many, and certain that some, members of the Constitutional Convention appreciated that the judiciary clause would spell out a power in the Supreme Court to pass on the constitutionality of Federal legislation (The Struggle for Judicial Supremacy, 1941, p. 4). He also admitted that most lawyers believed that the implication was clear; others, that it was at the very best ambiguous; and that

"In any case political evolution has supplanted the omission, and the course of history has established that power in the Supreme Court" (id., p. 5).

In the 1937 report of the Judiciary Committee of the Senate rejecting the Court-packing plan (Rept. No. 711, 75th Cong., 1st sess.) the power is more clearly stated. In its report the committee said (at pp. 17, 18):

"The assertion has been indiscriminately made that the Court has arrogated to itself the right to declare acts of Congress invalid. The contention will not stand against investigation or reason.

"Article III of the Federal Constitution provides that 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 under their authority.'

"The words 'under this Constitution' were inserted on the floor of the Constitutional Convention in circumstances that leave no doubt of their meaning. It is true that the Convention had refused to give the Supreme Court the power to sit as a council of revision over the acts of Congress or the power to veto such acts. That action, however, was merely the refusal to give the Court any legislative power. It was a decision wholly in harmony with the purpose of keeping the judiciary independent. But, while carefully refraining from giving the Court power to share in making laws, the Convention did give it judicial power to construe the Constitution in litigated cases. \* \* \* In other words, the framers of the Constitution were not satisfied to give the Court power to pass only on cases arising under the laws but insisted on making it quite clear that the power extends to cases arising 'under the Constitution.' Moreover, article VI of the Constitution, clause 2, provides:

"This Constitution and the laws of the United States which shall be made in pursuance thereof \* \* \* shall be the supreme law of the land. \* \* \*"

"Language was never more clear. No doubt can remain. The pretended law which is not 'in pursuance' of the Constitution is no law at all."

The role which the Supreme Court has rightfully played in our scheme of government has been that of interpreter of our Constitution. In the carrying out of that appropriate function it is essential that the Court be free and independent. This, too, was recognized at an early stage. In *The Federalist* (vol. 2, p. 100, No. 78) it was said:

"The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By 'a limited Constitution' I understand one which contains certain specified exceptions to the legislative authority, such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practically no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the

Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing."

More recently the matter has been put as follows by one of the outstanding jurists of our time, Judge Learned Hand. He said (The Contribution of an Independent Judiciary to Civilization, Jurisprudence in Action, 1953, at p. 230):

"A constitution is primarily an instrument to distribute political power; and so far as it is, it is hard to escape the necessity of some tribunal with authority to declare when the prescribed distribution has been disturbed. Otherwise those who hold the purse will be likely in the end to dominate and absorb everything else, except as astute executives may from time to time check them by capturing and holding popular favor. Obviously the independence of such a tribunal must be secure \* \* \* and yet, granted the necessity of some such authority, probably independent judges were the most likely to do the job well."

I do not mean that the Supreme Court should be sacrosanct—should be above criticism. It never has been and never will be. It was particularly subject to attack during the administration of Jefferson, Jackson, Lincoln, and Franklin D. Roosevelt. It will continue to be subject to criticism, and I do not quarrel with that condition.

Professor, now dean, of the Harvard Law School, Erwin N. Griswold, has aptly stated the issue now before us (Reorganization of the Federal Judiciary, hearings of the Committee on the Judiciary, 75th Cong., 1st sess., 1937, at p. 64):

"The present controversy will have served a real purpose if it leads the public to understand that the function of the Justices in many cases is not merely to read and apply the plain meaning of clear language, but is rather to define the scope of constitutional standards by the exercise of judgment and discretion.

"It should not be otherwise. It is essential that judges exercise judgment and discretion. That is what judges are for. It would have been very unfortunate if the Constitution had been rigid and specific in all terms."

And one of our greatest Chief Justices, Charles Evans Hughes, has said (Pusey, Charles Evans Hughes, p. 692):

"The supreme exercise of the judicial power of the United States is in maintaining the constitutional balance between State and Nation and in enforcing the principles of liberty which the Constitution safeguards against arbitrary power. This is an extraordinary demand upon judicial intelligence, but it is an integral part of our system, and the duty imposed upon our judges cannot be escaped. We cannot perform this duty in a narrow, technical spirit. Our dual system requires recognition of appropriate State power as well as Federal power. It demands freedom for State authority to meet local needs. It demands opportunities for experimentation and progress. We must ever keep before our minds the illuminating phrase of Marshall, 'that it is a constitution we are expounding.' That Constitution was made, as Justice Mathews observed, 'for an undefined and expanding future, and for a people gathered and to be gathered from many nations and many tongues.' We should be faithless to our supreme obligation if we interpreted the great generalities of the Constitution so as to forbid flexibility in making adaptations to meet new conditions, and to prevent the correction of new abuses incident to the complexity of our life, or so as to crystallize our notions of policy, our personal views of economics, and our theories of moral or social improvement. We should be equally faithless to our duty if we failed to remember that it is an American Constitution we are expounding. It is permeated with American

ideals, infused with an American conception of liberty.

"We cannot take the great phrases of the Constitution and disregard their historic background and fundamental purposes. These purposes were so expressed as to permit a broad range for new methods and achievements, but they were expressed in limitations. These limitations were imposed so as to safeguard rights believed to be fundamental. \* \* \* The extent of these fundamental rights is a subject of perennial debate. But that they exist is a postulate of our system that cannot be ignored. They are limitations, as I have said, in the interest of liberty, requiring a measure of freedom of opportunity which even a legislature must respect."

No one can seriously disagree but that it is the appropriate function of the Supreme Court of the United States to interpret the provisions of our Constitution in the light of changing time and conditions. Many of those who now criticize decisions of the Court do so in large part because the Court is devoting more and more attention to the field of civil liberties. Twenty years ago the hue and cry raised at that institution was based upon its failure to expand the rights of the people through social legislation. Yet at that time the value of the Court's contribution to the rights of the individual to liberty were recognized. The Judiciary Committee of the Senate in its report, to which I have previously referred, said (at pp. 19-20):

"These leaders (Patrick Henry and James Madison) who were most deeply imbued with the duty of safeguarding human rights and who were most concerned to preserve the liberty lately won, never wavered in their belief that an independent judiciary and a Constitution defining with clarity the rights of the people, were the only safeguards of the citizen. Familiar with English history and the long struggle for human liberty, they held it to be an axiom of free government that there could be no security for the people against the encroachment of political power save a written Constitution and an uncontrolled judiciary.

"This has now been demonstrated by 150 years of progressive American history. As a people, Americans love liberty. It may be with truth and pride also said that we have a sensitive regard for human rights. Notwithstanding these facts, during 150 years the citizen over and over again has been compelled to contend for the plain rights guaranteed in the Constitution. Free speech, a free press, the right of assemblage, the right of a trial by jury, freedom from arbitrary arrest, religious freedom—these are among the great underlying principles upon which our democracy rests. But for all these, there have been occasions when the citizen has had to appeal to the courts for protection as against those who would take them away. And the only place the citizen has been able to go in any of these instances, for protection against the abridgement of his rights, has been to an independent and uncontrolled and incorruptible judiciary. Our law reports are filled with decisions scattered throughout these long years, reassuring the citizen of his constitutional rights, restraining States, restraining the Congress, restraining the Executive, restraining majorities, and preserving the noblest in rights of individuals."

That was the view of able predecessors in the Senate 20 years ago. I submit that their judgment is as valid today as it was then; and that recognition of this viewpoint will come to those who seriously consider recent decisions of the Court in the light of the times in which we are living.

Let us take one example of the current criticism leveled at the Court—its decision in *United States v. Watkins* (354 U. S. 178 (1957)). In that case the Court reversed

a conviction for contempt of Congress of a witness who had refused to testify in response to questions which he thought were intended to expose others to public obloquy because of their past beliefs, expressions and associations and which he thought did not lie within the proper scope of a Congressional investigating committee. The Court agreed with the witness. I do not read the decision as necessarily imposing serious limitations upon Congressional investigations. Rather, I read it as a reminder to the legislative branch to tighten up its investigative machinery, and to obey in its operation the time-honored rules to protect the individual against abuses of the power over him of the State. This is the import of the decision according to the following language from the opinion of the Chief Justice (at p. 215):

"We are mindful of the complexities of modern Government and the ample scope that must be left to the Congress as the sole constitutional depository of legislative power. Equally mindful are we of the indispensable function, in the exercise of that power, of Congressional investigations. The conclusions we have reached in this case will not prevent the Congress, through its committees, from obtaining any information it needs for the proper fulfillment of its role in our scheme of Government. The legislature is free to determine the kinds of data that should be collected. It is only those investigations that are conducted by use of compulsory process that give rise to a need to protect the rights of individuals against illegal encroachment. That protection can be readily achieved through procedures which prevent the separation of power from responsibility and which provide the constitutional requisites of fairness for witnesses. A measure of added care on the part of the House and the Senate in authorizing the use of compulsory process and by their committees in exercising that power would suffice."

The basic point seems to me to be not whether particular individuals agree or disagree with particular decisions of the Court, but whether there should continue to exist a "backstairs" method of influencing or avoiding decisions of the Court by depriving it of jurisdiction over cases in which some expect that future decisions will be "erroneous."

It is not for the Congress to arrogate to itself the function of interpreting the Constitution. To do so would be for the legislature to usurp the judicial function. This we want no more than we want the judiciary to usurp the legislative function.

But, even if my judgment should err in particular instances, it is to the people of the United States to whom both the judiciary and the legislature owe their fealty—and it is they, through the process of amending the Constitution, who, in the last analysis, should judge whether undesirable constitutional doctrine has been expounded. Only through that process, which though at times lengthy, yet by that very fact affording ample time for mature reflection on important issues, should the country make its will known on the supreme and underlying structure of government.

The constitutional amendment which I propose is included in that proposed 10 years ago with the backing of the American Bar Association, the Association of the Bar of the City of New York, and the New York County Lawyers Association. It was also endorsed by the late Owen J. Roberts, a former Justice of the Supreme Court of the United States (see *Now Is the Time: Verifying the Supreme Court's Independence* (35 ABAJ, 1 (1949))), despite the fact that he was generally against tinkering with the Constitution (id. at p. 4).



As I have pointed out, in 1937 the Committee on the Judiciary of the Senate reported adversely upon S. 1393 of the 75th Congress (known as the court-packing plan). The committee report concluded with the following language:

"It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America."

S. 1393 sought to reverse so-called reactionary decisions of the Supreme Court on constitutional issues of great magnitude and importance. Yet, a parallel to that bill is, in effect, being presented to the Senate now. It would finally deprive the Supreme Court of jurisdiction to review certain actions of the States in which constitutional rights of individuals had been asserted. Unlike the court-packing plan, this bill would have prevented a Supreme Court, thought by some to be too liberal, from upholding certain constitutional rights of individuals.

It comes from our Senate Judiciary Committee 20 years after the same Senate Judiciary Committee had taken the firm and definite stand that such types of bills should never again be presented to the free representatives of the free people of America.

The joint resolution which I sponsor is not new. Its identical provisions were included in a joint resolution introduced 5 years ago during the 83d Congress.

Let me point out what this joint resolution is not intended to and would not accomplish. It would in nowise alter the right of the Congress to legislate in areas over which it has legislative jurisdiction. Decisions of the Supreme Court interpreting tax legislation, labor legislation, railroad legislation, securities legislation, and legislation in the interest of national security—indeed any legislation—might still be changed by act of Congress. This power is an inherent legislative power which has always existed and been frequently exercised by the Congress. Its exercise will not be affected by my proposal.

It would in nowise impair the power of the Congress to adopt regulations of any activities falling within its constitutionally granted powers, and to determine and declare, where the Congress deems appropriate, that such regulations should or should not supersede State regulations of the same subject matter.

It would in nowise impair the power of the Congress to appropriately regulate the judicial machinery of the lower Federal courts. Article III, section 2, would still contain the words:

"In all other cases mentioned in the first paragraph of section 2 of article III of the Constitution, 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."

Nor would it interfere with the discretionary exercise of the jurisdiction of the Supreme Court through the route of certiorari.

Indeed it is my view that the joint resolution would in nowise impair any appropriate function of the Congress.

What does the proposal do? It seeks to transfer to the people the power of Congress to take away from the Supreme Court jurisdiction to decide any constitutional question. Although, not completely free from doubt Congress probably has that power. The Supreme Court, as the interpreter of our Constitution, has itself recognized the existence of this power. (See Constitution of the United States of America, 1952, S. Doc. No. 170, 82d Cong., 2d sess., at pp. 614-615.) But despite the existence of this Congressional power, the Congress has recognized the appropriateness of the exercise by the Supreme Court of the power to declare statutes unconstitutional. With one exception, the Congress has, since the first judiciary act, vested in the Supreme Court appellate juris-

dition in cases involving the application and interpretation of our Constitution.

That one exception involved the McCordle case mentioned in which there was drawn in question the validity of the Reconstruction Acts following the Civil War. A Mississippi editor, held for trial before a military commission, applied for a writ of habeas corpus in accordance with an act of Congress. It was denied by the circuit court and an appeal, under existing statutes, was taken to the Supreme Court of the United States. In anticipation that the Court would hold it to be beyond the power of Congress to set up military tribunals in the several States at that time, Congress hastily enacted, over Presidential veto, a statute depriving the Court of jurisdiction. The Supreme Court accordingly dismissed the appeal. Those who sympathized with the Court and its assumed attitude toward reconstruction felt bitter resentment, and criticism of the Congress was widespread. But a majority of the Congress had its way on a political issue. I venture to say that had Congress permitted the Court to exercise its previously established jurisdiction over the case, the Nation would have been no worse off. Indeed the wounds of the Civil War might have healed more quickly.

History teaches us that during the 170 years in which we have operated under our Constitution there has been no real need for the provisions of article III, section 2, which vest in the Congress the power to make exceptions to the appellate jurisdiction of the Supreme Court over constitutional issues.

On the contrary, I submit, history teaches us that such a provision is unwise and inconsistent with our constitutional theory of government.

Why was it included in the Constitution at all? The answer is shrouded in doubt. A distinguished member of the bar of the State which I have the honor to represent, Harrison Tweed, has summarized the situation in the following language (Tweed: Provisions of the Constitution Concerning the Supreme Court of the United States, 31 Boston ULR 1 (1951), at pp. 10-11):

"It is extraordinary how little attention has been paid to these words either before or when they were written into the Constitution or at any time since then. There have been suggestions that they were intended to give Congress a regulatory rather than a restrictive power. But there seems to be nothing in the records of the Convention or in the Federalist to fully sustain the suggestion. It is true that Hamilton suggested in one of the Federalist papers that they were inserted because of the fear that under the power to review judgments of State courts, 'both as to law and fact', the Supreme Court might encroach upon the treasured right to trial by jury. But toward the end of No. 81 he indicated that the provision was inserted as a sort of compromise in order to assure approval of the article concerning the judiciary."

Certainly this presents no reason carrying any weight for the preservation of the provision. And there are other weighty reasons for its elimination. Let me return to my prior statement that this constitutional amendment is consistent with our theory of constitutional government. I am referring to our tripartite division of powers among the legislative, executive, and judicial branches of our Government, and, in particular, to the function which the Supreme Court performs in that system.

Mr. MORSE. Mr. President, I ask that my name be added as a cosponsor of the Senator's joint resolution.

Mr. JAVITS. I thank the Senator from Oregon, and I make that request also.

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

## THE EDUCATION OF YOUTH

Mr. MORSE. Mr. President, the problem of educating the youth of our country is one of the most serious confronting us today. The free nations of the world look to us for guidance in offsetting the activities of the totalitarian nations, and we must never overlook the fact that our efforts to guide the free nations can be no better than the degree to which our own people have trained their minds.

Since the advent of sputnik, we have had a tremendous ground swell of demand for expanded research and education in the field of science. This is all to the good, but we must not let it overshadow our research and studies that relate to man himself. That is why I feel that the program of the National Science Foundation is of utmost importance, particularly the often neglected aspect of the social sciences.

Therefore, Mr. President, I have written to the distinguished chairman of the Subcommittee on Independent Offices and General Government Matters, Senator MAGNUSON, giving him my views on the importance of obtaining adequate appropriations for the National Science Foundation.

I ask unanimous consent that my letter be inserted in the RECORD at this point in my remarks.

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

APRIL 29, 1958.

HON. WARREN G. MAGNUSON,  
Chairman, Subcommittee on Independent Offices and General Government Matters, Committee on Appropriations, United States Senate, Washington, D. C.

DEAR MAGGIE: You will undoubtedly recall our discussions over the past several years regarding the importance of adequate support of research and training in the sciences, and particularly the sciences dealing with man and his social environment.

In this connection, I should like to endorse strongly the full budgetary request of the National Science Foundation for fiscal year 1959. The House action reduced the appropriation from \$140 million to \$115 million. In view of the critical situation we face in scientific research and development, I believe that restoration by your subcommittee of the full amount of \$140 million is amply justified.

I was unhappy to learn that of the \$40 million requested by the Foundation and approved by the House for support of basic research, only \$850,000 is assigned for support of the social sciences. As I stated on the floor of the Senate on February 4, 1958, I am convinced that the social sciences could properly spend 2 or 3 times this amount.

You may remember that last year, in discussing the National Science Foundation's budget for 1958, you and I agreed that it would be appropriate and desirable for the Foundation to spend, out of the total \$40 million then appropriated to it, \$1 million for its developing program in the social sciences. In view of the much larger sums being made available to the Foundation this year, I trust that your subcommittee will urge the Foundation to allocate at least \$1,500,000 for research in the social sciences and that your subcommittee will also urge the Foundation to broaden and strengthen its program of social science fellowships.

I shall not attempt to repeat here the numerous arguments in support of the social sciences which I have presented to the Senate on recent occasions. (See CONGRES-

SIONAL RECORD of June 3, June 12 and August 26, 1957 and February 4, 1958). Suffice it to say that, as the New York Times noted in an editorial last fall, the wider lesson of the sputniks involves not only education in the field of missiles or the natural sciences alone, but also our ability to examine ourselves and our institutions and to improve our knowledge and methodology in the sciences dealing with man's social behavior. It is obvious to all thinking men that greater knowledge about ourselves is as urgent as knowledge about outer space. Information about cosmic phenomena is valuable, indeed, but we cannot afford to neglect our study of human behavior. It would be true folly to master our knowledge of outer space and, at the same time, remain ignorant of the inner man.

Undoubtedly the National Science Foundation has made progress in the social sciences, but this is only a meager beginning. I believe the evidence is quite clear that the Foundation could profitably spend at least \$1,500,000 for support of significant social science research and at least \$500,000 more for support of graduate fellowships in the social sciences. For the record, I am appending herewith my exchange of correspondence last summer with Dr. Alan T. Waterman, Director of the National Science Foundation.

I am very proud to have been associated with you in your efforts to promote the progress of all the sciences, including the sciences of man, through support of the programs of the National Science Foundation. You were among the first to recommend that the Foundation include a division of the social sciences. I hope that it will not be too long before the National Science Board establishes such a division and gives to the social sciences the appropriate support and recognition they imperatively require in this time of crisis.

Would you kindly include this letter in the printed record of the hearings on independent offices appropriation bill for 1959.

With best personal regards.

Sincerely,

WAYNE MORSE.

#### A MAJOR WEAPON AGAINST RECESSION: EXTENSION OF THE MINIMUM WAGE LAW

Mr. MORSE. Mr. President, we are confronted by two inescapable facts: A major recession and unimaginative, weak leadership. Furthermore, the recession is directly related to the failure of leadership. Unable to anticipate problems, the administration can hardly be expected to cope with them once they have developed. Typically, it reacts instead of anticipates. And, worse, it reacts like a snail, slowly and without a sense of direction.

#### RECESSION AND GOVERNMENTAL RESPONSIBILITIES

Not only has the administration failed to produce new policies in the fight against depression, but it has failed to utilize and strengthen existing laws. The President's program is limited to a plea for salesmen to sell harder and for the consumers to buy what they cannot afford. To blame the salesmen and the consumers is to shirk his own responsibility. The source of our economic difficulties is in the misguided policies of the administration.

Now that we are in the midst of a recession the administration has a major responsibility to lead the economy out of recession. This responsibility was clearly enunciated in the Employment Act of

1946, of which I had the honor to be a cosponsor.

It provided—and I quote the statement for the benefit of the President:

The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations \* \* \* to promote maximum employment, production, and purchasing power.

That is the law on the books today.

#### EXTENSION OF THE MINIMUM WAGE

The way out of this recession is to build up the purchasing power of the consumer and to restore his confidence in the future. Confidence can only be accomplished through restoring purchasing power. This calls for firm actions, not pleas to buy, whether made by the President or a salesman.

A double-barreled attack with both tax cuts and public works is essential if the battle is to be won. But concentration upon these measures should not rule out the use of other means.

I have proposed that we extend the minimum wage to cover an additional 9.5 million men and women workers. Congress should reverse its practice of narrowing the scope of the Fair Labor Standards Act and should provide the protection that is the worker's right.

For 20 years it has been the policy of the Nation to guarantee a minimum hourly wage to as many workers as is practicable. Unfortunately, neither the President nor Congress has seen fit to honor the policy declaration of the Fair Labor Standards Act. While we had relative prosperity there seemed little need to extend the coverage of the act to the 20 million still unprotected workers. Now that we are in the midst of a serious recession I renew my plea of last year to extend the benefits of the law. I do so not simply as an antirecession measure, but as a matter of elemental justice.

#### MINIMUM WAGES AND THE RECESSION

Whenever we fail to guarantee a worker a minimum wage of even a dollar an hour, we risk the possibility of denying him the necessary purchasing power to satisfy his own needs and those of the economy. By providing employers the opportunity to pay substandard wages we encourage them to do so. By paying substandard wages we weaken the ability of the worker to buy his neighbor's goods and services. In turn, the neighbor is unable to buy and the vicious circle of depression begins. When we prevent one man from buying, we reduce the income of another and still another, until no one is able to buy.

No economy can prosper and grow with millions laboring at substandard wages; no democracy can long tolerate the degradation forced upon the individual by a wage insufficient for a living standard of health and decency.

It is true that many workers not covered by the minimum-wage law do, in fact, make more money than the legal minimum of \$1 an hour. But once a recession gets under way great pressure is placed upon the employer to lower his wages. A shrinking market means layoffs or reduced wages for the employee.

The more people who are covered by a minimum wage, the less is the temptation and the necessity of lower rates. The worker can continue to purchase and to stimulate the economy.

#### A SHOT IN THE ARM

An extension of the minimum-wage law coverage acts not only as a floor in maintaining demand, but it serves also to increase buying power. In a bill (S. 1267) which I sponsored last year, with the late Representative Augustine Kelley, more than 2½ million workers would receive increases in their wages. By simply requiring employers to pay the legal rate of a dollar an hour there would be hundreds of millions of dollars more with which to purchase the goods this country is so capable of producing. Could anything be more desirable when today the steel industry is producing at less than half of its capacity? Or when 8 percent of the work force is unemployed?

Unbelievable as it may seem, more than a million retail and service workers make less than a dollar an hour. More than 100,000 make even less than 75 cents an hour. If each of the 2½ million men and women with substandard incomes were to have their wages increased by just 10 cents an hour, they would have added \$192 to their annual incomes. If each had 20 cents added, as indeed tens of thousands would, their yearly income would be boosted by \$384. An increase of \$192, or \$384, is no mean amount to a man with a family who is laboring at less than a dollar an hour and is confronted by today's prices.

In terms of the national income, an increase of 10 cents an hour a worker would result in an additional \$480 million a year to purchase the goods of depressed industries. An increase of 20 cents would mean \$960 million a year. Out of that increase would come not merely a better life for the worker, but greater profits for the employer and the investor. Profits cannot be made without effective consumer buying power for goods and services.

But increases in wages have little effect upon the economy unless they are spent. We need have no fear that any increases in the wages of the exploited worker will be hoarded. Men and women who live on a subsistence level cannot afford to save. Every cent they make is spent just to keep going. A few hundred dollars more in the hands of these workers will be spent for the necessities.

#### THE EMPLOYER AND MINIMUM WAGES

I find it strange that some employers still regard the minimum wage as economically unsound. Their own experiences and those of the Nation ought to suggest otherwise. The adoption of the minimum wage in 1938 was a signal event, because it meant that we, as a Nation, were adding another cornerstone to the foundations of our economy. We were committing ourselves to the maintenance of a basic standard of living. Indirectly, we were developing and protecting the markets of the employer.

Today, with 55 percent of the workers covered by the Fair Labor Standards Act, it is imperative that we be fair to



the employers who are also covered by the law. The goods and services of the employer who must pay the legal minimum have to compete with those of the unscrupulous who pay substandard wages. The man who competes not by offering a better product but in exploiting workers is not a fair competitor. The employer who pays less than the legal amount is, in effect, being subsidized by his employees, his competitors, and the general public. Each of us may pay in a different way, but we all end by paying the exploiter. For the honest employer, it is through a loss in sales; for the employee, a standard of living below the standard of health and decency; and for society, the economic costs of low purchasing power and the social costs of degradation.

If the costs of the minimum wage are so great and so prohibitive as its opponents usually have argued, they must explain away a Department of Labor study in 1956 that no consistent price rises were found or could be attributed to a previous increase in the minimum wage.

For the sake of emphasis let me repeat that sentence because, to use a colloquialism, I think it knocks into a cocked hat the false argument of many of the opponents of the Fair Labor Standards Act. I say:

If the costs of the minimum wage are so great and so prohibitive as its opponents usually have argued, they must explain away a Department of Labor study in 1956 that no consistent price rises were found or could be attributed to a previous increase in the minimum wage.

The primary cost of extending the minimum wage to new groups is a reduction in the profits of the exploiter. Is that an unreasonable consequence?

#### PLIGHT OF THE UNPROTECTED WORKER

The imperative need of action in a recession is not the only reason for extending the minimum wage law. The fundamental reason for extended coverage is that millions of men and women need the protections of the law at all times. I cannot understand why we continue to discriminate among workers. The plight of millions who labor at substandard wages is a well-documented one in the hearings of the Committee on Labor and Public Welfare. I need only add here that workers who must work for low wages are forced to work overtime to compensate for the low wages. But few of those who must do this ever secure any time-and-a-half pay for their efforts. The bill I have proposed will, unlike that of the administration, make it possible for all those to be covered to enjoy also a 40-hour week and time-and-a-half benefits.

The policy of the country is clear on the matter of minimum wages. We are, in the words of the Fair Labor Standards Act, "to correct and as rapidly as practicable to eliminate \* \* \* labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of the workers." These humanitarian ideals demand an emphasis upon inclusiveness, not exclu-

siveness. I doubt that any worker would wish to see his neighbors go unprotected. Why should we? It is against the self-interest of the worker and American standards of decency. The burden of proof ought to rest with those who would limit coverage, not those who favor its extension.

#### STATE LAWS AND COVERAGE

The real issue, today, is not whether to extend the law, for that has already been decided; rather, the issue is in finding the most practicable way.

Some have maintained that the chief responsibility is that of the States. But the States have not undertaken the job. One-half of the States do not provide wage protection for workers in the non-manufacturing industries. Only 8 States and 3 Territories have minimum-wage laws which apply to both women and men. In 21 States the minimum-wage law applies only to women and minors, and in some States it applies only to women in specified industries. All in all, only 18 percent of the 20 million workers excluded from the Federal act are covered by the State laws.

The minimum-wage levels in the States that do have such laws are grossly inadequate. Alaska is the only jurisdiction which has standards which equal or surpass the Federal standards. Fewer than one-third of the States and Territories have wage provisions of 75 to 90 cents for retail, hotel, and restaurant workers. In 2 States, the minimum hourly rate is 25 cents, a wage so low as to be meaningless.

Mr. President, low-paid workers cannot expect protection from the State legislatures. The responsibility of the Federal Government is clear. But what can we expect from the administration?

#### ADMINISTRATION PROPOSALS

As usual, we find the President proclaiming pious intentions, while his underlings do what they please for special-interest groups. As a result, the obfuscation and feebleness of the President in this area, as in so many others, have little relationship to what the administration is doing. If the situation were not so critical, I might treat the administration with the satire it so richly deserves.

Although 20 million employees lack protection, the administration announced that its proposals would care for some 2½ million. And, then, as usual, it forgot to carry the fight. Or did it forget to? But, to compound its shortcomings, the administration then proposed to violate the letter and the spirit of the act, by failing to extend maximum hours and overtime pay to the additional workers who would be covered.

A 40-hour week and overtime pay are American institutions. How the administration can justify their limitation defies the imagination. It is asking nothing less than for already-deprived workers to labor overtime in order to make a go of it.

Is it not strange how the administration can be so imaginative, and even energetic, in devising means for resisting meaningful change and progress?

We have a perfect illustration in its minimum-wage proposals. In order to restrict the coverage of the act, it has introduced a new criterion for determining eligibility. It has decided that the number of employees in a firm would be an appropriate test. Furthermore, it has been decided that a retail firm should have 100 employees, in order to be governed by the act. I suppose 100 was regarded as a nice round number. Whatever the explanation, the size of a firm has absolutely nothing to do with interstate commerce. Such a criterion is nothing less than absurd. It is nothing less than an effort to prevent further application of the law.

The bankruptcy of the administration's program is further demonstrated by the fact that of the 2½ million workers who might come under the act, only 400,000 would receive wage increases. If we judge the administration's proposal as being an antirecession measure, which of course the administration has never done, its proposal appears even more inane. If given a 10-cent-an-hour increase, these workers would add but \$40 million to the annual national income, as contrasted to some \$480 million under the Morse-Kelley bill.

#### CONGRESSIONAL LEADERSHIP

If we are to depend upon the States and the administration for constructive, persistent, and imaginative leadership in battling the recession, we shall need to wait a long time. It has not been provided. It is not being provided. And there is no good reason to expect that it will be provided.

The Congress will have to fill the void. But if it does, it must reverse certain attitudes and practices of this administration.

To continue to ignore some 20 million workers is manifestly illogical, unjust, and irresponsible. The time has come for forceful and responsible action on behalf of those who lack friends in the State legislatures, who lack friends in the administration, and who appear—up to now—even to lack friends in the Congress. The fact that clerks, salesmen, and other unprotected workers only lack political power is no reflection upon them, but is a reflection upon the politicians. Are we to continue to treat these men and women as servants who are to be remembered only when it is time to be served by them?

If anyone doubts the justice of extending the minimum wage, let him consider the recession. What justice has long demanded is now made necessary by this recession.

Mr. President, I wish to make very clear that I am urging Congressional action on a minimum-wage law over and above its service to the country by way of an antirecession effect. I am urging that amendments be made to the Fair Labor Standards Act because it is just and right that we be fair to the millions of workers who at present are not covered by that law. But today I am also urging that the administration take another look at this issue, to see whether it can now come along with a proposal to expand its Fair Labor Standards Act

proposal as an antirecession measure, as well.

Mr. President, it always makes me very happy when I can speak a word of commendation of the press; and it makes me particularly happy when I can speak a word of commendation of the editorial policy of the Washington Post.

Today, I am particularly pleased because of the appearance in today's issue of the Washington Post of an editorial entitled "Time for a Tax Cut." The editorial is one of the finest on the whole tax-cut issue that I have read thus far.

Mr. President, the brief speech I have made today on some of our recession problems included a reference to the tax-cut issue. Therefore, I ask unanimous consent that the editorial be printed in the RECORD immediately following my remarks.

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

[From the Washington Post of May 1, 1958]

#### TIME FOR A TAX CUT

The new employment figure ought to end the indecision about a tax cut. Although the total number of unemployed persons declined slightly in the month ending April 15, the increase in employment did not reflect more than the usual seasonal gain. The actual rate of unemployment—the ratio of the number of unemployed persons in the labor market to the number of jobs—rose from 7 to 7.5 percent. This country, and the Free World, simply cannot afford such continued attrition of the American productive economy.

Despite President Eisenhower's noncommittal comments at his news conference yesterday, we think the time for action has arrived. There are, to be sure, some favorable items which can be cited: Savings remain high, consumer spending had held up reasonably well, housing starts and machine tool orders have increased and certain specific sales campaigns have shown good results. But one overwhelming fact remains: The economy is not expanding; it is still contracting, and the erosion has not been halted.

It is of course possible that the economy is beginning to right itself, and that within a few months it would be back on the upgrade even without a new stimulant. But this possibility is "iffy," and even if the optimistic estimates should turn out to be well founded, the question is whether the Government of the United States can afford to wait. We think it cannot. The goods and services which are not now being produced are irretrievably lost. At a time when American industrial production fell 11 percent, Soviet industrial production during the first quarter of this year rose 11 percent. This is a sobering comparison for Americans, and it is even more sobering in the reaction on other Free World nations which are beginning to feel the pinch of the recession in the United States.

The present consideration, it seems to us, ought to be not whether the Government should act, but how. We favor an across-the-board cut in income taxes of limited duration, such as proposed by the Committee for Economic Development, as the sort of measure most likely to produce the needed stimulus quickly.

A tax cut would be preferable to a massive program of public works which could not take effect soon—although more governmental spending, not for leaf raking but for programs to meet essential national needs, is certainly desirable. A reduction of income taxes also would be preferable at this time, from the standpoint of effective-

ness and fairness, to any general tinkering with excise taxes which might open the door to a host of special-treatment pleas. Moreover, an income-tax cut could be so applied as to minimize the danger of additional inflation by resuming current rates when other governmental spending programs began to take hold.

The precise amount, duration, and coverage of a tax cut are properly matters for discussion—though we hope not too lengthy discussion. The CED has suggested a 20-percent general reduction lasting until March 31, 1959, at a cost (beginning 5 weeks ago) of \$7.5 billion. It might be feasible to curtail the period of the cut somewhat so as to make it coincide with the calendar year 1958. The objective, in any case, is to have a cut that is both great enough and of long enough duration to make a major impact on consumer spending and hence on business investment and expansion.

What is essential in any tax-cut program is to avoid letting it become an excuse for shirking other national and Free World responsibilities. This will be a great test of the maturity and vision of Congress. It is important to put more Americans to work, but this is only one of the requirements before the country. It is also important to have Americans decently schooled, to have cities renewed, to provide the highways and other facilities commensurate with the demands of a growing nation. And if these are important, it is no less important to look to the health of the Free World—to expand trade, to maintain alliances and to assist in the economic development of independent countries.

Thus a tax cut cannot be allowed to preclude the additional governmental expenditures needed to meet the domestic needs of a great nation. Nor can it be allowed to detract from the necessary improvement of defense or from the expansion of development programs abroad. Any tendency to take an either-or approach in Congress, to view a tax cut as a substitute for schools or to retreat into economic isolationism at the expense of the remainder of the Free World, must be resisted emphatically as the narrowest kind of folly.

The aim must be to do all of these things: To support a higher rate of governmental spending domestically, to maintain and expand programs abroad and to give the economy the stimulus it needs to resume its growth. Only with such a purpose can the country expect to meet its responsibilities and to provide the expanded bases of production and consumption necessary for the next decade. The United States can recover from the effects of a temporarily unbalanced budget. What it cannot recover from nearly so readily is a prolonged period of sluggishness and economic shrinkage, of failure to keep active the dynamism so essential to the success of the competition in which the Free World is engaged.

For these philosophical and practical reasons we hope that President Eisenhower and the administration will conclude that the time has come for action without further costly waiting; and if the administration delays we hope that the leaders in Congress will themselves press considered tax-cut legislation. A tax cut surely will not be a miracle cure for the recession, but it is medicine of the right sort, and the patient is ailing.

Mr. PROXMIRE subsequently said: Mr. President, I had intended to present this editorial for printing in the RECORD, and join the Senator from Oregon in commending it. It is the clearest and most persuasive argument for prompt economic action by the Federal Government that I have read in a long time.

The point which this editorial makes most convincingly is that the Government of the United States cannot afford to wait. As the Post says, "The goods and services which are not now being produced are irretrievably lost. At a time when American industrial production fell 11 percent, Soviet industrial production during the first quarter of this year rose 11 percent."

The editorial points out that a tax cut should be temporary. It should be terminated as soon as the economy begins to recover. It is the one economic measure which can be put into effect immediately and which can have a prompt and vigorous effect in starting us on the road to economic recovery, which is such a military, as well as a human, necessity, for America today.

Mr. DOUGLAS subsequently said:

Mr. President, I understand that earlier in the afternoon the Senator from Oregon inserted in the RECORD an editorial from the Washington Post of this morning entitled "Time for a Tax Cut." I understand also that comments were made on the editorial by the Senator from Oregon and by the Senator from Wisconsin [Mr. PROXMIRE].

The editorial is rather significant, because it represents a decided shift in the thinking of this national newspaper. Some 3 months ago, when I first proposed a tax cut, the Washington Post was very critical of my proposal, and in March, when I proposed, on the floor of the Senate, a \$5 billion tax cut, the Washington Post was in opposition.

The Washington Post, like many other fine newspapers, has the capacity to learn from experience, and it has evidently learned, and has now adopted a policy which I believe to be wise. There are more and more converts joining the ranks every day, and we welcome them with open arms. We do not examine their credentials. We will not mention unduly their past record. The door is wide open, and we will be very glad to have them come in and join the swelling ranks.

I ask unanimous consent that there may be printed at the conclusion of my remarks an article published in the Chicago American of April 26, 1958, entitled "Northwestern University Professors Support Tax Cut."

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

[From the Chicago American of April 26, 1958]

#### NORTHWESTERN UNIVERSITY PROFESSORS SUPPORT TAX CUT

"The moderate recessions of 1949 and 1953-54 were not ended without the aid of substantial tax cuts, resulting from the Revenue Act of 1948 and from certain measures effective in 1954.

"Without prompt and substantial tax cuts now, there is great danger of cumulative damage from the rapid tapering off in plant and equipment outlays already scheduled, the exhaustion of unemployment insurance rights and the deterioration in the economic position of our trading partners abroad.

"We believe the first major policy step should be to cut Federal taxes by about \$10 billion a year, effective immediately, the cut to remain in effect until recovery is assured. Any further delay will increase the



prospect that even a \$10 billion tax cut will prove inadequate and that the present recession will become even deeper and more prolonged.

"If inflation turns out to be a problem in 1959 or 1960, appropriate measures can and should be taken at that time."

We endorse and support the above statement by 14 economists of Columbia University and the City College of New York, published April 14 in the New York Times.

In doing so we hope to make clear the substantial agreement among professional economists throughout the Nation that firm action is necessary to combat the current recession.

The way to increase output and reduce unemployment, as President Eisenhower has declared, is to bring about more buying. This cannot be done by exhortation. It can be done by reducing taxes so the purchasing power is increased. Further delay in appropriate governmental action is difficult to excuse.

Robert Elsner, F. M. Westfield, R. H. Strotz, C. M. Tiebout, Karl de Schweintz, Jr., R. C. Blitz, A. L. Marty, Kenyon E. Poole, R. W. Clower, H. F. Williamson, A. B. Mandelstamm; All Members of Department of Economics, Northwestern University.

Mr. MORSE. Mr. President, I wish to comment on what my good friend the Senator from Illinois has just said. He referred to the fact that the editorial published in the Washington Post this morning showed that the editors of the Washington Post learn from experience. That is a typically modest statement of the Senator from Illinois. I believe the editorial really shows that the editors are also capable of learning from a great educator and a great economist. I believe this is one of the greatest teaching jobs of many fine teaching jobs the Senator from Illinois has performed in his public life, and is comparable to the great work of teaching he did when he was a professor at the University of Chicago.

I believe the Washington Post editorial shows that the editors of the Washington Post studied the record made by the Senator from Illinois as set forth in the CONGRESSIONAL RECORD. In my book, as I have said so often, he is the greatest economist in Congress and one of the 10 greatest economists in the country today. I believe his position is unanswerable. Therefore the editors of the Washington Post have written this editorial.

I was one of the cosponsors of the amendment the Senator from Illinois offered, and also one of the cosponsors of the Yarborough-Proxmire amendment, providing for a tax cut. There has been a considerable amount of adverse editorial comment in my State about my fiscal irresponsibility, because I favored a tax cut and also favored a public works program.

It has been very interesting in recent days to see in my State also a shift of editorial opinion. As more and more of our newspaper editors recognize that the recession is much deeper than was first contemplated they are beginning to shift their position in regard to the tax-cut issue.

I have always been very proud of the fact that I was a good enough student to follow the teachings of a great teacher on this issue when I joined him as a

cosponsor of the bill offered by the Senator from Illinois.

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

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). 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 call of the roll be rescinded.

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

#### UNIFIED CONTROL OF AIRSPACE

Mr. MONRONEY. Mr. President, I desire to call the attention of the Senate to a serious problem that faces American aviation. This is a problem that has existed for many years, but which has become increasingly critical until it culminated, as it was bound to do, in the recent midair collision of a military jet fighter with an airliner.

We have reached the point in this air age when dual control of our airspace is inviting disaster, both for the military aircraft and civilian aircraft of our Nation. The divided control resulted in this crash which resulted when a jet trainer on a training flight, piloted by a hooded pilot in the back seat and with a safety pilot in the front seat, crossed one of the busiest airways in the world, the east-west leg of the main airway over Las Vegas, Nev.

The pilot of the airline plane was on instrument flight control, and had been assigned the altitude of 21,000 feet to fly that leg of the transcontinental air highway. According to our information, the jet fighter plane, its trainee pilot under a hood, was flying at 30,000 feet. He was given orders by radio, not by the control tower, but by the officer in charge of his instrument training, to descend from 30,000 feet to 16,000 feet.

There is great overcrowding of the airspace over Nevada. I am told six-tenths of the airspace over Nevada is under military control and restricted. The jetplane, in making its simulated instrument landing, was brought across the 21,000-foot altitude which had been assigned to the United Air Lines plane. There was no contact between the control tower at Nellis Air Force Base and the control tower of the CAA at Las Vegas airport, although they were only 6 miles apart.

Furthermore, there was no communication with Salt Lake City and Denver, so that not even the CAA tower at Las Vegas knew that the 21,000-foot altitude had been assigned to the United Air Lines flight.

Those of us on the Aviation Subcommittee of the Senate Committee on Interstate and Foreign Commerce have long been concerned with the growing danger of midair collisions as a result of dual control of air operations and air space. One-half of the air traffic of the Nation is military; the other half is civilian; and the right hand does not know what the left hand is doing. Such a situation is almost as dangerous as a busy intersection at which the red lights were

supervised by one agency and the green lights by another.

For 3 years we have been urging, threatening, and planning to create an aviation agency—an independent agency which would not be a subordinate, back-office branch of a Government office whose primary duty has nothing to do with aviation. An agency of such stature must have the right to control the air space of the Nation, so that both military and civilian air traffic can move with certainty and safety, once they are given assigned altitudes and flight plans, without danger of midair collision.

For years we have tried to coordinate military programs of the various services. All we have had is additional groups of coordinating committees and interdepartmental committees, which seem to spend more and more time in discussion and talk and never reach any program of action.

We have asked the staff of our committee, with the help of the aviation industry, to draft suggested legislation creating an overall modern aviation agency; we will propose an independent agency reporting directly to the President, and not organized as a subordinate branch of another Government department.

We contemplate that the agency will have representatives of the military aviation branches as a part of it, but that it will have a single civilian administrator, who will have the power, after adequate consultation, advice, study, and technical help, to make final decisions. Unless such power is granted soon, air travel is going to become dangerous.

We are about to see the advent of the jet age in civil air transport. Jet airliners flying at over 500 miles an hour, with a range of 4,000 miles, at an altitude of thirty to thirty-five thousand feet, will be crisscrossing this country in large numbers within the next year or year and a half. It is dangerous enough when propeller-driven airplanes, flying at 300 miles an hour, come in proximity to jet aircraft flying at from 500 to 1,300 miles an hour.

As Senators know, the instrument type of control, in which the assigned altitude and the right to use airports is clearly defined, is used by the civilian airlines on all intercity flights.

It is not going to do any good to require one-half of our air traffic to operate under carefully regulated instrument flight conditions if we leave the other half, which is the military traffic, completely free from any regulation or even communication with the civilian side.

For that reason, Mr. President, I hope we shall soon have a bill drafted, which we can consider and on which we can have hearings. We should hear witnesses from all branches of aviation. I hope we can consider and pass a bill which will correct the dangerous situation which will be compounded when the modern jet airliners now on order reach the airlines of the Nation.

As I have said, it is difficult enough to operate propeller-driven airliners safely even under instrument conditions in the vicinity of military supersonic jet aircraft. In good weather the military

fly under visual conditions. That means the military pilots fly by eyesight.

Mr. President, the day of flying by eyesight passed when the jet air age arrived, because there is no one whose eyesight is so good or whose reactions are so fast that he can take corrective measures to avoid a collision when two planes, one flying at 500 miles an hour and the other at 1,200 miles an hour, are closing at a speed of 1,700 miles an hour.

We will have to go into the upper levels of the air, the levels where the jets fly, and control the airspace under conditions similar to the instrument control which we have today. We can no longer depend upon the visibility being good enough for the pilot of the jet aircraft to see what is ahead of him or to the side of him, because of the extreme speeds of these planes.

It is much later than we think, Mr. President. I hope we can expedite the drafting of some overall legislation, to get hearings started so that we can pass a bill and get started to work in a cooperative way.

The civilian side should not dominate the military side, and the military side should not dominate the civilian side of air transportation. Both must work as partners in the air in which we all live. If that is not done, we shall have an increasing number of casualties in both military and civilian air travel.

The Air Transport Association, most of the large airlines, and most public bodies dealing with aviation are aware of the problems. The time has come when we must take action. We must have a blueprint for safety in the air and a greater utilization of our air space under proper control, so that those who fly may take advantage of a great means of transportation without becoming accident victims, such as the two pilots in the Air Force plane or the fifty-odd passengers and crew on the United Air Lines plane.

I had the privilege of having lunch today with President Patterson of United Air Lines. Twice in the last few months, planes of his airline, which is a great airline, have been in midair collisions, both of which could have been avoided had we had proper air navigation facilities in force at the time. President Patterson told me that considering only the pilots and the crew of this airliner, ten children are orphans today because of the crash, which modern technical knowledge and modern control of the air space could have avoided.

Again I say, Mr. President, it is later than we think. The jet air age is upon us. If the air is to be safe, air traffic must be coordinated so that both users, the military and civilian, will be flying under the same type of flight rules. The air space must be under a single control, instead of the two tight, hermetically sealed compartments from which one cannot learn what the other is doing.

ADDRESS BY SENATOR KNOWLAND  
AT GOOD GOVERNMENT AWARD  
DINNER

Mr. HOBLITZELL. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of the dis-

tinguished minority leader, the Senator from California [Mr. KNOWLAND] at the Good Government Award dinner last evening in Washington.

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

ADDRESS BY SENATOR KNOWLAND, GOOD GOVERNMENT ASSOCIATION AWARD DINNER, WASHINGTON, D. C., APRIL 30, 1958

Mr. Chairman, my good friend and colleague in the Senate and one who is also receiving an award this evening, DICK RUSSELL, Senator BRIDGES, Members of the House, and fellow Americans, first of all I wish to express my very deep appreciation to this organization and to Senator BRIDGES for the presentation which has been made.

It has been a great privilege to serve in the Senate of the United States now for almost 13 years. And as I leave the Senate this year, I shall take back with me some wonderful recollections of the men with whom I have served, Democrats and Republicans alike, who have devoted themselves to the preservation of our constitutional system.

I leave Washington this year with some very firm convictions. One is that our American constitutional system is the greatest system that has yet been devised by man for the preservation of a free people, and if we of this generation are just half as wise as those men who gave us our Constitution and who helped to preserve it, we will see to it that we maintain our three great branches of government as coordinate and coequal.

As I have served here for 13 years, I must say to my colleagues in the Senate that in each of those years I have become stronger in my conviction of the importance of maintaining the rights of the States and limiting the power of the Federal Government.

Now this is no time for men or women of little faith. Our Nation would not have been born if people had not had a faith in our free processes and in the future of our common country. We would not have preserved the Union over the intervening years if there had not been people of faith to do so.

In the troublesome times in which we now find ourselves we should never be complacent nor defeatist. I cannot help but believe that what has preserved us as a Nation has been the fact that our people have recognized that what we have, we have gained because of divine guidance. I think all of us since our days in school have recollections of reading of Washington kneeling in prayer during the dark days at Valley Forge when lesser men would have given up the struggle. They have read of Lincoln kneeling during the dark period through which he passed, and through all of this period our Nation has been preserved because our people have recognized this divine guidance which has come to us as a people.

During recent years we have seen how over 900 million people have lost their freedom to the most godless tyranny the world has ever known.

We have an obligation to our generation and to future generations to preserve our free system. This is no time to sell America short. This is no time to weaken our defenses. For I do not believe that basically the men in the Kremlin have changed in the slightest their long-term objective to destroy human freedom everywhere in the world.

Both as an individual citizen of this Nation and as a Senator of the United States, I do have a deep and an abiding conviction that if only we of this generation will use the same courage, yes, and the same commonsense that motivated the men who sat at Philadelphia and, under what I believe was divine inspiration, gave us first our Declaration of Independence and later our Constitution of the

United States, there are none of our great domestic problems, as great as they may be, that we as a free people cannot solve and there is no foreign foe we need ever fear.

DR. ROBERT HUTCHINGS GODDARD:  
FATHER OF MODERN ROCKETS

Mr. ANDERSON. Mr. President, there has just been published in the Saturday Review an article which demonstrates the truth of the old aphorism that a "prophet is not without honor, save in his own country." Just a few years after the Wright brothers' historic flight at Kitty Hawk, N. C., an American physicist, Dr. Robert Hutchings Goddard, started work on rockets which he believed could be made to soar into outer space. The missilemen of today owe an incalculable debt to Dr. Goddard, who died in 1945 at the age of 62.

He held some 200 basic patents at the time of his death and in 1919—nearly 40 years ago—stated the principle of multistage rockets that has become familiar to most of us today.

On March 16, 1926, he launched the first successful liquid-fueled rocket. With the help of funds from the Daniel and Florence Guggenheim Foundation, he fired rockets from the New Mexico desert in 1937. In his New Mexico workshop in 1941, Dr. Goddard built a liquid-fueled rocket which anticipated in almost every detail the German V-2 of World War II—the device on which the United States based much of its rocket development.

I might say, Mr. President, one of the interesting things is that these days if a man is a rocket expert people seem to feel he must have come from Germany. It is also interesting to note that the rocket which Dr. von Braun used in 1943 or 1944 was not only produced in almost exact detail in the United States prior to that time, but that Dr. Goddard tried hard to interest the American Government in it prior to the outbreak of World War II. Dr. Goddard published enough materials so that the information became available to other countries, and scientists of other countries used it to develop rockets. These experts are now brought to the United States, to tell us what to do.

Our own prophet could remain without recognition of his work.

Dr. Goddard's three decades of research cost about \$200,000, or about one-tenth of the cost of a single intercontinental ballistic missile today.

Mr. President, the article is entitled "Mr. Smithsonian's Space Station." It refers not only to the fact that the Smithsonian Institution put up some of the money for the work which the Wright brothers did, but again, through its funds, made possible some of the work by Dr. Goddard.

I ask unanimous consent, Mr. President, that the article written by John Lear, from the Saturday Review of May 3, 1958, be printed in the RECORD at this point.



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

#### MR. SMITHSON'S SPACE STATION

Space stations have become a significant variable in the future plans of American industry. The 8-foot steel-cone model built for the Air Force Office of Scientific Research by Litton Industries of Beverly Hills, Calif., and pictured on Scientific Research's cover this week (through the courtesy of Astronautics, journal of the American Rocket Society) is one of many earthbound prototypes. It is unusual only in that men and materials can be tested together within its vacuum. The men survive by wearing a special suit—the tailor's equivalent of a vacuum bottle—from which carbon dioxide, moisture, and body heat are drawn in exchange for ingoing oxygen. Neither this nor any other sateloid will be ready to go up tomorrow. Some time will pass before any interplanetary structure qualifies as a conservative real-estate investment.

When Mr. Smithson put up his money in England on October 23, 1826, the situation was far more equivocal. Space stations were sheer blue-sky speculations. But Mr. Smithson was a gambler. He bet compulsively, as some men wench, as others drink, as some lug typewriters on buses, trains, and airplanes. No documents survive to tell why he chose the longest shot of his life. Anyhow, the new world that he paid for space in seemed at the time to be a conventional two-dimensional surface with a chunk of unknown below. Not until 1958 did anyone clearly see that the property he ordered in his will actually extends in a fourth direction the whole way up through and beyond earth's atmosphere and has within its bounds a structure with every right to be called "Mr. Smithson's Space Station."

Were it not for Mr. Smithson's gamble, the new National Aeronautics and Space Agency which Congress is now considering on President Eisenhower's recommendation would lack a base of operations.

Mr. Smithson (his first name was James) would almost certainly have enthused over the outcome of the investment made in his name. The notion of gadding about the sky, sampling the northern lights, collecting meteorites and examining the texture of sunbeams, would trigger drool from his omnivorous curiosity. Chemistry fascinated him in life, and he inherited wealth enough (but not a legitimate name) from the Scottish Percys and Henry VII's line to humor the enchantment. He roved the Continent of Europe with a portable laboratory, analyzing every new flower that bloomed in his sight and every new stone that lay in his path, experimenting now in search of Earth's origin, then in search of the nature of colors of vegetables and insects, and again in search of a better cup of coffee. No event was too unexpected, no circumstances too inhibiting to break his quest of the unknown. On one occasion he noticed a tear beginning to slide down a lady's cheek. Instead of offering his handkerchief, he picked up a crystal goblet, pressed it against her loveliness, caught the remaining half-drag of her emotion, submitted it to chemical reagents and discovered "microscopic salt \* \* \* muriate of soda, and \* \* \* 3 or 4 other saline substances."

Perhaps because of the degree of his dedication to pursuit of such investigations, Mr. Smithson never married. He left his fortune to a nephew and stipulated that if the nephew had heirs, the money should pass to them. Then came the gamble. If the nephew had no heirs, "I then bequeath the whole of my property \* \* \* to the United States of America, to be found at Washington \* \* \* an establishment for the increase and diffusion of knowledge among men."

Mr. Smithson died in 1829. His nephew also died heirless. On December 6, 1838, the United States Congress heard formal advice of the windfall's arrival in a message of state from President Martin van Buren. The fortune was in gold, half a million old-fashioned dollars' worth of it. But Congress was preoccupied. The panic of 1837 had hit its nadir. American industry's output was expanded beyond the immediate capacity of its markets (a spectacular exaggeration of the situation which exists today) and the canals weren't paying off (as the railroads aren't now). Besides, the profound domestic issue in American politics those days was States rights versus a strong federalism. A national bank had been beaten down as a threat of overpowering centralization. To many politicians an establishment owned by the United States and charged with increase and diffusion of knowledge among men could mean only one thing: a national university. Would not such a creation embody tacit acceptance of the Federalist principle rejected in the bank debate?

Van Buren left the White House, William Henry Harrison moved in and died there, John Tyler assumed the Presidency and completed his term. Congress wrangled on while canal bonds, in which Smithson's gold had been invested for safekeeping, depreciated scandalously. Finally 20 years after the chance-loving British chemist had written his will, the Congress quashed a last ditch States rights move to return the bequest to England. In 1846, President James Polk signed a law authorizing the establishment of the Smithsonian Institution.

Fortunately for us who are today making the first tentative explorations beyond earth's atmospheric envelope, an adventure infinitely more titillating in its excitements than the voyage of Columbus that gave Mr. Smithson a site for his property, the Smithsonian Institution rose in the midst of American science at a time when science was enjoying popular prestige. The hottest news of the day was Samuel F. B. Morse's patent on the telegraph, which derived from principles of electromagnetism discovered by the brilliant young physicist Joseph Henry. The Smithsonian board of regents commanded the membership not only of three United States Senators and three United States Congressmen but the Chief Justice of the Supreme Court and the Vice President of the Nation. Even more significant, the regents were able to summon as the institution's guiding secretary the electromagnetics scholar who ranked second to Ben Franklin in American science up to that day. Joseph Henry had indeed gone Franklin one better by flying a kite with wires that picked up electricity from the air in a cloudless sky, and it was truly said of this young man that he loved truth for its own sake.

In view of the work that satellite successors to the Explorer and the Vanguard are scheduled to do for science, there is a tinge of prophecy in some of the advice Henry inherited from the Congressional debate over the use of Smithson's money. John Quincy Adams had dreamed of lighthouses of the sky; that is to say, astronomical observatories. James F. Espy, of Philadelphia, saw valuable advantages in simultaneous meteorological observations all over the Union. Adams ridiculed Espy as the storm breeder and political opponents almost ruined Adams by imputing to him belief in lighthouses in the sky—a notion which today seems the sanest commonsense.

Joseph Henry not only believed in lighthouses in the sky; he tried to put them up there. He supported the historic balloon experiments of the Civil War, so added a third dimension to the battlefield—and, incidentally, came sufficiently close to Abe Lincoln to influence the creation of the National Academy of Science. Henry also initiated the first organized effort to chart happenings outside earth's atmosphere by

methodically recording changes in the atmosphere itself as evidenced by the daily weather. Already the Institution was preparing itself for the name, Mr. Smithson's Space Station, though no one thought of it in those words.

Ten years is but a moment in the long story of man's curiosity. Before that moment had fully passed after Henry's death, an astronomer who followed him in the secretary's post had designed a bolometer—an especially sensitive type of thermometer—to measure the heat of the sun. Instead of registering degrees of temperature, this device recorded infinitesimal units which in time were called langleys in recognition of the bolometer's inventor, Samuel Pierpont Langley.

In studying the sun's heat, Langley had to use earth's atmosphere. In studying the atmosphere, he became convinced as early as 1891 that engines then in existence were powerful enough to lift a machine off the ground and fly it above the earth. Such was his stature that his mere statement of belief prompted a philanthropist to give the Smithsonian \$142,000, the interest from investment of which was intended to finance research on atmospheric air in connection with the welfare of man. By 1893, Langley was further convinced that regular pulsations which he observed in the wind would enable a machine to fly against the wind.

In 1896, the Langley experiments in aerodynamics culminated in the catapulting of a 13-foot-long steam-driven airplane from the top of a houseboat above a half mile of the Potomac River before the engine stopped and the plane fell. After a larger model, also launched by catapult, had flown three-quarters of a mile under its own power, Langley said confidently, "The great universal highway overhead is soon to be opened."

But when, at the outbreak of the Spanish-American War in 1898, the War Department expressed interest in the possibility of a plane that could do battle, Langley couldn't find an automobile engine builder in Europe who thought a plane could carry enough pistons to keep it aloft. The motor Langley had built for himself in the Smithsonian's own machine shop landed in the Potomac in 1903 "like a handful of mortar." Modern aircraft makers would write off such a mishap as due to "bugs" and proceed with other experimental models. Optimistic Langley had held the demonstration publicly, however, on the strength of his earlier successes, and newspaper editors of the time responded as hysterically as later ones did to the first failure of the Vanguard rocket. "Langley's Folly," the headlines screeched, and Langley went home on the night of the fiasco to hide his disappointment by telling fairy tales. Nine days later, the brothers Orville and Wilbur Wright, safe from critics among the lonely sand dunes of Kitty Hawk, flew only 120 feet compared to Langley's three-fourths of a mile. But a man was aboard their craft.

Langley died not too long thereafter, some say of grief. Behind him he left the man who had called his "aerodynamics" to President William McKinley's notice in 1898. This convert to man's invasion of the air, Charles D. Walcott, became the Smithsonian secretary. And it was on his initiative that the institution was pushed so far out into the sky that it became Mr. Smithson's space station.

The airplane has been a commonplace for so many years now, and we are yet so unaccustomed to think seriously of waystations for space travel, that it is difficult to believe that space science was under way only 5 years after the first plane flight of the Wright brothers. Nevertheless, it is true that in 1908 an impetuous physics professor named Robert Hutchings Goddard was filling the basement of the Worcester Polytechnic Institute in Massachusetts with such strangling

billows of acrid smoke that he was formally requested to stop playing with those infernal rockets.

Though rockets had been in use for more than 700 years, Goddard was first to try to drive them high into the earth's atmosphere, to study the weather. No matter how fiercely his experiments stank, he persisted. By 1912, his mathematical calculations persuaded him that a relatively small amount of fuel could carry a heavily loaded vehicle far up into the sky if the rockets were properly built.

He experimented for 4 years, then ran out of money. His only remaining resource was his laboratory at Clark University. What he lacked in fund-raising experience, however, he made up in earnestness and enthusiasm. And he turned in a direction that had previously proved hospitable to earnest, enthusiastic young men. He wrote out his big idea and mailed it to Walcott, who, by one of those inscrutable coincidences that punctuate history, had already unwittingly engaged himself in the space travel business through another venture: the new National Advisory Committee for Aeronautics, which is today President Eisenhower's choice for America's civilian space agency.

Merely by way of example, Goddard mentioned in his prospectus to Walcott that it should be possible to fire a rocket that would reach the moon. If the cargo were 13.82 or less pounds of flash powder, the rocket's impact would be strikingly visible to observers on earth.

"This plan," he wrote dryly, "although a matter of much general interest, is not of obvious scientific importance."

Whether Walcott was affected by the weather or by the moon, he replied warmly. How much money did Goddard need? This response was so unexpectedly generous that the rocketeer cut his real requirements in half. He got the sum he named: \$5,000. Later he got \$6,000 more. So it was that on the paystake total of \$11,000 of Smithsonian funds the science of modern rocketry was born.

Copies of the Smithsonian report of Goddard's work were available in the public libraries of Germany at the time Herman Oberth began to write his now famous book, *The Rocket Into Interplanetary Space*. Oberth discussed space flight as a practical possibility rather than the scientific curiosity Goddard considered it. The resulting space travel craze in Hitler's realm enlisted Werner von Braun among the rocket aficionados. The rest of the story, from the V2's of Peenemünde to the manmade moons of Cape Canaveral, is now familiar to millions who, upon hearing mention of Mr. Smithsonian's Space Station, would ask: "Smithson? Which Mr. Smithson?"

#### ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment until noon Monday next.

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

#### ASSUMPTION BY THE SUPREME COURT OF THE ROLE OF THIRD LEGISLATIVE CHAMBER

Mr. JOHNSTON of South Carolina. Mr. President, law has sometimes been described as a mirror of history. Laws reflect man's struggle up from tyranny to freedom. Laws are the cornerstone of a republic—in their absence there is despotism.

Take away a rule of law and you have a frenzied Hitler, hurtling the world into war—remove the protection of law and you have the tragic persecution of a Stalin—make a mockery of law and you have the farcical trials of a Moa-ruled Red China.

Law—organic law, constitutional law, embracing the rights first wrung from an unwilling monarch back at Runnymede of memorable Magna Carta origin, is the basic framework upon which representative government is built.

Time and time again it has been said, and the truth has gained new luster in the retelling, that ours is a government of laws and not men.

Mr. President, it is well to keep this truth before us in this day when so many of our citizens have taken alarm at the grab for power by our Supreme Court as it has virtually annulled laws in rulings that have far exceeded that body's authority.

A constitutional crisis is in the making as the Supreme Court, in decision after decision, makes a shambles of established, ingrained law. So abusive has the Court become of the traditional separation of powers structure in our Government that one of America's most eminent jurists, for years hailed as an outstanding liberal, has declared the Supreme Court is assuming the functions of a third legislative chamber.

Striking out hard for the concept that the Supreme Court should champion the established law of the land instead of writing new law through Court decisions, Judge Learned Hand in a recently delivered lecture at the Harvard Law School on the Bill of Rights said:

The authority of the courts to annul statutes (and a fortiori acts of the Executive) may and indeed must be inferred (although it is nowhere expressed), for without it we should have to refer all disputes between the "departments" and States to popular decision, patently an impractical means of relief, whatever Thomas Jefferson may have thought.

However, this power should be confined to cases when the statute or order was outside the grant of power to the grantee, and should not include a review of how the power has been exercised \* \* \* For a judge to serve as communal mentor appears to be a very dubious addition to his duties and one apt to interfere with their proper discharge \* \* \* Moreover, it certainly does not accord with the underlying presuppositions of popular government to vest in a chamber, unaccountable to anyone but itself, the power to suppress social experiments which it does not approve.

In effect, to a layman, the distinguished senior jurist, regarded by the legal profession as one of the most able legal scholars in the land, is saying that the Supreme Court has far overreached itself and is taking unto itself powers that were never authorized by the Constitution or intended by the Founding Fathers.

An outstanding example of the Court's invasion of legislative functions was its decision outlawing racially separated schools, thereby failing to uphold the precedent of the Court where it had previously held that equal facilities were all that was necessary. That line of decisions extended over a period of 100 years.

The Supreme Court substituted its judgment for that of a number of State legislatures and also for that of Congress.

The Supreme Court went so far in this opinion as to edict a time element for compliance by the people of what it ruled to be constitutional.

A practice, condition or custom is either constitutional or it is unconstitutional. Only a lawmaking body such as Congress has the power to include a time element for compliance with some new law or for ending failure to comply with some standing but yet unenforced measure.

A court is a body to determine whether compliance is being carried out or not. When a court goes into the field of changing the meaning of standing laws and decides the time element for compliance, it is then writing laws and not interpreting laws.

In the consideration of this issue it is important that we remind ourselves that Congress never passed legislation affirming that the 14th amendment to the Constitution implied and required nonsegregated schools.

The proposition that a court, through the issuance of an opinion, can cancel out the time-honored, time-developed social institutions of a nation is not only a capricious notion but a dangerous concept. By such a device courts could negate the habits, values, and social relationships of a country.

The law is the law because it represents the just equation of peoples' experiences, down through the decades; yes, down through the ages.

Laws find their mandate in consent voluntarily and expressly given to representatives of the people who are chosen for legislative tasks. It is the height of folly, nay, a malicious misadventure in government for courts, established to interpret the law, to arrogate to themselves lawmaking powers. Such usurpation by the courts is an invitation to legal recklessness that might easily lead to civic convulsions and the ruin of our democracy. An unwarranted, unreasonable extension of the courts' powers could well develop into a dictatorship of the judiciary, wrecking the social mores, customs, and democratic institutions of America.

The United States has witnessed, to its regret, the damage caused by the Supreme Court's invasion of States rights in its ill-fated desegregation opinion. That case happened to come up from my State.

This is an example of what happens when the Supreme Court embarks upon legal nullifications of constitutional safeguards that were built into the Constitution in the light of man's experiences of the ages. No court decision can so nullify constitutional guaranties, constitutional doctrines that have their authority in the birth of the Republic and their force in the living history of our Nation.

In case after case the Supreme Court has flouted established law as its flood of decisions has washed away the traditional safeguards which have been the constitutional protection of our citizenry.



States rights have been violated by the High Court's decrees; the Nation's efforts against Communists and subversives have been weakened; the internal security of the United States harmed; legislative bulwarks tumbled; society's rights against criminals surrendered, and a harvest of social tensions unnecessarily fomented in the Court's onslaught against constitutional safeguards.

Let us examine some of the cases where Supreme Court decisions have destroyed constitutional law and weakened our whole system of representative government.

A most interesting case is the Stephen Girard will case. It is entitled "Commonwealth of Pennsylvania against Board of Directors et al.; order No. 769, issued April 29, 1957; Commonwealth of Pennsylvania, appellant, against Board of Directors of City Trusts of the City of Philadelphia."

This was an appeal from the Eastern District of the Supreme Court of Pennsylvania. In a per curiam opinion, wherein the appeal of motion was dismissed, however, the Court, treating the papers filed with the appeal as a petition for certiorari, granted same.

Stephen Girard, by will probated in 1831, left a fund in trust for the "erection, maintenance, and operation of a college" for the education of "as many poor white male orphans between the ages of 6 and 10 years as the income from the trust shall be adequate to maintain."

The will named the city of Philadelphia as trustee.

The provisions of the will were carried out by the State after the opening of the college in 1943. Since 1869, the college, by virtue of an act of the State legislature, and the trust were administered by the Board of Directors of City Trusts of the city of Philadelphia.

In February of 1954, petitioners, Foust and Felder, applied for admission to the college. They met all the qualifications except they were Negroes. The board refused their admission. They petitioned the orphans court to direct their admission. The city of Philadelphia and the State of Pennsylvania joined in the petition of Foust and Felder.

The grounds of the petition were that the action of the board of directors was in violation of the 14th amendment to the Constitution.

The orphans court denied the petition and the decision of that court was affirmed by the Supreme Court of Pennsylvania, in 386 Pennsylvania 548.

The Supreme Court held that the board of directors operating Girard College, though acting as a trustee, was an agency of the State of Pennsylvania, and that the refusal to admit Foust and Felder was an act of discrimination by the State in violation of the 14th amendment to the Constitution—*Brown v. Board of Education* (347 U. S. 483).

The Supreme Court directed a reversal of the Supreme Court of Pennsylvania and remanded the case for further proceedings not inconsistent with its opinion.

Mr. President, in the Girard case the Court virtually sets itself up as having the power to draw a decedent's will by nullifying a will's plain provisions. It was Girard's will that poor, white boys between 6 and 10 should be the beneficiaries of his bounty. If the court can change white to mean colored, why can it not change male to female? What can prevent the Court from changing the ages from 6 to 10, from 10 to 20? Who can say the Court lacks the power to strike down the qualifying word "poor," so that even the rich or the undeserving might not also become the beneficiaries? Such overreaching, overstepping and variant exercises of judicial power not only defeats a testator's plain intent in his will, it invades the field of legislation. Such an exercise of power goes far beyond the normal process and reasoning applied to judicial interpretation or construction. In reality such an opinion is judicial destruction of a decedent's expressed testamentary powers under the law of wills and in the administration of estates and trusts.

The decisions of the Supreme Court in the Jencks, Nelson, and Girard cases nullify all precedents and renders the law of stare decisis of no effect whatever. Such decisions haunt the lower courts and counsel alike, for no one knows from day to day what the law is or might be tomorrow.

Mr. President, let us take a look at what the Supreme Court has done in cases affecting criminal offenses, bearing in mind that FBI figures show that since 1950 crimes have increased nearly four times as fast as the population.

Consider the Mallory case. The records show that on April 1, 1954, Andrew R. Mallory, colored, raped a defenseless woman in the laundry of her apartment house. Through good police work the 19 year old rapist was rounded up. He was convicted and his conviction upheld by the Court of Appeals.

In a unanimous opinion, written for the Court by Mr. Justice Frankfurter, the conviction was reversed and remanded. It is important to note that the Supreme Court did not find Mallory innocent. Never was there any suggestion from the High Tribunal that there was any doubt about the man's guilt. Instead Mallory was allowed to go free because the Court made a rule on a technicality in which the Court denied to the police the right to question a suspect before arraignment. The police had questioned the suspect and the questioning produced a confession, but the Court ordered Mallory to have a new trial. The very interesting aspect of all of this is that the Court in effect was "putting manners" on the police because it felt they had not been sufficiently technical in dealing with the defendant.

Although the Court ordered a new trial, that was the end of the matter for all practical purposes, for the Attorney General's Office, in dismissing the case, said that the position taken by the Court and the texture of its opinion practically made it impossible to develop a new case which held any reasonable chance of conviction.

Thus an admitted rapist, tried and convicted, walked free from jail. The

return of this man to society, however, is only a small part of the total result for the procedures insisted upon by the Court, in the opinion of law enforcement officials, serve as barriers against the conviction of criminals.

In this connection it is interesting to recall the comment of Assistant Attorney General Warren Olney, Chief of the Criminal Division of the Department of Justice, as quoted in the Washington Star:

The Mallory decision clearly demonstrates that a great many serious crimes will go unpunished, not because the truth cannot be ascertained, but because of the procedures that have to be followed to develop the facts.

Still quoting the Star:

Mr. Olney said the Court is supposed to have its judgment rest on the best truth it can get but the Court will not listen to the truth for reasons that have nothing to do with the guilt or innocence of the defendant.

Further, Mr. Olney is quoted in the Star as follows:

This opinion says in so many words that the police can't question a suspect after his arrest. The place where the impact of this decision will be greatest is in the gangster crimes. It is the real hardened professionals who will take advantage of this. The housewife who shoots her husband usually confesses to the first person who comes along. This decision won't affect her.

But when dealing with criminal groups, police will be unable to question the hirelings who are caught first, about the higher-ups they want to reach.

On the same issue, Washington's Police Chief is quoted by the Star in these words:

Chief Murray cited the rape of an 8-year-old northeast girl where 30 detectives have been at work rounding up possible suspects. Over 1,000 people have been questioned in the crime.

"What good will it do to bring in a good suspect, question him and get a confession if this decision stands?" he asked. This decision says he must be arraigned immediately and not questioned after we arrest him.

And so a rapist was set free by grace of the United States Supreme Court. And in the opinion of penologists, criminologists, jurists, lawyers, and law enforcement officials, a great blow was struck against the legal system to bring criminals to a just accounting before the bar of justice.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled, "Help! Help!" published in the Washington Star of April 20, 1958.

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

HELP! HELP!

A Solomon would stagger away, talking to himself and shaking his head, if called upon to explain what the Mallory rule means in the Nation's Capital today.

It has been almost a year since the Supreme Court handed down its unanimous decision in the Mallory case—a ruling which threw out the confession of a convicted rapist and resulted in his release. Mallory had been held by the police for 7½ hours. The reason for the reversal was that he had not been arraigned "without unnecessary delay" as required by Federal rule 5 (a).

We thought from the beginning that the Supreme Court's decision was unreasonable

in the circumstances of the Mallory case and that its meaning was unclear. Others disagreed, contending that the opinion was both proper and its meaning clear.

Now, almost a year later, comes the opinion of the United States court of appeals in the case of John Trilling, an eager-beaver safecracker. This appellate court is composed of nine able and conscientious judges. Yet they are in hopeless disagreement with respect to the meaning of the Mallory rule as applied to the Trilling case.

The division among the judges is cited here, not in any needling spirit, but to illustrate the massive confusion which prevails. Judge Danaher wrote what becomes the opinion of the court, affirming Trilling's conviction on one count in three indictments. Trilling, in three trials, had been found guilty under all of the indictments. Judge Danaher was joined in full only by Judge Burger, and we will return to Judge Burger later. Judge Bazelon, joined by Chief Judge Edgerton, would have thrown out all confessions and reversed the one conviction. Judges Washington and Fahy came to this same conclusion, but, perhaps significantly, they did not join in Judge Bazelon's free-wheeling opinion. Judge Prettyman was joined by Judges Miller and Bastian. He agreed with Judge Danaher as to the correctness of the one conviction, thus supplying a majority of the court on this point. But Judges Prettyman, Miller, and Bastian thought that all of the confessions were valid and that all of the convictions should have been affirmed.

This, then, is the prevailing state of the law in the District with respect to the Mallory ruling. How can any policeman, prosecutor, or trial judge be expected to know which end is up?

Let's get back to Judge Burger. In a brief statement he said he agreed reluctantly with Judge Danaher because he thought he was compelled to do so by the Mallory ruling. He would have preferred to join Judge Prettyman because what he said makes sense and ought to be the law. Then Judge Burger said this: "Rule 5 (a) should be re-examined by the rule-making process or by Congress."

To this we say "Amen" although we believe action by Congress is preferable. This community, in which the Mallory rule hits with full and crippling impact, is in desperate need of help. That help can best come through enactment of pending legislation which provides that mere delay in arraignment shall not serve to invalidate voluntary confessions. We earnestly hope the decision in the Trilling case will furnish the extra push needed to get the bill through Congress.

Mr. JOHNSTON of South Carolina. Mr. President, another revealing case is that of *Jencks v. United States* (353 U. S. (No. 3) 657,684).

The petitioner, Jencks, was convicted of perjury for falsely swearing in an affidavit filed with the National Labor Relations Board that he was not a member of the Communist Party nor was he affiliated with the party.

Two paid undercover agents of the FBI—Harvey F. Matusow and J. W. Ford—were the principal witnesses for the prosecution. These witnesses testified that they had made regular oral or written reports to the FBI on matters about which they had testified.

Jencks moved that the reports be produced in court for the inspection of the judge with a view to their possible use to impeach such testimony. The motions were denied by the trial court.

Jencks was convicted. The fifth circuit court of appeals affirmed the conviction and also the order of the trial

court on the petitioner's motion for a new trial.

The party activity of Jencks preceded his union employment as a business agent for the International Union of Mine, Mill, and Smelter Workers in the New Mexico area.

The witnesses, Matusow and Ford, admittedly were active members of the Communist Party in New York and Mexico, respectively.

Matusow, of course, recanted and made himself out a liar for having named certain Communists as Communists, but the Senate Judiciary Subcommittee on Internal Security made a thorough investigation of the affair. I am a member of that subcommittee.

The distinguished junior Senator from Indiana [Mr. JENNER], in a speech reporting on the Jencks case and other related matters some time ago, had this to say about the Jencks recantation:

We (the Subcommittee on Internal Security) learned that the so-called recantation had actually been cooked up by Red attorneys Witt and John T. McTernan before Matusow knew about it himself. We learned that Matusow, in a private, tape-recorded conversation with his Communist publisher, Albert Kahn, had said this about Jencks: " \* \* \* it made him no less a Communist because he put a piece of paper down and said I'm no longer a member. As far as I am concerned, Jencks was still under Communist Party discipline." Nevertheless, a month later Matusow made his affidavit of recantation.

So what happened? The Supreme Court, speaking through Justice Brennan, declared Jencks could have access to the FBI files and in effect examine them to his heart's content. I do not have that right, even though I am a member of the Committee on the Judiciary.

Justice Clark in a vigorous dissent held that the investigative reports of the Government should be kept inviolate in accordance with the previous decisions of the Court.

I am glad he so held, because he knows a little something about the way records are kept in the Department of Justice and about what has been done in the past. He has been Attorney General of the United States, so probably he has more information on the subject than probably the other members of the Supreme Court have.

In the Jencks case, the Supreme Court struck down in one decision what had long been the rule of law and practice in all our Federal courts, that the reports and notes of the investigative officers of the Federal Government were removed from the pillage and search of criminals in an effort to avoid and evade conviction for a crime. It gave the Communists a free rein to go through all the prosecutor's files and papers without first providing that the judge should have power to separate the wheat from the chaff, the relevant from the irrelevant. The effectiveness of reports of detectives, police officers, and members of the FBI has been placed at the mercy of all criminals so far as preliminary detection, arrest, and final conviction are concerned. Prosecution in many cases had to be dropped.

Moreover, the longstanding rule and practice in all Federal jurisdictions were reversed. Something new and foreign to such practice is introduced in our criminal prosecutions thus rendering the many good and law-abiding citizens to the mercies of the criminal and his evil acts of violence, sedition, subversion, and the very destruction of society.

My reason for mentioning that is that if someone is being questioned by the committee, and it is necessary to examine the FBI files, the only member of the committee who can glance at the record is its chairman.

It is amazing, when one looks at such a file, to see all the hearsay against various persons which is placed in the file. A great deal of turmoil would be engendered if every bit of it could be made known and exposed to the world. I feel there would be a great many killings if the contents of those files could be made public, so that everyone would know what his neighbors had done. I fear that the next day we would see a great many newspaper headlines to the effect that so-and-so was killed last evening.

The President's Commission on Government Security, a distinguished group of lawyers, educators, public servants, and former members of the FBI, in its report filed June 21, 1957, commented upon the impact of the Supreme Court's decisions on the national security.

Chairman Loyd Wright, who is well known from coast to coast for his legal attainments and his liberal views, in his statement accompanying the report said:

Judicial decisions rendered during the past year have required modification of the security programs, and apparently similar changes can be expected in the future. Both the legal profession and an informed citizenry have found causes for concern in the judicial delays that have left in doubt many of the basic issues of the security system.

As this is written to meet a publication deadline, confusion has been compounded by the decisions of *Jencks v. United States*. When we are striving to survive the insidious attacks of the Kremlin seeking to destroy our government of law, it is disheartening that blind justice is unnecessarily blinded to realism. I respectfully urge the Congress that if we are to keep pace with our enemies who seek to infiltrate our Nation to subvert us, immediate legislation must be passed to negate the grave consequences that will flow from this confusing decision.

The Commission on Government Security in its comprehensive studies and findings takes cognizance of the relationship between the judiciary and the national security. The Commission in its majority report—a separate report was filed by the Honorable James McGranery, former Attorney General of the United States—said:

It is fundamental that there should be no reasonable doubt concerning the loyalty of any Federal employee in any of the three branches of the Government. In the judicial branch, the possibilities of disloyal employees causing damage to the national security are ever present. As an example, Federal judges, busy with ever-crowded court calendars, must rely upon assistants to prepare briefing papers for them. False or biased information inadvertently reflected in



court opinion in crucial security, constitutional, Government, or social issues of national importance could cause severe effects to the Nation's security and to our Federal loyalty-security system generally.

There appears to be no valid reason why an employee of the judicial branch should not be screened, at least as to his basic loyalty to the United States. Certainly the judiciary proper and the public generally should have the assurance that the men and women who carry the administrative responsibilities of the courts or assist in the preparation of decisions are loyal, dependable Americans.

The Commission therefore recommends, as in the case of the legislative branch, that the judicial branch and the executive branch endeavor to work out a program under which adequate investigation or screening can be provided for all judicial employees.

Mr. President, upon review, the Court's record of decisions over the past several years is truly appalling. Perhaps it would not be amiss to recite, once more, the facts in the Steve Nelson case.

In this case the Commonwealth of Pennsylvania was the petitioner, and Steve Nelson was the respondent.

Steve Nelson, an acknowledged Communist, was convicted by the Quarter Sessions Court, of Allegheny County, Pa., of violation of the Pennsylvania Seditious Act. He was sentenced to serve 20 years and to pay a fine of \$10,000 and costs, amounting to \$13,000. The conviction was affirmed, on appeal, by the Pennsylvania Supreme Court (172 Pa. Super. Ct. 125 92A (2d) 431).

The Supreme Court of Pennsylvania held that the Smith Act of 1940—as amended in 1948—which prohibits the knowing advocacy of the overthrow of the Government of the United States by force and violence, supersedes the enforceability of the Pennsylvania Seditious Act. (377 Pa. 53; 104 A (2d) 133.)

By reason of the fact that many State attorneys general and other filed briefs, either pro or con, as amici curiae, certiorari was granted.

The principal question was whether a State might indict and punish when there is a Federal statute for a like offense. Does the Federal statute on a particular subject matter prevent a State from passing a valid and enforceable act? The Court ruled that the States were powerless to move to protect themselves against the Communist conspiracy because the Federal Government had preempted that right. Justice Reed, for himself and Justices Burton and Minton, dissented from the majority opinion, and said, in part:

It is quite apparent that since 1940 Congress has been keenly aware of the magnitude of the existing States legislation prescribing seditious. It may be validly assumed that in these circumstances this Court should not void State legislation without a clear mandate from Congress.

As a result of the Supreme Court decision in the Steve Nelson case, more than one State attorney general reported that they were compelled to turn loose numbers of Communists against whom action had been taken. Thus, the efforts of the several States to cope with the conspiratorial efforts of the Communists within their jurisdiction were brought to naught.

The record is filled with evidence that the Supreme Court in recent years has indeed assumed the functions of a third legislative chamber, by voiding the traditional doctrine of States rights, assuming the powers of the Congress, and striking at the powers of the Federal Government to protect itself against the Communist conspiracy.

Mr. President, lawmaking is not the function of the judiciary. It is not by accident that the first sentence of the Constitution states:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

So there can be no doubt of the intent of the framers of the Constitution on this point, it is noteworthy that section 8 of article I of the Constitution declares:

The Congress shall have power \* \* \* to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, what could be plainer? The framers of the Constitution were making it abundantly clear for all time that the lawmaking powers were vested in the Congress, and that no inherent powers were reserved to the courts. Such powers as were given to the President were for the execution of the laws enacted by the Congress.

Mr. President, we are confronted with the proposition that the Supreme Court has been in the lawmaking business, and has been usurping legislative functions, under the guise of judicial construction. We have seen that no such grant of authority was intended or given to the Supreme Court by the Fathers of Our Country. If the Supreme Court is to have more power legally, wider jurisdiction, greater authority, then the basic laws of the country will have to be changed and the Constitution amended. There is established procedure for changing the Constitution, and the issue will have to be taken to the States, in the form of a proposed constitutional amendment. It has been well said that the States are more than municipal corporations. In fact, article IV of the Constitution sets forth a perpetual guaranty of sovereignty, in these words:

The United States shall guarantee to every State in this Union a republican form of government.

Mr. President, in these days we do well to bear in mind that the men who were delegates to the Constitution Convention of 1787 had just risked their lives, liberties, and fortunes in the Revolutionary War. They were determined to establish a government of laws, not of men, wherein the rights and liberties of all were to be protected under a constitutional system based on three separate branches of the Government: Executive, legislative, judicial.

In his classic treatment, "The Spirit of Laws," Montesquieu wrote: "(In a Republic rulers) govern by fixed and established laws; while a despot governs according to his will and caprices with-

out laws and rules." Impressively, he wrote: "In despotic states there are no laws, and the judge is his own rule." By contrast, he said in free states "there is a law, and where it is precise, the judge follows it; where it is not he tries to discover its spirit."

Judges, no matter how elevated their tribunal, must not attempt to make new laws by their judicial construction. Jurists have no warranty to tear up the Constitution. Clearly, no matter how skillfully phrased, no matter how solicitous in pretensions for the general welfare, no decision or decisions of any justice or justices are sufficiently grounded in constitutional authority to make a new law.

To this challenge of Supreme Court "dictated" law, the Congress must rally. Judicial despotism is just as repugnant to free men as is tyranny in any other form. It is our task to preserve the constitutional system that was won for us by untold sacrifice, paid for in patriot's blood, and established under the guidance of the Almighty.

I ask unanimous consent to have printed in the RECORD at this point a part of a report made by former United States Senator Herbert R. O'Connor to the American Bar Association in England last July 25, dealing with the Communist conspiracy.

In his report, Senator O'Connor included 15 cases decided by the United States Supreme Court which "directly affect the right of the United States of America to protect itself from Communist subversion."

Although I have dealt in detail with several of the cases included in the O'Connor report, I am submitting the entire list of 15 as commented upon by Senator O'Connor in his report.

The PRESIDING OFFICER. Is there objection?

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

#### THE CLEAR AND PRESENT DANGER

Modern history is filled with the wrecks of republics which were destroyed from within by conspiracies masquerading as political parties. The nine justices of the Supreme Tribunal of Germany refused to see that the Nazis were a conspiracy against the very existence of the German Republic. The Kerensky government of Russia thought it could tolerate and coexist with the Communist conspirators. The Communists responded to this toleration by disbanding the Constituent Assembly at bayonet point and destroying the newborn Republic of Russia. The Republics of Czechoslovakia, Poland, and China tried valiantly to coexist with the Communist Party in their midst, but were unable to do so.

We are spending more to equip and defend ourselves and our allies from Communist aggression than we ever spent to stop Japanese aggression. The Japanese found it difficult to purloin our military secrets, but the Communists have stolen many of our military secrets, including vital details of the American atomic and hydrogen bombs which were known to the traitors, Dr. Klaus Fuchs and Dr. Bruno Pontecorvo.

The cynical cruelty with which the Kremlin crushed the Hungarian patriots and executed their leaders is proof by deeds that "the spirit of Geneva" was always a tactic and a sham. Likewise, the admission of Mao Tse-tung in his recently published Peking speech

of February 1956 that the Chinese Communists completed the liquidation of 800,000 persons between October 1949 and January 1954, and the report published June 15, 1957, by the Senate Internal Security Subcommittee that, in fact, more than 15 million persons have been executed in Red China since 1951 proved the fatuity of those who argue that Red China should be admitted into the family of nations and recognized by our Government.

The Communists have conquered large areas of the world according to a carefully enunciated plan. In 1903, Lenin established communism with 17 supporters. In 1917, the Communists conquered Russia with 40,000. In 1957, the Communists are in iron control of 900 million people. Their advance since the end of World War II has been especially tragic.

The Korean war proved that aggression does pay because it was followed by Soviet advances in Tibet, Indochina, and Hungary. After Soviet tanks rolled into Hungary the Communists succeeded by clever propaganda in electing their first government by forms of democratic processes—in the state of Kerala, in India. To the Communists "peaceful co-existence" means Communist conquest without war.

#### COMMUNIST OBJECTIVES

The greatest asset the Communists have at the present time is not the hydrogen bomb, certainly not Soviet satellites, but world ignorance of their tactics, strategy, and objectives. The biggest need today for the free peoples is an awareness of the menace of communism and the ability to isolate the Communist line so that whoever utters it may be detected. One speech from the mouth of an important American innocent can be worth a truckload of New York Daily Workers in advancing the international Communist conspiracy. The current Communist line includes the following:

1. Repeal or weaken the anti-Communist legislation on the books, especially the Smith Act, the Internal Security Act, and the Subversive Activities Control Act.
2. Discredit and hamper the Senate Internal Security Subcommittee, the House Un-American Activities Committee, and State officials investigating communism.
3. Weaken the effectiveness of the FBI and reveal its sources of information.
4. Destroy the Federal security system.
5. Recognize Red China and admit her to the United Nations.
6. Oppose the possibility of the United States breaking off diplomatic relations with Soviet Russia.
7. Enlarge East-West trade, especially in items of short supply behind the Iron Curtain.
8. Revive the idea that the Communist Party is just another political party.
9. Use the recent shakeup in the Kremlin as a guise to revive a "Communist peace offensive," just as a previous shakeup in the Kremlin brought about the spirit of Geneva.

#### AMERICAN CASES ARE CITED

In the last 15 months, the United States Supreme Court has decided 15 cases which directly affect the right of the United States of America to protect itself from Communist subversion.

1. *Communist Party v. Subversive Activities Control Board*: The Court refused to uphold or pass on the constitutionality of the Subversive Activities Control Act of 1950, and delayed the effectiveness of the act.
2. *Pennsylvania v. Steve Nelson*: The Court held that it was unlawful for Pennsylvania to prosecute a Pennsylvania Communist Party leader under the Pennsylvania Sedition Act, and indicated that the antisedition laws of 42 States and of Alaska and Hawaii cannot be enforced.
3. *Fourteen California Communists v. United States*: The Court reversed two Fed-

eral courts and ruled that teaching and advocating forcible overthrow of our Government, even "with evil intent," was not punishable under the Smith Act as long as it was "divorced from any effort to instigate action to that end," and ordered 5 Communist Party leaders freed and new trials for another 9.

4. *Cole v. Young*: The Court reversed two Federal courts and held that, although the Summary Suspension Act of 1950 gave the Federal Government the right to dismiss employees "in the interest of the national security of the United States," it was not in the interest of the national security to dismiss an employee who contributed funds and services to a not-disputed subversive organization, unless that employee was in a "sensitive position."

5. *Service v. Dulles*: The Court reversed two Federal courts which had refused to set aside the discharge of (John Stewart) Service by the State Department. The FBI had a recording of a conversation between Service and an editor of the pro-Communist magazine *Amerasia*, in the latter's hotel room in which Service spoke of military plans which were "very secret." Earlier the FBI had found large numbers of secret and confidential State Department documents in the *Amerasia* office. The lower courts had followed the McCarran amendment which gave the Secretary of State "absolute discretion" to discharge any employee "in the interests of the United States."

6. *Slochower v. Board of Education of New York*: The Court reversed the decisions of three New York courts and held it was unconstitutional to automatically discharge a teacher, in accordance with New York law, because he took the fifth amendment when asked about Communist activities. On petition for rehearing, the Court admitted that its opinion was in error in stating that Slochower was not aware that his claim of the fifth amendment would ipso facto result in his discharge; however, the Court denied rehearing.

7. *Sweezy v. New Hampshire*: The Court reversed the New Hampshire Supreme Court and held that the attorney of New Hampshire was without authority to question Professor Sweezy concerning a lecture and other suspected subversive activities.

8. *United States v. Witkovich*: The Court decided that, under the Immigration and Nationality Act of 1952, which provides that any alien against whom there is a final order of deportation shall "give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether unrelated to the foregoing, as the Attorney General may deem fit and proper," the Attorney General did not have the risk to ask Witkovich: "Since the order of deportation was entered in your case on June 23, 1953, have you attended any meetings of the Communist Party of the U. S. A.?"

9. *Schwartz v. Board of Bar Examiners of New Mexico*: The Court reversed the decisions of the New Mexico Board of Bar Examiners and of the New Mexico Supreme Court which had said: "We believe one who has knowingly given his loyalties to the Communist Party for 6 or 7 years during a period of responsible adulthood is a person of questionable character." The Supreme Court substituted its judgment for that of New Mexico and ruled that "membership in the Communist Party during the 1930's cannot be said to raise substantial doubts about his present good moral character."

10. *Konigsberg v. State bar of California*: The Court reversed the decisions of the California Committee of Bar Examiners and of the California Supreme Court and held that it was unconstitutional to deny a license to practice law to an applicant who refused to answer this question put by the bar com-

mittee: "Mr. Konigsberg, are you a Communist?" and a series of similar questions.

11. *Jencks v. United States*: The Court reversed two Federal courts and held that Jencks, who was convicted of filing a false non-Communist affidavit, must be given the contents of all confidential reports which were made by any Government witness in the case, even though Jencks restricted his motions to a request for production of the reports to the trial judge for the judge's inspection and determination whether and to what extent it hinted the reports should be made available.

12. *Watkins v. United States*: The Court reversed the Federal district court and six judges of the Court of Appeals of the District of Columbia, and held that the House Un-American Activities Committee should not require a witness who admitted "I freely cooperated with the Communist Party" to name his Communist associates, even though the witness did not invoke the fifth amendment. The Court said: "We remain unenlightened as to the subject to which the questions asked petitioner were pertinent."

13. *Raley Stern and Brown v. Ohio*: The Court reversed the Ohio Supreme Court and lower courts and set aside the conviction of three men who had refused to answer questions about Communist activities put to them by the Ohio Un-American Activities Commission.

14. *Flaxner v. United States*: The Court reversed two Federal courts and set aside the conviction of Flaxner of contempt for refusing to produce records of alleged Communist activities subpoenaed by the Senate Internal Security Subcommittee.

15. *Sacher v. United States*: The Court reversed two Federal courts and set aside the conviction of Sacher of contempt for refusing to tell the Senate Permanent Investigations Subcommittee whether he was or ever had been a Communist.

The Communist Daily Worker described the effect of these decisions as follows:

"The Court delivered a triple-barreled attack on (1) the Department of Justice and its Smith Act trials; (2) the free-wheeling Congressional inquisitions; and (3) the hateful loyalty-security program of the Executive. Monday, June 17, is already a historic landmark. \* \* \* The curtain is closing on one of our worst periods."

#### CONGRESSIONAL INVESTIGATIONS

The Watkins case decided that it is not pertinent for a Congressional committee, established for the investigation of un-American activities, to ask a witness to give information concerning persons known to him to have been members of the Communist Party.

The courts have repeatedly said: "The power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power, and to employ compulsory process for that purpose."

Although the Congressional investigations into communism by the House Un-American Activities Committee (which was a particular target of the Watkins opinion) and the Senate Internal Security Subcommittee (which was ruled against in the subsequent decision of *U. S. v. Flaxner*) may be considered as primarily the information type of inquiry, they have resulted in a considerable quantity of legislation. This includes the Smith Act, the Subversive Activities Control Act of 1950, the Internal Security Act of 1950, certain sections of the McCarran-Walter Immigration Act, the Immunity Act of 1954, and considerable State legislation, such as the United States Supreme Court-approved New York Feinberg and Maryland Ober laws. Congressional investigations have also resulted in repeated attempts to legislate the Communist Party into an illegal status. The repeal or the weakening



of these anti-Communist laws and committees is in the forefront of the program of the Communist Party of the United States.

Until the Watkins case, the Court had long held that the information function of Congressional committees properly extends the scope of inquiries far beyond immediate legislative considerations. In a unanimous decision which was considered for more than 2 years before its pronouncement, the Supreme Court said:

"A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it."

Mr. HOBLITZELL. 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. SMATHERS. 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 RAILROAD RETIREMENT SYSTEM

Mr. SMATHERS. Mr. President, over the past several months the Subcommittee on Surface Transportation of the Committee on Interstate and Foreign Commerce has devoted almost all of its time to an intensive study of the railroad industry. The subcommittee concerned itself with every facet of the railroad problem and carefully considered the many suggestions made as to the action which should be taken to strengthen the railroad industry's position in the overall national transportation field.

In its deliberations, problems of corporate management and the financial structure of the railroads were carefully studied. The subcommittee was also concerned with the welfare of the railroad employees who have devoted their lives to this great industry. Without question, these employees have played a great role and have made an outstanding contribution to the economic development of our country.

One of the problems which was of great concern to the subcommittee was the alarming decrease in railroad employment and its impact on the railroad retirement system. In 1921, for example, more than 2 million people were gainfully employed in the railroad industry. Today only a little more than 800,000 employees are on the rolls. One can readily understand the impact of declining rail employment on the actuarial soundness of the railroad retirement system. At one time more employees were coming into the industry than were retiring. Today fewer employees making contributions to the fund places in jeopardy the benefit payments being made to those already on the retirement rolls. These are retirees who had every right to rely on the security which this fund would give to them in their declining years.

These elderly citizens, many of whom reside in my own State of Florida, are

finding it increasingly difficult to maintain a decent standard of living on the retirement incomes which they are presently receiving due to the constantly rising costs of living. Facing a problem of losing these benefits would have disastrous consequences not only on these elderly citizens but on the economic life of the communities in which they live. Yet this is exactly what will happen if railroad employment continues on the decline.

It is essential, therefore, that the actuarial stability of the railroad retirement fund be assured. Additional income to this fund is necessary to accomplish this purpose. Promoting the economic health of the railroad industry is essential if the industry is to continue to support the fixed charges to the fund. The problem which exists is a serious one in which an early solution must be arrived at in the interest of restoring economic balance as recommended by the Comptroller General of the United States in his December 1956 report to the Congress on "Significant Financial Aspects of the Railroad Retirement Board."

There are presently pending before the Congress two pieces of proposed legislation which I feel merit serious consideration. I refer to S. 1313 pending before the Senate Labor and Public Welfare Committee, of which the distinguished senior Senator from Oregon is the author; and H. R. 5551, introduced by Representative McCARTHY, the very able and distinguished gentleman from Minnesota, and which is present pending before the House Ways and Means Committee.

Among other things, S. 1313 would provide more liberal benefits to our railroad retirees, while H. R. 5551 would permit active employees to exclude from taxable income taxes imposed upon them under the Social Security, Railroad Retirement and Civil Service Retirement Systems.

Some of the principles embodied in these two pieces of proposed legislation, in my opinion, have considerable merit and should receive the prompt, careful consideration of the Congress. I cannot urge too strongly that both of these proposals be considered with the utmost speed.

There is general agreement on the conclusion that the railroad industry plays a vital role in the national defense and general economic welfare of our country. It is essential in the public interest that the economic health of this great industry be maintained. This can only be achieved to a maximum degree by insuring adequate protection of its employees and instilling their confidence once again in the actuarial soundness of the railroad retirement system.

#### A CAMPAIGN TO QUICKEN THE ECONOMIC PULSE OF THE COUNTRY BY STIMULATING THE MODERNIZATION OF HOMES

Mr. KNOWLAND. Mr. President, we cannot and should not depend upon Government alone to meet the challenge of the recession. It requires the efforts of all our people.

Of the 50 million homes in America, almost half, or fully 25 million, are at least 30 years old. Ten million are 50 years old or older. The very age of these homes indicates a tremendous need for improvements of one sort or another. It is obvious that the modernization of these homes would in itself constitute a great stimulant to business. Remodeling of even 25 percent of these homes would put large numbers of men to work, put money in circulation, and quicken the economic pulse of the Nation.

I invite Senators' attention to the fact that an important group of our citizens has organized for the purpose of persuading householders not to defer much-needed modernization, but to proceed with it now, without further delay.

I refer to the campaign, "Renew the Heart of Your Home," sponsored by the plumbing-heating-cooling industry through the medium of the Plumbing-Heating-Cooling Information Bureau.

The bureau represents all segments of the industry—labor, retail sales (the plumbing and heating contractor), distribution, and manufacturing. There is in this campaign, therefore, a national joint effort of labor and management to help themselves by helping others to do those things which will increase property values, provide greater comfort, and create a more healthful environment. In order more effectively to call attention to the magic which can be achieved in our homes by modernization, the industry has designated May as Plumbing-Heating-Cooling Month.

This great industry, employing more than 1 million workers, is second to none in its contribution to modern living. Without the sanitation supplied by the plumbing industry, our great cities would be uninhabitable. It is this industry which brings to our homes safe, potable water, and removes the waste water in such a manner that the pure water supply is not contaminated.

Equally significant is the contribution of the heating and cooling industry in providing a healthful and comfortable environment wherever men and women live, work, play, or worship.

It is fitting and proper, therefore, that this industry should call attention to the importance of its products and services in American life and that this industry should endeavor to raise all homes to a higher standard of sanitation and year-round control of the indoor environment.

Specifically, the goals of the industry are these:

First, modernization and remodeling of residential properties through improved plumbing, heating, and cooling facilities.

Second, participation with Government agencies, industries, national trade associations, and other groups to promote the rehabilitation and modernization of neighborhoods and communities through home improvement.

Third, to call attention to the need for care and maintenance of new homes to prevent their deterioration.

Fourth, by timely improvements to halt the spread of blight in residential areas. These are commendable ambi-

tions and worthy of the support of all Americans.

I commend the officers and directors of the Plumbing-Heating-Cooling Information Bureau, sponsors of the campaign "Renew the Heart of Your Home—Plumbing-Heating-Cooling" and the members of the industry throughout the United States.

I compliment them on their enterprise in organizing a joint effort which cannot help but result in stimulation of employment at all levels.

The President of the Plumbing-Heating-Cooling Information Bureau is William A. Landers, Oklahoma City, Okla.

The vice president is William A. Fitzpatrick, Dayton, Ohio.

The treasurer is Victor J. Killian, Winnetka, Ill.

The members of the board of directors of the Plumbing-Heating-Cooling Information Bureau include the following:

Stanley S. Backner, executive vice president, Universal-Rundle Corp., New Castle, Pa.

Paul B. Baird, manager, Standard Pipe Sales, Youngstown Sheet & Tube Co., Youngstown, Ohio.

Loren Bonnett, general sales manager, Eljer Co. Division of the Murray Corporation of America, Three Gateway Center, Pittsburgh, Pa.

John S. Booth, president, Irving D. Booth, Inc., 620 William Street, Elmira, N. Y.

Earl E. Brown, president, The Chicago Faucet Co., 2700 North Crawford, Chicago, Ill.

R. M. Candee, staff manager, Dealer Sales, Johns-Manville Corp., 22 East 40th Street, New York, N. Y.

Wm. T. Dodd, executive vice president, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D. C.

John M. Dumser, director of sales, Wolverine Tube Division, Calumet & Hecla, Inc., 17200 Southfield Road, Allen Park, Mich.

Wm. A. Fitzpatrick, general manager, M. J. Gibbons Supply Co., 601-631 East Monument Avenue, Dayton, Ohio.

P. J. Faherty, Buffalo Pipe & Foundry Corp., 136 North Union Street, Lambertville, N. J.

T. B. Focke, president, National-United States Radiator Corp., 221 Central Avenue, Johnstown, Pa.

Earl J. Gossett, chairman of board, Bell & Gossett Co., Morton Grove, Ill.

J. Milton Hagler, president, Tay-Holbrook Co., Inc., 165 Eighth Street, San Francisco, Calif.

Wilbur S. Hokom, president, A. A. Hokom Co., 400 North Beverly Drive, Beverly Hills, Calif.

Peter Keenan, president, Keenan Pipe & Supply Co., 2112 East 27th Street, Los Angeles, Calif.

Victor J. Killian, president, V. J. Killian Co., 933 Linden Avenue, Winnetka, Ill.

Herman Krakower, Plumbing Supply Co., Inc., Post Office Box 1282, Houston, Tex.

John M. Kohler, vice president, Kohler Co., Kohler, Wis.

W. A. Landers, president, W. A. Landers Co., 36 Northeast 28th Street, Oklahoma City, Okla.

E. B. Lent, president, Lent's Inc., 279 Fourth Street, Bremerton, Wash.

Warren A. Logelin, director public relations, Crane Co., 836 South Michigan Avenue, Chicago, Ill.

William Morris, executive vice president, Briggs Manufacturing Co., 6600 East 15 Mile Road, Warren, Mich.

Lawrence N. Peterson, president, L. N. Peterson Plumbing & Heating, Gloucester, Mass.

Robert J. Pierson, Jr., national sales manager, Home Products Division Rheem Manufacturing Co., 7600 South Kedzie Avenue, Chicago, Ill.

John M. Rhoades, president, J. M. Rhoades Co., 347 South Pineapple Avenue, Saratoga, Fla.

G. H. Roney, Dishwasher and Disposer Section, General Electric Co., Appliance Park, Louisville, Ky.

John E. Sommers, executive vice president, Noland Co., Inc., Post Office Box 974, Newport News, Va.

Howard L. Spindler, vice president public relations, American Radiator & Standard Sanitary Corp., 40 West 40th Street, New York, N. Y.

Joseph H. Spitzley, R. L. Spitzley Heating Co., 1200 West Fort Street, Detroit, Mich.

Morris Stein, president, Torrington Supply Co., Inc., 125 Maple Street, Waterbury, Conn.

Roy L. Stewart, Sr., vice president, Stockham Valves & Fittings, Box 2592, Birmingham, Ala.

Charles W. Thompson, president, Tallman Co., 6435 Maple Avenue, St. Louis, Mo.

Horace E. Wetzell, president, The Smith & Oby Co., 6107 Carnegie Avenue, Cleveland, Ohio.

Throughout the United States there have been organized active local committees to implement the national campaign. It is for these local committees as well as for the national campaign that I respectfully urge the fullest support of our citizens, of Government officials, and of the Nation's press, radio, television, and magazines.

It is hoped that officials in every town and city throughout America will cooperate in the commendable efforts being made in this field.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 86), congratulating the State of Minnesota upon the occasion of the centennial of its admission into the Union.

#### ADJOURNMENT TO MONDAY

Mr. SMATHERS. Mr. President, pursuant to the order previously entered, I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 29 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Monday, May 5, 1958, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate May 1, 1958:

##### IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

##### To be first lieutenants

Abel, Billy J., O72432.  
Ackiss, Ernest L., Jr., O72433.  
Adams, Robert B., O72565.

Adams, Tom, Jr., O72669.

Akin, Havis D., O72808.

Albers, James J., O72670.

Albrecht, Nelson O., O72566.

Albright, John E., Jr., O72567.

Ameel, Joseph B., O72810.

Anderson, James J., O72435.

Andre, Peter C., O72436.

Ashe, Oliver R., O72815.

Ashey, Clarence D., Jr., O73017.

Ayotte, Ronald J., O73122.

Bales, Donald G., O75142.

Barrett, Gilbert J., O72816.

Barry, Raymond D., O72573.

Basten, Lawrence E., O72438.

Beach, Edmund J., O72818.

Beisman, James J., O73125.

Bell, Charles H., O72677.

Benacquista, John J., O72575.

Bennett, Donald P., O74964.

Benoski, Joseph, Jr., O72440.

Bentley, Thomas N., O73021.

Berry, Fred C., Jr., O72323.

Blackham, Daryl K., O73128.

Bookout, Jerry P., O72824.

Boyer, Henry, Jr., O73022.

Brooks, George W., O72681.

Brooks, William C., Jr., O72843.

Brown, Arnold K., Jr., O73285.

Brown, Joseph G., O72580.

Brutscher, Baldwin L., O72444.

Buchanan, Paul J., O77289.

Burkett, Seth W., O72685.

Bush, Robert C., O72447.

Byrne, John M., O73136.

Byrnes, Graham F., O72451.

Callaway, Charles P., O77299.

Carlisle, Alan R., O72686.

Carnes, Julian H., Jr., O72687.

Carrington, Hugh C., O72582.

Carroll, George F., Jr., O77309.

Cashwell, James E., Jr., O73137.

Caster, Robert W., O72689.

Casto, Phillip C., O72690.

Chamberlain, Charles M., O72583.

Chilcott, Dewey A., Jr., O77315.

Clements, Phillip J., 2d, O72584.

Cluxton, Donald E., Jr., O72453.

Cohen, Sydney G., O72846.

Collier, Gary D., O72847.

Cooksey, David O., O72585.

Costello, Charles J., O72848.

Count, Elmer E., O72849.

Cowan, Robert E., O72627.

Crawford, Theodore A., O72694.

Dambrauskas, Vincent, O72459.

Daves, Phillip E., O72852.

Day, Edward A., Jr., O72461.

Delahunty, Thomas C., O72853.

Demick, Harold B., Jr., O72586.

Dirmeyer, Robert P., O77361.

Dismukes, James R., O77362.

Dister, Arthur C., Jr., O73092.

Dodd, Calvin G., O72856.

Dorough, Phillip E., O72700.

Draper, Edwin L., O72858.

Durant, John J., O78289.

Durkin, Michael J., O72467.

Dutton, Howard M., O73029.

Elliott, Harlen O., O78292.

Finkle, Rodney T., O72591.

Flora, Edward F., Jr., O78300.

Frazier, Kenneth M., O72708.

Freeman, Donald J., O72709.

Freshley, Robert L., O78308.

Gable, John P., O72472.

Gallier, Gary L., O72473.

Gange, William B., O72875.

Garcia, Heriberto A., O78314.

Garrison, Melvyn V., O72710.

Glasson, Robert P., O73033.

Goldsberry, Verne W., O72475.

Gomes, Lloyd E., O72713.

Gould, Frank O., O72717.

Grabiak, Richard W., O72718.

Gray, Donald A., O77416.

Gudger, Robert M., O72885.

Gugel, Donald N., O77419.

Gunning, Edward G., O72721.

Gunsell, Richard M., O77420.

Halliburton, John R., O73153.

Harper, Henry H., O78339.



Harvey, Richard W., O72599.  
 Hay, James R., O78345.  
 Hazelip, Albert C., Jr., O72726.  
 Heinsoo, Heino, O77437.  
 Heiss, John L., 3d, O77438.  
 Hereld, Gerald P., O72601.  
 Herzog, David E., O72482.  
 Hess, John P., O72898.  
 Heyde, Jay A., O72730.  
 Hill, James R., O72483.  
 Hill, Vernon B., Jr., O72731.  
 Hodgson, William E., Jr., O72484.  
 Hoffpauir, Wray G., Jr., O72603.  
 Hoglan, Curtis F., O77453.  
 Hollowell, Emmett P., Jr., O72735.  
 Howell, Thomas R., O72736.  
 Hudman, George D., O72737.  
 Huff, Richard A., O77466.  
 Huff, Roy P., Jr., O72903.  
 Huskey, James E., O72494.  
 Hutchinson, Hugh F., Jr., O72738.  
 Islin, John A., O77475.  
 Joyce, Cecil L., O78373.  
 Kaufman, Gerald G., O72497.  
 Keenan, George E., O78387.  
 Kelley, Donald R., O73160.  
 Kelly, Donald E., O72610.  
 Kelly, Thomas L., O77500.  
 Kepler, Roger T., O72611.  
 Kierman, Leonard A., Jr., O72614.  
 Kilgallen, John E., O78385.  
 Knight, John K., O72745.  
 Korywach, Frank, O72500.  
 Krane, Robert A., O72501.  
 Kyle, Norman R., O77516.  
 Labinski, Raymond J., Jr., O72747.  
 Labonge, Carl A., Jr., O73163.  
 Large, Ulysses S., Jr., O77520.  
 Lascola, Harry R., O72914.  
 Lawson, Warren G., O72503.  
 Levine, Seymour, O72750.  
 Lewis, Henry J., O72619.  
 Lilje, Donald H., O72918.  
 Lillich, Edward R., O72919.  
 Link, Thomas H., O72751.  
 Littlejohn, Roy, O72752.  
 Longacre, David H., O72753.  
 Love, James R., O72754.  
 Lozar, Alfred J., O72505.  
 Maccini, Francis L., O72621.  
 Macedonia, Raymond M., O72925.  
 MacPhail, William, Jr., O72756.  
 Mahaffey, Fred K., O72926.  
 Mait, Martin E., O77553.  
 Manning, Robert L., O72509.  
 Manzo, John M., O77555.  
 Marino, Andrew S., O72930.  
 Marlow, James W., O72510.  
 Marsh, Russell L., Jr., O78415.  
 Martin, Thurman O'N., O72758.  
 Masters, Robert D., O72760.  
 McGar, Robert D., O78424.  
 McGowan, Garrett E., O72515.  
 McKay, Gerald E., O72938.  
 McKellips, John L., O77573.  
 McMaster, Ronald R., O72516.  
 McNelis, David N., O78428.  
 Medley, George W., O72518.  
 Miller, Charles H., O73108.  
 Miller, Robert A., O72524.  
 Mixan, Edgar J., O73218.  
 Monteith, Gerald E., O77585.  
 Morris, Cornelius J., O72627.  
 Morris, Glenn S., O72766.  
 Morris, Richard A., O72628.  
 Muckenhirn, Charles F., O72949.  
 Murphy, Jerry C., O72527.  
 Murphy, John J., Jr., O73050.  
 Murray, Roland N., Jr., O72953.  
 Myer, Gerald J., O78434.  
 Myrick, Howard A., Jr., O78452.  
 Neal, Jerome B., O72528.  
 Newman, Frank R., O72629.  
 Nugent, Frank J., Jr., O73051.  
 Olchovik, Stanley, O74023.  
 Oliver, Mahatha M., O77610.  
 Openshaw, James A., Jr., O72530.  
 Osborne, Walton H., 3d, O72532.  
 O'Shaughnessy, James P., O72633.  
 Owen, David T., O72770.

Payne, Robert W., O72535.  
 Pemberton, Thomas G., O72636.  
 Perry, Earl E., O72536.  
 Pfaff, Robert A., O72537.  
 Plugge, Donald W., O72540.  
 Poarch, Henry H., Jr., O72775.  
 Pohly, Glenn W., O72639.  
 Polak, Alexander P., O72966.  
 Priore, Fortunato E., O72971.  
 Pugh, George M., O77632.  
 Pybus, Fred R., 3d, O77634.  
 Quest, Joseph W., O77635.  
 Radford, James T., O73113.  
 Ramsey, John D., O72778.  
 Ramsey, Roger R., O72541.  
 Redd, Gail R., O72542.  
 Reed, Paul R., O72973.  
 Richardson, George A., Jr., O72974.  
 Richardson, William T., O77649.  
 Rinedollar, John D., O72977.  
 Robbins, Edwin E., Jr., O72781.  
 Roby, Robert L., O72783.  
 Rodina, Stanley L., O73186.  
 Rofrano, Paul F., Jr., O73187.  
 Rohland, Robert G., O72642.  
 Ropp, Richard F., O72549.  
 Roster, Nicholas J., O72545.  
 Rutkowski, Richard A., O72644.  
 Sagramoso, Daniel E., O73189.  
 Schaub, Arthur J., Jr., O72645.  
 Schelton, Carlton L., O72983.  
 Schmitz, Robert P., O77673.  
 Scott, Douglas W., O72548.  
 Seelinger, John A., O72785.  
 Shannon, John W., O72648.  
 Shippers, Ernon L., O72549.  
 Shockley, Henry A., O72786.  
 Sieminski, Edmund J., O72787.  
 Simpson, Robert W., O73193.  
 Sinclair, Waldo G., Jr., O72788.  
 Sinclair, John, Jr., O78505.  
 Singletary, Ben B., O73194.  
 Smiley, Ronald H., O72790.  
 Smith, Edward P., O72653.  
 Smith, Richard L., O73197.  
 Smith, Robert G., O72550.  
 Snow, James A., O72791.  
 Staples, William B., O73080.  
 Stevens, Edward A., Jr., O72655.  
 Stroup, Glenn A., O77714.  
 Tanner, Walter D., O72795.  
 Taylor, Joseph W., O77724.  
 Taylor, William J., Jr., O78522.  
 Thompson, Douglas F., O72554.  
 Thompson, Robert S., O77733.  
 Tomberg, Ralph T., O78526.  
 Trigg, Jasper A., O73001.  
 Twilley, Leroy G., O73225.  
 Tyler, Thomas H., O77745.  
 VanGiesen, Robert E., O72557.  
 Walter, John S., O77761.  
 Ward, Thomas J., O73005.  
 Ware, Gilbert, O72802.  
 Waterman, Stephen, 3d, O73006.  
 Wegley, Frederick L., Jr., O73008.  
 Wemmering, Fred A., Jr., O72804.  
 Williams, Bruce H., O72561.  
 Williams, Thomas L., Jr., O78551.  
 Winne, Ross W., Jr., O73012.  
 Woliver, Clarence H., Jr., O77789.  
 Young, Gregor T., 3d., O78561.

*To be first lieutenants, Medical Service Corps*

Bass, Bobbie R., O73019.  
 Beach, Douglas J., O76819.  
 Dowery, Gordon K., O72701.  
 Early, Ralph T., O72468.  
 Erickson, Duane G., O75352.  
 Hahn, Jerry D., O76825.  
 Heinz, Robert F., Jr., O72481.  
 Lange, John H., O72912.  
 Van Straten, James G., O72558.

*To be first lieutenant, Army Medical Specialist Corps*

Olson, Marilyn C., R10169.

The following-named officers for appointment in the Medical Service Corps, Regular Army of the United States, in the grades specified under the provisions of Public Law

737, 84th Congress, subject to physical examination required by law:

*To be lieutenant colonels*

Cooley, George Morgan, O397504.  
 Morrow, Frank William, O337174.  
 Nagy, Ernest Adam, O321096.  
 Stillman, Frank Edwin, Jr., O324988.

*To be majors*

Butchkosky, John, O1001744.  
 Carr, Martin James, O2048244.  
 Madden, James Peerman, O1010623.  
 Newton, Arthur, O1543200.  
 Youngs, Edward Roy, O454989.

*To be captains*

Kaufman, Paul Isaiah, O1541461.  
 Kotchin, Stanley Paul, O1545916.  
 Maes, Henry Edward, O1583396.  
 Meads, William Jewett, O417323.

*To be second lieutenants*

Baxter, John Richard, O4059949.  
 Bissell, Donald Frederick, O4076438.  
 Daugherty, John Michael, O4071907.  
 Potin, James Bernard, O4048176.  
 See, Donald Harlan, O4027039.  
 Stubblefield, James Bert, Jr., O4071326.

The following-named officers for appointment in the Regular Army of the United States in the grades specified, under the provisions of Public Law 737, 84th Congress, subject to physical examination required by law:

*To be lieutenant colonels*

Buntyn, James Russell, O304712.  
 Carn, Robert Marion, O290265.  
 DeFrees, Lindsay Junius, O304233.  
 Drennon, Clarence Bartow, Jr., O285618.  
 Kemp, Roger Winfred, O324061.  
 Lockhart, Julian McMurry, O306661.  
 Matteson, Victor Edward, O307105.  
 Pettin, Charles Francis, O338355.  
 Powers, James William, O341842.  
 Price, John Weldon, O337686.  
 Taylor, Kenneth Guy, O316732.  
 Wright, William Perry, O326313.

*To be majors*

Adamson, Kenneth Edward, O334902.  
 Anderson, Richard Henry, O361954.  
 Arvin, Charles Robert, O351611.  
 Bigley, Frank, O418723.  
 Bondurant, Joseph Ray, O323867.  
 Brubaker, Jack Harold, O340839.  
 Byrne, Robert Joseph, Jr., O372375.  
 Fox, Richard Arnold, O1045431.  
 Hazam, Mitchell James, O446951.  
 Hodgson, John Andrew, O350516.  
 O'Connor, Edward Francis, O419529.  
 Rackham, Karl Mortimer, O414317.  
 Shambaugh, Wilson Roger, O1286017.  
 Shupe, Joseph Bernard, O384748.  
 Taylor, Leonard Burbank, O362926.  
 Wade, William Durand, O1165096.  
 Wells, Howard Borden, O385713.

*To be captains*

Barnes, George Gordon, O531820.  
 Bennett, Paul Martin, O519353.  
 Dierauf, Frank, Jr., O1060071.  
 Doherty, Philip Arnold, O1167809.  
 Feild, Terry Trimble, O453560.  
 Freeman, Arthur Lewis, O1120189.  
 Gaines, Melvin Rudolph, O1333200.  
 Gee, William Ralph, O1913456.  
 Gross, Earl Russell, O1170397.  
 Halligan, Arthur James, O1183870.  
 Hendry, James Benjamin, O2037984.  
 Ivey, Ashley, O1319212.  
 Jackson, Robert Hutchinson, O1634005.  
 Leddon, John William, Jr., O1648355.  
 Marcum, Robert Dale, O1018920.  
 Marden, Martin, O1320146.  
 Masterson, Joseph H., O1924620.  
 Miles, Francis Charles, O1341812.  
 Mohr, Phillip Joe, O2051516.  
 Morgan, David Cameron, O1302505.  
 Morley, Harrison Andrew, Jr., O2035963.  
 Munnely, John Edward, O1688720.  
 Painter, Maurice, O1797699.  
 Peck, James Newton, O503805.

Post, Jack Harlan, O468857.  
 Proudfoot, George Francis, O1291003.  
 Rarick, David, O1120428.  
 Reece, Donald Phillips, O425009.  
 Rogers, William Bradley, O534187.  
 Schmid, William Kenneth, O455364.  
 Starnes, Carl Stanley, O948451.  
 Suechika, Ben, O935258.  
 Toole, Charles Edward, O1688646.

*To be first lieutenants*

Collins, Lonnie Lee, O4040296.  
 Glover, Alfred P., O4012170.  
 Graham, James Ralph, O2003829.  
 Graham, Jones Raymond, O2003830.  
 Hosford, Jerry Neal, O1890415.  
 Junot, Arthur Joseph, O2021122.  
 Markis, George Euthymios Gust, O4004935.  
 Miller, John Phillip, O2021845.  
 Obermire, John Paul, O4017565.  
 Shallcross, George Whitaker, O973904.  
 Silvanic, George, O2268699.  
 Walker, Theodore Hughes, O1883719.

*To be second lieutenants*

Barrett, Jonathan Reed, 3d, O4063072.  
 Brown, Bernard Gurston, O4048227.  
 Bryant, James Carlisle, O4075380.  
 Buel, Charles Joseph, O4060111.  
 Burbery, John William, Jr., O4019643.  
 Burgoon, Kenneth LeRoy, O4057613.  
 Cahill, Thomas Aloysius, O4059872.  
 Campbell, Charles Burnett, O4076565.  
 Cleaver, George Alpheus, Jr., O4070153.  
 Cleveland, Arne Richard, O4077225.  
 Connell, Jerry Lee, O4071397.  
 Coughlin, James Lyons, O4066246.  
 Dilyard, Rex Emmet, O4061958.  
 Di Ruzza, Santi, O4052421.  
 Forgey, James Dudley, O4061649.  
 Freitas, Louis Hartwell, O4078095.  
 Fritz, Richard Louis, O4076246.  
 Garner, John Joel, Jr., O4049454.  
 Gessner, Stephen George, O4064593.  
 Hilmo, Orin Robert, O4046922.  
 Kysar, Alverado Franklin, Jr., O2272166.  
 Marmor, John William, O4049010.  
 Mattison, Charles Harrison, O1937914.  
 McGoff, Leo Francis, Jr., O1926169.  
 Parr, Ivan Walter, 3d, O4075659.  
 Reck, Max Vernon, O4060104.  
 Rembecki, Edward Xavier, O4047450.  
 Scott, John Robert, O1927497.  
 Skahan, Michael Neil, O4061853.  
 Snow, William Zaidee, O4033637.  
 Sparks, Donald Eugene, O4045661.  
 Toier, William King, O4047877.  
 Wagner, Stanley Gene, O4060802.  
 Watson, James Horace, O4062956.  
 Wilder, Allen Stanton, Jr., O4070416.

The following-named officers for appointment as chaplain in the Regular Army of the United States, in the grades specified, under the provisions of Public Law 737, 84th Congress, subject to physical examination required by law:

*To be major*

Read, Charles Edgar, O346925.

*To be captains*

Cronin, Edward Thomas, O2269693.  
 Ketchersid, Corbin William, O979868.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, section 3291, as amended by Public Law 85-155, 85th Congress; title 10, United States Code, section 3294, as amended by Public Law 497, 84th Congress:

*To be captains*

Bowman, Betty O., ANC, N805645.  
 Elkins, John T., Jr., MC, O996645.  
 Goldsmith, Dorothy, ANC, N730912.  
 Hampson, Floyd F., Jr., DC, O4028267.  
 Hughes, Margaret E., ANC, N761108.  
 McCaleb, Lois M., ANC, N776333.  
 Neacy, Mary A., AMSC, R2500.  
 O'Brien, Mary R., ANC, N721206.  
 Painter, Mary E., ANC, N783337.  
 Wright, Helen E., ANC, N751250.

*To be first lieutenants*

Alexander, James S., MC, O2283945.  
 Bench, James D., DC, O2289781.  
 Berghorn, Bronson M., MC.  
 Berman, Donald A., MC, O2284670.  
 Bowser, Barry L., MC.  
 Duback, Richard T., MC, O2283881.  
 Farrington, John K., MC, O2284244.  
 Fike, Robert H., MC, O2284739.  
 Gentileore, Gloria E., ANC, N901668.  
 Guss, Sheldon, MC.  
 Helfrich, Richard B., MC, O2288861.  
 Hendrix, Vernon J., MC.  
 Hoch, Margaret C., ANC, N804897.  
 Hunter, Ripley H., Jr., MC, O2284573.  
 Intile, Joseph A., Jr., MC, O4015609.  
 Johnson, Egon V., MC, O2284914.  
 Lee, Carolyn M., ANC, N901951.  
 Lipscomb, Charles R., MC, O2288850.  
 Lundberg, George D., Jr., MC, O2283911.  
 Scragg, William H., Jr., MC, O2284420.  
 Snyder, Richard J., MC, O2284563.

The following-named officer for appointment, by transfer, in the Medical Service Corps, Regular Army of the United States, in the grade of first lieutenant:

McKenney, William R., O70854.

The following-named cadets, United States Military Academy, for appointment in the Regular Army of the United States, effective June 4, 1958, upon their graduation, in the grade of second lieutenant, under the provisions of Public Law 737, 84th Congress, subject to physical examination required by law:

Phillip William Ackerman  
 Ronald Kessinger Andreson  
 Stanley Bacon, Jr.  
 Peter Frederic Bahnsen 3d  
 Clark Jonathan Bailey 2d  
 Robert Eugene Baker  
 Vincent Barta  
 Richard Elmer Bauchspies  
 Anthony George Bauer  
 Hugh Albert Bauer  
 Ronald Lawrence Bellows  
 Adam Benjamin, Jr.  
 Robert Albert Bethmann  
 Jerry Wortham Betts  
 Paul Martin Bons  
 Arthur Guy Bottinger  
 David Warren Bourland  
 Frank Sayles Bowen 3d  
 John Hilton Bradley  
 Jack O'Brien Bradshaw  
 Joseph William Brandl  
 John Farmer Brinson, Jr.  
 Clarke McCurdy Brintnall  
 Daniel Pleasant Brockwell, Jr.  
 Dan Allan Brookhart  
 James Raymond Brooks, Jr.  
 Clyde Orville Brown, Jr.  
 Frank McCarthy Brown 3d  
 Glenn Allison Brown  
 Joseph Kevin Brown  
 Ronald Shelton Brunner  
 Dennis Russell Bruzina  
 John Charles Buchanan  
 William Saunders Buchly  
 Glenn LaMar Bugay  
 Lawrence Hoover Bullis  
 Robert Monroe Bunker  
 Edward Joseph Burke, Jr.  
 John Carlson Burke  
 Jerry Lee Burton  
 Peter Charles Byrne  
 Thomas Francis Cameron  
 Gerald Carl Capelle  
 Thomas Edgar Carpenter 3d  
 John Ward Carson  
 Robert Oliver Case  
 James Cameron Castle  
 Troy Dawson Chappell  
 Daniel Patterson Charlton  
 Paul Frederic Ciasullo  
 William Cibosky  
 Alan Brian Clafin  
 Robert Earl Clark, Jr.  
 David Arthur Clarke  
 William Phillips Clary, Jr.  
 Robert Maurice Clewell

Dale Sherwood Cockle  
 Raymond Isaac Coffey  
 Ronald Thomas Coleman  
 Willis Clare Collett, Jr.  
 Samuel Pickens Collins, Jr.  
 Terence Jurdan Connell  
 Nelson Owen Conner, Jr.  
 Cline Gerald Cook  
 William Troy Cooper, Jr.  
 David George Coury  
 Bo Franklyn Craddock  
 John Donald Crandall  
 Ben G. Crosby, Jr.  
 Nathan Harold Crow  
 Robert Edward D'Amore  
 John Michael Daley  
 Bernard Michael Davall  
 James Monteville Davis, Jr.  
 Joseph Mortimer Davis  
 Wayne David Day  
 Edward Vincent DeBoeser, Jr.  
 Joseph Mitchell DeChant  
 Donald Arthur DeJardin  
 John Richard Deely  
 Robert Degen  
 Charles Francis Densford, Jr.  
 William Alonzo Denson  
 David Ernest Depew  
 Douglass Stengrim Detlie  
 John Wellington Devens  
 Robert Allen Dey  
 Phillip Victor DiMauro  
 Joseph Martin DiTommaso  
 Edwin Nelson Dodd, Jr.  
 Claude Belmont Donovan 3d  
 Robert Thomas Donovan  
 Edward Jackson Downing, Jr.  
 Melville Anson Drisko, Jr.  
 Stanley Edward Dus  
 John Mark Dykes  
 Michael Frederick Easley  
 William Augustus Edwards 3d  
 John Herbert Eliot  
 James Elmer Emmons, Jr.  
 John Garretton Evans  
 Joseph Anthony Evans  
 Roy Tripp Evans 3d  
 Barry Phillip Eveleth  
 William Lafayette Fagg, Jr.  
 Gennaro John Faola  
 Lorin Ballantyne Farr, Jr.  
 Melvin Howard Farrar  
 Claude Emmanuel Fernandez, Jr.  
 Robert Griffith Finkenaur, Jr.  
 Eugene Allen Fisher  
 Thomas Arthur Forman  
 Donald Miles Forney  
 Thomas Anthony Forster  
 Robert Roy Foster  
 William Wilkinson Foulkes 3d  
 Richard Gale Franklin  
 Francis John Franks  
 James Albert Frick  
 Robert Phillip Gall  
 William Guy Ganey  
 Richard Daniel Garlick  
 Richard Walter Gell  
 Louis Basil Gennaro  
 John David George, Jr.  
 Bill Cosmos Giallourakis  
 Leslie George Gibbins  
 William Percy Gillette 3d  
 Robert William Giuliano  
 Charles Williamson Glover, Jr.  
 James Allen Godbey  
 Victor John Gongola  
 Fred Wesley Goodenough, Jr.  
 Gordon Lee Goodman  
 Henry John Gordon  
 William Saunders Graf  
 Gary Perkins Graves  
 Richard Gordon Graves  
 Turner D. Griffin, Jr.  
 Rupert Edwin Grimm  
 Peter Jon Groh  
 Richard Newland Groves, Jr.  
 Norman Lee Gustitis  
 Edward Gordon Hale, Jr.  
 Fred Wesley Hall, Jr.  
 George Morgan Hall, Jr.  
 Harrell Glenn Hall, Jr.  
 James Balmer Hall



Bruce McClung Hamilton  
 James Harvey Hanke  
 Frank Michael Harlem, Jr.  
 William Lucas Harry  
 Thomas Henry Harvey, Jr.  
 Robert Michael Hattler  
 Paul William Haushill  
 LeRoy Robert Hayden, Jr.  
 Ashton Miller Haynes, Jr.  
 Kermit Mandes Henninger  
 Theodore Warren Hepner  
 Kenneth Stephen Herberger  
 John Daniel Herren  
 Peter Darcey Hidalgo  
 Robert Martin Higgins  
 John Rimmer Hill, Jr.  
 Orland Kitchell Hill  
 Richard Makoto Hirata  
 Walter Andrew Hitchcock, Jr.  
 John Francis Holecsek  
 Terence Howard  
 Dale Eugene Hruby  
 Harry Jenkins Hubbard III  
 Ronald Ernest Hudson  
 George Clinton Huff  
 Norbert Alfred Hulsmann  
 Robert Lincoln Huitzen  
 Larry Howard Hunt  
 Robert Ray Huskinson  
 George Ellery Hussey  
 Heyward Groverman Hutson  
 Paul Churchill Hutton III  
 John Louis Isaacson  
 Strube Jennings Jackson  
 Harvey Raymond Jahn, Jr.  
 Edward Joseph Jasaitis  
 Daryl George Jaschen  
 Homer Bentley Jenkins III  
 Bradley Jerome Johnson  
 Donald Wright Johnson  
 Herbert Richard Johnson  
 Hugh Paul Johnson  
 Alexander Johnston 3d  
 James Howard Jones  
 Lincoln Jones 3d  
 Robert Harry Julian  
 Joseph Jacob Katz  
 Thomas Joseph Kelly  
 James Joseph Kernan  
 Joseph Douglas Keyes  
 Mahlon Kirk  
 Martin Larry Kirkegaard  
 Roy Spencer Kirkpatrick  
 Richard Dean Kittelson  
 Paul Leonard Julius Klemppow  
 Richard Stanley Kloskowski  
 Gary Lee Kosmider  
 Brian Louis Koster  
 Harry Ray Kramp, Jr.  
 Frederick Walter Kulik  
 Leonard Joseph Kusek  
 David Schirmer Kyle  
 Kenneth Ervin Lancaster  
 George Newton Lancaster  
 Glenn Allan Lane  
 John Richard Larson  
 George Carr Lawton  
 Charles Elwood LeMere  
 Zigmont Jody LeTowt 3d  
 Julian John Levasseur, Jr.  
 Jerome Carter Lewis  
 Robert Edmund Lindquist  
 John Wesley Loffert  
 Kenneth Arthur Lohr  
 Thomas Crawford Looney  
 David Stuart Loughborough, Jr.  
 Joseph Charles Luman, Jr.  
 Joseph Anthony Lupi  
 Richard Thomas Lynch  
 John Howard Lynne  
 Harold Clifford Lyon, Jr.  
 Albert Douglas MacLeod  
 Arthur Frederick Mace  
 John Joseph Madigan 3d  
 Michael David Mahler  
 Paul Makowski  
 Thomas Peter Maliska  
 Lawrence Michael Malone  
 Duff Gerard Manges 3d  
 John Paul Manos  
 Willie Jon Marshall  
 Cary William Martin

Don Martin, Jr.  
 Alfred Rex Mason  
 Thomas Montgomery Mason  
 Billy Frank Mathews  
 Robert Neil Mathis  
 Robert James Matsumoto  
 Edward Whitehouse Matthews  
 Stanley Arthur Maxson, Jr.  
 Jack Campbell May  
 Frederick Flood Mayer  
 William James McCaffrey  
 James Wayne McCauley, Jr.  
 Leonard Raymond McCormack  
 Palmer McGrew  
 William Timothy McLean  
 James Patrick Mellin  
 Robert Arthur Melott  
 Will Garrison Merrill, Jr.  
 George Robert Michael  
 Bruce Phillip Mignano  
 Frank William Miles  
 Charles Anthony Miller  
 Milton Lee Miller  
 Robert Hassler Miller  
 William Ray Mills  
 Peter Edward Millsbaugh  
 Gerald Clarence Mitchell, Jr.  
 Dwain Thate Moentmann  
 Kenneth Harold Montgomery  
 Charles Sargent Moore  
 Olin Joel Moore  
 Robert James Moore  
 Hugh Whitford Morgan  
 James Bruce Morgan  
 Thomas Drexel Morgan  
 John William Morrison  
 Robert Gardner Moscatelli  
 William Ignatius Murphy  
 Samuel Leslie Myers, Jr.  
 Ramon Antonio Nadal 2d  
 Anthony Paul Nardi  
 Ola Robert Nelson  
 David Frank Nidever  
 John Anthony Nowak  
 Frederick Lewis Nuffer, Jr.  
 John Bert Nun  
 Gerald Leroy O'Barr  
 Garland Deloid O'Quinn, Jr.  
 Dick Shaw Oberg  
 Karl E. Oelke  
 Edwin Irwin Ofgant, Jr.  
 Ronald Claude Olson  
 Roderic Edward Ordway  
 Thomas Linwood Orr  
 Charles Herbert Oxrieder  
 Bruce Stevens Packard  
 Joseph Albert Paes  
 Donald Joseph Palladino  
 John Lee Palmer  
 William Leo Parker  
 William Robinson Parks  
 William David Parsons  
 Garth Hayden Payne, Jr.  
 Max Galen Pearsall  
 James Wyatt Peck  
 Millard Leroy Pedersen  
 Benjamin John Pellegrini  
 Peter Austin Penczer  
 Alexander Julius Pensiero  
 Lawrence Francis Perreault  
 John William Peters  
 Walter Max Plaue  
 Robert William Pointer, Jr.  
 Davies Reed Powers  
 Karl Frank Prunitsch  
 Phillip Alan Pryor  
 Herbert Charles Puscheck  
 James Harrison Ramsden  
 John Sylvester Rave  
 John Allen Raymond  
 Zane Kyle Rector  
 Loren Douglas Reid  
 Richard Francis Reidy, Jr.  
 John Francis Reilly  
 Richard Lamar Reynard  
 William Miles Reynolds  
 Robert Gardner Rhodes  
 Raymond Branch Riggan, Jr.  
 Michael William Riordan, Jr.  
 Donald James Roberts  
 Cloin Gentry Robertson  
 George Rogers Robertson

Kelly Edward Robinson  
 Louis Brand Rodenberg, Jr.  
 John Harrison Roe, Jr.  
 Garret Garrison Roosma  
 William Arnoux Roosma  
 Dennis August Rupprecht  
 Crosbie Edgerton Saint  
 Alan Blanchard Sallsbury  
 John Bernard Sampson  
 Thomas Allen Sands  
 Eugene Johnson Scales  
 John Albert Schaffer  
 John Wilburn Schneider, Jr.  
 Paul Thomas Schonberger  
 Richard Christopher Schonberger  
 Gerald Paul Schurtz  
 Joseph Henry Schwarz, Jr.  
 Douglass Alfred Sedgwick  
 James Edward Seltzer  
 William Edward Serchak  
 John Oscar Bagot Sewall  
 Joseph August Shea  
 Harry Lee Shedd, Jr.  
 William John Shepard 2d  
 William Arthur Shepherd  
 John David Shetler  
 John Henry Shimerda  
 Ronnie Dean Short  
 Cecil Lynn Shrader  
 Larry Lee Shull  
 Peter Shunk  
 George Warren Sibert  
 James Martin Sigler  
 Mariusz Stefan Sigurski  
 Richard Alwin Simmers  
 Anthony Alan Smith  
 Richard Lee Smith  
 Theodore Frank Smith  
 Thomas Keith Smith  
 Floyd Brown Spencer, Jr.  
 Lon Arnold Spurlock 2d  
 James Dunworth Stanton  
 Curtis Rudolph Stender  
 Thomas Edward Stevens, Jr.  
 Vernard McComb Stilson, Jr.  
 John Burton Stone  
 Frederick G. Stritzinger 5th  
 Carl White Sullinger  
 John Reynolds Sutherland, Jr.  
 David Willits Swanson  
 Robert Waldemar Tallgren  
 Charles Edwin Teeter, Jr.  
 Otto Joseph Thamasett  
 Jude Joseph Theibert  
 Richard Earle Thomas  
 Thomas Morris Thompson, Jr.  
 James Noble Tilley, Jr.  
 Joseph Conrad Tirre, Jr.  
 Charles Nelson Toftoy  
 Raymond Forrest Rogers Tomlinson  
 Richard Francis Trabert  
 Robert Norton Tredway  
 Hugh Homer Trumbull, Jr.  
 Ronald Dean Turner  
 William Gilbert Townsend Tuttle, Jr.  
 Lloyd David Umbaugh  
 Townsend Allen Van Fleet  
 Paul Dudley Vanture  
 Clifford Daniel Victorine, Jr.  
 Roger Walter Waddell  
 William Joseph Wafer  
 Michael Paul Wagner  
 George William Patric Walker  
 James Edgerton Waller  
 Wallace William Ward  
 Francis Aloysius Waskowicz  
 Richard Brenard Webb  
 Edward Charles Weckel  
 George Gregory Wees  
 James Herbert Weis  
 Eugene Gibson Wentworth, Jr.  
 James Richard Wessel  
 James Russell Wildey  
 Donald Ray Williams  
 J. Barrie Williams  
 Neil Seymour Williamson, Jr.  
 James Stewart Willis, Jr.  
 Donald Eugene Wilson  
 Milton Russell Wofford  
 Branch Alvin Worsham, Jr.  
 Israel Wrubel

Sterling Wayne Wyatt  
Michael William York  
George William Yurick  
Gerald Harwick Zimmer, Jr.  
Barry Martin Zwick

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of Public Law 737, 84th Congress:

Herek, Robert L.  
Taylor, Edward J., Jr.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of Public Law 737, 84th Congress:

Akam, George R.	Mattes, Richard W.
Alport, Gerald W.	Matthews, Robert C., Jr.
Avillar, Frank M.	McAllister, Max F., Jr.
Baer, Harold R.	McGovern, Richard T.
Balaguer, Melchor C.	McGuire, Matthew W., Jr.
Bates, David E.	Mee, Gregory C.
Bechtold, William P., Jr.	Michael, John D.
Belinsky, Howard M.	Millham, Richard D.
Brandt, John J.	Moll, Robert E.
Burns, Richard C.	Morosco, Bernard J. A., Jr.
Caddigan, James L., Jr.	O'Brien, Erin S.
Calello, Samuel C.	O'Brien, John J.
Cheek, Alton J.	O'Connor, Edward J., Jr.
Chesney, Ted S.	O'Donovan, Thomas E., Jr.
Clough, William S.	Perregaux, Paul A.
Coleman, Lynn F.	Pike, Randall L.
Connolly, John D.	Plasket, Richard L.
Cornell, Marcus C.	Powell, Colin L.
Cote, Paul R.	Press, Donald P.
Covell, Thomas G.	Putnam, John D.
Danilek, Donald J.	Redman, Peter
Dantzschler, David D.	Reinert, John E.
Denbow, Carroll E.	Reiser, Andre K.
Dodson, Charles R.	Rought, Barry G.
Egan, James E.	Ryan, Patrick S.
Elliott, Norman T.	Samoy, Raymond M.
Elwell, John E.	Sauer, Charles E.
Emigh, Edward W.	Saunders, James D.
Farquharson, William R.	Scanlon, John G.
Farrar, Raymond E.	Schmidt, Albert T.
Feloney, John A., Jr.	Schooner, Murray J.
Fideler, Paul A.	Schreck, Joseph F.
Fischer, Richard W.	Seeburger, George W.
Frankoski, Joseph P.	Shaute, Joseph J., Jr.
Gamage, John F.	Sherrod, Dale E.
Gingras, Ronald W.	Shriver, Louis M., Jr.
Gottlieb, Richard M.	Skroback, Andrew E., Jr.
Gunderson, Peter G.	Smith, Duncan C.
Hardy, Rodney D.	Smith, Theodore H., III
Hatton, Christian P.	Stahlman, John W.
Haynes, Frederick M.	Hennessee, Stephen P.
Heizmann, William A., III	Higgins, Thomas F.
Henderson, Joe P.	Hoffman, Francis R.
Hennessee, Stephen P.	Hofmann, Robert M.
Higgins, Thomas F.	Holt, Samuel C. O.
Hoffman, Francis R.	Honan, Joseph C.
Hofmann, Robert M.	Hooper, Carl G.
Holt, Samuel C. O.	Hopf, William H.
Honan, Joseph C.	Horniman, Alexander B.
Hooper, Carl G.	Huyssoon, John W., Jr.
Hopf, William H.	Iacomino, Gennaro J.
Horniman, Alexander B.	Jones, Rollin A.
Huyssoon, John W., Jr.	Kaye, Francis
Iacomino, Gennaro J.	Kremzar, Michael H.
Jones, Rollin A.	Krisko, John
Kaye, Francis	Kronkaitis, John
Kremzar, Michael H.	Locke, William W.
Krisko, John	Lucke, David B.
Kronkaitis, John	MacGowan, Robert G. H.
Locke, William W.	MacKenzie, David F.
Lucke, David B.	Mahoney, Thomas J.
MacGowan, Robert G. H.	Mailles, Marten D.
MacKenzie, David F.	Mantiago, David P.
Mahoney, Thomas J.	Matos, Joseph A., Jr.
Mailles, Marten D.	
Mantiago, David P.	
Matos, Joseph A., Jr.	

## HOUSE OF REPRESENTATIVES

THURSDAY, MAY 1, 1958

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

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McCORMACK). The Chair lays before the House the following communication:

MAY 1, 1958.

I hereby designate the Honorable JOHN W. McCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,

Speaker of the House of Representatives.

### PRAYER

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Isaiah 43: 5: *Fear not, for I am with thee.*

O Thou who art the sovereign Lord of our life, ruling not by fear or force, but by the power of truth and winsomeness of an infinite love, may we give ourselves gladly to the leading of Thy divine spirit.

We rejoice that Thou art always seeking to minister to our needs, quieting our restlessness, healing our heartaches, comforting our sorrows, and cleansing us of our sins.

Help us to believe that Thou alone canst cast out our fears and haunting loneliness and open unto us the windows of light and hope.

Grant that the purpose and passion of our life during the day may be that of doing Thy will faithfully and gratefully. Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 308. Concurrent resolution to provide for the printing of additional copies of hearings on reciprocal trade agreements legislation.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10764. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. CHAVEZ, Mr. MAGNUSON, Mr. HOLLAND, Mr. MUNDT, Mr. YOUNG, and Mr. KNOWLAND to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolu-

tion of the following title, in which the concurrence of the House is requested:

S. Con. Res. 86. Concurrent resolution congratulating the State of Minnesota upon the occasion of the centennial of its admission into the Union.

### TO PROVIDE ADDITIONAL FUNDS FOR THE EXPENSES OF THE STUDY AND INVESTIGATION AUTHORIZED BY HOUSE RESOLUTION 128

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 522) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the further expenses of conducting the studies and investigations authorized by House Resolution 128 of the 85th Congress, incurred by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed \$40,000, in addition to the unexpended balance of any sums heretofore made available for conducting such studies and investigations, including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

Mr. LECOMPTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LECOMPTE. This is a privileged resolution?

The SPEAKER pro tempore. That is correct.

Mr. LECOMPTE. As such the gentleman has control of the time. I wonder if I may ask him to yield to me for a question.

Mr. FRIEDEL. I yield.

Mr. LECOMPTE. Mr. Speaker, will the gentleman tell us what is contained in this resolution and what is the situation with respect to the Special Subcommittee on Printing?

Mr. FRIEDEL. Mr. Speaker, this resolution calls for \$40,000 for the Special Subcommittee on Printing of the House Administration Committee to continue their work. They have done a very good job. They have made many recommendations which will enable the Government to save hundreds of thousands of dollars. They will continue this work during the 2d session of the 85th Congress if we pass this resolution. This resolution was approved by unanimous vote, both in the subcommittee and in the full committee.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Massachusetts.

Mr. MARTIN. What is the nature of the investigation they have made and contemplate making?

Mr. FRIEDEL. The Printing Subcommittee has not made a great deal of